

**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  
 FILE NUMBER: 2006 00378

REGULATORY PROJECT MANAGER: James Mace Date: July 12, 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office    (Y/N) Date:             
 At the project site    (Y/N) Date: July 8, 2006

PROJECT LOCATION INFORMATION:  
 State: Texas  
 County: El Paso  
 Center coordinates of site by latitude & longitudinal coordinates: UTM 13 371571E 3521033N  
 Approximate size of site/property (including uplands & in acres): 0.1 acre  
 Name of waterway or watershed: Rio Grande

**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									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type) <u>Ephemeral arroyo</u>	X								

<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   x  .

ADDITIONAL INFORMATION SUPPORTING NJD: Site consists of uplands with several ephemeral arroyo features to be crossed by a pipeline on Fort Bliss, Texas—all within a portion of Fort Bliss completely isolated from the Rio Grande. The arroyo features eventually dissipate into sheet flow and cease to exist within the closed basin.