



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 3, 2024



Reference: NWS-2023-42A
(High Tower/Big Cigar
Business Park)



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 property located at the northeast intersection of Thomas Mallon Road and West Geiger Boulevard in Spokane, Spokane County, Washington as shown on the enclosed drawings dated October 31, 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 3 is not a water of the U.S. and as such, work that would occur within this area 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.

The delineation included herein has been conducted to identify the location and extent of the aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should discuss the applicability of a Natural Resources Conservation Service Certified Wetland Determination with the local USDA service center, prior to starting work.

A copy of this letter with drawings will be furnished to [REDACTED] A 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 have any questions, please contact [REDACTED]

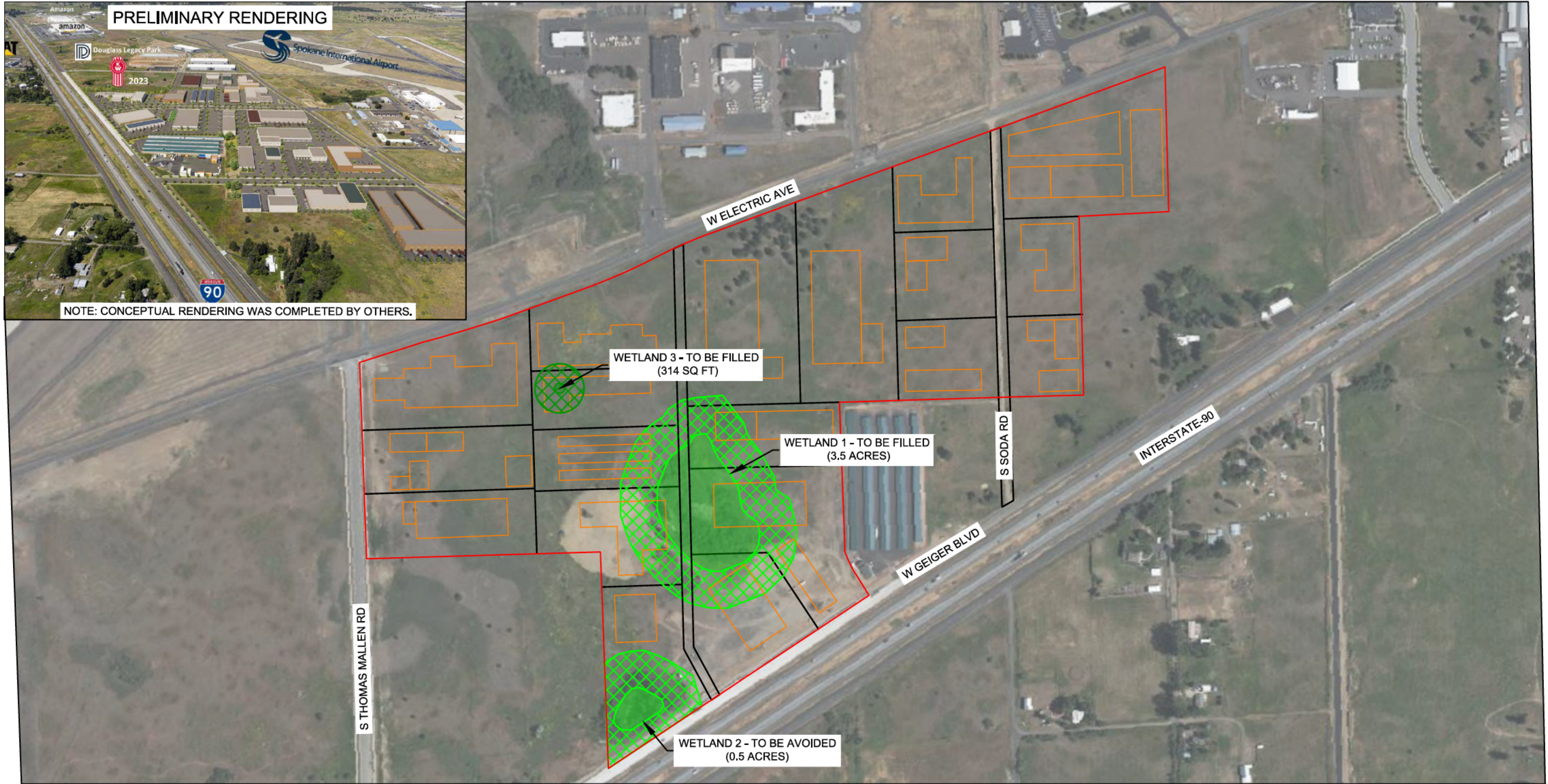
Sincerely,

[REDACTED]
[REDACTED]

Enclosures

cc:

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



LEGEND

- STUDY AREA (93.88 ACRES)
- CATEGORY II DEPRESSIONAL WETLANDS (4.00 ACRES)
- CATEGORY III DEPRESSIONAL WETLANDS (.01 ACRES)
- 80 FT WETLAND BUFFER
- 150 FT WETLAND BUFFER

**BIG CIGAR/HIGHTOWER PROPERTY
SEPA PROJECT SUMMARY EXHIBIT**

NWS-2023-42 A
31 October 2023
2 of 2
47.6094, -117.5340



DATE: 10/30/23 JOB: 220177