



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SEATTLE DISTRICT
4735 EAST MARGINAL WAY SOUTH, BLDG 1202
SEATTLE, WA 98134-2388

Regulatory Branch

March 12, 2025

Mr. Colin Tierney
Mason Conservation District
450 West Business Park Road
Shelton, Washington 98584

Reference: NWS-2023-691
Mason Conservation
District (Skokomish RM
6.5 Restoration)

Dear Mr. Tierney:

We have reviewed your application to permanently discharge up to 4,563 cubic yards of wood and conserved streambed materials across 5,462 square feet to construct 15 engineered log jams (ELJs) below the ordinary high water mark (OHWM) within the Skokomish River and 13 ELJs below the OHWM within floodplain side channels of the Skokomish River; to permanently discharge the same material within up to 871 square feet of Wetland B/D to construct a "bank jam" and within 960 square feet of Wetland J to construct two "side channel jams"; and to permanently discharge fill material within up to 675 square feet of Wetland I/K to reconstruct a recreational parking area near Shelton, Mason County, Washington. Additionally, your application proposes to temporarily discharge up to 709 cubic yards of gravel across up to 8,502 square feet to isolate work areas below the OHWM of the Skokomish River. Based on the information you provided to us, Nationwide Permit (NWP) 42, *Recreational Facilities* (Federal Register January 13, 2021, Vol. 86, No. 8) and NWP 27, *Aquatic Habitat Restoration, Enhancement, and Establishment Activities* (Federal Register December 27, 2021, Vol. 86, No. 245) authorize your proposal, as depicted on the enclosed amended drawings dated October 1, 2024.

In order for this authorization to be valid, you must ensure work conducted within the boundary of Wetland I/K to reconstruct a recreational parking area is performed in accordance with the applicable *Nationwide Permit 42 Terms and Conditions*, enclosed. In order for this authorization to be valid, you must ensure work conducted within the boundary of Wetland I/K to reconstruct a recreational parking area is performed in accordance with the applicable *Nationwide Permit 27 Terms and Conditions*, enclosed. Additionally, all work must be performed in accordance with the following special conditions:

a. In order to meet the requirements of the Endangered Species Act you may conduct the authorized in-water activities (e.g., pile driving) during the period from July 1 through September 30 in any year this permit is valid. You shall not conduct any in-water work authorized by this permit during the period from October 1 through June 30 in any year this permit is valid.

b. In order to meet the requirements of the Endangered Species Act, you may conduct the authorized work above the plane of ordinary high water and in the dry (e.g. deck repair) during the period from October 1 through June 30, provided equipment and materials are prevented from entering the water.

c. In order to meet the requirements of the Endangered Species Act (ESA) 2008 Fish Passage and Restoration Programmatic Consultation (U.S. Fish and Wildlife Service (USFWS) Reference Number 1341-2008-FWS-#F-0209), you must comply with the conditions included in the enclosed *Abbreviated Biological Evaluation (Specific Project Information Form)*, dated October 14, 2024, and the enclosed electronic approval from USFWS, dated January 6, 2025 (USFWS Reference Number 2025-0010572). If you cannot comply with the terms and conditions of this programmatic consultation, you must, prior to commencing construction, contact the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch for an individual consultation in accordance with the requirements of the ESA.

d. In order to meet the requirements of the Endangered Species Act (ESA) and Magnuson-Stevens Fishery Conservation and Management Act (MSA) programmatic consultation *Fish Passage and Restoration Actions in Washington State (FPRP III)* (National Marine Fisheries Service (NMFS) Reference Number WCRO-2014-00004), you must implement and abide by the ESA requirements and/or agreements set forth in the Biological Opinion (BO) dated June 21, 2017, and the *Project Information Form*, dated October 1, 2024 in the enclosed document *Appendix A: FPRP III Guidelines and Implementation Forms* (NMFS Reference Number WCRO-2014-0004-7909). The BO is available on the U.S. Army Corps of Engineers (Corps) website (Permit Guidebook, Endangered Species, Programmatic Consultations, Fish Passage and Restoration Programmatic Consultations). Within 45 days of completing the permitted work in waters of the U.S., you must provide the Corps the information requested in the *FPRP Action Completion Reporting Form* in the enclosed document *Appendix A: FPRP III Guidelines and Implementation Forms*. If fish salvage occurs as part of your project, you must also provide the Corps the information requested in the *FPRP Fish Salvage Reporting Form* in the enclosed document *Appendix A: FPRP III Guidelines and Implementation Forms*, within 45 days of completing the permitted work in waters of the U.S. All information must prominently display the reference number NWS-2023-

691. Failure to comply with these requirements constitutes non-compliance with the ESA and your Corps permit. The NMFS is the appropriate authority to determine compliance with the terms and conditions of their BO and with the ESA. If you cannot comply with the terms and conditions of this programmatic consultation, you must, prior to commencing construction, contact the Corps, Seattle District, Regulatory Branch for an individual consultation in accordance with the requirements of the ESA and/or the MSA.

e. You shall implement and abide by the enclosed Monitoring and Adaptive Management Plan, *Skokomish River Mile 6.5 Habitat Restoration Monitoring and Adaptive Management Plan*, dated November 2024. To ensure the project results in a net increase in aquatic resource functions and services, an as-built report and drawings shall be submitted within six months of project completion. This report should state if any adaptive management is required to ensure a net increase in aquatic resource functions; if this work would require additional impacts to waters of the U.S., you must wait for approval by the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch, before commencing that work. The as-built report must prominently display the reference number NWS-2023-691.

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.

Please be reminded that Special Condition “d.” of your permit requires that you implement and abide by the Endangered Species Act (ESA) requirements set forth in the programmatic Biological Opinion (BO) for this project. In particular, within 45 days of project completion, you must provide the Action Completion Reporting Form and Fish Salvage Reporting Form, as described in the BO.

Please note that National General Condition 21, *Discovery of Previously Unknown Remains and Artifacts*, found in the *Nationwide Permit Terms and Conditions* enclosures, details procedures that must be followed should an inadvertent discovery occur. You must ensure that you comply with this condition during the construction of your project.

A conditioned Water Quality Certification (WQC) (Order Number: 23475, dated February 13, 2025) and Coastal Zone Management (CZM) consistency determination decision dated February 18, 2025, have been issued by the Washington State Department of Ecology for your project and are enclosed. You must comply with the

conditions specified in the WQC and CZM decision for these NWP authorizations to be valid.

You have not requested a jurisdictional determination for this proposed project. If you believe the U.S. Army Corps of Engineers 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 14, 2026, unless the NWP is modified, reissued, or revoked prior to that date. If the authorized work for the NWP authorization has not been completed by that date and you have commenced or are under contract to commence this activity before March 14, 2026, you will have until March 14, 2027, to complete the activity under the enclosed terms and conditions of these NWPs. 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.

Upon completing the authorized work, you must fill out and return the enclosed *Certificate of Compliance with Department of the Army Permit*. All compliance reports should be submitted to the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch electronically at nws.compliance@usace.army.mil. 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. Referenced documents and information about our program are available on our website at www.nws.usace.army.mil, select "Regulatory Permit Information". If you have any questions, please contact me at joshua.r.taylor@usace.army.mil or (360) 318-3724.

Sincerely,

A handwritten signature in cursive script that reads "Sandra Manning".

Sandra Manning, Team Lead
Regulatory Branch

Enclosures