



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

Regulatory Branch

April 2, 2019

Mr. Jim Hodges
City of Camas
616 Northeast 4th Avenue
Camas, Washington 98607

Reference: NWS-2018-907
Camas, City of
(Lacamas Creek Pump
Station Improvements)

Dear Mr. Hodges:

We have reviewed your application to discharge fill in up to 0.07 acre of Lacamas Creek and 0.05 acre of adjacent wetlands to decommission and remove a sewer pump station and associated utility piping at Camas, Washington. Based on the information you provided to us, Nationwide Permit (NWP) 12, *Utility Line Activities* (Federal Register January 6, 2017, Vol. 82, No. 4), authorizes your proposal as depicted on the enclosed drawings dated November 1, 2018.

In order for this authorization to be valid, you must ensure the work is performed in accordance with the enclosed *NWP 12, Terms and Conditions* and the following special conditions:

a. 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 December 3, 2018, 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-2018-907. 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.

b. 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 Evaluation for Informal ESA Consultation for: NWS-2018-907*, dated November 1, 2018. 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.

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. You shall implement and abide by the monitoring plan in Appendix D to the report titled *Cultural Resources Survey of the Lacamas Creek Sewer Pump Station Project Area, City of Camas, Clark County, Washington*, dated February 1, 2019. A professional archaeologist shall be on-site to monitor for the presence of archaeological resources for the monitoring areas identified in the plan.

e. 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-2018-907.

f. 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 “a” 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.

We are unable to determine whether or not your project requires individual Water Quality Certification (WQC) 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) 407-6076; 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 review and you have not heard from Ecology, your requirement to obtain an individual WQC becomes waived. You may then proceed to construction.

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. 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*. 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, select "Regulatory Branch, Permit Information" and then "Contact Us." A copy of this letter with enclosures will be furnished to Ms. Sarah Fitzpatrick at sarah@eco-land.com. If you have any questions, please contact me at evan.g.carnes@usace.army.mil or (206) 316-3049.

Sincerely,

A handwritten signature in black ink, reading "Evan G. Carnes". The signature is fluid and cursive, with the first name "Evan" and last name "Carnes" clearly legible.

Evan G. Carnes, Project Manager
Regulatory Branch

Enclosures

cc:
Washington Department of Ecology