

**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 00649-1
REGULATORY PROJECT MANAGER: Jean Manger **Date:** 7/19/06

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) **Date:** 7/19/06
 At the project site __ (Y/N) **Date:**

PROJECT LOCATION INFORMATION:
 State: New Mexico
 County: Valencia
 Center coordinates of site by latitude & longitudinal coordinates: 34-49-54 N, 106-44-36 W
 Approximate size of site/property (including uplands & in acres): 355 ac
 Name of waterway or watershed: Rio Grande

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 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: Four small, ephemeral, unnamed arroyos in a semi-rural developing area of the Rio Grande valley.
 NJD Rationale: The four arroyos begin and end on an approximate 355-acre property. The arroyos drain toward the Belen Highline Canal, but become sheet flow forming an alluvial fan prior to reaching the Belen Highline Canal. The Belen Highline Canal berm blocks the sheet flows and causes ponding without discharge to the Belen Highline Canal or any other receiving water. The ordinary arroyo flows do not reach any tributary jurisdictional waters of the U.S.
 Navigation/interstate commerce: The site is located on private property and has no connection to interstate or foreign commerce or navigation. The site is not located on tribal land nor does any arroyo exhibiting an ordinary high water mark extend from the site across a tribal boundary.
 Waters of U.S. onsite: There are no other arroyos or waterways which are jurisdictional waters of the U.S. located within the 355-acre property.