



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

May 28, 2024

Ash Development
Mr. Greg Helle
1001 Shaw Road
Puyallup, Washington 98371

Reference: NWS-2023-660
Ash Development
(East Town MUD)

Dear Mr. Helle:

We have reviewed your application to place fill in 0.09 of an acre of streams to construct a parking lot and improve sidewalks and road gutters for residential development in two unnamed streams at Puyallup, Pierce County, Washington. Based on the information you provided to us, Nationwide Permit (NWP) 29, *Residential Developments* (Federal Register January 13, 2021, Vol. 86, No. 8), authorizes your proposal as depicted on the enclosed drawings dated December 20, 2023.

In order for this authorization to be valid, you must ensure the work is performed in accordance with the enclosed *NWP 29, Terms and Conditions* and the following special conditions:

- a. The permittee must install and maintain sediment and erosion controls during construction at the site until all disturbed soils have been revegetated or otherwise stabilized.
- b. You shall implement and abide by the Monitoring and Inadvertent Discovery Plan for Development within Corps Jurisdiction at 2902 E Pioneer, Puyallup Washington *dated* May 23, 2024.
- c. You shall prepare and submit a summary report of the findings of the archaeological monitoring (positive or negative) to the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch within 60 days after monitoring has been completed. The report must prominently display the reference number NWS-2023-660.
- d. If human remains, historic resources, or archaeological resources are encountered during construction, all ground disturbing activities shall cease in the

immediate area and you shall immediately (within one business day of discovery) notify the U.S. Army Corps of Engineers (Corps), Seattle District, Regulatory Branch. You shall perform any work required by the Corps in accordance with Section 106 of the National Historic Preservation Act and Corps regulations.

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 note that National General Condition 21, *Discovery of Previously Unknown Remains and Artifacts*, found in the *Nationwide Permit Terms and Conditions* enclosure, 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.

As part of our permit application review process, we notified Native American tribes that have an interest in this area. The Puyallup Tribe requested their archeology staff be present to observe construction. Please contact Mr. Mike Shong of the Tribe's Historic Preservation Department at (253) 339-1967 or email at Mike.Shong@puyalluptribe-nsn.gov prior to commencing construction to discuss Tribal observation of construction activities.

The authorized work complies with the Washington State Department of Ecology's (Ecology) Water Quality Certification (WQC) requirements and Coastal Zone Management (CZM) consistency determination decision for this NWP. No further coordination with Ecology for WQC and CZM is required.

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 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. Civil administrative penalties are described in the enclosure *Clean Water Act Class I Administrative Penalties*.

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". A copy of this letter with enclosures will be furnished to Mr. Alex Murphy – amurphy@soundviewconsultants.com. If you have any questions, please contact me at Lydia.baldwin@usace.army.mil or (360) 399-8034.

Sincerely,

A handwritten signature in cursive script that reads "Lydia Baldwin". The signature is written in black ink on a white background.

Lydia Baldwin, Project Manager
Regulatory Branch

Enclosures

cc:
[Ecology \(ecyrefedpermits@ecy.wa.gov\)](mailto:ecyrefedpermits@ecy.wa.gov)