

**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: 200600311

REGULATORY PROJECT MANAGER: Randel Perry **Date:** 3/29/06

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office** _Y_ (Y/N) **Date:** _____
At the project site _Y_ (Y/N) **Date:** 3/23/06

PROJECT LOCATION INFORMATION:
State: Washington
County: Whatcom
Center coordinates of site by latitude & longitudinal coordinates: Lat 48° 42' 33" Long.122° 29' 29.6"
Approximate size of site/property (including uplands & in acres): 80 acres
Name of waterway or watershed: Padden 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)									

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: The site is currently undeveloped and primarily vegetated with native forest. Surrounding vicinity has been moderately developed for residential use. The site is bounded on the west by residential development and undeveloped land, on the southwest side by Chuckanut Drive, on the northeast side by a residential development, and by undeveloped properties on the east and southeast sides. Wetlands in question are scattered across the property. The 80 acre site is irregular in shape, consists of three parcels and trends generally north to south. Previous land use on the site consisted of logging and gravel extraction activities. Total acreage of wetlands on site is 17.3 acres; Wetlands AA, AX, AY, and GG do not have a surface water connection to other navigable or interstate waters of the U. S or tributaries of waters of the U. S. These wetlands are not used for interstate commerce including recreational activities, commercial fishing activities, or used for industrial purposes. Wetlands CC, DD, EE, FF, HH, KK, and LL are adjacent to an unnamed tributary of Padden Creek. These wetlands are jurisdictional.