

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: MVM-CO-R
FILE NUMBER: MVM-2005-544

REGULATORY PROJECT MANAGER: Wuornos **Date:** September 2, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office N **Date:**
At the project site Y **Date:** 23, 24, 30 August, 2005

PROJECT LOCATION INFORMATION:
State: Arkansas
County: Lee
Center coordinates of site by latitude & longitudinal coordinates: 34° 43' 29.98N -90° 55' 57.60W
Approximate size of site/property (including uplands & in acres): 37.5 acres
Name of waterway or watershed: Hog Tusk 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 X Or Approved

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Color infrared aerial photographs indicate water signatures scattered throughout much of the project site. Site visits revealed locations within the project site that have all three parameters for wetlands confirming the water signatures of the aerial photographs. The project site is surrounded by rice and bean fields isolating the wetlands. Drainage ditches within and around the project site do not connect to other waters of the U.S. The Ordinary High Water Mark is not continuous for these ditches. There are no other connections to waters of the U.S. and therefore, no known nexus to interstate commerce. The project site is an isolated wetland.