

**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:

Gmaha
200490439

REGULATORY PROJECT MANAGER:

S. Warner

Date: 7-21-04

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office (Y/N)

Date: _____

At the project site (Y/N)

Date: 7-20-04

PROJECT LOCATION INFORMATION:

State:

Montana

County:

Roosevelt

Center coordinates of site by latitude & longitudinal coordinates:

Lat. 48-7-30.6174 Long. 105-30-57.8308

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

45 acres

Name of waterway or watershed:

Missouri River Watershed

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									
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?			✓		
Is or would be used as habitat by other migratory birds that cross state lines?			✓		
Is or would be used as habitat for endangered species?					✓
Is used to irrigate crops sold in interstate commerce?		✓			

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. Site Conditions – The proposed project is located on the Fort Peck Indian Reservation, approximately 6 miles east of Wolf Point, Montana. The proposed activity is the construction of a water treatment plant. There are three (3) isolated wetland areas located within the 45-acre site. Two of the wetland areas will be filled to construct the plant. Wetland #1 is located on the north edge of the property, and is 0.02 acres in size. Wetland #2 is located on the west edge of the property, and is 0.05 acres in size. Wetland #3 is located in a depression to the west-center of the site, and is 2.4 acres in size. Wetlands #1 and #3 will be filled to complete construction, for a total of 2.6 acres filled.
2. There is no surface water connection to any jurisdictional waters of the U. S. No boating would be possible. No fisheries are present.
3. This determination was made by reviewing quad and aerial maps of the project area. Additionally, a site visit was conducted on July 20, 2004.
4. There are no jurisdictional waters on the project site. This is an approved jurisdictional determination.