

**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:** 00-145-010-2

**Date:** January 7, 2005

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

**At the project site (Y/N)** **Y** **Date:** 9 Dec 04

**PROJECT LOCATION INFORMATION:**

State: Indiana

County: Lake

Center coordinates of site by latitude & longitude coordinates: lat:41-31-59.0160 lon:87-13-42.2040

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

Name of waterway or watershed: Frog 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<br>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):

I walked the perimeter of Wetland 1 of the Soil Solutions JD. I could find no channels, ditches, drains, or other means to convey flowing water to the outside drainage network.

