

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: 200475587

REGULATORY PROJECT MANAGER: Kara Hellige DATE: December 29, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: December 30, 2004
In the Office (y/n) N
At the project site (y/n) Y Date: November 15, 2004

PROJECT LOCATION INFORMATION:

State: Colorado
County: La Plata
Center coordinates of site by latitude & longitude coordinates: Latitude 37° 19' 30.5", Longitude 107° 51' 1.21"
Approximate size of site/property (including uplands & in acres): 7.8 acres
Name of waterway or watershed: Animas 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 subject area is located just north of the City of Durango within the far western edge of the Animas River Valley. The Animas River is located approximately 955 feet to the east of the wetland area in question. A manmade berm and fence exists around the entire site except for approximately 500 feet along the western boundary of the site which abuts the railroad right-of-way. The wetland area is approximately 0.49 acre in size and was inundated during the November 15, 2004 site investigation. The vegetation at the site does not reflect year-round inundation. It is believed that the water level was above normal due to the Animas Valley Consolidated Ditch located up-gradient west of the wetland area. According to the submitted information and our site investigation, we have determined that the wetland area is not hydrologically influenced by the Animas River.