

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-200500549-24

REGULATORY PROJECT MANAGER: James N. Boyer Date: March 14, 2007

PROJECT REVIEW/DETERMINATION COMPLETED: In the office N (Y/N) Date: _____
 At the project site Y (Y/N) Date: January 24, 2006

PROJECT LOCATION INFORMATION:

State: Pennsylvania

County: Montgomery

Center coordinates of site by latitude & longitudinal coordinates: 40 - 18 - 18 N / 75 - 34 - 59 W

Approximate size of site/property (including uplands & in acres): 66.059

Name of waterway or watershed: Minister Creek

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	0.176								
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 .

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 consists of 66.0059 acres, which is mostly early successional scrub-shrub and forest, with some open areas. Site construction had previously commenced by means of rough-grading an internal loop road. A perennial unnamed tributary to Minister Creek flows southeastward through the extreme southwest edge of the property, with some adjacent wetlands. A small tributary to this stream, with several branches and substantial areas of adjacent wetlands, flows generally to the southwest. There are three existing culverts associated with the new road construction. There are two other wetlands in the northeast part of the property. One drains under Dotterer Road to a separate tributary to Minister Creek. The other has no tributary connection to other waters.
2. The isolated wetland referenced above is within a forested area, and drains via an old remnant ditch segment that runs toward the intersection of Dotterer Road and North Charlotte Street (Route 663). The ditch runs out and does not have a continuous surface connection to any tributary to Minister Creek. The nearest tributary, across Dotterer Road, which has been placed in a concrete-lined channel, is approximately 500 feet away.
3. The wetland referenced above, including the old remnant ditch segment, is not adjacent to other waters. It is not navigable in fact. There is no obvious nexus to interstate commerce. Therefore, it is not regulated as waters of the U.S.
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.