

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 February 23, 2005

FILE NUMBER: 04-156-005-0

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office** N **Date:**
(Y/N)
At the project site Y **Date:** January 4, 2005
(Y/N)

PROJECT LOCATION INFORMATION:

State: Indiana
 County: Newton
 Center coordinates of site by latitude & longitude coordinates: lat:41-1-54.3360
 lon:87-22-56.8560
 Approximate size of site/property (including uplands) in acres: Undetermined – large agricultural site, we only looked at pond area
 Name of waterway or watershed: Unnamed Pond

| 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 | | | | | | | | | |
| Slough | | | | | | | | | |
| Prairie Pothole | | | | | | | | | |
| Wet Meadow | | | | | | | | | |
| Playa Lake | | | | | | | | | |
| Vernal Pool | | | | | | | | | |
| Natural Pond | | | | | | | | | |
| Other Water (identify type) | X | | | | | | | | |

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):

Site Conditions: The surrounding area was entirely agricultural. The immediate vicinity around the pond was grasses and trees.

The perimeter of the pond was walked and no outlet to other waters of the U.S. was found.

| Wetland ID | On-Site Acreage | Wetland Total Acreage | Isolated (Y/N) | Comments |
|-------------------|------------------------|------------------------------|-----------------------|-------------------------|
| Pond | ~0.8 ac | ~0.8 ac | Y | Hydrologically Isolated |

