

**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: LRP
FILE NUMBER: 200400105

REGULATORY PROJECT MANAGER: Edris **Date:** October 7, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) **Date:** October 7, 2004
 At the project site Y (Y/N) **Date:** July 19, 2004

PROJECT LOCATION INFORMATION:

State: Ohio
County: Belmont
Center coordinates of site by latitude & longitudinal coordinates:
Approximate size of site/property (including uplands & in acres): 600 Acres
Name of waterway or watershed: Wheeling Creek

SITE CONDITIONS:

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								3,910	
Dry Wash									
Mudflat									
Sandflat									
Wetlands	0.45 ac								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type) Pit Impoundments					15.7 acres				

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			

¹Check 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

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Isolated areas created by past mining activities. No connections to other waters identified. Eight pit impoundments totaling 15.7 acres, the 3,910 l.f. of stream channel, and the 0.45 acre of wetland were determined to be isolated and non-jurisdictional due to a lack of surface connection to waters of the United States as observed during field inspection.