

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: Memphis
 FILE NUMBER: MVM 2005-152 (site 8)
 REGULATORY PROJECT MANAGER: Brougher Date: 05-04-2005
 PROJECT REVIEW/DETERMINATION COMPLETED: In office (Y/N) Date:
 At project site Y (Y/N) Date: 03-15-2005
 PROJECT LOCATION INFORMATION:
 State: Arkansas
 County: Monroe
 Center coordinates of site by latitude & longitudinal coordinates: lat. 34.6473 / long. -91.2433
 Approximate size of site/property (including uplands & in acres): approx. 108 acres
 Name of waterway or watershed: Dials Creek

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): Site is completely surrounded by PC cropland with no surface water connection to waters of the U.S. Further, no evidence is available of overbank flooding from Dials Creek therefore the site appears to be hydrologically isolated. Site does not appear to be suitable habitat for waterfowl. However, since Mourning Dove species is regulated as a Migratory bird, use of these sites was predicted to occur because it seems likely these small wood lots would act for roosting areas for them.

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COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Memphis
 FILE NUMBER: MVM 2005-152 (site 7)
 REGULATORY PROJECT MANAGER: Brougher Date: 05-04-2005
 PROJECT REVIEW/DETERMINATION COMPLETED: In office (Y/N) Date:
 At project site Y (Y/N) Date: 03-15-2005
 PROJECT LOCATION INFORMATION:
 State: Arkansas
 County: Monroe
 Center coordinates of site by latitude & longitudinal coordinates: lat. 34.6460 / long. -91.2416
 Approximate size of site/property (including uplands & in acres): approx. 108 acres
 Name of waterway or watershed: Dials Creek

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): Site is completely surrounded by PC cropland with no surface water connection to waters of the U.S. Further, no evidence is available of overbank flooding from Dials Creek therefore the site appears to be hydrologically isolated. Site does not appear to be suitable habitat for waterfowl. However, since Mourning Dove species is regulated as a Migratory bird, use of these sites was predicted to occur because it seems likely these small wood lots would act for roosting areas for them.

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COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Memphis
 FILE NUMBER: MVM 2005-152 (site 5)

REGULATORY PROJECT MANAGER: Brougher Date: 05-04-2005

PROJECT REVIEW/DETERMINATION COMPLETED: In office (Y/N) Date: _____
 At project site _Y_ (Y/N) Date: 03-15-2005

PROJECT LOCATION INFORMATION:
 State: Arkansas
 County: Monroe
 Center coordinates of site by latitude & longitudinal coordinates: lat. 34.6488 / long. -91.2498
 Approximate size of site/property (including uplands & in acres): approx. 108 acres
 Name of waterway or watershed: Dials Creek

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): Site is completely surrounded by PC cropland with no surface water connection to waters of the U.S. Further, no evidence is available of overbank flooding from Dials Creek therefore the site appears to be hydrologically isolated. Site does not appear to be suitable habitat for waterfowl. However, since Mourning Dove species is regulated as a Migratory bird, use of these sites was predicted to occur because it seems likely these small wood lots would act for roosting areas for them.

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DISTRICT OFFICE: Memphis
 FILE NUMBER: MVM 2005-152 (site 4)

REGULATORY PROJECT MANAGER: Brougher Date: 05-04-2005

PROJECT REVIEW/DETERMINATION COMPLETED: In office (Y/N) Date:
 At project site Y (Y/N) Date: 03-15-2005

PROJECT LOCATION INFORMATION:
 State: Arkansas
 County: Monroe
 Center coordinates of site by latitude & longitudinal coordinates: lat. 34.6564 / long. -91.2452
 Approximate size of site/property (including uplands & in acres): approx. 108 acres
 Name of waterway or watershed: Dials Creek

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): Site is completely surrounded by PC cropland with no surface water connection to waters of the U.S. Further, no evidence is available of overbank flooding from Dials Creek therefore the site appears to be hydrologically isolated. Site does not appear to be suitable habitat for waterfowl. However, since Mourning Dove species is regulated as a Migratory bird, use of these sites was predicted to occur because it seems likely these small wood lots would act for roosting areas for them.

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DISTRICT OFFICE: Memphis
 FILE NUMBER: MVM 2005-152 (site 3)

REGULATORY PROJECT MANAGER: Brougher Date: 05-04-2005

PROJECT REVIEW/DETERMINATION COMPLETED: In office (Y/N) Date:
 At project site Y (Y/N) Date: 03-15-2005

PROJECT LOCATION INFORMATION:
 State: Arkansas
 County: Monroe
 Center coordinates of site by latitude & longitudinal coordinates: lat. 34.6536 / long. -91.2478
 Approximate size of site/property (including uplands & in acres): approx. 108 acres
 Name of waterway or watershed: Dials Creek

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			

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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): Site is completely surrounded by PC cropland with no surface water connection to waters of the U.S. Further, no evidence is available of overbank flooding from Dials Creek therefore the site appears to be hydrologically isolated. Site does not appear to be suitable habitat for waterfowl. However, since Mourning Dove species is regulated as a Migratory bird, use of these sites was predicted to occur because it seems likely these small wood lots would act for roosting areas for them.

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DISTRICT OFFICE: Memphis
 FILE NUMBER: MVM 2005-152 (site 2)

REGULATORY PROJECT MANAGER: Brougher Date: 05-04-2005

PROJECT REVIEW/DETERMINATION COMPLETED: In office (Y/N) Date:
 At project site Y (Y/N) Date: 03-15-2005

PROJECT LOCATION INFORMATION:
 State: Arkansas
 County: Monroe
 Center coordinates of site by latitude & longitudinal coordinates: lat. 34.6519 / long. -91.2471
 Approximate size of site/property (including uplands & in acres): approx. 108 acres
 Name of waterway or watershed: Dials Creek

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): Site is completely surrounded by PC cropland with no surface water connection to waters of the U.S. Further, no evidence is available of overbank flooding from Dials Creek therefore the site appears to be hydrologically isolated. Site does not appear to be suitable habitat for waterfowl. However, since Mourning Dove species is regulated as a Migratory bird, use of these sites was predicted to occur because it seems likely these small wood lots would act for roosting areas for them.

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COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Memphis
 FILE NUMBER: MVM 2005-152 (site 1)
 REGULATORY PROJECT MANAGER: Brougher Date: 5-4-2005
 PROJECT REVIEW/DETERMINATION COMPLETED: In office (Y/N) Date:
 At project site Y (Y/N) Date: 03-15-2005
 PROJECT LOCATION INFORMATION:
 State: Arkansas
 County: Monroe
 Center coordinates of site by latitude & longitudinal coordinates: lat. 34.6521 / long. -91.2454
 Approximate size of site/property (including uplands & in acres): approx. 108 acres
 Name of waterway or watershed: Dials Creek

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		
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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): Site is completely surrounded by PC cropland with no surface water connection to waters of the U.S. Further, no evidence is available of overbank flooding from Dials Creek therefore the site appears to be hydrologically isolated. Site does not appear to be suitable habitat for waterfowl. However, since Mourning Dove species is regulated as a Migratory bird, use of these sites was predicted to occur because it seems likely these small wood lots would act for roosting areas for them.