



REPLY TO
ATTENTION OF

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

August 24, 2017

Regulatory Branch

Sudden Valley Community Association
Mr. Mitch Waterman
4 Clubhouse Circle
Bellingham, Washington 98229

Reference: NWS-2017-560
Sudden Valley
Community Association

Dear Mr. Waterman:

On July 11, 2017, we inspected the property known as "Area Z" of the Sudden Valley Community, near Bellingham, Whatcom County, Washington in response to your request for a determination of the jurisdictional limits of waters of the U.S. in the review area.

The preamble to our 1986 regulations defining Waters of the United States (Section 328.3) describes several types of waterbodies that are generally not considered waters of the U.S. One of the waterbodies is "*Water filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States.*" We have determined that the features labeled Wetland J, L, M, N, and P formed on fill placed in uplands consisting of contaminated sediments that were required to be sequestered and treated per the requirements of the WA State Department of Ecology. In addition, a review of historic information shows activity at the site as recently as May of 2015. The site has continued to be used for informal disposal of soils and storage of Sudden Valley Golf Course related materials. Thus it does not appear that the original use of the area has been abandoned.

The U.S. Army Corps of Engineers has determined that the areas labeled Wetland J, L, M, N, and P as shown on the enclosed figure dated March 2017 are not waters of the United States. As such, work that would occur within these areas does not require Department of the Army authorization under Section 404 of the Clean Water Act.

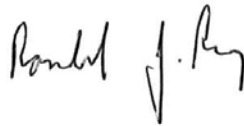
Please note, this determination applies only to the areas identified above. Other waters and wetlands that may occur on this property outside the review area are not the subject of this determination.

Other state and local regulations may still apply to these wetlands. For example, the Washington State Department of Ecology (Ecology) may regulate these wetlands. The enclosed Ecology *Focus* sheet explains how Ecology regulates this type of wetlands. You should contact Ecology's Federal Permit Coordinator at (360) 407-6068 or ecyrefedpermits@ecy.wa.gov for more information on how to obtain State approval for your project. We are sending a copy of this letter to Ecology and to the Environmental Protection Agency's Aquatic Resources Unit.

This approved jurisdictional determination is valid for a period of five years from the date of this letter unless new information warrants revisions of the determination. A copy of this jurisdictional determination, dated August 24, 2017 can be found on our website at www.nws.usace.army.mil select "Regulatory Branch, Permit Information" and then "Jurisdictional Determinations". If you object to this determination, you may request an administrative appeal under our regulations (33 Code of Federal Regulations, Part 331) as described in the enclosed *Appeal Process Fact Sheet* and the *Notification of Administrative Appeal Options and Process and Request for Appeal* form.

A copy of this letter with drawings will be furnished to Ms. Michele Bodtke of Northwest Ecological Services at 2801 Meridian Street, Suite 202, Bellingham, Washington 98225. If you have any questions, please contact me at randel.j.perry@usace.army.mil or at (360) 734-3156.

Sincerely,

A handwritten signature in black ink, appearing to read "Randel J. Perry". The signature is written in a cursive style with a vertical line through the middle of the last name.

Randel Perry,
Regulatory Branch

Enclosures