

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 V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: OMAHA DIST DRO

FILE NUMBER: 200180500

REGULATORY PROJECT MANAGER: MCKEE **Date:** April 1, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office **Y N** **Date:**
 At the project site **xY N** **Date:** April 1, 2004

PROJECT LOCATION INFORMATION:

State: CO

County: Larimer

Center coordinates of site by latitude & longitudinal coordinates: 40-29-18.8707, 104-56-45.3088

Approximate size of site/property (including uplands & in acres): 50 acres

Name of waterway or watershed: Cache la Poudre River

SITE CONDITIONS: rural dry upland around the aquatic sites

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									
x Wetlands		x							
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 Judgment		
	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?			x		
Is or would be used as habitat by other migratory birds that cross state lines?			x		
Is or would be used as habitat for endangered species?					x
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: **Approved** x **Preliminary**

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

This wetland flows under County Road 32E into a ditch through two ponds, crossing Hwy 392 via a culvert into a ditch then goes under ground for about 300 ft in a pipe under the local gravel mining process plant (at this point the flow loses characteristics of waters of the U.S.) where the outlet of the 300 ft pipe is plugged and covered by sediment prior to flowing to an open ditch to the Cache la Poudre River.