

**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: 200401390

REGULATORY PROJECT MANAGER: Randel Perry **Date:** 3/14/05

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office** _Y_ (Y/N) **Date:** 3/31/04
At the project site _Y_ (Y/N) **Date:** 2/24/05

PROJECT LOCATION INFORMATION:
State: Washington
County: Whatcom
Center coordinates of site by latitude & longitudinal coordinates: Lat 48° 50' 33.9" Long. 122° 33' 33.2"
Approximate size of site/property (including uplands & in acres): 32 acres
Name of waterway or watershed: Deer 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: Site is currently a semi-developed property with newly constructed houses and roads on north portion uplands. Surrounding vicinity has been moderately developed for agricultural and residential uses. The 32-acre site is roughly trapezoidal in shape trending north-south with the terrain sloping down both north and south from a ridge located on the central portion. Northern portion of the property has been previously manipulated (tilled, mowed, etc.) for historic agricultural use prior to conversion to residential use. A remnant of an agricultural drainage ditch runs along the western edge of the northern portion of the property. Central portion of site has been disturbed by clearing activities (vegetation removal and grading). Small wetlands are scattered across the northern portion with the two larger wetland areas occupying the central and southern portions of the site. Total acreage of wetlands on site is 13.35 acres; 0.31 of an acre will be filled by proposed development.

Wetlands C, X, and F 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 are considered isolated (per SWANCC ruling) and do not fall under Section 404

jurisdiction.

NOTE: Onsite wetlands A, B, and D appear to flow via discrete surface water connection (drainages channels to stormwater ditch system) into Deer Creek, which flows into Ten-Mile Creek, a tributary of the Nooksack River, a listed navigable water of the U. S. used for interstate and foreign commerce.