

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: Philadelphia

FILE NUMBER: CENAP-OP-R-200500100

REGULATORY PROJECT MANAGER: Melissa Mertz Date: 8-Jun-2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office N (Y/N) Date: _____
 At the project site Y (Y/N) Date: 19-Sep-2006

PROJECT LOCATION INFORMATION:

State: Pennsylvania

County: Monroe

Center coordinates of site by latitude & longitudinal coordinates: 75-12-16/41-9-17

Approximate size of site/property (including uplands & in acres): 6.2

Name of waterway or watershed: Stony Run/Delaware

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	0.06								
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?			XX		
Is or would be used as habitat by other migratory birds that cross state lines?			XX		
Is or would be used as habitat for endangered species?				XX	
Is used to irrigate crops sold in interstate commerce?		XX			

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 .

INFORMATION SHEET – **CONTINUED**
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ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraph 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):

1. The property is approximately 6.2 acres in size (2 lots). It contains a residential dwelling, Stony Run and adjacent wetlands, one isolated, forested wetland and is mainly wooded. Stony Run appears to form the western boundary of the property and does contain adjacent wetlands.
2. The isolated wetland on the site is a small spring on the property, adjacent to the steep slope of a hillside. It has no direct, surface hydrologic connection to a waters of the U.S. This wetland contains very little standing water and is forested and therefore not considered navigable and has no nexus to interstate or foreign commerce. It resides approximately 280 feet from the nearest water of the U.S., which would be Stony Run, and even under high flow circumstances would not enter this water. Therefore this wetland is an isolated, non-navigable intrastate wetland not regulated by the Army Corps of Engineers.
3. From 33 CFR 328.3 (a) the following commerce determinations have been made in regard to the two non-jurisdictional wetland areas: a) They are not tidal; b) They are not interstate waters, but are located entirely within the state of Pennsylvania; c) They are not interstate waters that the use, degradation, or destruction of which could effect interstate or foreign commerce; d) They can no be used by interstate or foreign travelers for recreation or other purposes at the property is private; e) They could not be used for the harvesting or selling of fish or shellfish in interstate or foreign commerce; f) They could not be used for industrial purposes by industries in interstate commerce; g) They are not impoundments of waters described above; h) They are not a tributary to waters of the U.S.; and I) They are not a part of the territorial sea.
4. See the JD information sheet for further details on the areas within the property, which were considered to be waters of the U.S., including Federally regulated wetlands.