

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: SWT
FILE NUMBER: 14112
REGULATORY PROJECT MANAGER: Dale Davidson **Date:** 11/22/2004

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N):** Y **Date:** 11/19/2004
At the project site (Y/N): N **Date:**

PROJECT LOCATION INFORMATION:

State: Texas
County: Potter
Center coordinates of site by latitude & longitudinal coordinates: 35° 12' 4.0", 101° 39' 42.29"
Approximate size of site/property (including uplands & in acres): 356.86
Name of waterway or watershed: Playa Lake

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	<input type="checkbox"/>		<input type="checkbox"/>						
River	<input type="checkbox"/>		<input type="checkbox"/>						
Stream	<input type="checkbox"/>		<input type="checkbox"/>						
Dry Wash	<input type="checkbox"/>		<input type="checkbox"/>						
Mudflat	<input type="checkbox"/>		<input type="checkbox"/>						
Sandflat	<input type="checkbox"/>		<input type="checkbox"/>						
Wetlands	<input type="checkbox"/>		<input type="checkbox"/>						
Slough	<input type="checkbox"/>		<input type="checkbox"/>						
Prairie pothole	<input type="checkbox"/>		<input type="checkbox"/>						
Wet meadow	<input type="checkbox"/>		<input type="checkbox"/>						
Playa lake	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>					
Vernal pool	<input type="checkbox"/>		<input type="checkbox"/>						
Natural pond	<input type="checkbox"/>		<input type="checkbox"/>						
Other water (identify type)	<input type="checkbox"/>		<input type="checkbox"/>						

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is or would be used as habitat by other migratory birds that cross state lines?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is or would be used as habitat for endangered species?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is used to irrigate crops sold in interstate commerce?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

ADDITIONAL INFORMATION SUPPORTING NJD (required):

1. Site/Environmental Conditions **Total Size of Non-Jurisdictional Water Feature** 120 acres
Does water feature extend off of project site? Y / N N
Would proposed discharge fill entire water feature ? Y / N N
Number of water features determined Non-Jurisdictional 3
Other relevant information

2. Rationale for determination, including information reviewed to assess potential navigation or interstate commerce connections: The basis for this JD is that the water features are non-navigable, intrastate, hydrologically isolated playa lakes and consequently non-jurisdictional per Section 404 of the Clean Water Act. Information reviewed for this determination included the following: USGS 7.5 Minute Topographic Map (Pullman, Texas), Aerial Photography (1995, 2003), and NRCS Soil Survey (Potter County).

3. Do waters of the U.S. exist on the site? Y / N N If Yes, approximate size of jurisdictional water(s):