

INFORMATION SHEET

**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF
NORTHERN COOK COUNTY vs. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: U.S. Army Corps of Engineers, Sacramento District
FILE NUMBER: 200600208

REGULATORY PROJECT MANAGER: Marc Fugler DATE: March 10, 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the Office (y/n) Y Date: March 10, 2006
At the project site (y/n) N

PROJECT LOCATION INFORMATION:

State: California
County: San Joaquin
Center coordinates of site by latitude a & longitude coordinates: Latitude 037° 45' 7.47", Longitude 121° 33' 14.0"
Approximate size of site/property (including uplands & in acres): 12.75
Name of waterway or watershed: Old River

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	x								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown (Use Best Professional Judgement)		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?	x				
Is or would be used as habitat by other migratory birds that cross state lines?	x				
Is or would be used as habitat for endangered species?					x
Is used to irrigate crops sold in interstate commerce?		x			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved √

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 - site information on waters of the U.S. occurring onsite): The wetland appears to be the terminal end of an unnamed drainage which flows west to east from the altamont foothills piped under California Aqueduct and Delta Mendota Canal, finally losing definition and wetland characteristics at the 155 Canal. It does not have connection with any downstream tributaries, and is too small to provide water for irrigation purposes. The drainage terminates in the flat lands and no longer has an ordinary high water mark but does pass the three parameter wetland test.