

**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:**  
**FILE NUMBER:**

CELRE-RG-A-S – South Bend Field Office, Detroit District  
 04-144-0130

Date: 26 August 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:**

In the office N (Y/N) Date:

At the project site Y (Y/N) Date: 26 August 2004

**PROJECT LOCATION INFORMATION:**

State: Indiana  
 County: Lagrange  
 Center coordinates of site by latitude & longitudinal coordinates: 41-32-7.71 N, 85-20-38.05 W  
 Approximate size of site/property (including uplands & in acres): ~300 ac  
 Name of waterway or watershed: Little Elkhart Creek – Dallas Lake --04050001170020

**SITE CONDITIONS:** Abandoned Sand and Gravel Pit

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						X			
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands					X				
Slough									
Prairie pothole									
Wet meadow					X				
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:**

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):** See Above