

**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-2005-1633

REGULATORY PROJECT MANAGER: Alan R. Anacheke-Nasemann, PWS Date: 10/13/05

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 10/13/05
 At the project site Y (Y/N) Date: 07/07/05

PROJECT LOCATION INFORMATION:
 State: Massachusetts
 County: Plymouth
 Center coordinates of site by latitude & longitudinal coordinates: 42.0928; -70.9901
 Approximate size of site/property (including uplands & in acres): 13 acres
 Name of waterway or watershed: Beaver Brook Watershed in HUC
 01090004: Narragansett

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									
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):

Site Conditions: Site is a predominantly forested area with patches of old field/scrub/shrub and evergreen scattered throughout. Wetlands total 0.35 acres in two small depressions with Red Maple as dominant overstory species. There are no inlets or outlets. Nearest flowing water is over 1000 feet away.

Rationale used to determine NJD: Wetlands are not part of a surface tributary system; they are isolated, intrastate waters with no nexus to interstate commerce.

Site information on waters of the U.S. occurring on site: None