

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: 200430171

REGULATORY PROJECT MANAGER: Jim Oehlerking **Date:** 7/8/2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office N (Y/N) **Date:** _____
 At the project site Y (Y/N) **Date:** 3/23/2004

PROJECT LOCATION INFORMATION:

State: South Dakota
County: Minnehaha
Center coordinates of site by latitude & longitudinal coordinates: Lat 43-30-57.2830 Long 96-49-03.0800
Approximate size of site/property (including uplands & in acres): 35.0 acres
Name of waterway or watershed: Lower Big Sioux

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	X								
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?			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 .

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): The area is currently a hay field with an ephemeral stream/linear wetland transversing it. The wetland polygon in question is the only identified non-linear wetland on site, and approximately 1/3 of the wetland has been disturbed/filled historically. The area for the project site is an urban setting with residential housing currently on three sides and is within the city limits. The wetland, based on site observation, USGS Quad. maps, aerial photos and local knowledge, does not have a surface water connection to waters of the US and does not meet acceptable ICC criteria.

