

**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 District
FILE NUMBER: 200301121

REGULATORY PROJECT MANAGER: Shawn Zinszer **Date:** 05/06/2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Yes **Date:** 05/27/2004
At the project site: Yes **Date:** 03/16/2004

PROJECT LOCATION INFORMATION:

State: Washington
County: Clark
Center coordinates of site by latitude & longitudinal coordinates: 045-41'-10. 48" 122-36'-45. 45"
Approximate size of site/property (including uplands & in acres): 1.13 Mile linear transportation
project. 50-foot corridor from the edge of the existing pavement was surveyed on both sides of the existing road.
Name of waterway or watershed: Salmon Creek watershed

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					X 12.2				
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

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 approximate 12.2 acres of wetlands occur in separate identified polygons adjacent to the existing 88th Street alignment. Total acreage of wetlands within the surveyed area is approximately 34.22 acres. The wetlands within the project area were identified as palustrine emergent (PEM) and palustrine scrub-shrub (PSS). Generally, these emergent and scrub-shrub wetlands functions at moderate levels. There is extensive reed canary grass and a lack of structural diversity across the wetlands, but they do provide hydrologic control and water quality benefits. The wetlands also provide seasonal wildlife habitat for waterfowl and other species that utilize shallow open water habitats. The wetlands along this corridor are saturated by a combination of groundwater and surface runoff. Some of the identified wetland polygons extend outside of the surveyed

area. Based on project details, widening of the existing road would not impact all of the identified wetlands within the surveyed area.

Wetlands "A", "B", "C", "D", "E", "F", and "G" do not have a discrete surface water connection to other navigable or interstate waters of the U.S. or tributaries of waters of the U.S. that can be determined at this time. These wetlands are also not used for interstate commerce including recreational activities or industrial purposes. The only potential connection to another water of the U.S. is an installed pump that has never been used in the 8 years it has been on site. These wetlands are not considered waters of the U.S., and therefore are non-jurisdictional. Wetlands "H" and "I" are directly connected through conveyance features to Curtain Creek. Curtain Creek flows into Salmon Creek, which is a tributary to the Columbia River. These wetlands are considered waters of the U.S., and are jurisdictional. A determination for wetland "J" has already been made under Department of the Army Permit No 200001090 (Costco). This wetland was determined not to be a water of the U.S., and therefore non-jurisdictional

A preliminary wetlands jurisdictional determination has been made on wetlands "H" and "I" comprising an area of approximately 7 acres.