

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: San Francisco District

FILE NUMBER: 1998-24107

REGULATORY PROJECT MANAGER: Holly Costa

Date: May 9, 2014

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

Date: April 28, 2014

At the project site (Y/N) N

Date:

PROJECT LOCATION INFORMATION:

State: California

County: San Mateo

Center coordinates of site by latitude & longitude coordinates: 37.5589°N, -122.2682°W

Approximate size of site/property (including uplands) in acres: 15 acres

Name of waterway or watershed: San Francisco Bay

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									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type) Agricultural Irrigation Pond									

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 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?				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: 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 four seasonal wetlands on the site are isolated waters within a stormwater retention basin that formed beneath electrical transmission towers. Incidental to construction activities in the 1970's within the Civic Center Expansion site, Foster City created a settling basin by erecting berms around dry land to prevent sediment from being discharged into adjacent storm drain systems which convey stormwater to the nearby lagoon system. As the site filled, surcharged and graded over the past years, the basin has continued to receive stormwater runoff and acts as a containment area for sediment. These features escaped grading and compaction during construction activities due to their position beneath the towers, but have no surface hydrologic connection to any other water of the U.S.