

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:

Omaha
200490123

REGULATORY PROJECT MANAGER:

R. McInerney

Date: 4-22-04

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office (Y/N)

Date: 3-5-04

At the project site (Y/N)

Date: _____

PROJECT LOCATION INFORMATION:

State:

Montana

County:

Lake

Center coordinates of site by latitude & longitudinal coordinates:

lat: 47-28-16.1221 long. 114-12-21.1651

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

50 acres

Name of waterway or watershed:

Grass WPA

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									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond							<input checked="" type="checkbox"/>		
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?	<input checked="" type="checkbox"/>				
Is or would be used as habitat by other migratory birds that cross state lines?	<input checked="" type="checkbox"/>				
Is or would be used as habitat for endangered species?					<input checked="" type="checkbox"/>
Is used to irrigate crops sold in interstate commerce?				<input checked="" type="checkbox"/>	

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

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 - site information on waters of the U.S. occurring onsite):

1. Project is to excavate the tip of a peninsula in a glacial pothole to create an island for Trumpeter Swans. Excavated material will be used to build up island.
2. Crow Waterfowl Production Area is a glacial pothole with no nexus to a navigable waterbody. This was accomplished by reviewing quad and aerial maps of the project area.
3. According to tribal fisheries, there is no boating use at this pond.
4. There are no jurisdictional waters on the project site.