

**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 October 27, 2005

**FILE NUMBER:** 05-117-007-0

**PROJECT REVIEW/DETERMINATION In the office Y Date:** July 14,  
**COMPLETED: (Y/N)** 2005

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

**PROJECT LOCATION INFORMATION:**

State: Indiana  
 County: De Kalb  
 Center coordinates of site by lat:41-20-16.0080  
 latitude & longitude coordinates: lon:85-0-41.6160  
 Approximate size of site/property 40+ acres  
 (including uplands) in acres  
 Name of waterway or watershed: North Branch Hursey 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	Unknown
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 site is located outside of Auburn, Indiana. The existing wetlands consist of forested and emergent wetlands with the draining of an adjacent farm field to the west.

The North Branch of the Hursey Ditch runs .5-.75 miles north and northeast of the project site. I walked the site and found no connection to the ditch. The aerial and NWI maps do not reveal any connection either and a walk around the site and surrounding area did not expose any hidden connection through roadside ditches, drain tiles or such. The area does collect water from the farm field to the west as can be seen on the soil survey, but nothing more. Subsequently, without the connection to other waters of the U.S. the site has been determined to be isolated.