

**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:** Los Angeles District

**FILE NUMBER:** 200400017

**REGULATORY PROJECT MANAGER:** Jeannette M. Baker **Date:** April 8, 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office (Y/N)** N **Date:** \_\_\_\_\_  
**At the project site (Y/N)** Y **Date:** 1/27/04

**PROJECT LOCATION INFORMATION:**

**State:** California

**County:** San Diego

**Center coordinates of site by latitude & longitudinal coordinates:** 33-1-17.76/ 117-15-10.11

**Approximate size of site/property (including uplands & in acres):** 12 ac

**Name of waterway or watershed:** San Elijo Lagoon

**SITE CONDITIONS:**

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									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)	0.08ac								
Man made basin									

<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?		N			
Is or would be used as habitat by other migratory birds that cross state lines?		N			
Is or would be used as habitat for endangered species?		N			
Is used to irrigate crops sold in interstate commerce?		N			

<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:** Preliminary \_\_\_\_\_ Or Approved X

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):**

This basin was constructed to receive road runoff. It has not been maintained and is now a 0.08 ac wetland. A small channel exits the wetland and continues for approximately 30 feet. It disappears into upland disturbed vegetation. There was no evidence of connectivity to San Elijo Lagoon which appears to be over 5,000 feet away.