

**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:** 04-145-019-0

**Date** October 29,  
: 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:**

**In the office (Y/N)**

**N Date:**

**At the project site (Y/N)**

**Y Date: August 3, 2004**

**PROJECT LOCATION INFORMATION:**

State: Indiana  
 County: Lake  
 Center coordinates of site by latitude & longitude coordinates: lat:41-28-29.8920 lon:87-28-15.3840  
 Approximate size of site/property (including uplands) in acres: 1.75  
 Name of waterway or watershed: Dyer Ditch

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	Unkno wn
Lake									
River									
Stream									
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 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 onsite boundary was field verified. No visible observable hydrological connections were found for the onsite wetlands. The roadside ditch appears to flow into the site as the site is lower than the north and south property. The eastern area was also investigated with no hydrological connections being observed. Approximately 0.85 acres of wetlands were considered isolated per SWANCC.