

**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:** 200400968

**REGULATORY PROJECT MANAGER:** Kimberly Courts-Brown **Date:** July 30, 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office Y (Y/N) **Date:** July 30, 2004  
 At the project site N (Y/N) **Date:**

**PROJECT LOCATION INFORMATION:**

**State:** Ohio  
**County:** Franklin  
**Center coordinates of site by latitude & longitudinal coordinates:**  
**Approximate size of site/property (including uplands & in acres):** 44 acres  
**Name of waterway or watershed:** UN Trib Scioto River

**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								280'	
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
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.

**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 0.05 acre wetland is located in a depression area and does not have a recognizable connection to a surface tributary system. The streams flow into a sinkhole. Both streams have not developed distinct bed/bank and appear to be washed-out gully features. No flowing water was located in the channels during the initial investigation. The sinkhole did not re-surface nor could an outlet to a surface tributary system be found. Based on the absence of a hydrological connection or adjacency to a water of the United States, it has been determined the wetland and ephemeral streams are isolated waters of the United States.