

**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: Omaha District, South Dakota Regulatory Office
FILE NUMBER: 200430056

REGULATORY PROJECT MANAGER: Andy Mitzel **Date:** 7/8/2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office N (Y/N) **Date:** _____
 At the project site Y (Y/N) **Date:** 4/14/2004

PROJECT LOCATION INFORMATION:

State: South Dakota
County: Yankton
Center coordinates of site by latitude & longitudinal coordinates: Lat 43-02-19.8124 Long 97-37-02.8198
Approximate size of site/property (including uplands & in acres): 6.5 acres
Name of waterway or watershed: Lower James Watershed, unnamed pond

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						X			
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 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):

The project involves expanding an existing road that currently crosses 1500 linear feet of a pond. The total project is 1800 linear feet of road widening. The pond/wetland complex is approximately 26 acres in size. Approximately 1.37 acres of this pond will be filled.

The pond is surrounded by private property, and there is no public access boat ramp. The pond has no apparent interstate commerce ties.