

From: Gresham, Doug (ECY) <DGRE461@ECY.WA.GOV>
Sent: Thursday, April 28, 2022 9:34 AM
To: Niels Tygesen <NTygesen@everettwa.gov>
Subject: [EXTERNAL] Harbor's Edge (REVII22-001)

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Niels,

I just reviewed a SEPA determination for the Harbor's Edge project and realized it is too late to submit comments. However, I would like to remind the applicant they have to obtain a permit from Ecology. Can you pass on this comment to them?

The Category IV wetland delineated on this property would be a water of the state subject to the applicable requirements of state law (see RCW 90.48 and WAC 173.201A) and Section 401 of the Clean Water Act (33 USC §1341) and 40 CFR Section 121.2. Because direct wetland impacts are proposed, the applicant shall obtain all necessary state and federal authorizations prior to beginning any ground-disturbing activities or vegetation removal. To obtain state and federal authorization, you should provide:

- A jurisdictional determination from the U.S. Army Corps of Engineers stating which delineated wetlands on the property are under federal jurisdiction.
- A JARPA form for impacts to jurisdictional wetlands submitted to Ecology at ecyrefedpermits@ecy.wa.gov.
- For any non-federally regulated wetlands that the U.S. Army Corps of Engineers does not take jurisdiction for, submit a JARPA to Ecology at ecyrefedpermits@ecy.wa.gov so we can issue an Administrative Order.
- A mitigation plan for unavoidable wetland impacts following the standards in Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Ecology Publication # 21-06-003).

Thanks,

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