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: 200600607

REGULATORY PROJECT MANAGER: Matthew J. Mikulecky **Date:** 13-Jan-2006
PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 13-Jan-06
At the project site N (Y/N) Date:

PROJECT LOCATION INFORMATION:

State: Kansas
County: Cheyenne County
Center coordinates of site by latitude & longitudinal coordinates: Lat: 39-36-39 Lon: 101-53-00
Approximate size of site/property (including uplands & in acres): 310 acres.
Name of waterway or watershed: HUC 10250003-South Fork Republican

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				X					
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 .

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

The 5.3 acre Natural Resources Conservation Service (NRCS) identified wetland is an isolated playa located in a large upland swale and playa complex. The area meeting wetland criteria is located within a confined depression.

The USGS Saint Francis Quad Map, aerial photos, and NRCS Soil Survey, indicate that the playa is not located within a floodplain and does not exhibit a hydrologic connection to waters of the United States. In addition, the site does not appear to have any associated interstate commerce value.

Due to the lack of a hydrologic connection to waters of the United States and the lack of an interstate commerce connection, we have determined that the playa is isolated and non-jurisdictional under Section 404 of the Clean Water Act.