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: _200400304_____

REGULATORY PROJECT MANAGER: _Romano____ **Date:** _2/22/05_
PROJECT REVIEW/DETERMINATION COMPLETED: **In the office Yes** **Date: 2/7/05___**
At the project site yes **Date: 12/20/04_**

PROJECT LOCATION INFORMATION:

State:	Washington
County:	Snohomish
Center coordinates of site by latitude & longitudinal coordinates:	48-08-01/122-04-34
Approximate size of site/property (including uplands & in acres):	22.54 linear miles or 249.93 acres
Name of waterway or watershed:	Pilchuck River

SITE CONDITIONS: 2 wetlands areas (MV –25 and MV- 26) in the existing pipeline right-of-way. MV 25 is wetland area dominated by reed canarygrass surrounded by uplands (less than 0.1 acres) with no surface water outlet (infiltrates). MV 26 (less than 0.25 acres) is wetland area dominated by reed canarygrass surrounded by uplands with no surface water outlet.

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) Ditched stream									

[1]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[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			

[1]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): These wetlands (MV-25 and MV-26) are a small closed wetlands within the existing pipeline right-of-way with no surface water outlets. These wetlands were most likely created during the pipeline installation in the 1950s.