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: 200401344

REGULATORY PROJECT MANAGER: Stephen H. Penaluna **Date:** 10 June 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 10 June 2004
At the project site N (Y/N) Date:

PROJECT LOCATION INFORMATION:

State:	Kansas
County:	Sedgwick
Center coordinates of site by latitude & longitudinal coordinates:	37° 44' 33"N, 97° 27' 23"W (NAD27)
Approximate size of site/property (including uplands & in acres):	320
Name of waterway or watershed:	Cadillac 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									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	0.10								
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?			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			

[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 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):

The site is south half of S 32, T 26 S, R 1 W, Sedgwick County, Kansas. It is currently under cultivation but is proposed for residential development. The site is gently sloping to the south towards Cadillac Lake/Pracht Wetlands and is on a paleoterrace of the Arkansas River (several miles away).

A 0.10-acre depressional wetland was documented. It is along a swale drain in the wheat field. This drain is nearly level, lacking an ordinary high water mark, and is farmed through. It lacks the hydrophytic vegetation, hydrology, and hydric soil indicators to be classified a wetland. Because this swale is not a wetland or an other water, it does not provide a legal connection between the depressional wetland and Cadillac Lake.