

**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-SW-T  
 FILE NUMBER: SAJ-2004-256-JPF

REGULATORY PROJECT MANAGER: Fellows Date: 04-MAY-2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office    (Y/N) Date:                     
 At the project site    (Y/N) Date: 16-MAR-2004

**PROJECT LOCATION INFORMATION:**

State: Florida  
 County: Polk  
 Center coordinates of site by latitude & longitudinal coordinates: 28°14'06"/81°35'56"  
 Approximate size of site/property (including uplands & in acres): 637  
 Name of waterway or watershed: unknown

**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							138.24 ac		
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type) Ditches and borrow lakes					10.19 ac				

<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):

Site has both wetlands completely on-site (internal) and wetlands that extend off-site.

On-site inspection showed no connection between internal wetlands and offsite waters. Review of submitted aerials showed no connections between wetlands extending off-site and waters of the U.S.

The 138.24 ac of wetlands break down as follows: hydric pine flatwoods (6.46 ac), wetland forested mixed (2.33 ac), freshwater marsh (31.14 ac), and wet prairie (98.31 ac)

The project consultant listed wood storks as being observed on-site in their environmental report.