

**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: 200400337

REGULATORY PROJECT MANAGER: Joseph L. Zaraszczak **Date:** 7/14/04

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y) **Date:** 20 Apr 2004
 At the project site (Y) **Date:** 06 Apr 2004

PROJECT LOCATION INFORMATION:
 State: Washington
 County: King
 Center coordinates of site by latitude & longitudinal coordinates: 47° 22' 19"N, 121° 52' 16"W
 Approximate size of site/property (including uplands & in acres): 9.92 acre
 Name of waterway or watershed: Cedar River

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)									

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 X 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): Observed wetlands and a dry creek bed running into a creek. Wetland area and dry creek bed run through approximately 9.92 acres of property. The actual acreage of non-jurisdictional area is approximated to be less than 1 acre. See attached topographic map. The creek bed of Reach A was dry with no apparent OHW mark. Reach B of the creek originates at a spring and did contain a high flow volume of water. Referencing the topographic maps for the area, Reach B should empty into Area C. This area was investigated via a backcountry road and then walking for a distance along the most likely path of the water and no evidence of water in the form of wetlands, creeks, etc. were encountered. Therefore, because the observed wetlands and creek do not drain into a water of the U.S., they are considered to be isolated. There is no connection to interstate commerce except for the possibility of use by migratory birds. The wetlands and creek are not waters of the U.S.