

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-200501446-24

REGULATORY PROJECT MANAGER: James N. Boyer Date: March 10, 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office N (Y/N) Date: _____
 At the project site Y (Y/N) Date: Dec. 7, 2005

PROJECT LOCATION INFORMATION:

State: New Jersey

County: Gloucester

Center coordinates of site by latitude & longitudinal coordinates: 39-45-13 N / 75-20-03 W

Approximate size of site/property (including uplands & in acres): 100.452

Name of waterway or watershed: Raccoon Creek / Delaware River

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	0.239								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type) Open water ditch	0.195								

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 100.452 acres, which is mostly upland farm fields, plus portions of Raccoon Creek (a tidal water body), a tidal tributary and tidally influenced wetlands adjacent to both Raccoon Creek and the tidal tributary. There are also some freshwater wetlands, mainly within woodlands, which are adjacent to and tributary to Raccoon Creek or the tidal tributary. There are two areas of waters/wetlands, which are not tributary to the tidal waters. They appear to be associated with old drainage features for the farm fields.
2. The first area, bounded by flag points WL 0301-0308 / 0401-0412, includes a portion of an old ditch with wetlands. At its lowest point (but above a large wetland contiguous with Raccoon Creek), water just seeps into the ground. Uplands are present between this point and the other wetlands, with well-drained soils mapped. The wetland is greater than 750 feet from Raccoon Creek. It is isolated and not adjacent to Raccoon Creek. It is not navigable in fact, and there is no obvious nexus to interstate commerce. Therefore, it is not regulated as waters of the U.S.
3. The second area, bounded by flag points WL 0111-0116 / 0211-0220, is a narrow, open-water ditch segment. It appears to be a remnant of an old drainage system for the farm fields. It is separated by road from another ditch and wetlands that drain to a tidal tributary to Raccoon Creek. It is not a wetlands, but rather a narrow, shallow ditch. It is isolated, as no pipe of hydrologic connection was found through the road. It appeared to be holding water due to the lack of drainage. It is not navigable in fact, and it has no obvious nexus to interstate commerce. As such, 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.