

**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 V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** SPN

San Francisco District

**FILE NUMBER:** 1992-196690S

**REGULATORY PROJECT MANAGER:** K. Galacatos

**Date:** January 16, 2013

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N

**Date:**

At the project site (Y/N) Y

**Date:** June 21, 2013

**PROJECT LOCATION INFORMATION:**

State: California

County: Alameda

Center coordinates of site by latitude & longitude coordinates: 37.64524°N, -121.84024°W

Approximate size of site/property (including uplands) in acres: 562

Name of waterway or watershed: Arroyo, Valle/San Francisco Bay Watershed

Type of Aquatic Resource <sup>1</sup> :	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									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type) Agricultural Irrigation Pond									

<sup>1</sup>Check 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 <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	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?					
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	

<sup>1</sup>Check 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: 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): Wetland 7 and Wetland 8 are seeps/depressions situated at the southern side of hill. The nearest stream was approximately 600 feet to the south east. It is highly unlikely that there is a surface hydrologic connection between these two wetland areas and the stream feature due to the limited water that would be within these wetlands and the distance and topography between the wetlands and the stream feature. Wetland 9 is situated in the northwestern area of the project site and is also isolated. It is a depression that is confined by hilly topography.