

**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  
**FILE NUMBER:** 03-120-076-0

**REGULATORY PROJECT MANAGER:** John Ritchey **Date:** June 7, 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) Date: 5, 2004  
 At the project site May 5, 2004 (Y/N) Date: May

**PROJECT LOCATION INFORMATION:**

**State:** Indiana  
**County:** Elkhart  
**Center coordinates of site by latitude & longitudinal coordinates:** 41-40-55.24N  
 85-48-53.26W  
**Approximate size of site/property (including uplands & in acres):** 55 acres  
**Name of waterway or watershed:** Indian Lake

**SITE CONDITIONS:**

| 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                                  | <input type="checkbox"/> |             | <input type="checkbox"/> |
| River                                 | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Stream                                | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Dry Wash                              | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Mudflat                               | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Sandflat                              | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wetlands                              | X                        | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Slough                                | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Prairie pothole                       | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wet meadow                            | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Playa lake                            | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Vernal pool                           | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Natural pond                          | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Other water (identify type)           | <input type="checkbox"/> |             | <input type="checkbox"/> |
| _____                                 |                          |                          |                          |                          |                          |                          |                          |             |                          |

<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?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/>            | <input type="checkbox"/>       |
| Is or would be used as habitat by other migratory birds that cross state lines? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/>            | <input type="checkbox"/>       |
| Is or would be used as habitat for endangered species?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>       |
| Is used to irrigate crops sold in interstate commerce?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>       |

<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

**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 reviewed

**the site and determined that several of the wetlands are hydrologically isolated and depression within the landscape. A couple of the wetland areas may be connected via under ground tiles, however after two site visits I was unable to make a positive connection via the tiles and the areas were determined to be hydrologically isolated on my best professional judgment.**