

**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:** 200400980

**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:** 9/29/04

**PROJECT LOCATION INFORMATION:**  
**State:** Washington  
**County:** Whatcom  
**Center coordinates of site by latitude & longitudinal coordinates:** Lat 48° 48' 16.4" Long.122° 29' 02.9"  
**Approximate size of site/property (including uplands & in acres):** 9 acres  
**Name of waterway or watershed:** Spring Creek

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	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)									
_____									

<sup>1</sup>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 <sup>1</sup> :	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			

<sup>1</sup>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 X.

**ADDITIONAL INFORMATION SUPPORTING NJD:** Site is currently undeveloped lot with remnants (foundation and debris) of previously existing structures in south-central portion. Surrounding vicinity has been moderately developed for residential and commercial use. The 9-acre site is roughly rectangular in shape trending east-west with a pronounced, depressed swale across the central portion and eastern portion. A stormwater drainage ditch runs the length of the southern border between the property and Van Wyck Road. Site is immediately west of the Spring Creek corridor. Wetlands in question are scattered across the property. Total acreage of wetlands on site is 1.26 acres; 0.90 of an acre will be filled by proposed development.

Wetlands in question, designated "C", "D", "E", "F", and "J" 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. Wetlands are not used for interstate commerce including recreational activities, commercial fishing activities, or used for industrial purposes. These wetlands appear to have developed on the sites of past land disturbances (excavations, equipment ruts, etc.). No signs of a surface water conveyance carrying water out of the wetland were noted.

Wetlands designated "A", "B", "G", "H", and "I" appear to have a discrete surface water connection to other waters of the U. S. Information indicates that wetlands "A", "B", "G", "H", and "I" are adjacent to unnamed tributaries of Spring Creek which flows into Squilicum Creek and thence to Bellingham Bay, a tidal waterbody used for interstate and foreign commerce.