

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: Kansas City District
FILE NUMBER: 200401156

REGULATORY PROJECT MANAGER: Jon Miller **Date:** 18 August 2004

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office** (Y/N) **Date:**
 At the project site Y (Y/N) **Date:** 25 June, 20 July 2004

PROJECT LOCATION INFORMATION:

State: KS
County: Boone
Center coordinates of site by latitude & longitudinal coordinates: Lat 38-57-24.372, Long 92-22-56.604
Approximate size of site/property (including uplands & in acres): 28.74
Name of waterway or watershed: unnamed pond and wetland

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	x								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type) man-made pond	x								

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:	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 x.

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):

There are a pond with an adjacent wetland in the upper end of the Perche Creek watershed. Soil surveys, aerial photographs, and topographic maps and a field investigation indicatethe wetland and pond are not in a floodplain of a stream and are approximately 1,100 linear feet south of the nearest jurisdictional tributary of Perche Creek. Therefore the wetland and pond are neither hydrologically connected or adjacent to a navigable water. There are no indications that they affect interstate commerce so are not jurisdictional waters.