

SAJ-2-04-005

**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: Jacksonville
FILE NUMBER: SAJ-2004-1675 (PL-NPR)
REGULATORY PROJECT MANAGER: Phillip Lintereur Date: 3-19-04

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 3-19-04
 At the project site Y (Y/N) Date: N/A

PROJECT LOCATION INFORMATION:
 State: FL
 County: Brevard
 Center coordinates of site by latitude & longitudinal coordinates: 28.648 N, 81.331 W
 Approximate size of site/property (including uplands & in acres): 1.33
 Name of waterway or watershed: Wetland-Brevard

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					≈ 20 acre				
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?	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 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):

Total wetland area calculated out to be approximately 20 acres with about a 5-10% error. This includes the impacts the applicant proposes, and also that which is offsite. The total amount the applicant proposes to fill is 0.07 acres (approximately 1.1 acres of wetlands will remain part of the applicant's property).