

**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:** 2005 00276

**REGULATORY PROJECT MANAGER:** Jean Manger **Date:** 7/27/06

**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office** Y (Y/N) **Date:** 7/27/06  
**At the project site** \_\_ (Y/N) **Date:**                     

**PROJECT LOCATION INFORMATION:**  
**State:** New Mexico  
**County:** Bernalillo  
**Center coordinates of site by latitude & longitudinal coordinates:** 35-9-59 N, 106-43-36 W  
**Approximate size of site/property (including uplands & in acres):** 24 ac  
**Name of waterway or watershed:** Boca Negra Arroyo

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	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)									

<sup>1</sup>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 <sup>1</sup> :	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	

<sup>1</sup>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:** Preliminary \_\_ Or Approved Y.

**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):**

Site conditions: Boca Negra Arroyo is an ephemeral arroyo on sparsely vegetated mesa lands.  
 NJD Rationale: Boca Negra Arroyo at the project site is an ephemeral arroyo that receives supplemental water discharged from line purges from off-channel water well pump station(s). The supplemental water ponds on site creating an artificial wetland that rapidly drains into shallow soils overlying fractured lava. Downstream of the artificially watered channel, the Boca Negra Arroyo loses an ordinary high water mark (OHWM) as flows proceed to the east. The waterway channel eventually disappears into sheet flow that does not exhibit an OHWM. This sheet flow is not directly connected to any downstream receiving water of the United States.  
 Navigation/interstate commerce: The site is located on public property and has no connection to interstate or foreign commerce or navigation. The site is not located on tribal land nor does the arroyo extend across a tribal boundary.  
 Waters of U.S. onsite: There are no jurisdictional waters of the U.S. located within the 24-acre property.