

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: Detroit District

FILE NUMBER: 04-120-056-0

Date December 17,
: 2004

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** **Y** **Date** 15
: Dec 2004

At the project site (Y/N) **Y** **Date** 21
: Sep 2004

PROJECT LOCATION INFORMATION:

State: Indiana
 County: Elkhart
 Center coordinates of site by latitude & longitude coordinates: lat:41-36-5.2560 lon:85-48-55.6200
 Approximate size of site/property (including uplands) in acres: 10 acres
 Name of waterway or watershed: Norton Lake

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							x		
River									
Stream									
Mudflat									
Sandflat									
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	
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**

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 is on the edge of a kettle lake that is a closed depression with no outlets, artificial or natural, to the outside drainage network and thence to other waters of the United States. No public access exists to the lake. The lake is no longer permanently inundated and is instead a PEM/PSS marsh.