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: 200500219

REGULATORY PROJECT MANAGER: Robinson **Date: 3/15/05**
PROJECT REVIEW/DETERMINATION COMPLETED: In the office _Y_ (Y/N) Date: 3/14/05
At the project site __ (Y/N) Date: _____

PROJECT LOCATION INFORMATION:

State: Washington
County: Kittitas
Center coordinates of site by latitude & longitudinal coordinates: Lat: 47 03' 30" Long:120 32' 30"
Approximate size of site/property (including uplands & in acres): approx. 3 miles of wasteway ditch
Name of waterway or watershed: Yakima 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									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type) Wasteway lateral ditch	XX								

[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 __.**

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 waterbody (ditch) is a Kittitas Reclamation District (KRD) irrigation lateral channel.
Pathway: The KRD channel is a man-made channel. The water in the channel does not mix with water in the neighboring creeks. The KRD channels flows downslope to the southwest. The channel ends at an open field. Water from the channel infiltrates into the ground.

The applicant cannot access the open field at the end of the channel because the property is in private ownership. Therefore, the applicant is unable to obtain field information on the possible presence of wetlands in the field at the end of the channel. There is no evidence of hydric soils in field at the end of the ditch, as listed on the 1935 and 1945 NRCS soil surveys. The soils in the general area are identified as Naches clay loam and Fine sandy loam, both well drained-imperfectly drained soils found in the semi arid lowlands. Since the maps are only general, Ahtanum loam and

Naches fine sandy loam might also both be in the same area, both consist of sandy and mixed materials and are found in alluvial fans. Ahtanum loam sometimes has an impervious layer 20-22 inches below the surface.

Chuck Natsuhara, of NRCS, agrees that the neighboring unlined channels may be leaking and allowing water to reach the impervious layer. He also agreed that none of the soil types in that general region are considered hydric, most being sandy or loess, and well drained. Based on photographs and observations from the applicant, there is no evidence of surface hydrology.

Water from the KRD channel infiltrates in the field. There are no wetlands or tributary connection to the neighboring Cascade Canal (located approximately 400 feet to the south, downstream of the end of the channel. Because the KRD channel does not flow into a water of the U.S. the channel is isolated and lacking an interstate commerce connection, it is not a water of the U.S.