

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-200600383-24

REGULATORY PROJECT MANAGER: James N. Boyer Date: January 30, 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office N (Y/N) Date: _____
 At the project site Y (Y/N) Date: May 5, 2006

PROJECT LOCATION INFORMATION:

State: Pennsylvania

County: Chester

Center coordinates of site by latitude & longitudinal coordinates: 40-02-33 N / 75-43-00 W

Approximate size of site/property (including uplands & in acres): 140

Name of waterway or watershed: Brandywine 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	0.0065								
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 140 acres, mostly wooded uplands on steep slopes along the Brandywine Creek valley. There are open fields, farm buildings, a man-made pond and recently logged areas at or near the top of the hill. A State highway passes along the eastern edge of the property. There are seepage wetlands along the wooded slope which are contiguous with small stream channel that flow into Brandywine Creek.
2. There is a small (285 square feet) wetland on the wooded slope just above the highway. It had no surface tributary connection with Brandywine Creek, which is about 300 feet away. It is also about 60 feet higher in elevation up the hill side from the creek. Therefore, the wetland is isolated, and it is not adjacent to any waters of the U.S. 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.
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.