

**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 17, 2005

**FILE NUMBER:** 05-171-010-0

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

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

**PROJECT LOCATION INFORMATION:**

State: Indiana

County: St. Joseph

Center coordinates of site by latitude & longitude coordinates: lat:41-37-33.9600 lon:86-16-47.4240

Approximate size of site/property (including uplands) in acres ~ 3 acres

Name of waterway or watershed: Bowman Creek

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):

Site is located just southwest of the South Bend city proper and is boxed in by two subdivisions, Ireland Road and U.S. 20 by-pass.

St. Joseph County Area Plan Commission indicated that the entire outlot appears to be wetlands. The NWI map does confirm the presence of wetlands (FEMA or Palustrine Emergent Temporarily Flooded wetlands). However, the NWI does not indicate that there is a connection to Bowman Creek, which lies approximately less than ¼ mile to the north. Aerial photos from 1998 do not reveal any connections to Bowman Creek either. Subsequently, the wetlands in question are deemed to be isolated.