

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 March 2, 2005

FILE NUMBER: 05-171-0040

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

At the project site (Y/N) Y Date: May 6, 2005

PROJECT LOCATION INFORMATION:

State: Indiana
 County: St. Joseph
 Center coordinates of site by latitude & longitude coordinates: lat:41-37-16.7160 lon:86-15-52.3800
 Approximate size of site/property (including uplands) in acres: 34 acre
 Name of waterway or watershed: Phillips 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):

Site Conditions: At the time of the site visit, the majority of the site was wooded. They had previously started clearing trees to construct a road by had stopped at our request.

Rationale to Determine No JD. There were two wetland areas on the site. One was determined to be connected and one was determined to be isolated. The isolated wetland is a depressional bowl in the woods (0.3 acres). I walked the entire perimeter and could not find an inlet or outlet. The second wetland was approximately 5.88 acres and hydrologically connected to Phillips Ditch (Note: This wetland is part of a larger wetland complex that extends off site. No attempt was made to determine the size of the off-site portion after we found the outlet that connected it to Phillips Ditch).