

**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: Seattle

FILE NUMBER: NWS-2007-120-CRC

REGULATORY PROJECT MANAGER: Hansen Date: May 9, 2007

PROJECT REVIEW/DETERMINATION COMPLETED: In the office  Yes  No Date: April 2007  
 At the project site  Yes  No Date: \_\_\_\_\_

**PROJECT LOCATION INFORMATION:**

State: Washington

County: Chelan

Center coordinates of site by latitude & longitudinal coordinates: 47° 31' 91" 120° 31' 44"

Approximate size of site/property (including uplands & in acres): 5.6 acres

Name of waterway or watershed: Wenatchee River

**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                                  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| River                                 | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Stream                                | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Dry Wash                              | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mudflat                               | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sandflat                              | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Wetlands                              | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Slough                                | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Prairie pothole                       | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Wet meadow                            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Playa lake                            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Vernal pool                           | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Natural pond                          | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other water (identify type)           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <u>Pond from historic gravel mine</u> |                                     |                          |                          |                          |                          |                          |                          |                          |                          |

<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<br>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?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/>            | <input type="checkbox"/>       |
| Is or would be used as habitat by other migratory birds that cross state lines? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/>            | <input type="checkbox"/>       |
| Is or would be used as habitat for endangered species?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>       |
| Is used to irrigate crops sold in interstate commerce?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/>            | <input type="checkbox"/>       |

<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

**ADDITIONAL INFORMATION SUPPORTING NJD:** The proposed project site is 5.6 acres along the Wenatchee River. There is one pond with wetland fringe identified on the proposed project site. The pond is located completely within the proposed project site and is approximately 0.5 of an acre. The pond was excavated during historic gravel mining operations. There currently is no surface water connection to the Wenatchee River. There is approximately 300 feet between the pond and the Wenatchee River which is a water of the U.S.