

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: 200575431

REGULATORY PROJECT MANAGER: Anthony C. Curtis DATE: September 8, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the Office (y/n) Y
At the project site (y/n) Y Date: 8/9/2005

PROJECT LOCATION INFORMATION:

State: Colorado
County: Summit
Center coordinates of site by latitude a & longitude coordinates: Latitude 39° 37' 31.9", Longitude 106° 4' 27.7"
Approximate size of site/property (including uplands & in acres): 7.4 acres total with 0.12 wetland
Name of waterway or watershed: Unknown water in the Blue River Watershed

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):

In 1999, the Corps of Engineers determined that the site did not have wetlands subject to Federal jurisdiction under Section 404 of the Clean Water Act. The project number is 199975366. However, in 2005, Mr. Mike Claffey of Claffey Ecological delineated a small wetland on site. This wetlands was characterized as being low quality, and having poor hydrology. Mr. Claffey further stated that the wetland did not appear to be connected to the Blue River, and was located 950-1000 feet from the Blue River and 650 feet from Salt Lick Gulch (a tributary of the Blue River). This office conducted a site inspection to verify the wetland delineation and concurs with Mr. Claffey. The wetland on site is not a water of the United States.