

**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: Albuquerque District
FILE NUMBER: _____
REGULATORY PROJECT MANAGER: William M. Oberle **Date:** February 3, 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) **Date:** February 3, 2006
 At the project site N (Y/N) **Date:** _____

PROJECT LOCATION INFORMATION:

State: New Mexico
County: Santa Fe
Center coordinates of site by latitude & longitudinal coordinates: Lat 35o 4' 14.2"N Lon 106o 11' 29.5" W
Approximate size of site/property (including uplands & in acres): 25.8 acres
Name of waterway or watershed: Unnamed tributaries of Bachelor Draw

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	X								
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?		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: Preliminary or Approved X.

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 project is located in three unnamed tributaries of Bachelor Draw. The three streams and Bachelor Draw drain into Salt Draw which drains to the Estancia Closed Basin. There were no indications of a Federal Clean Water Act permit having been issued for any of the three arroyos. None of the streams have a nexus to interstate commerce. The streams are ephemeral and there are no jurisdictional wetlands or habitat for threatened or endangered species within the project area. The area is a state highway and has previously been disturbed.