

**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 January 24, 2005
FILE NUMBER: 04-145-072-0
PROJECT REVIEW/DETERMINATION COMPLETED: **In the office** N **Date:**
 (Y/N)
At the project Y **Date:** 22 Oct 2004
 site (Y/N)

PROJECT LOCATION INFORMATION:

State: Indiana
 County: Lake
 Center coordinates of site by latitude & longitude coordinates: lat: 41-22-42.2400
 lon: 87-17-58.1280
 Approximate size of site/property (including uplands) in acres: 30 acres
 Name of waterway or watershed: Niles Ditch

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):

Three waters were identified. Two of these were determined to be isolated depressions. Other information including a list of reviewed material is provided above.