

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: 200402004

REGULATORY PROJECT MANAGER: 200402004 (Wichita Airport Authority) **Date:** 31 Aug 2004

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office** (Y/N) **Date:**
At the project site Y (Y/N) **Date:** 31 Aug 2004

PROJECT LOCATION INFORMATION:
State: Kansas
County: Sedgwick
Center coordinates of site by latitude & longitudinal coordinates: Lat. 37.7660597/Long. -97.223369
Approximate size of site/property (including uplands & in acres): 212
Name of waterway or watershed: Middle Arkansas - Slate (11030013)

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)	6	1	1						
<u>Man made stock ponds</u>									

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):

1. Two ephemeral tributaries of Dry Creek are located within the project area. One tributary is approximately 350 linear feet (0.12-acre) and is located in tract 14. The second tributary is approximately 250 linear feet (0.04-acre) and is located in tract 19. Eight isolated stock ponds (10.68 surface acres total) are located within the subject project area, 6 in tract 15 and 2 in tract 17. The ponds are located immediately north of 43rd Street north, and the Colonel James Jabara Airport runway.

2. The ponds are located adjacent to agricultural and pasture lands, and have likely been in place prior to the CWA. The ponds do not exhibit any defined channels with a OHWM that connect them with a water of the United States. Outflows from discharge pipes and/or spillway structures appear to be limited, and either flow into an adjacent pond or revert to overland sheet flow after a short distance. There are no wetlands below the pond impoundments that connect them to any waters of the United States.

3. The ponds are located in close proximity to a commercial aviation facility (Colonel James Jabara Airport), and agricultural lands, and range in size from approximately 0.11-surface acre to approximately 5 surface acres. Migratory bird habitat is predicted to be likely within the subject ponds.

4. Two ephemeral tributaries of Dry Creek (600 linear feet total) are located within the project area. The jurisdictional tributary located in tract 14 referenced above, is approximately 300 yards distant (line of sight) from the closest pond.