

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 19, 2006

FILE NUMBER: 06-145-000-0

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

At the project site Y Date: January 11, 2006
(Y/N)

PROJECT LOCATION INFORMATION:

State: Indiana
 County: Lake
 Center coordinates of site by latitude & longitude coordinates: lat:41-36-2.5200 lon:87-18-34.8480
 Approximate size of site/property (including uplands) in acres: 10 acres
 Name of waterway or watershed: Grand Calumet River

| 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: **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):

Corps does not claim jurisdiction of Wetland 1 because it is hydrologically isolated from other waters of the U.S., a decision supported by SWANCC/Migratory Bird Rule. Wetland 2 is within Corps jurisdiction, as it is part of a larger system, connected by an unnamed tributary to the Grand Calumet River, which is a navigable water of the U.S.