

**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: 200400876

REGULATORY PROJECT MANAGER: Robinson Date: August 13, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: August 13, 2004
 At the project site N (Y/N)

PROJECT LOCATION INFORMATION:
 State: Washington
 County: Spokane
 Center coordinates of site by latitude & longitudinal coordinates: 47-46-30 117-22-00
 Approximate size of site/property (including uplands & in acres): State Route Interchange
 Name of waterway or watershed: Deadman 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 | | | | | | | | | |
| Slough | | | | | | | | | |
| Prairie pothole | | | | | | | | | |
| Wet meadow | | | | | | | | | |
| Playa lake | | | | | | | | | |
| Vernal pool | | | | | | | | | |
| Natural pond | | | | | | | | | |
| Other water (identify type) | | | | | | | | 450 | |
| <u>Upland Ditches</u> | | | | | | | | | |

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):

The interchange project requires the realignment of 450 linear feet of the upland ditch line to allow for the construction of a traffic detour. The ditch line will be shifted to the south approximately 30 feet. This ditch segment did not show any bed and bank structure or any evidence of flowing water, and therefore would not be considered jurisdictional waters of the U.S. It does not drain to a water of the U.S. This ditch is not a straightened or channelized natural drainage and it does not meet the three parameters for wetland designation.