

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: CEMVR-OD-PE
 FILE NUMBER: 2006-1601
 REGULATORY PROJECT MANAGER: Jim C. Kelley Date: 10/20/06
 PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: 10/20/06
 At the project site (Y/N) Date: _____

PROJECT LOCATION INFORMATION:
 State: IOWA
 County: Rale Alto
 Center coordinates of site by latitude & longitudinal coordinates: N: 4773290 E: 362159
 Approximate size of site/property (including uplands & In acres): 2.0 acres
 Name of waterway or watershed: West Fork of Des Moines / Des Moines River

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	0.02								
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

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

Isolated forested wetland with no distinct connection to waters or tributaries that eventually flow into navigable waters of the U.S.

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COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CEMVR-OD-PE
 FILE NUMBER: 2006-1669
 REGULATORY PROJECT MANAGER: Hayes Date: 11/02/06
 PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: 11/02/06
 At the project site (Y/N) Date: _____

PROJECT LOCATION INFORMATION:
 State: IOWA
 County: Black Hawk
 Center coordinates of site by latitude & longitudinal coordinates: UTM: N: 4708991 E: 554786
 Approximate size of site/property (including uplands & in acres): 2.0 acres
 Name of waterway or watershed: Virden Creek
Mississippi

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		<u>0.35</u>							
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?	<input checked="" type="checkbox"/>				
Is or would be used as habitat by other migratory birds that cross state lines?	<input checked="" type="checkbox"/>				
Is or would be used as habitat for endangered species?				<input checked="" type="checkbox"/>	
Is used to irrigate crops sold in interstate commerce?		<input checked="" type="checkbox"/>			

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):

Depressional wetland w/no discreet overland or shallow subsurface connection to other waters, which eventually flow into navigable waters of the United States.

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COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Rock Island
 FILE NUMBER: 2006-1672
 REGULATORY PROJECT MANAGER: Frohlich Date: 11/6/2006
 PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: 11/6/2006
 At the project site (Y/N) Date: _____

PROJECT LOCATION INFORMATION:
 State: Iowa
 County: Polk
 Center coordinates of site by latitude & longitudinal coordinates: N 4605501 E 458261
 Approximate size of site/property (including uplands & in acres): .01
 Name of waterway or watershed: unnamed trib. of E.Fourmile Creek

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 (0.01)								
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 x_ 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):

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DISTRICT OFFICE: Rock Island
 FILE NUMBER: 2006-1709
 REGULATORY PROJECT MANAGER: Hayes Date: 11/22/06

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: 11/22/06
 At the project site (Y/N) Date: _____

PROJECT LOCATION INFORMATION:
 State: Iowa
 County: Plymouth
 Center coordinates of site by latitude & longitudinal coordinates: UTM: N:4722827 E:722385
 Approximate size of site/property (including uplands & in acres): 20
 Name of waterway or watershed: 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	<u>0-6</u>								
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?	<input checked="" type="checkbox"/>				
Is or would be used as habitat by other migratory birds that cross state lines?	<input checked="" type="checkbox"/>				
Is or would be used as habitat for endangered species?		<input checked="" type="checkbox"/>			
Is used to irrigate crops sold in interstate commerce?		<input checked="" type="checkbox"/>			

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):

No discreet overland or shallow sub-surface connection to other waters of the United States.

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DISTRICT OFFICE: Rock Island
FILE NUMBER: 2006-1792
REGULATORY PROJECT MANAGER: Walsh **Date:** 11/30/06

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) **Date:** _____
 At the project site Yes **Date:** 11/28/06

PROJECT LOCATION INFORMATION:
State: Iowa
County: Monroe
Center coordinates of site by latitude & longitudinal coordinates: 92 47' 46.35" W, 41 2' 34.86" N
Approximate size of site/property (including uplands & in acres): 35 acres
Name of waterway or watershed: Des Moines River

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	0.9 ac								
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 X 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):

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 COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: Rock Island
FILE NUMBER: 2006-1816
REGULATORY PROJECT MANAGER: Hayes Date: 12/04/06
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y) Date: 12/04/06
 At the project site (Y/N) Date:

PROJECT LOCATION INFORMATION:

State: Iowa
 County: Polk
 Center coordinates of site by latitude & longitudinal coordinates: UTM N: 4613250 E: 461629
 Approximate size of site/property (including uplands & in acres): 20 acres
 Name of waterway or watershed: Des Moines

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	0.50								
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 X Or Approved .

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

The reviewed area contains an abandoned sewage lagoon and associated isolated wetland with no discreet overland or shallow subsurface connection to other waters that are tributaries to navigable waters of the United States. No interstate commerce nexus.

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DISTRICT OFFICE: CEMVR-OD-PP
 FILE NUMBER: 2006-1891

REGULATORY PROJECT MANAGER: D.Hayes

Date: December 22, 2006
 PROJECT REVIEW/DETERMINATION COMPLETED: In the office _Y_ (Y/N) Date:
December 22, 2006

At the project site _ (Y/N) Date:

PROJECT LOCATION INFORMATION:

State: Iowa
 County: Polk
 Center coordinates of site by latitude & longitudinal coordinates: 041.7537/-093.6109
 Approximate size of site/property (including uplands & in acres):
20 acres
 Name of waterway or watershed:
HUC 7100008

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		X							
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?					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):

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DISTRICT OFFICE: Rock Island _____
FILE NUMBER: 2006-1895 _____

REGULATORY PROJECT MANAGER: Frohlich _____ **Date:** 12/19/2006 ____

PROJECT REVIEW/DETERMINATION COMPLETED: In the office __ (Y/N) **Date:** _____
 At the project site _Y (Y/N) **Date:** 12/18/2006 __

PROJECT LOCATION INFORMATION:
State: Iowa _____
County: Tama _____
Center coordinates of site by latitude & longitudinal coordinates: N4647671 E524353 _____
Approximate size of site/property (including uplands & in acres): .38 _____
Name of waterway or watershed: Iowa/Cedar _____

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	.38								
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 _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): Mike Hayes and I visited the area on 12/18/2006 to determine whether there was a connection to a navigable waterway. There was no evidence of any channel that would connect the subject wetlands to the Iowa River. According to the USGS topo maps there may have been a channel years ago, but we could not find any evidence of any channel that would connect the wetlands delineated to the Iowa River.