

**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: Walla Walla District

FILE NUMBER: NWW No. 041400040

REGULATORY PROJECT MANAGER: Jean L. Ramer **Date:** July 13, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** N **Date:** _____
At the project site (Y/N) Y **Date:** June 9, 2004

PROJECT LOCATION INFORMATION:

State: Idaho

County: Bonner

Center coordinates of site by latitude & longitudinal coordinates: Zone:11 North:5350769 East:534026

Approximate size of site/property (including uplands & in acres): 16.7 acres

Name of waterway or watershed: isolated wetlands near Sand 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		1.5 ac							
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 bald eagles		
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):

A total of 12 depressional wetlands are located entirely on the 16.7 acre parcel, varying in size from .02 acre to .93 acre. All have been impacted by past agricultural practices and logging. There is a clay hardpan layer under the topsoil, which perches the water near the surface. The ground surface throughout the property is very flat with a few depressions where stumps have been removed and mounds of woody debris and burned slash. Common wetland plants on the property include sedges, field horsetail, reed canary grass, alpine timothy and douglas spirea in the herbaceous layer and douglas hawthorn, redosier dogwood, willows and alder in the shrub layer. The tree layer includes quaking aspen, western red cedar, narrowleaf cottonwood, lance-leaf cottonwood, eastern cottonwood and balsam poplar. Wetland A, the largest wetland of the 12 at .93 acre, is dominated by reed canary grass and lance-leaf cottonwood.

The entire property was walked to determine if there were any tributaries or ditches that might connect the wetlands to Sand Creek, which is approximately 1000 feet to the west of the project area on the opposite (west) side of Highway 95 from the

property, or to any other waters downslope to the south. No surface connections were found. There have been disturbances over the years due to urbanization that have probably severed any connections to Sand Creek, if any ever existed. Aerial photos from 1951, 1988 and 1992 were visually assessed to determine if there was a historic connection between Sand Creek and the subject wetlands. The photos did not show any clear connection.

There is no open water in these wetlands, so there is no actual or potential boating use by the public. The wetlands are likely used as habitat for birds protected by Migratory Bird Treaties, other migratory birds that cross state lines, and habitat for bald eagles (a threatened or endangered species). The wetlands are not used in any type of interstate commerce and their use, degradation or destruction would have no effect on interstate commerce.

No other waters of the U.S. are present on the property.