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: 200401519

REGULATORY PROJECT MANAGER: Donahue **Date:** 25 June 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office __ (Y/N) Date:
At the project site _Y_ (Y/N) Date: 25 June 2004

PROJECT LOCATION INFORMATION:

State:	Kansas
County:	Wyandotte
Center coordinates of site by latitude & longitudinal coordinates:	Lat 39-6-27.036 Long- 94-42-11.34
Approximate size of site/property (including uplands & in acres):	24 acres
Name of waterway or watershed:	Kansas River tributary

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) Farm Pond	X								

[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 _X_ Or Approved __.

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

A site investigation was performed to determine the presence or absence of a stream channel exhibiting an ordinary high water mark both upstream and downstream of the pond. The outlet for the pond is a small 12" culvert that is placed near the top of the berm that forms the pond in the SW corner. It is located approx. two feet in elevation from the crest of the berm and the water level of the pond was approximately two feet below the elevation of the culvert on the date inspected. No clearly defined channel was evident above the pond with the exception of a wet depressional area immediately adjacent to the pond on it's northeast side. No stream channel was found downstream of the pond in the vicinity of the outfall pipe other than a short (6" wide X 10 ft.long) erosion feature that was fully vegetated.