

**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: Huntington  
 FILE NUMBER: 200400926

REGULATORY PROJECT MANAGER: David A. Frantz Date: August 12, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: September 8, 2004  
 At the project site Y (Y/N) Date: August 12, 2004

**PROJECT LOCATION INFORMATION:**

State: Ohio  
 County: Stark LEXINGTON FARMS  
 Center coordinates of site by latitude & longitudinal coordinates:  
 Approximate size of site/property (including uplands & in acres): 130 acres  
 Name of waterway or watershed: Middle Branch U/T to Nimishillen

**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									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow	0.317 ac								
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type) <u>Barrow Area/Man-made Pond</u>									

<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.

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

The 0.317 acre wetland is surrounded by upland and does not present a significant nexus to a water of the United States. Based on the absence of a hydrological connection or adjacency to a water of the United States, the 0.317 acre wetland is determined to be an isolated water of the United States.