

**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: 200400894

REGULATORY PROJECT MANAGER: Randel Perry **Date:** 10/14/04

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office** _Y_ (Y/N) **Date:** 11/23/04
At the project site _Y_ (Y/N) **Date:** 9/30/04

PROJECT LOCATION INFORMATION:
State: Washington
County: Whatcom
Center coordinates of site by latitude & longitudinal coordinates: Lat 48° 47' 27.4" Long. 122° 27' 09.5"
Approximate size of site/property (including uplands & in acres): 10 acres
Name of waterway or watershed: Baker 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 10+ acre site is rectangular in shape and trends north-south. Southern half of site is currently occupied by residential dwellings. Northern portion is undeveloped and wooded. Surrounding vicinity has been moderately developed for commercial and residential use. Property slopes generally from the northeast to the southwest. Wetlands in question are primarily located at the central portion of the property with two small wetland areas in the northern half. Total acreage of wetlands on site is 0.10 of an acre; 0.09 of an acre will be filled by proposed development.

Onsite wetlands identified as "A", "B", and "D" appear to flow into existing stormwater facilities and/or ditches that flow into Baker Creek, a tributary of Squalicum Creek which flows into Bellingham Bay, a tidally influenced of the U. S. used for interstate and foreign commerce. Wetland designated "C" does not have a surface water connection to other navigable or interstate waters of the U. S or tributaries of waters of the U. S. Wetland C is not used for interstate commerce including recreational activities, commercial fishing activities, or used for industrial purposes.