

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: 200480230

REGULATORY PROJECT MANAGER: MCKEE

PROJECT REVIEW/DETERMINATION COMPLETED: In the office **Date:** June 2, 2004
 At the project site **Date:**

PROJECT LOCATION INFORMATION:

State: Colorado

County: Park

Center coordinates of site by latitude & longitudinal coordinates: 39-19-54.5472 105-47-29.2625

Approximate size of site/property (including uplands & in acres): 1262 ac

Name of waterway or watershed: Michigan Creek

SITE CONDITIONS: city suburban rural dry upland surrounds 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?					x

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):

The isolated non-jurisdictional areas of Randell Ditch, Wahl Ranch Pond, Milligan Lake, wetlands B, C, D, E, F, H, I, J, K, L, and O are neither adjacent to nor surface connected to an interstate waters. Irrigated wetlands at this site were created by man induced irrigation and would revert to uplands if the irrigation activity were to be cut off. In that regard, the wetlands are not waters of the U.S. pursuant to Section 404 of the Clean Water Act. A Department of the Army Permit will not be required for any work in these irrigated wetlands.