



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

Regulatory Branch

August 28, 2020

Ms. Patti Johnson
Kittitas County Solid Waste
925 South Industrial Way
Ellensburg, Washington 98926

Reference: NWS-2020-587
Kittitas County Solid Waste
(Kittitas County Transfer
Station Relocation Project)

Dear Ms. Johnson:

We have reviewed your application to construct 3,830 linear feet of new water conveyances to replace 3,031 linear feet of existing agricultural ditches to support a new waste transfer station. Enhancement plantings are planned adjacent to the new east perimeter replacement ditch and within the 12,836 square feet of new buffer added between the south perimeter ditch and avoided wetland areas in Ellensburg, Kittitas County, Washington. Based on the information you provided to us, Nationwide Permit (NWP) 39, Commercial and Institutional Developments (Federal Register January 6, 2017, Vol. 82, No. 4), authorizes your proposal as depicted on the enclosed drawings dated July 22, 2020.

In order for this authorization to be valid, you must ensure the work is performed in accordance with the enclosed *NWP 39, Terms and Conditions* and the following special conditions:

- a. You must implement and abide by the planting plan as shown on the project drawing sheets 5 through 7 dated August 28, 2020. The plants shall be installed before or concurrent with the work authorized by this permit or following project construction during the next seasonal planting window. A report, as-built drawing and photographs demonstrating the trees/plants have been installed or a report on the status of project construction must be submitted to the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch, within 12 months from the date of permit issuance. You can meet this reporting requirement by completing and submitting the enclosed *Report for Mitigation Work Completion* form.

We have reviewed your project pursuant to the requirements of the Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act and the National Historic

Preservation Act. We have determined this project complies with the requirements of these laws provided you comply with all of the permit general and special conditions.

We are unable to determine whether or not your project requires individual Water Quality Certification (WQC) determination response from the Washington State Department of Ecology (Ecology). Before you may proceed with the work authorized by this NWP, you must contact Ecology regarding this requirement at: Washington Department of Ecology, Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington 98504-7660; telephone: (360) 407-6076; or email: ecyrefedpermits@ecy.wa.gov.

If more than 180 days pass from when you provide Ecology a copy of this letter and request your individual WQC review and you have not heard from Ecology, your requirement to obtain an individual WQC becomes waived. You may then proceed to construction.

You have not requested a jurisdictional determination for this proposed project. If you believe the Corps does not have jurisdiction over all or portions of your project you may request a preliminary or approved jurisdictional determination (JD). If one is requested, please be aware that we may require the submittal of additional information to complete the JD and work authorized in this letter may not occur until the JD has been completed.

Our verification of this NWP authorization is valid until March 18, 2022, 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, 2022, you will have until March 18, 2023, 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 and/or Section 10 of the Rivers and Harbors Act. You must also obtain all local, State, and other Federal permits that apply to this project.

You are cautioned that any change in project location or plans will require that you submit a copy of the revised plans to this office and obtain our approval before you begin work. Deviating from the approved plans could result in the assessment of criminal or civil penalties.

Upon completing the authorized work, you must fill out and return the enclosed *Certificate of Compliance with Department of the Army Permit*. Thank you for your cooperation during the permitting process. We are interested in your experience with our Regulatory Program and encourage you to complete a customer service survey. These documents and information about our program are available on our website at www.nws.usace.army.mil, select "Regulatory

Branch, Permit Information” and then “Contact Us.” If you have any questions, please contact me at david.j.moore@usace.army.mil or (206) 316-3166.

Sincerely,

A handwritten signature in black ink that reads "David Moore". The signature is written in a cursive style with a large, sweeping initial "D" and a long, horizontal flourish at the end.

David Moore, Project Manager
Regulatory Branch

Enclosures

cc: letter only via email to Washington Department of Ecology, Federal Permit Coordinator at: ecyrefedpermits@ecy.wa.gov