

**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-2003-12308 _____

REGULATORY PROJECT MANAGER: Alisa Zarbo _____ Date: 4-7-04 _____

PROJECT REVIEW/DETERMINATION COMPLETED: In the office __ (Y/N) Date: _____
 At the project site _y (Y/N) Date: _____

PROJECT LOCATION INFORMATION:
 State: _____ FL _____
 County: _____ Martin _____
 Center coordinates of site by latitude & longitudinal coordinates: _26/58/16 80/08/40 _____
 Approximate size of site/property (including uplands & in acres): _____ 2 acres _____
 Name of waterway or watershed: _____ Loxahatchee 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) Littoral around single-family pond	.15 ac								

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.

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): Site is a single-family lot with a pond and wetland plant species in the littoral zone. Pond is approximately 0.15 acres. Land owner constructed pond on road easement. Adjacent landowner needed permit from the DEP (state) to fill the pond on neighbor’s land to construct the road (within road easement) to access his property. Legal issues arose between land owner with pond, who didn’t want his pond filled, and adjacent land owner wanting a permit to construct a road to access his lot. The nearest waterbody is located approximately 880 feet to the northeast, therefore the wetland fit the definition of SWANCC.