

**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-2004-622 Oceanside Village

REGULATORY PROJECT MANAGER: Alan R. Anacheka-Nasemann, PWS Date: 20 Aug 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 19 Aug 2004
 At the project site Y (Y/N) Date: 11 May 2004

PROJECT LOCATION INFORMATION:
 State: Massachusetts
 County: Plymouth
 Center coordinates of site by latitude & longitudinal coordinates: 42.2095°N; 70.7388°W
 Approximate size of site/property (including uplands & in acres): 50 acres
 Name of waterway or watershed: Isolated; Cape Cod, HUC# 01090002

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 (Depressional)	X								
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.

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):

See Reverse.

Site Conditions: Site is a 50±-acre parcel owned by Oceanside Village LLC, purportedly a former Department of Defense Communication site and later a commercial radio station. The former radio towers have been removed, leaving a second-growth, subclimax hardwood forest. Four isolated wetlands are located on a relatively flat plateau at the top of a hill. One of these may function as a vernal pool; the other three were dry as of 11 May 04. Available maps do not indicate wetlands and it appears that wetlands are a secondary effect of depressions and grading leftover from former radio tower/military operations.

Rationale used to determine NJD: All of the above bodies are over 500 feet from the nearest stream channel or the Atlantic Ocean; they are not adjacent (bordering, contiguous or neighboring) to a surface tributary system and are thus isolated, intrastate wetlands with no nexus to interstate commerce.

Site information on waters of the U.S. occurring on site: No waters of the United States exist on the site.