

**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-2006-459

REGULATORY PROJECT MANAGER: Alan R. Anacheka-Nasemann, PWS Date: 2/08/2007

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 2/02/2007
 At the project site Y (Y/N) Date: 3/14/2006

PROJECT LOCATION INFORMATION:
 State: Massachusetts
 County: Plymouth
 Center coordinates of site by latitude & longitudinal coordinates: 41.8091°N; 70.7872°W
 Approximate size of site/property (including uplands & in acres): 27.8 Acres
 Name of waterway or watershed: 01090002: Cape Cod

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	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool	X*								
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.
 * Not an official vernal pool determination under the Massachusetts Wetlands Protection Act.

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 Conditions: Site is an existing forested area undergoing conversion from residential to industrial use. Isolated wetlands consist of four depressions (“B”, “D”, “E”, and “VP”) ranging in size from 2018 to 6480 square feet for a total of 14,431 square feet (0.33 acre). VP is the largest and is categorized above as a vernal pool.

Rationale used to determine NJD: There are no discernible inlets or outlets; nearest surface tributary is at least 1000 feet from each of the four wetlands. These are thus isolated, intrastate waters with no discernible nexus to interstate or foreign commerce.

Site information on waters of the U.S. occurring on site: Two wetlands (“A” and “C”) occur along site boundaries. Wetland A is on the east boundary and 0.57 acre within the property boundary. Wetland C is on the west boundary and totals 5.16 acres within the property boundary. Both are contiguous with much larger wetland complexes that drain via unnamed tributaries, the East Branch Sippican River, the Sippican River, the Wewantic River and finally Buzzard’s Bay, a tidal, navigable water of the United States.