



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, SEATTLE DISTRICT
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

Regulatory Branch

February 24, 2021

Mr. Ryan Kilby
Williams Investments
2517 Colby Avenue
Everett, Washington 98201

Reference: NWS-2021-130
Williams Investments
(AJD Request)

Dear Mr. Kilby:

On February 18, 2021, we conducted a review of your Wetland Delineation, Groundwater Monitoring, and Fish and Wildlife Habitat Assessment Report for Williams Investments dated January 2021 for the property at Marysville, Washington in response to your request for verification of the jurisdictional limits of waters of the U.S. in the review area as shown on the enclosed drawings dated February 16, 2021. The U.S. Army Corps of Engineers has determined that Wetland F is a water of the U.S. This determination applies only to the review area. Other waters and wetlands that may occur on this property outside the review area are not the subject of this determination.


We have also determined that Hayho Creek, Ditch X, Ditch Z, the 51st Avenue West Ditch, the linear drainage feature adjacent to Wetland A, the southern drainage ditch, and Wetlands A – E are not waters of the U.S. because they are excluded non-waters of the U.S. per 33 CFR Part 328.3 (b). As such, work that would occur within these areas does not require Department of the Army authorization under Section 404 of the Clean Water Act. Other state and local regulations may still apply to these wetlands. For example, the Washington State Department of Ecology (Ecology) may regulate these wetlands. For information on how to obtain State approval for your project, you should contact Ecology's Federal Permit Coordinator at ecyrefedpermits@ecy.wa.gov or at (360) 407-6068. Information regarding State permitting requirements can also be found at the following website: <https://ecology.wa.gov/Water-Shorelines/Wetlands/Regulations>. We are sending a copy of this letter to Ecology and to the Environmental Protection Agency's Aquatic Resources Unit.

This approved jurisdictional determination is valid for a period of five years from the date of this letter unless new information warrants revisions of the determination. A copy of this jurisdictional determination, dated February 24, 2021 is enclosed and can be found on our website at www.nws.usace.army.mil select "Regulatory Branch, Permit Information" and then

“Jurisdictional Determinations”. If you object to this determination, you may request an administrative appeal under our regulations (33 Code of Federal Regulations, Part 331) as described in the enclosed *Notification of Administrative Appeal Options and Process and Request for Appeal* form.

A copy of this letter with drawings will be furnished to Mr. Jon Pickett at jon@soundviewconsultants.com. If you propose to do any work in the areas identified to be waters of the U.S., you should contact our office prior to commencing work to determine permit requirements. Please note that conducting certain activities in waters of the U.S. without Department of the Army authorization would violate Federal law. If you have any questions, please contact Ms. Amanda Nadjkovic at amanda.n.nadjkovic@usace.army.mil or at (206) 316-3156.

Sincerely,

A handwritten signature in cursive script that reads "Kristina G. Tong".

Kristina G. Tong, Section Chief
Regulatory Branch

Enclosures