

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 August 30, 2005

FILE NUMBER: 05-117-005-0

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** Y **Date:** July 11, 2005

At the project site (Y/N) Y **Date:** August 15, 2005

PROJECT LOCATION INFORMATION:

State: Indiana

County: De Kalb

Center coordinates of site by latitude & longitude coordinates: lat:41-21-37.1160 lon:85-3-58.3920

Approximate size of site/property (including uplands) in acres 4 Acres

Name of waterway or watershed: 04100003 – St. Joseph

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									
Mudflat									
Sandflat									
Wetlands	X								
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 located within the town of Auburn, which is heavily developed. The existing wetlands are densely forested, however there is an open field to the east. A swale runs through this open field to the northeast, but dead ends along the factory/building. One communication tower already exists on site, which is within the upland areas. The proposed second tower would all be placed on site and would not impact wetlands either.

I walked the site and no connection was found to feed into or out of this wetland area. Since there did not appear to be a connection to other waters of the U.S. the site was determined to be isolated.