**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: 200480458**
**REGULATORY PROJECT MANAGER: MCKEE**
**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office** **Date:**
**At the project site** **Date: Sept 13, 2004**

**PROJECT LOCATION INFORMATION:**
**State: Colorado**
**County: Jefferson**
**Center coordinates of site by latitude & longitudinal coordinates: 39-53-48.8802, 105-05-53.7390**
**Approximate size of site/property (including uplands & in acres): 120 ac**
**Name of waterway or watershed: Middle South Platte Cherry 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 | | 2 | | | | | | | |
| Slough | | | | | | | | | |
| Prairie pothole | | | | | | | | | |
| Wet meadow | | | | | | | | | |
| Playa lake | | | | | | | | | |
| Vernal pool | | | | | | | | | |
| Natural pond | | | | | | | | | |
| Other water (identify type) Irrigation ditch | | | | | | | | | |

[1]Check 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? | | | | | |

[1]Check 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):**

**These isolated wetlands 1, 2, 3, 4, 5, 5a and 6 are not surface connected nor adjacent to a waters of the U.S. They are not piped under ground to a waters of the U.S. They do not flow to a roadside ditch that flows to a waters of the U.S. They do not flow to a waters of the U.S through a culvert that goes under any road. This unnamed drainage terminates in upland and is not tributary to waters of the US.**