

**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: Buffalo District

FILE NUMBER: 2004-00013(0)

REGULATORY PROJECT MANAGER: Aaron C. Smith **Date:** May 7, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** N **Date:**

At the project site (Y/N) Y **Date:** April 13, 2004

PROJECT LOCATION INFORMATION:

State: NY

County: St. Lawrence

Center coordinates of site by latitude & longitude coordinates: 44-55-22.4400, 74-52-40.8000

Approximate size of site/property (including uplands) in acres: 61.22

Name of waterway or watershed: unnamed tributary to Raquette River

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									
Mudflat									
Sandflat									
Wetlands		x							
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

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 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):

There are nine wetlands totalling 4.15 acres on the 61.22 acre site. Of the 4.15 acres of wetland on site, four of the wetlands, totalling 1.02 acres are isolated. These isolated wetlands are located entirely within the project boundaries and will be permanently lost. Regulator was requested to verify this information in response to the application for the retail site development.

During the site investigation, the entire perimeter of each of the wetlands was walked. For the four isolated wetlands, no surface water outlets were observed. The surrounding topography for each of the isolated wetlands descended into the wetlands, resulting in stagnant, standing water in each. The water seemed to collect from overland runoff as well as recent precipitation. There is no historical datum supporting any connection from these wetland to any water of the U.S. There was no observable surface water drainage leaving or adjacent to the wetlands. There is no indication on the site or in available resources that these wetlands ever were connected to any tributary to the Raquette River. The closest tributary to a navigable water is approximately 500 feet to the west.

Of the nine wetlands on site, five are considered to be jurisdictional wetlands, connected to an unnamed tributary to the Raquette River. These jurisdictional wetlands total 3.13 acres in size. The applicant has requested to fill 0.48 acres of these wetlands for the construction of a retail site development.