

**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: 2004-00078

REGULATORY PROJECT MANAGER: Stenberg Date: May 28, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: May 28, 2004
At the project site N (Y/N) Date: _____

PROJECT LOCATION INFORMATION:

State: Washington
County: Island
Center coordinates of site by latitude & longitudinal coordinates: 48-21-31.90 122-38-11.62
Approximate size of site/property (including uplands & in acres): 0.16 acres
Name of waterway or watershed: Clover 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	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)								15,300	
<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):

Project is a linear transportation project, 2.32 miles long. Most of the roadside ditches dug in uplands (15,300 linear feet) do not connect to other waters of the U.S. and/or do not exhibit evidence of flowing water. This is an area of low rainfall and runoff generally infiltrates into the level terrain before forming an OHWM. None of the non-jurisdictional ditches are straightened or channelized natural drainages. One upland ditch (1100 feet in length) within the project area does exhibit evidence of flowing water and is also connected to other waters of the US, and is therefore, considered a water of the US. The isolated wetland is an herbaceous seep adjacent to one of the non-jurisdictional roadside ditches that does not connect to any other waters of the US. The project would impact 0.09 acres of this 0.16 acre isolated wetland.