

**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-2006-209

REGULATORY PROJECT MANAGER: Wuornos Date: 25 April 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office N (Y/N) Date: \_\_\_\_\_  
 At the project site Y (Y/N) Date: 25 April 2006

PROJECT LOCATION INFORMATION:  
 State: Arkansas  
 County: Phillips  
 Center coordinates of site by latitude & longitudinal coordinates: 34° 37' 6.74"N -90°47' 29.32"W  
 Approximate size of site/property (including uplands & in acres): 70 acres  
 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 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			

<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 at both sites. Site 1 is a small patch of woods with standing water over much of it. There is *Saururus cernuus* and *Liquidambar styraciflua* as dominants and the soil is classified as a hydric soil by the USDA for Phillips County, AR. Site 2 is more of an open field with fewer trees and more herbaceous vegetation. 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 sites are surrounded by an agricultural field on all sides except for a farm access road on the southern border of site 1 and the western border of site 2. There are no other connections to waters of the U.S. and therefore no known nexus to interstate commerce