

**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:  
 FILE NUMBER:

MVM-CO-R  
 MVM-2005-189

REGULATORY PROJECT MANAGER:

Wuornos

Date: 29 April 2005

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office N (Y/N)

Date: \_\_\_\_\_

At the project site Y (Y/N) Date: 21 April 2005

PROJECT LOCATION INFORMATION:

State:

Arkansas

County:

Phillips

Center coordinates of site by latitude & longitudinal coordinates:

34° 27' 35.69N -90° 56' 11.15W

Approximate size of site/property (including uplands & in acres):

3.6acres

Name of waterway or watershed:

White River Basin

SITE CONDITIONS:

Type of aquatic resource <sup>1</sup>	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)									

<sup>1</sup>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 <sup>1</sup> :	If Known		If Unknown		
	Yes	No	Use Best Professional Judgment		
			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			

<sup>1</sup>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.

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): There is evidence of wetlands within this site; all three parameters of a wetland were found while taking a sample within the area. The terrain is flat and similar vegetation exists throughout the site. The site is surrounded by an agricultural field on all sides except for a thin strip of upland woods at the northeast and northwest borders of the site. There are no other connections to waters of the U.S. and therefore no known nexus to interstate commerce