



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

January 5, 2024



Reference: NWS 2021-234
Mount Vernon Battery
Energy Storage System
Project (Mt. Vernon
BESS Project)



The U.S. Army Corps of Engineers (Corps) received your request for an Approved Jurisdictional Determination (AJD) of the aquatic resources within the review area on the properties located at 14354 Ovenell Road, Burlington, Skagit County, Washington as shown on the enclosed drawings dated December 19, 2023. This determination applies only to the review area. Other aquatic resources, including wetlands, ditches, or other ponds, that may occur on this property or on adjacent properties outside the review area are not the subject of this determination.

The U.S. Army Corps of Engineers has determined that Wetland W3, Ditches D, E, and F are waters of the U.S. The Corps has also determined that Wetland W1, W2, W4, W5, W6, and W7 are not waters of the U.S. and 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. The enclosed *Approved Jurisdictional Determination Memorandum for Record* provides the rationale for jurisdiction for all aquatic resources within the review area.

Other state and local regulations may still apply to these waters. For example, the Washington State Department of Ecology (Ecology) may regulate these features. For information on how to obtain State approval for your project, you should contact Ecology's Federal Permit Coordinator at ecyrefedpermits@ecy.wa.gov or at (360) 407-6068. Information regarding State permitting requirements can also be found at the following website: <https://ecology.wa.gov/Water-Shorelines/Wetlands/Regulations>. 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. If you object to the enclosed AJD, you may request an administrative appeal under 33 CFR Part 331 as described in the enclosed *Notification of Administrative Appeal Options and Process and Request for Appeal* (RFA) form. To appeal this AJD, you must submit a completed RFA form to the Corps' Northwestern Division (NWD) office at the address listed on the form. In order for the request for appeal to be accepted, the Corps must determine that the form is complete, that the request meets the criteria for appeal under 33 CFR § 331.5, and the form must be received by the NWD office within 60 days from the date on the form. It is not necessary to submit the form to the NWD office if you do not object to this AJD.

A copy of this letter with enclosures will be furnished to [REDACTED] [REDACTED] copy of this letter and drawings will also be posted to Seattle District website at <https://www.nws.usace.army.mil/Missions/Civil-Works/Regulatory/Jurisdictional-Determinations>. If you propose to do any work in the areas identified to be waters of the U.S., you should contact our office prior to commencing work to determine permit requirements. If you have any questions, please contact [REDACTED]

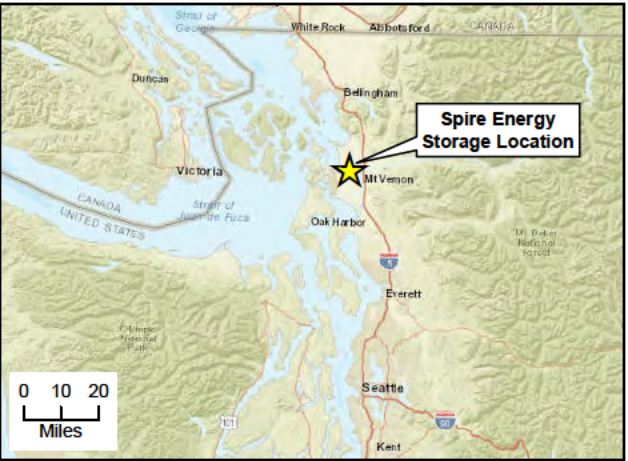
Sincerely,

[REDACTED]

Brad Johnson, Project Manager
Regulatory Branch

Enclosures

cc:
Washington State Department of Ecology (ecyrefedpermits@ecy.wa.gov)



Legend
Study Area
Section Boundary*

*Township 34 North, Range 3 East

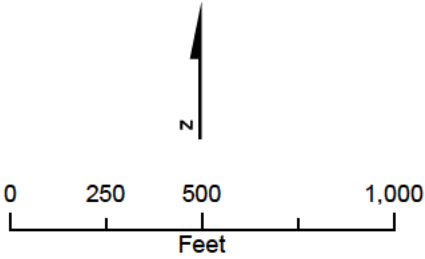
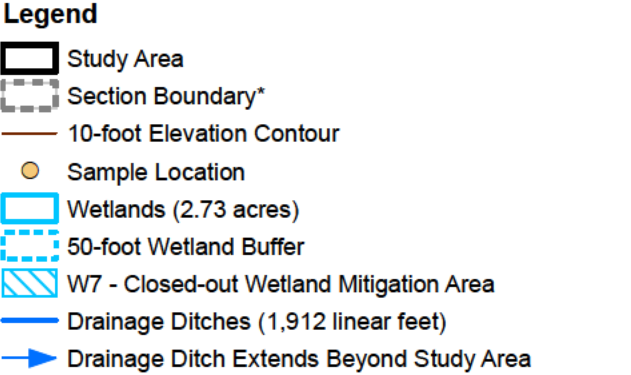
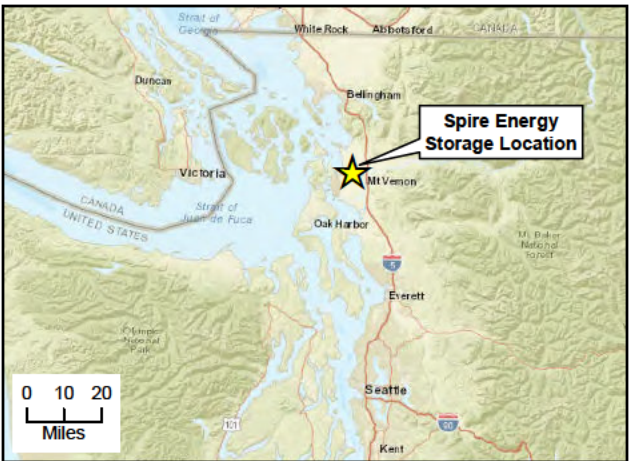
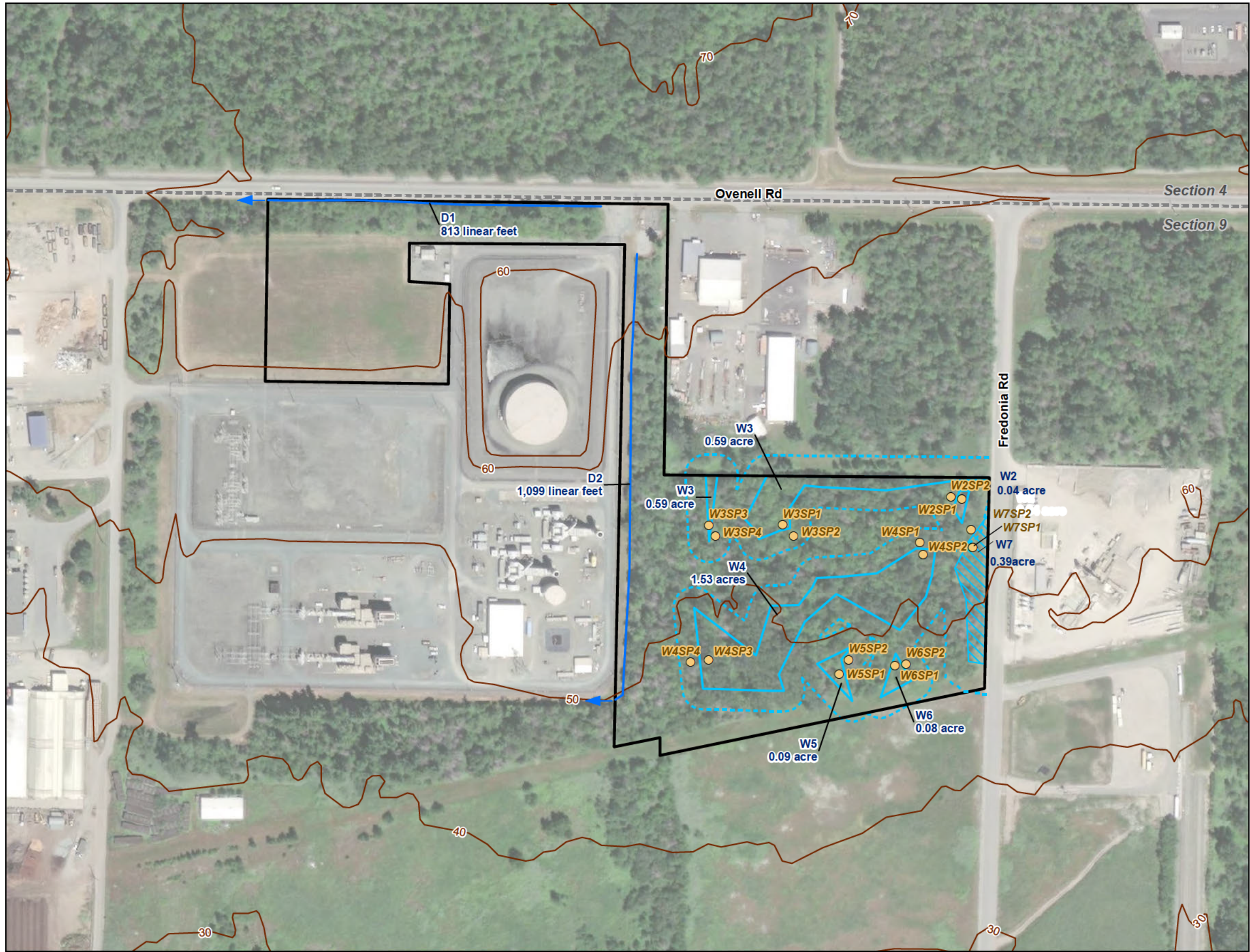
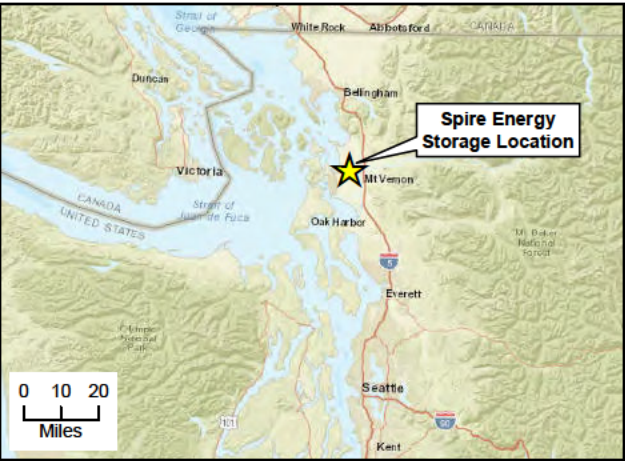
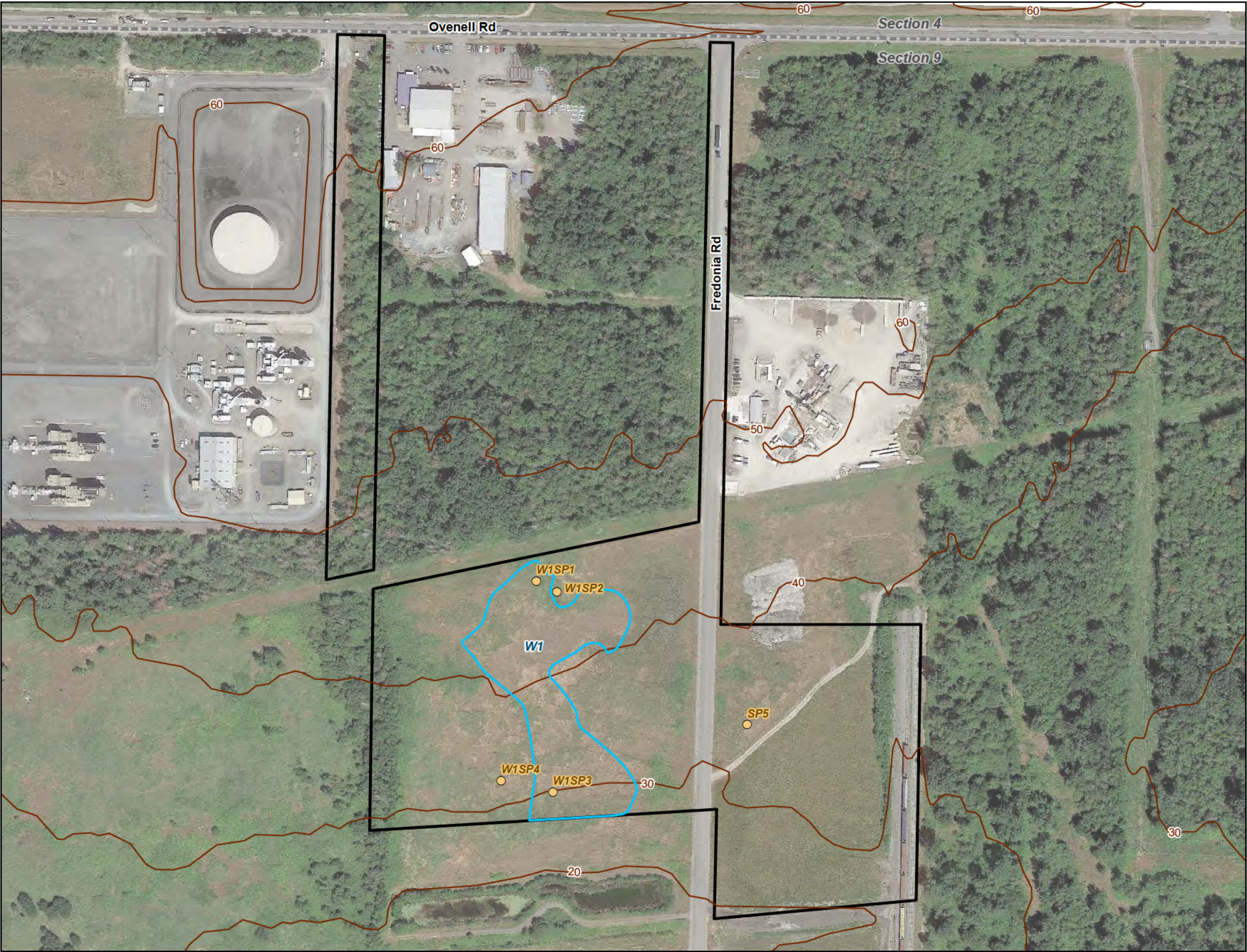


Figure 1
Vicinity Map
Spire Energy Storage
Skagit County, Washington



*Township 34 North, Range 3 East

Figure 2
Wetland Delineation Map
 Spire Energy Storage
 Skagit County, Washington



- Legend**
- Study Area
 - Section Boundary*
 - 10-foot Elevation Contour
 - Sample Location
 - Wetland W1 (2.98 acres)
- *Township 34 North, Range 3 East

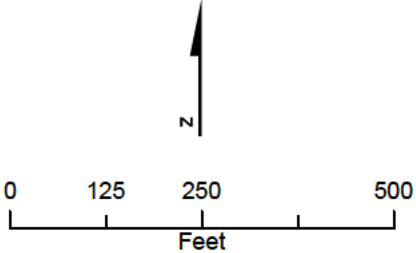


Figure 3
Wetland Delineation Map
Spire Energy Storage
Skagit County, Washington

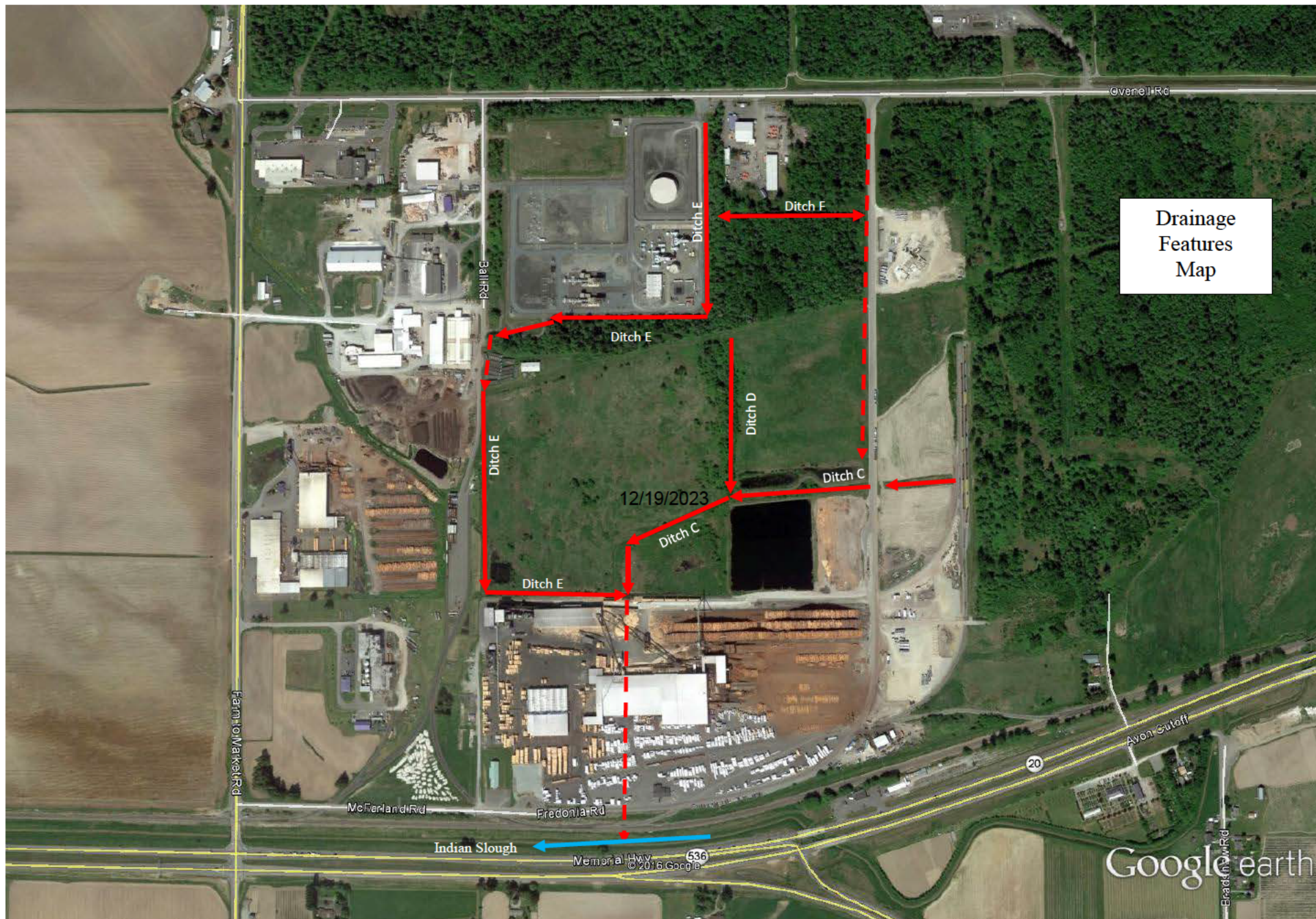
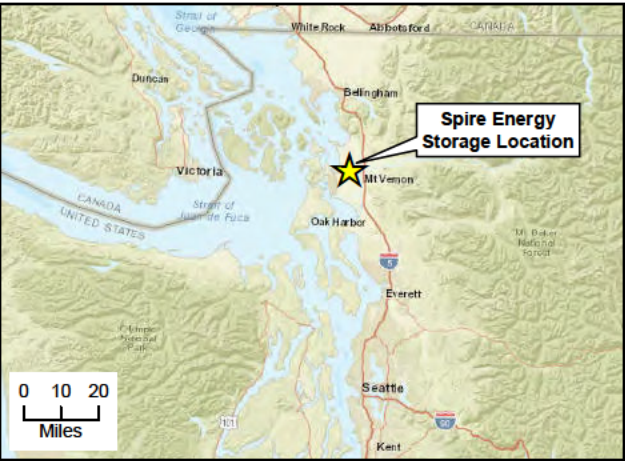
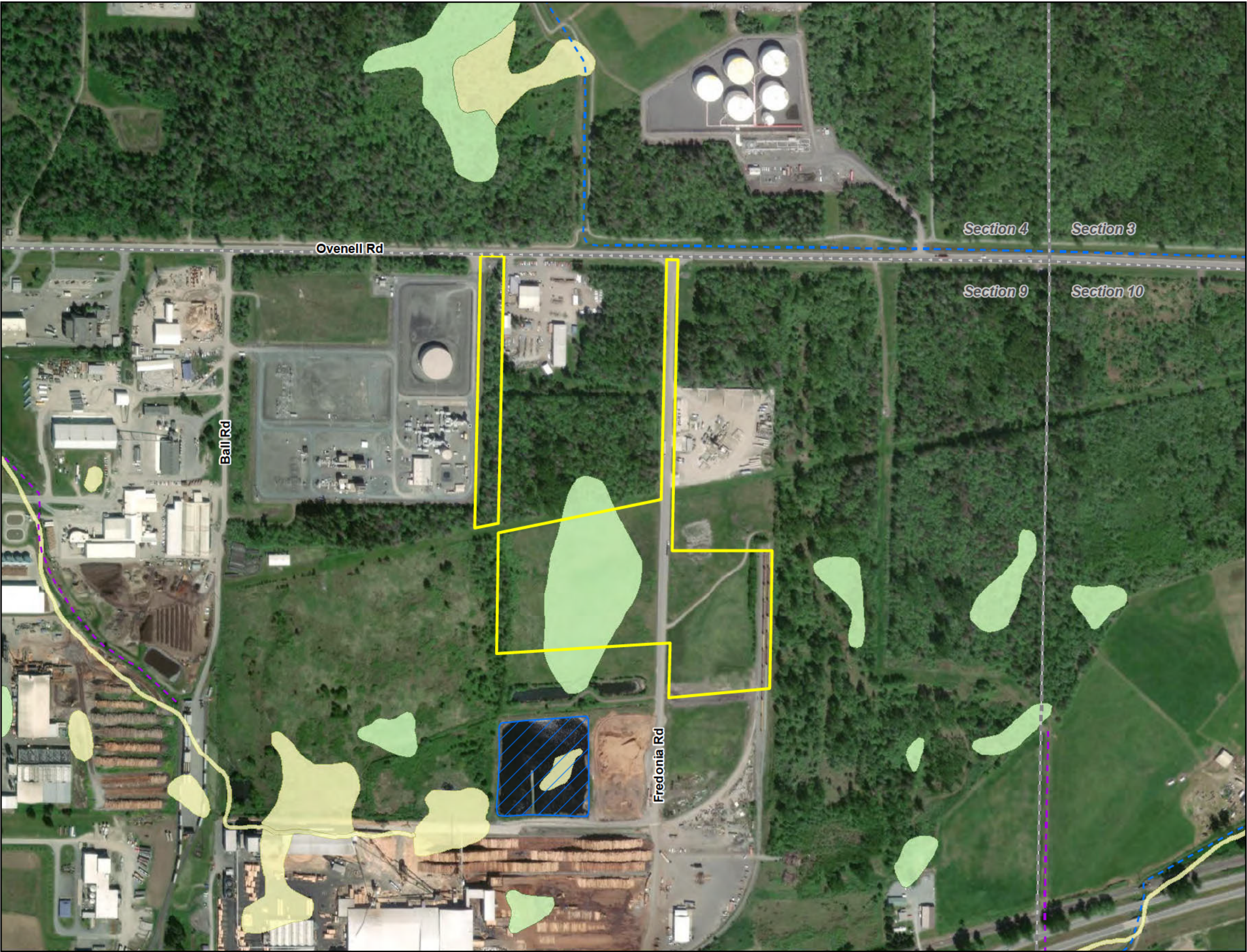


Figure 4. Vicinity Drainages

From NWS-2016-683 JD
12/19/2023



Legend

- Study Area
- Section Boundary*
- National Hydrography Dataset**
 - Canal/Ditch
 - Stream/River
 - Reservoir
- National Wetlands Inventory**
 - Freshwater Emergent Wetland
 - Freshwater Forested/Shrub Wetland

*Township 34 North, Range 3 East

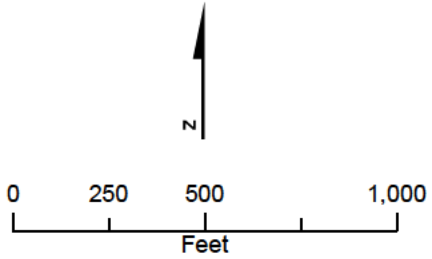


Figure 5
National Hydrography Dataset and
National Wetlands Inventory
Spire Energy Storage
Skagit County, Washington

The National Map Advanced Viewer



9/28/2023, 11:50:53 AM

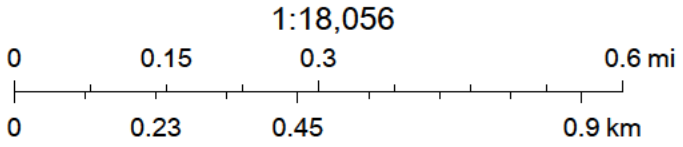
Waterbody - Large Scale Area - Large Scale

- | | |
|--|--|
| <ul style="list-style-type: none">EstuaryIce MassLake PondPlayaReservoirSwamp Marsh | <ul style="list-style-type: none">Area of Complex ChannelsArea to be SubmergedBayInletBridgeCanalDitchDamWeir |
|--|--|

- | | |
|--|---|
| <ul style="list-style-type: none">FlumeForeshoreHazard ZoneInundation AreaLock ChamberRapidsSeaOcean | <ul style="list-style-type: none">Special Use ZoneSpillwayStreamRiverSubmerged StreamWashWater IntakeOutflow |
|--|---|

- | | |
|--|--|
| <p>Flowline - Large Scale</p> <ul style="list-style-type: none">PerennialIntermittentEphemeralArtificial PathCanal DitchCoastline | <p>Connector</p> <ul style="list-style-type: none">PipelineUnderground Conduit <p>Flow Direction</p> <ul style="list-style-type: none">ConnectorCanalDitchUnderground Conduit |
|--|--|

- | | |
|---|---|
| <ul style="list-style-type: none">StreamRiverStreamRiver - PerennialStreamRiver - IntermittentStreamRiver - EphemeralPipelineArtificial Path | <p>Line - Large Scale</p> <ul style="list-style-type: none">LineTunnel <p>Point Event</p> <ul style="list-style-type: none">Point EventDam/WeirOther |
|---|---|



USGS The National Map: Orthoimagery and US Topo. Data refreshed August, 2023., USGS TNM - National Hydrography Dataset. Data Refreshed July, 2023.