



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO, CALIFORNIA 95814-2922

February 15, 2007

Regulatory Branch (200400937)

Bob Bahrami  
P.O. Box 3268  
Turlock, California 95381

Dear Mr. Bahrami:

We have reconsidered your request for a jurisdictional determination for the Lake Joallan subdivision project site. This approximately 67.6-acre site is located adjacent to the San Joaquin River near Cardella Drive, Firebaugh, in Section 33, Township 12 South, Range 14 East, MDB&M, Latitude 036° 50' 44.2", Longitude 120° 26' 30.5", Fresno County, California.

Following review of available information and in consideration of Corps of Engineers' Headquarters direction provided in a memorandum dated December 22, 2006, we are disclaiming jurisdiction over the 26.22-acre lake and the 3.17 acres of wetlands on this site. Corps Headquarters has concluded the lake and fringe wetlands are geographically isolated from the San Joaquin River, a navigable water of the United States. Furthermore, Corps Headquarters found that Lake Joallan would not qualify as a water of the United States under either the tests that Justice Scalia or Justice Kennedy set forth in the Rapanos/Carabell decision. This determination is case-specific and sets no policy or precedent with respect to any other decision.

This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date.

This determination has been conducted to identify the limits of Corps of Engineers' Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

This disclaimer of jurisdiction is only for the Federal Clean Water Act. Other Federal, State, and local laws may apply to your activities. In particular, you may need authorization from the California State Water Resources Control Board and/or the U.S. Fish and Wildlife Service for impacts to the federally-listed threatened or endangered species, including but not limited to giant garter snake.

Please refer to identification number 200400937 in any correspondence concerning this project. If you have any questions, please contact Anna Sutton at our San Joaquin Valley Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email [Anna.M.Sutton@usace.army.mil](mailto:Anna.M.Sutton@usace.army.mil), or telephone 916-557-7759. You may also use our website: [www.spk.usace.army.mil/regulatory.html](http://www.spk.usace.army.mil/regulatory.html).

Sincerely,

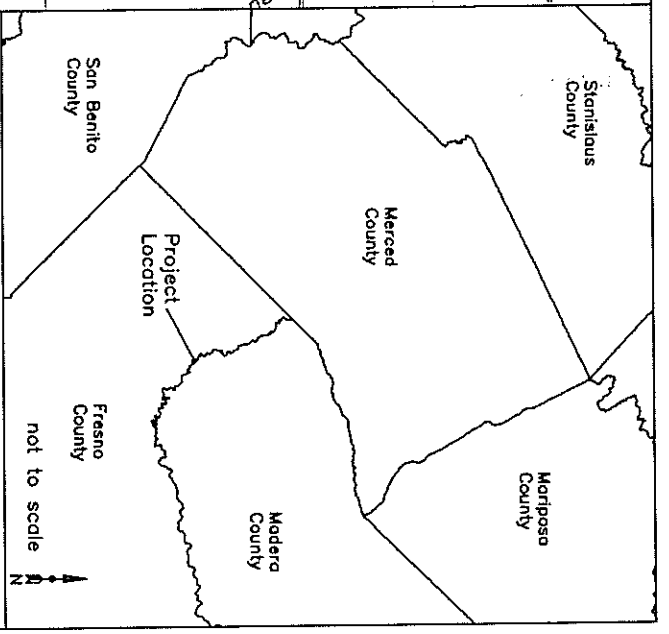
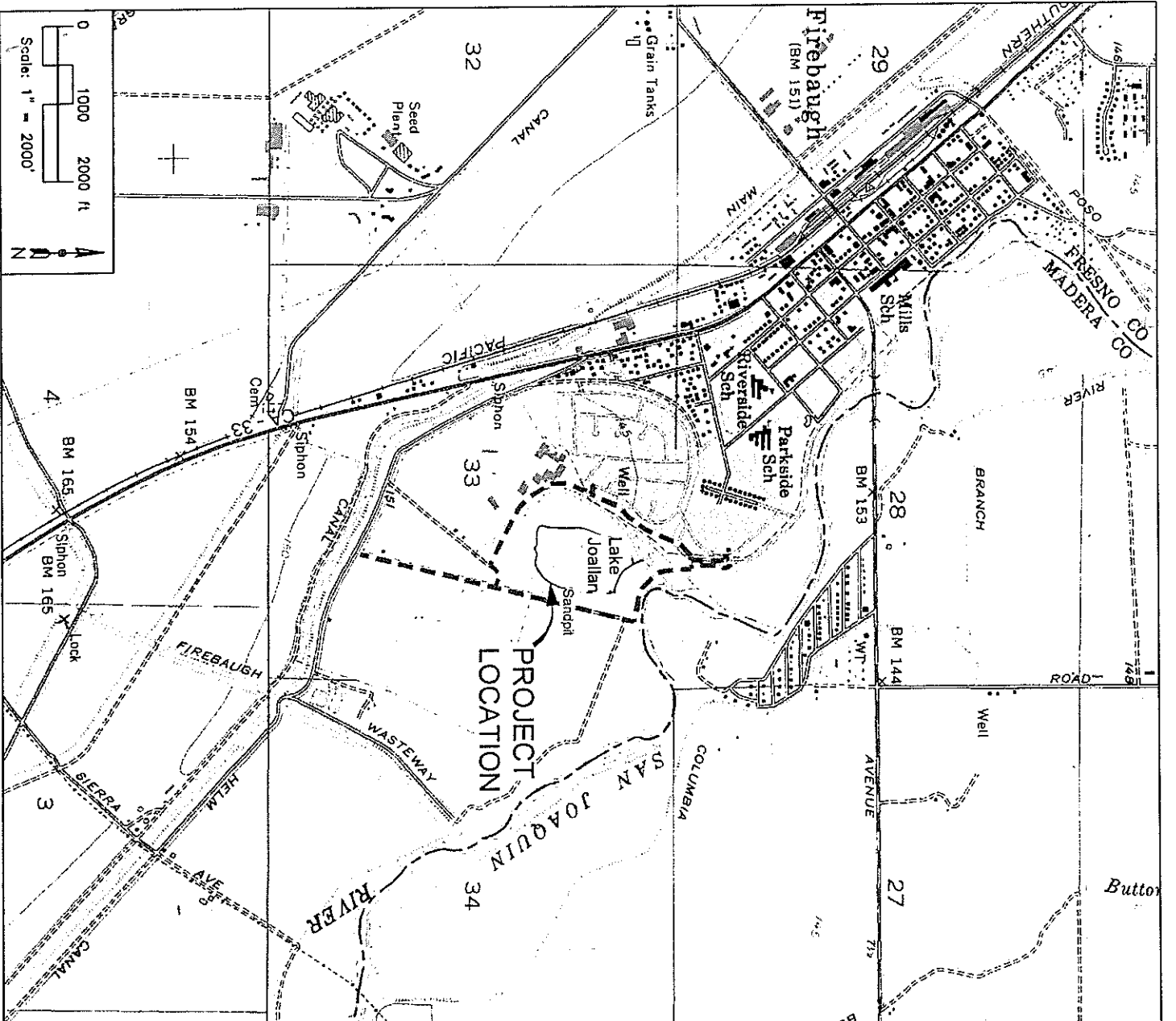
**ORIGINAL SIGNED**

Michael Jewell  
Chief, Regulatory Branch

Enclosure(s)

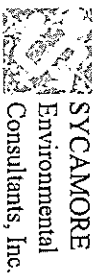
Copy furnished without enclosure(s):

- ✓ Diane Moore, Moore Biological Consultants, 10330 Twin Cities Road, Suite 30, Galt, California 95632
- Kara Herrigfeld, Herum, Crabtree, Brown - Attorneys at Law, 2291 West March Lane, Suite B100, Stockton, California 95207
- Doug Pomeroy, Administrative Appeals Review Officer, South Pacific Division, Army Corps of Engineers, 333 Market Street, Room 923, San Francisco, California 94105
- Dale Harvey, California Regional Water Quality Control Board, 1685 E Street, Fresno, California 93706-2020
- Jenny Chen, Chief, Water Quality Certification Unit, California State Water Resources Control Board, 1001 I Street, Sacramento, California 95814
- Susan Jones, U.S. Fish and Wildlife Service, Endangered Species Division, 2800 Cottage Way, Suite W2605, Sacramento, California 95825-3901
- Julie Means, California Department of Fish and Game, San Joaquin Valley and Southern Sierra Region, 1234 East Shaw Avenue, Fresno, California 93710
- David Smith, U.S. Environmental Protection Agency Region 9, WTR-8, 75 Hawthorne Street, San Francisco, California 94105



Biological Resources Evaluation  
 and Jurisdictional Delineation  
 Joallan Subdivision Project  
 City of Firebaugh, CA  
 21 December 2004

Figure 1.  
 Project Location



Basemap:  
 Firebaugh, CA (Photorevised 1984) 7.5" U.S.G.S.  
 Topographic Quadrangle ; Teale Data Center DRG