

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

USACE District Office: Fort Worth District (CESWF-PER-R)
USACE File Number: 200400188
Regulatory Project Manager: Napier **Date:** May 21, 2004
Project Reviewed/Determination Completed: **In the Office:** Y **Date:** May 21, 2004
In the Field: N **Date:** --

Project Location Information

State: Texas
County: Dallas
Centerline Coordinates of Site by Latitude & Longitude: **North:** 3615005.93
East: 726968.73
Zone: 14

Approximate Size of Site/Property (Including Uplands and Acres): 205
Name of Waterway or Watershed: Upper Trinity River Watershed

Site Conditions:

Type of Aquatic Resource ¹ :	0-1 acre	1-3 acres	3-5 acres	5-10 acres	10-25 acres	25-50 acres	> 50 acres	Linear Feet	Unknown
Lake									
River									
Stream									
Drywash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other water (identify type)									

¹ 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 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	

¹ 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: X

Rationale for determination, including information reviewed to assess potential navigation or interstate commerce connections:

The proposed project would include the construction of improvements to three wetlands in the city of Seagoville, Dallas County, Texas. Based on the information provided by the applicant and other additional available information it appears that the project would not involve a discharge of dredged or fill material into waters of the United States. There are three wetland areas on the project site, however, none of the wetlands are waters of the United States. The wetlands are isolated in upland locations. There is one stream on the property near the project area, however, there would be no fill material placed into it. None of the proposed work requires authorization under a Department of Army permit. Therefore, no permit is required.

Do waters of the United States exist on the site? Y
If yes, approximate size of waters of the United States (acres): 3.4