

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: Los Angeles District, North Coast Section
FILE NUMBER: 200400478-KW

REGULATORY PROJECT MANAGER: Kenneth Wong **Date:** 1/9/04

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) **Date:** 1/9/04
 At the project site N (Y/N) **Date:** _____

PROJECT LOCATION INFORMATION:

State: California
County: Kern County
Center coordinates of site by latitude & longitudinal coordinates: 35-08-18/117-58-23
Approximate size of site/property (including uplands & in acres): 62 acres
Name of waterway or watershed: Yerba Rusche Creek

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	X								
Mudflat									
Sandflat									
Wetlands									
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 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 X Or Approved .

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD: Yerba Rusche Creek, a dry wash transecting California City, was determined to be non-jurisdictional due to its hydrologic connection to Koehn Lake by way of Cache Creek. Koehn Lake, a non-navigable intra-state playa located approximately eight miles north of California City, was determined to be non-jurisdictional due to SWANNC (200301320-AOA). Specifically, Koehn Lake receives water from ephemeral drainages during rainfall. Such waters briefly form shallow ponds within the lake. Open water is not sustained. Koehn Lake does not support boat traffic or recreational activities. Nexus to interstate commerce consists of salt producing evaporation ponds located on and within the vicinity of the lake. However, salt production capacity of Koehn Lake does not constitute a substantial nexus to interstate commerce.