



REPLY TO
ATTENTION OF

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

JUL 12 2016

JUL 5 2016

Regulatory Branch

Mr. Bob Duffner
Port of Seattle
P.O. Box 68727
Seattle, Washington 98168

Reference: NWS-2016-0314-WRD
Seattle, Port of
(Lora Lake Remedial
Action & Wetland
restoration)

Dear Mr. Duffner:

We have reviewed your application to remove contaminated sediment, place up to 40,000 cubic yards of sand to cap any remaining contaminated sediment, install a temporary access road, restore up to 3.11 acres of wetland, and remove existing berms, in Lake Lora and associated wetlands near SeaTac, King County, Washington. The purpose of this work is to restore floodplain functions between Miller Creek and Lake Lora. Based on the information you provided to us, Nationwide Permit (NWP) 27, *Aquatic Habitat Restoration, Establishment, and Enhancement Activities*; NWP 33, *Temporary construction, Access, and Dewatering*; and NWP 38, *Cleanup of Hazardous and Toxic Waste* (Federal Register February 21, 2012, Vol. 77, No. 34), authorizes your proposal as depicted on the enclosed drawings dated April 22, 2016 provided you implement the mitigation plan dated March 2016.

In order for this authorization to be valid, you must ensure the work is performed in accordance with the enclosed *NWP 27, 33, & 38, Terms and Conditions*.

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) and/or a Coastal Zone Management (CZM) consistency 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 these requirements

at: Washington Department of Ecology, Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington 98504-7660; telephone: (360) 407-6068; 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 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 March 29, 2016, which is a written indication that wetlands and waterways within your project area may be waters of the U.S. 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 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 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* form. 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 form. This form and information about our program is available on our website at www.nws.usace.army.mil select "Regulatory Branch, Permit Information" and then "Contact Us." A copy of this letter, with enclosures, will be furnished to Mr. Jessi Massingale, Floyd Snider, 601 Union Street, Suite 600, Seattle, Washington 98101.

If you have any questions, please contact Ms. Olivia Romano at (206) 764-6960 or at olivia.h.romano@usace.army.mil.

Sincerely,


for
Jacalen Printz, Section Chief
Regulatory Branch

Enclosures