



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

Regulatory Branch

July 13, 2021

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

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

Dear Mr. Kilby:

Based on an availability of new information, the U.S. Army Corps of Engineers (Corps) has re-evaluated your request for verification of the jurisdictional limits of Wetland F, located at Marysville, Washington in the review area as shown on the enclosed drawings dated February 16, 2021. The Corps has determined that Wetland F is not a water of the U.S. because it is an excluded non-water of the U.S. per 33 CFR Part 328.3 (b). As such, work that would occur within this area does not require Department of the Army authorization under Section 404 of the Clean Water Act. This determination supersedes the previous determination by this office dated February 24, 2021. All other determinations contained in the original approved jurisdictional determination, dated February 24, 2021, remain unchanged.

Other state and local regulations may still apply to this wetland. For example, the Washington State Department of Ecology (Ecology) may regulate this wetland. 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 June 16, 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 black ink that reads "Amanda Nadjkovic". The signature is written in a cursive style with a large initial 'A'.

Amanda Nadjkovic, Project Manager
Regulatory Branch

Enclosures

cc:

Washington State Department of Ecology (ecyrefedpermits@ecy.wa.gov)
EPA, Region 10 (R10_Wetlands_and_Oceans@epa.gov)