

**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:** 200430231

**REGULATORY PROJECT MANAGER:** Jim Oehlerking **Date:** 9/17/2004

**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office** Y (Y/N) **Date:** 7/14/2004  
**At the project site** N (Y/N) **Date:** \_\_\_\_\_

**PROJECT LOCATION INFORMATION:**

**State:** South Dakota  
**County:** Grant  
**Center coordinates of site by latitude & longitudinal coordinates:** Lat 45-13-17.0582 Long 96-37-24.8645  
**Approximate size of site/property (including uplands & in acres):** 15 acres  
**Name of waterway or watershed:** wetland

**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 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 .

**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 site includes a wetland that was originally approx. 2.5 acres, has been partially filled and is approx. 1.25 acres remaining. The fill area within the wetland is currently a park area, and the surrounding area is grass and an unimproved lot. Development, with infrastructure and streets are adjacent to the site on the north and west. No surface water connection from the wetland to waters of the US, no contiguous wetland to waters of the US, and no valid ICC. , therefore it is isolated/nonjurisdictional. The NWI map, NRCS maps, USGS Quad. maps, hydro data for the County, aerial photos and personal testimony from two local citizens familiar with the site were utilized to make the determination.