

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: 200401564

REGULATORY PROJECT MANAGER: Patrick Trier

Date: 27-May-04

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 27-May-04
 At the project site N (Y/N) Date: _____

PROJECT LOCATION INFORMATION:

State: Kansas
 County: Mitchell County
 Center coordinates of site by latitude & longitudinal coordinates: Lat: 39-18-40 Lon: 98-10-49
 Approximate size of site/property (including uplands & in acres): 1 acre
 Name of waterway or watershed: Solomon (HUC # 10260015)

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)									

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 wetland is a small stock pond that has silted in and now supports wetland vegetation and meets all the wetland criteria. It is not an adjacent wetland because it was constructed on dry land outside jurisdictional waters of the United States and has no clear hydrologic connection to Waters of the United States. Due to the limited size of this wetland it appears to have no interstate commerce value.