

**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:** 2004-00630

**REGULATORY PROJECT MANAGER:** Aaron O. Allen, Ph.D. **Date:** April 29, 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office (Y/N)** Y **Date:** April 29, 2004  
**At the project site (Y/N)** Y **Date:** February 4, 2004

**PROJECT LOCATION INFORMATION:**

**State:** California

**County:** Los Angeles

**Center coordinates of site by latitude & longitudinal coordinates:** 34-24-00, 118-30-00

**Approximate size of site/property (including uplands & in acres):** 700 Acres

**Name of waterway or watershed:** Santa Clara River

**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	X							2000	
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<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?	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			

<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  X  Or 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 project area supports a total of seven drainage features, all of which are small first order streams with very small drainage areas. Based on a site visit, two of the drainage features were only 40 to 50 feet long with minimal evidence of surface flow and, as a result, they were ruled non-jurisdictional due to the lack of an ordinary highwater mark. Three other vegetated drainage features exhibited an ordinary highwater mark, but were not directly connected with a downstream water of the United States (Santa Clara River). During the site visit, the area between the drainage features and the Santa Clara River was examined for any evidence of a hydrologic connection and no evidence was discovered. Based on hydrologic information provided by the applicant, the 100-year peak flow for the three drainage features varied from 33 cfs to 141 cfs. The distance from the end of the drainage features to the Santa Clara River varied from 550 to 750 feet. During the 1990's, the upper Santa Clara River watershed had several years with above

average rainfall, including 1998, which was one of the wettest years on record. Based on precipitation records, there should be recent physical evidence to establish a hydrologic connection with the Santa Clara River. Due to the lack of any physical evidence of a hydrologic connection and the distance of the drainage feature from the Santa Clara River, the Corps determined that the three drainage features were isolated non-navigable water bodies. Due to the lack of any substantial interstate commerce in these three small washes, the Corps determined that all three were non-jurisdiction under the SWANCC Supreme Court decision. Two remaining drainages in the project area connect directly to the Santa Clara River and are subject to the Corps jurisdiction under the CWA.