

**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: St. Louis
FILE NUMBER: 200500090

REGULATORY PROJECT MANAGER: Sullivan **Date:** July 11, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) **Date:**
 At the project site Y (Y/N) **Date:** March 16, 2005

PROJECT LOCATION INFORMATION:
 State: Missouri
 County: St. Louis
 Center coordinates of site by latitude & longitudinal coordinates: 38:49:18:4779/-90:19:44.5742
 Approximate size of site/property (including uplands & in acres): 37
 Name of waterway or watershed: Lower Missouri

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									
<u>Other water (identify type)</u> <u>Abandoned Borrow Area with</u> <u>Wetland Characteristics</u>	X 0.09								

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** X .

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 0.09-acre emergent wetland was created by a topsoil business that excavated soil to obtain a source of borrow material. The depression now contains emergent wetland characteristics but was created in an upland area, lacks a discernable hydrologic connection with nearby tributaries, and is located outside of any floodplain areas. Therefore, the 0.09 acre wetland lacks a hydrologic connection to waters of the United States or interstate commerce.