

**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: 200400116-RRS

REGULATORY PROJECT MANAGER: Robert R. Smith Jr., P.E. **Date:** April 6, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** N **Date:** _____
At the project site (Y/N) Y **Date:** 24 Oct 2003

PROJECT LOCATION INFORMATION:

State: California

County: Riverside

Center coordinates of site by latitude & longitudinal coordinates: 33-41-30, 177-6-20

Approximate size of site/property (including uplands & in acres): 50-100 acres

Name of waterway or watershed: Canyon Lake/Lake Elsinore/Santa Ana Watershed

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	0								
Dry Wash	0								
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural ag pond	0								
Other water (identify type) Disked Ephemeral Streams connect to an ag pond with outlet with no physical evidence									

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: 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): Active Ag site with small ephemeral streams leading into a 1/2 acre ag pond impoundment built after 1984 in 1995 but no perceptible physical evidence of flow downstream to Salt Creek 1/2 mile downstream from ag pond or streams with small watersheds. Hydrology report indicated small flows less than 100 cfs during 100 yr storm but without physical evidence could not establish tributary status of impoundment outlet or ephemeral streams.