

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: 200401117

REGULATORY PROJECT MANAGER: Matthew J. Mikulecky Date: 26 April 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 5 April 2004
 At the project site N (Y/N) Date: N/A

PROJECT LOCATION INFORMATION:

State: Kansas
 County: Ottawa
 Center coordinates of site by latitude & longitudinal coordinates: Lat. 39-13-39 Lon. 97-39-59
 Approximate size of site/property (including uplands & in acres): 4,000 linear feet of channel / 6 acres
 Name of waterway or watershed: HUC 10260015 (Solomon)

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								4,000	
Dry Wash									
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 X.

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): The isolated stream channel is located within a semi-arid, heavily farmed region with moderately well to well- drained soils. The channel stretches approximately 8,197 linear feet and extends above and below the proposed project site. Approximately 4,000 linear feet of the channel lie within the project boundary. The proposed clearing of trees and conversion to crop production would likely result in the complete loss of channel definition (bed and bank) as well as a discernable Ordinary High Water Mark (OHWM).

The Non-Jurisdictional Determination is based on review of the USGS quad map, NRCS Soil Survey map, aerial photographs, and onsite information provided by Gary Parks, Soil Scientist, NRCS. All data and information confirms that the channel vanishes without making a hydrologic connection to interstate waters of the United States; thus, it is isolated and Non-Jurisdictional.

I have determined that there are no waters of the United States present within the proposed site. This is an approved Non-Jurisdictional determination.