



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

Regulatory Branch

June 6, 2019

Ms. Logan Daniels  
Snohomish County Department of Parks and Recreation  
6705 Puget Park Drive  
Snohomish, Washington 98296

Reference: NWS-2018-260-WRD  
Snohomish County Parks &  
Recreation  
(Meadowdale Beach Park  
& Estuary Restoration)

Dear Ms. Daniels:

We have reviewed your application to excavate and place fill for ecological restoration, excavate and backfill to remove an existing culvert for the installation of a new full span bridge to improve public safety, and to install temporary work pads to facilitate construction of park improvements in Lund's Gulch Creek and adjacent wetlands, and within Puget Sound near Edmonds, Snohomish County, Washington. Based on the information you provided to us, Nationwide Permit (NWP) 27, *Aquatic Habitat Restoration, Establishment, and Enhancement Activities* (Federal Register January 6, 2017, Vol. 82, No. 4) authorizes your proposed restoration work, NWP 14, *Linear Transportation Projects* authorizes your proposed culvert removal and bridge installation, and NWP 42, *Recreational Facilities* authorizes your proposed work pads as depicted on the enclosed drawings dated March, 2018.

In order for this authorization to be valid, you must ensure the work is performed in accordance with the enclosed *NWP 27, Terms and Conditions*, the enclosed *NWP 14, Terms and Conditions*, the enclosed *NWP 42, Terms and Conditions*, and the following special conditions:

a. In order to meet the requirements of the Endangered Species Act and protect Puget Sound Chinook, Puget Sound steelhead, and Coastal-Puget Sound bull trout, the authorized in-water activities may be conducted from July 1 through September 30 in any year this permit is valid. The in-water activities authorized by this permit may not be conducted from October 1 through June 30 in any year.

b. 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 WCR-2014-1857), 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 February 2, 2019 in the enclosed document *Appendix A: FPRP III Guidelines and Implementation Forms*. 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-2018-260. 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.

c. Incidents where any individuals of fish species, marine mammals and/or sea turtles listed by National Oceanic and Atmospheric Administration Fisheries (NOAA Fisheries) under the Endangered Species Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the U.S. or structures or work in navigable waters of the U.S. authorized by this Nationwide Permit verification shall be reported to NOAA Fisheries, Office of Protected Resources at (301) 713-1401 and the Regulatory Office of the Seattle District of the U.S. Army Corps of Engineers at (206) 764-3495. The finder should leave the animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible, take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed by discharge exposure or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.

d. 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 *Biological Assessment*, dated March 2018, and the enclosed electronic approval from

USFWS dated February 28, 2019. 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.

e. You shall implement and abide by the *Archaeological Monitoring Plan and Unanticipated Discovery Protocol: Meadowdale Beach Park and Estuary Restoration Design Project, Edmonds, Snohomish County, Washington* dated February, 2019. A professional archaeologist shall be on-site to monitor for the presence of archaeological resources for the monitoring areas identified in the plan.

f. 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-2018-260-WRD.

g. 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 be reminded that Special Condition “b” 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 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* 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.

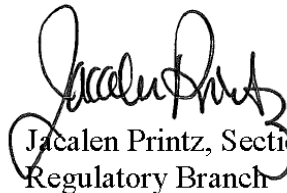
The authorized work complies with the Washington State Department of Ecology’s (Ecology) Water Quality Certification (WQC) requirements and Coastal Zone Management (CZM) consistency determination response for this NWP. No further coordination with Ecology for WQC and CZM is required.

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 18, 2022, 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, 2022, you will have until March 18, 2023, 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.

Upon completing the authorized work, you must fill out and return the enclosed *Certificate of Compliance with Department of the Army Permit*. 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. These documents and information about our program are available on our website at [www.nws.usace.army.mil](http://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 Ms. Ann Costanza, of Anchor QEA, LLC, at 720 Olive Way, Suite 1900, Seattle, Washington 98101. If you have any questions, please contact Mr. Andrew Shuckhart at [andrew.j.shuckhart@usace.army.mil](mailto:andrew.j.shuckhart@usace.army.mil) or (206) 316-3822.

Sincerely,

  
Jacalen Printz, Section Chief  
Regulatory Branch

Enclosures