



REPLY TO  
ATTENTION OF

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

Regulatory Branch

APR 17 2009

City of Sedro Woolley  
ATTN: Mark Freiberger  
325 Metcalf Street  
Sedro-Woolley, Washington 98284

Reference: NWS-2009-247  
City of Sedro Woolley

Dear Mr. Freiberger:

We have reviewed your application to make improvements to Fruitdale Road and McGarigle Road in 0.18 acre of two wetlands associated with Brickyard Creek at the City of Sedro Woolley, Washington. Based on the information you provided to us, Nationwide Permit 14, Linear Transportation Projects (Federal Register, March 12, 2007 Vol. 72, No. 47), authorizes your proposal as depicted on the enclosed drawings dated April 15, 2009. 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. The wetland area created as compensatory mitigation for work authorized by this permit shall not be made the subject of a future individual or general Department of the Army permit application for fill or other development, except for the purposes of enhancing or restoring the mitigation associated with this project. In addition, a description of the mitigation area identified in the final mitigation plan as approved, and any subsequent permit mitigation area revisions, will be recorded with the Registrar of Deeds or other appropriate official charged with maintaining records to or interest in real property. Proof of recording must be provided to the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch no later than 60 days from the date of permit issuance.
- b. A status report on the mitigation construction, including as-built drawings, must be submitted to the Corps, Seattle District, Regulatory Branch, no later than 13 months from the date of permit issuance. Annual status reports on mitigation construction are required until mitigation construction is complete.

c. The permittee shall implement and abide by the mitigation plan entitled *Draft Wetland Mitigation Plan Fruitdale-McGarigle Arterial Improvements Project* dated March 22, 2009. Mitigation monitoring reports will be due annually for years 1, 2, 3, 5, 7, and 10 from the due date of the as-built drawings of the mitigation site. All reports must be submitted to the Corps, Seattle District, Regulatory Branch and must prominently display the reference number NWS-2009-247.

d. Your responsibility to complete the required compensatory mitigation as set forth in Special Conditions "d" will not be considered fulfilled until you have demonstrated mitigation success and have received written verification from the U.S. Army Corps of Engineers.

The authorized work complies with the Washington State Department of Ecology's (Ecology) Water Quality Certification and the Coastal Zone Management Act requirements for this NWP. No further coordination with Ecology is required.

For this project, the Federal Highway Administration is the Federal lead agency responsible for compliance with Section 7 of the Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act, and Section 106 of the National Historic Preservation Act. For the purpose of this Department of the Army authorization, the Corps has determined that this project will comply with the requirements of the above laws.

We have prepared and enclosed a *Preliminary Jurisdictional Determination (JD)*, 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 U.S. 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 for 2 years from the date of this letter unless the NWP is modified, reissued, or revoked prior to that date. If the authorized work has not been completed by that date, please contact us to discuss the status of your authorization. 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. Also, you must 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.

A copy of this letter without enclosure will be furnished to Mr. Ross Widener, Widener and Associates, 10108 32nd Avenue West, Suite D, Everett, Washington 98284. If you have any questions about this letter, please contact me at (206) 764-6907 or via email at [jack.kennedy@usace.army.mil](mailto:jack.kennedy@usace.army.mil).

Sincerely,

  
Jack Kennedy, Project Manager  
Regulatory Branch

Enclosures