

**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: CESAJ-RD-NA-M
FILE NUMBER: SAJ-2004-4119

REGULATORY PROJECT MANAGER: TSD **Date:** 5/6/2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y **Date:** April 20, 2004
At the project site Y **Date:** Nov 3, 2003

PROJECT LOCATION INFORMATION:

State: FL
County: Indian River
Center coordinates of site by latitude & longitudinal coordinates: 27 41.735/80 26.086
Approximate size of site/property (including uplands & in acres): 182 acres
Name of waterway or watershed: Indian River

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									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type) Borrow Pit/pond				✓					

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?	✓				
Is or would be used as habitat by other migratory birds that cross state lines?	✓				
Is or would be used as habitat for endangered species?	✓				
Is used to irrigate crops sold in interstate commerce?		✓			

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., 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):

This 182 acre site is adjacent to the North Relief Canal which drains to the Indian River drainage basin. A man-made 5.44 acre borrow pond is located in the southwest portion of the parcel. This pond was determined to be isolated, with respect to Corps jurisdiction, does not have a connection (natural or manmade) to waters of the United States. Further, this man made pond is more than 200 feet removed from any kind of drainage feature with surface water and/or an ordinary high water mark.