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: Tulsa
FILE NUMBER: 13938
REGULATORY PROJECT MANAGER: Allen Ryan **Date:** 08/09/04
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N): Y **Date:** 07/28/04
At project site (Y/N): Y **Date:** 08/05/04

PROJECT LOCATION INFORMATION:
State: Texas
County: Archer
Center coordinates of site by latitude & longitudinal coordinates: 33-49-24 & 98-41-16
Approximate size of site/property (including uplands & in acres): 25 acres
Name of waterway or watershed: Ponds (Holliday Creek Watershed)

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	☐	☐	☐	☐	☐	☐	☐		☐
Mudflat	☐	☐	☐	☐	☐	☐	☐		☐
Sandflat	☐	☐	☐	☐	☐	☐	☐		☐
Wetlands	☐	☒	☐	☐	☐	☐	☐		☐
Slough	☐	☐	☐	☐	☐	☐	☐		☐
Prairie pothole	☐	☐	☐	☐	☐	☐	☐		☐
Wet meadow	☐	☐	☐	☐	☐	☐	☐		☐
Playa lake	☐	☐	☐	☐	☐	☐	☐		☐
Vernal pool	☐	☐	☐	☐	☐	☐	☐		☐
Natural pond	☐	☐	☐	☐	☐	☐	☐		☐
Other water (identify type) _____	☐	☐	☐	☐	☐	☐	☐		☐

[1]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[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?	☐	☐	☒	☐	☐
Is or would be used as habitat by other migratory birds that cross state lines?	☐	☐	☒	☐	☐
Is or would be used as habitat for endangered species?	☐	☐	☐	☒	☐
Is used to irrigate crops sold in interstate commerce?	☐	☐	☐	☒	☐

[1]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 ☒

ADDITIONAL INFORMATION SUPPORTING NJD (required):

1. Site/Environmental Conditions
Total Size of Non-Jurisdictional Water Feature 1.3 acres
Does water feature extend off of project site? Y / N N
Would proposed discharge fill entire water feature ? Y / 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: These shallow ponds (containing wetlands) are man-made, non-navigable, intrastate, hydrologically isolated, and consequently non-jurisidictional per Section 404 of the Clean Water Act. Information reviewed for this determination included the following: onsite observation, USGS 7.5 Minute Topographic Map (Holliday, Texas), Aerial Photography, NRCS Soil Survey (Archer County), and additional maps/information submitted by TXDOT.

3. Do waters of the U.S. exist on the site? Y / N Y **If Yes, approximate size of jurisdictional water(s):** 2 acres