

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-200500604-24

REGULATORY PROJECT MANAGER: James N. Boyer Date: April 5, 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office N (Y/N) Date: \_\_\_\_\_  
 At the project site Y (Y/N) Date: August 9, 2006

PROJECT LOCATION INFORMATION:

State: Pennsylvania

County: Montgomery

Center coordinates of site by latitude & longitudinal coordinates: 40-24-04 N / 75-29-08 W

Approximate size of site/property (including uplands & in acres): 189.5

Name of waterway or watershed: Macoby Creek / Perkiomen Creek

SITE CONDITIONS:

Type of aquatic resource <sup>1</sup>	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									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type) Man-made pond / wetland	0.419								

<sup>1</sup>Check 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 <sup>1</sup> :	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			

<sup>1</sup>Check 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 a 189.5-acre existing active golf course, with some minor forested areas. The site is nearly all uplands. Macoby Creek flows through the property (with some adjacent wetlands). A small tributary also flows through the property, and it is impounded on-site. The only other non-upland feature on the property is a former golf course pond that has reverted to wetlands. It was no longer used for irrigation water.
2. The former golf course pond was isolated and did not have any surface tributary connection to Macoby Creek. It was approximately 150 feet away from the small tributary to Macoby Creek. It was not navigable in fact, and there was no obvious nexus to interstate commerce. Therefore, it is not regulated as waters of the U.S.
3. 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.