

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 vs. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: U.S. Army Corps of Engineers, Sacramento District
FILE NUMBER: 200475139

REGULATORY PROJECT MANAGER: Anthony C. Curtis DATE: September 7, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the Office (y/n) Y
At the project site (y/n) Y Date: September 24, 2003

PROJECT LOCATION INFORMATION:

State: Colorado
County: Grand
Center coordinates of site by latitude & longitude coordinates: Latitude 40° 6' 9.65", Longitude 105° 57' 43.8"
Approximate size of site/property (including uplands & in acres):
Name of waterway or watershed: Colorado River

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

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 ✓

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 Horn Ranch is a 1,550 acre working ranch on the Colorado River, just up-stream of the confluence with the Fraser River. There are 399.46 acres of jurisdictional wetlands, aquatic and riverine habitat and 2.05 acres of non-jurisdictional wetland habitat on the property. Wetland habitats include palustrine persistent emergent, palustrine scrub/shrub, and palustrine forested.
- The non-jurisdictional wetlands consist of five wetland areas (identified as Wetlands A, C, D, E and F) totalling 2.05 acres. The five wetlands are topographically separated from other waters, including drainages. Each is greater than 500 feet from a jurisdictional water and function as isolated basins. The largest system consist of 33,063.77 square feet and is of high quality.
- During the field verification on September 24, 2003, each of the five wetlands were investigated. No physical or evidence of physical connection to other waters could be identified. Each system is physically located too far to determine if a hydrological connection existed. The largest wetland of the five, identified as Wetland contains histosols and appears to provide sufficient habitat to support migratory bird feeding and ungulate grazing. The other four may provide grazing.
- The use of these wetlands for grazing and haying operations has occurred for over 100 years. The cattle has been sold across state lines in the past.