



REPLY TO
ATTENTION OF

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

MAR 07 2014

Regulatory Branch

Mr. Jeff Sawyer
Washington State Dept of Transportation
Olympic Region Environmental
Post Office Box 47440
Olympia, Washington 98504-7440

Reference: NWS-2013-489-DOT
WA St Dept of Transportation
(SR 3 at Belfair)

Dear Mr. Sawyer:

We have reviewed your application to place fill and excavate in wetlands, a jurisdictional ditch, an unnamed tributary to Mindy Creek, Mindy Creek and Belfair Creek for work associated with widening and safety improvements on State Route 3, and constructing a new channel for the unnamed tributary to Mindy Creek. Work will occur at the City of Belfair, in Mason County, Washington. Based on the information you provided to us, Nationwide Permit (NWP) 14, Linear Transportation Projects (Federal Register, February 21, 2012, Vol. 77, No. 34), authorizes your proposal as depicted on the enclosed drawings dated February 26, 2014.

In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the enclosed *Nationwide Permit 14, Terms and Conditions* and the following special conditions:

a. In order to meet the requirements of the Endangered Species Act (ESA) *Programmatic Biological Opinion for Washington State Department of Transportation, Preservation, Improvement, and Maintenance Activities* (National Marine Fisheries Service Reference No. 2010/00293), you must comply with the conditions and minimization measures included in the *WSDOT NMFS Project Notification Form* dated April 17, 2013, and the electronic approval from National Marine Fisheries Service (NMFS) dated April 25, 2013. The NMFS is the appropriate authority to determine compliance with ESA.

b. In order to protect the listed threatened and endangered species in the project area, the permittee may conduct the authorized activities in the work window as agreed to and documented in writing through consultation by National Marine Fisheries Service (NMFS) in any year this permit is valid. If changes to the originally authorized work window are proposed,

If more than 180 days pass from when you provide Ecology a copy of this letter and request your individual WQC and CZM consistency determination concurrence review, your requirement to obtain an individual WQC and CZM consistency determination response becomes waived. You may then proceed to construction.

We have prepared and enclosed a *Preliminary Jurisdictional Determination (JD)* dated January 13, 2014, which is a written indication that wetlands and waterways within your project area may be waters of the United States. Such waters will be treated as jurisdictional waters of the U.S. for purposes of computation of impact area and compensatory mitigation requirements associated with your permit application. If you believe the Preliminary JD is inaccurate, you may request an Approved JD, which is an official determination regarding the presence or absence of waters of the United States. If one is requested, please be aware that we may require the submittal of additional information to complete an approved JD and work authorized in this letter may not occur until the approved JD has been finalized.

Our verification of this NWP authorization is valid until March 18, 2017 unless the NWP is modified, reissued, or revoked prior to that date. If the authorized work has not been completed by that date and you have commenced or are under contract to commence this activity before March 18, 2017, you will have until March 18, 2018, to complete the activity under the enclosed terms and conditions of this NWP. Failure to comply with all terms and conditions of this NWP verification invalidates this authorization and could result in a violation of Section 404 of the Clean Water Act. You must also obtain all State and local permits that apply to this project.

Upon completing the authorized work, you must fill out and return the enclosed *Certificate of Compliance with Department of the Army Permit* form. Thank you for your cooperation during the permit process. We are interested in your experience with our Regulatory Program and encourage you to complete a customer service survey form. This form and information about our program is available on our website.

If you have any questions, please contact the Project Manager, Ms. Sandra Manning, at (206) 764-6911 or via email at sandra.l.manning@usace.army.mil.

Sincerely,



Alisa A. Ralph, Chief
Special Programs Section

Enclosures