

**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:

Memphis  
MVM-2006-442

REGULATORY PROJECT MANAGER:

Allan

Date: 08/25/2006

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office    (Y/N)

Date:

At the project site    (Y/N)

Date: 08/24/2006

PROJECT LOCATION INFORMATION:

State:

Tennessee

County:

Shelby

Center coordinates of site by latitude & longitudinal coordinates:

35.2525° / -89.7432°

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

100 acres

Name of waterway or watershed:

Loosahatchie River watershed

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<br>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): This site contains an isolated wetland in a small, bowl-shaped depression near the western side of the property. The area is approximately 3750 square feet (0.09 acre) and is dominated by herbaceous vegetation (although scattered black willow {*Salix nigra*} trees are present). (There is an additional small wetland on the eastern side of the property that is connected via a shallow ditch to downstream waters and is considered waters of the U.S.)