

**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:** New England (CENAE-R)  
**FILE NUMBER:** NAE-2005-504

**REGULATORY PROJECT MANAGER:** Alan R. Anacheka-Nasemann, PWS Date: January 18, 2006

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office Y (Y/N) Date: January 10, 2006  
 At the project site Y (Y/N) Date: July 7, 2005

**PROJECT LOCATION INFORMATION:**  
 State: Massachusetts  
 County: Worcester  
 Center coordinates of site by latitude & longitudinal coordinates: 41.8085°N; 71.3272°W  
 Approximate size of site/property (including uplands & in acres): 76.1 acres  
 Name of waterway or watershed: HUC 01090004: Narragansett, MA/RI

**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	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
_____									

<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.

**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 Conditions:** Two wetlands, designated Wetlands E and F are isolated, intrastate wetlands that are remnant waterfilled depressions from an abandoned gravel pit. They do not contain inlets or outlets and are surrounded by highly disturbed soil. There are insufficient wildlife corridors to link them to other waters of the U.S. on the site.

**Rationale used to determine NJD:** The wetlands are isolated, intrastate wetlands with no inlets or outlets and no nexus to interstate commerce. They are non-navigable-in-fact, and would not accommodate any form of recreational watercraft or other recreational activity.

**Site information on waters of the U.S. occurring on site:** A total of 8 other wetlands, totaling 25.78 acres, exist on the site. All are jurisdictional under 33 CFR 328.3(a)(5) or (7).