

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: 200575297

REGULATORY PROJECT MANAGER: Kara Hellige DATE: June 13, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the Office (y/n) N
At the project site (y/n) Y Date:

PROJECT LOCATION INFORMATION:

State: Colorado
County: Montezuma
Center coordinates of site by latitude & longitude coordinates: Latitude 37° 21' 49.6", Longitude 108° 34' 5.20"
Approximate size of site/property (including uplands & in acres):
Name of waterway or watershed: Hartman Draw

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	0.5								
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 wetland community is transitioning from a wet community to a drier community. This can be observed through the fringe wetland community and the scattered upland vegetation found within the wetland boundary. In addition, only secondary indicators can be observed during May of 2005. The precipitation of 2005 has been an above normal year. Due to the dry condition of the wetland and the flat topography of the landscape, there is no supporting evidence that water can flow from the wetland into a nearby ditch and finally enter the Hartman Draw system.