

**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: 2004-00297

REGULATORY PROJECT MANAGER: Stenberg Date: June 17, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: June 15, 2004  
 At the project site Y (Y/N) Date: May 11, 2004

PROJECT LOCATION INFORMATION:  
 State: Washington  
 County: King  
 Center coordinates of site by latitude & longitudinal coordinates: 47-15-47.96 122-17-52.06  
 Approximate size of site/property (including uplands & in acres): 2 mile linear transportation project  
 Name of waterway or watershed: Hylebos 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) Upland Ditches								1375	

<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  .

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):

The project is a linear transportation project, approximately 2 miles long. Several short ditch segments which were dug in uplands (1510 linear feet) do not connect to other waters of the U.S. and/or do not exhibit evidence of flowing water. These ditch segments are not considered jurisdictional waters of the US. None of the non-jurisdictional ditches are straightened or channelized natural drainages. The remaining roadside ditches are both connected to tributaries to Hylebos Creek and show evidence of flowing water and are considered jurisdictional waters of the US.