

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 September 25, 2006

FILE NUMBER: 06-227-000-0

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

At the project site (Y/N) N **Date:**

PROJECT LOCATION INFORMATION:

State: Michigan

County: Gogebic

Center coordinates of site by latitude & longitude coordinates: lat:46-17-30.9840 lon:89-10-32.0160

Approximate size of site/property (including uplands) in acres: 160

Name of waterway or watershed: Ontonagon 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? | | | XX | | |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | XX | | |
| Is or would be used as habitat for endangered species? | | | | | XX |
| Is used to irrigate crops sold in interstate commerce? | | XX | | | |
| 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): and any uplands between wetlands/waters and other waters):

A review of the U.S.G.S. topo quad and National Wetland Inventory for Watersmeet, Michigan, and aerial photograph dated April 1998 indicates the existence of an isolated Palustrine Forested seasonal wetland. Although it appears to be near and between Bonifas Creek and the Middle Branch of the Ontonagon River, there does not appear to be any hydrological connection or other nexus to either of these waterways. The Ontonagon River is an intra-state River that is part of the surface tributary to Lake Superior, an interstate, designated Section 10 water.