

**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: NWK-OD-RK-KA
 FILE NUMBER: 200401706

REGULATORY PROJECT MANAGER: Luke M. Cory Date: 1 July 1, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 18 June 2004
 At the project site Y (Y/N) Date: 1 July 2004

PROJECT LOCATION INFORMATION:
 State: Kansas
 County: Rice
 Center coordinates of site by latitude & longitudinal coordinates: 38-22-21N 98-23-27W
 Approximate size of site/property (including uplands & in acres): 157 Acres
 Name of waterway or watershed: Cow Creek Watershed

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.

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): Site is a NRCS Swampbuster Violation. In 1998 Fill material was excavated from 0.274 acre of wetlands and used at a building site. Due to the depth of this excavation, an additional 0.839 acre of wetlands was effectively drained. Farming occurred within this drained wetland this year, which resulted in the Swampbuster Violation. A review of USGS Quad Maps, NRCS Soil Survey of Rice County, Rice County Road Map, and site information provided by NRCS revealed no drainages into or out of this wetland. An onsite investigation was conducted on July 1, 2004, and it was confirmed this depressional wetland area is isolated, with no ditches or drainages into or out of the wetland site. This property is privately owned, the wetland is surrounded by uplands, with no interstate commerce connections found, as a result there are no jurisdictional waters of the U.S. present.