

**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 09, 2006

**FILE NUMBER:** 97-120-604-0

**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office (Y/N)** Y **Date:** November 25, 2005

**At the project site (Y/N)** Y **Date:** February 03, 2006

**PROJECT LOCATION INFORMATION:**

State: Indiana  
 County: Elkhart  
 Center coordinates of site by latitude & longitude coordinates: lat:41-38-57.7680 lon:85-58-17.2560  
 Approximate size of site/property (including uplands) in acres: ~85 acres  
 Name of waterway or watershed: 04050001 – St. Joseph

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	Unknwn
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:**            **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):

This site is located within the town of Elkhart. The wetlands in question consist of forested and scrub/shrub wetlands.

The Wetland in question lies ~2600 feet or ~.49 miles NW of the Howard Ditch Lateral B. A review of the Elkhart County Survey aerial maps from 1977, 1993 and 2002 revealed that the wetland was not in existence in 1977 and the area did not contain any drains or tiles within the farm fields at that time. However, sometime before 1993 the area was excavated and the dam installed creating the wetland. The 1993 aerial does show a ditch that connects to the wetland in question at the south end. That ditch was still present during our 3 Feb 06 inspection, but does not go anywhere. Obviously this ditch drains the general surrounding area transporting the run off to the wetland in question. A standpipe is located on the south side of the dam within the wetlands; however, this standpipe is rusted through and does not operate as originally designed. The stand pipe flows to the north and transports water to either the leaching basin east of the Old Farm Apts or to the leaching basin east of the old folks home (Star shaped building on CR 20/Mishawaka Road). Both leaching basins do not have outlets, subsequently, without any connection to other waters of the U.S. the site has been determined to be isolated.