

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: 200380143

REGULATORY PROJECT MANAGER: MCKEE

PROJECT REVIEW/DETERMINATION COMPLETED: In the office **Date:**
At the project site **Date:** May 17, 2004

PROJECT LOCATION INFORMATION:

State: Colorado

County: Boulder

Center coordinates of site by latitude & longitudinal coordinates: 40-02-55.7501 105-18-42.7915

Approximate size of site/property (including uplands & in acres): 17

Name of waterway or watershed: Two Mile Canyon Creek

SITE CONDITIONS: city suburban 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									
x Stream	x								
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 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

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):

As shown on a USGS map the blue line of Two Mile Canyon Creek terminates at Silver Lake Ditch. Silver Lake Ditch normally does not accept Two Mile Canyon Creek flow through the diversion structure at this interception point. Two Mile Canyon Creek drainage continues past Silver Lake Ditch. The non-blue line streambed of Two Mile Canyon Creek crossing over Silver Lake Ditch goes into two under ground pipes totaling approximately 500 ft in length before it empties into the Farmers Ditch that flows to Boulder Reservoir, which is a jurisdictional lake. Base on my site investigation to gather this field information, Two Mile Canyon Creek is not waters of the U.S. since there is no USGS blue line and no surface connection in the form of characteristics of waters of the U.S. to an interstate waters.