



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 30, 2024



Reference: NWS-2023-901
NW Ecological Services,
LLC (AJD)



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 Lummi Nation, Whatcom County, Washington as shown on the enclosed drawings dated January 2024. 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 D is a water of the U.S. 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] 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 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. Please note that conducting certain activities in waters of the U.S. without Department of the Army authorization would violate Federal law.] If you have any questions, please contact [REDACTED]
[REDACTED]

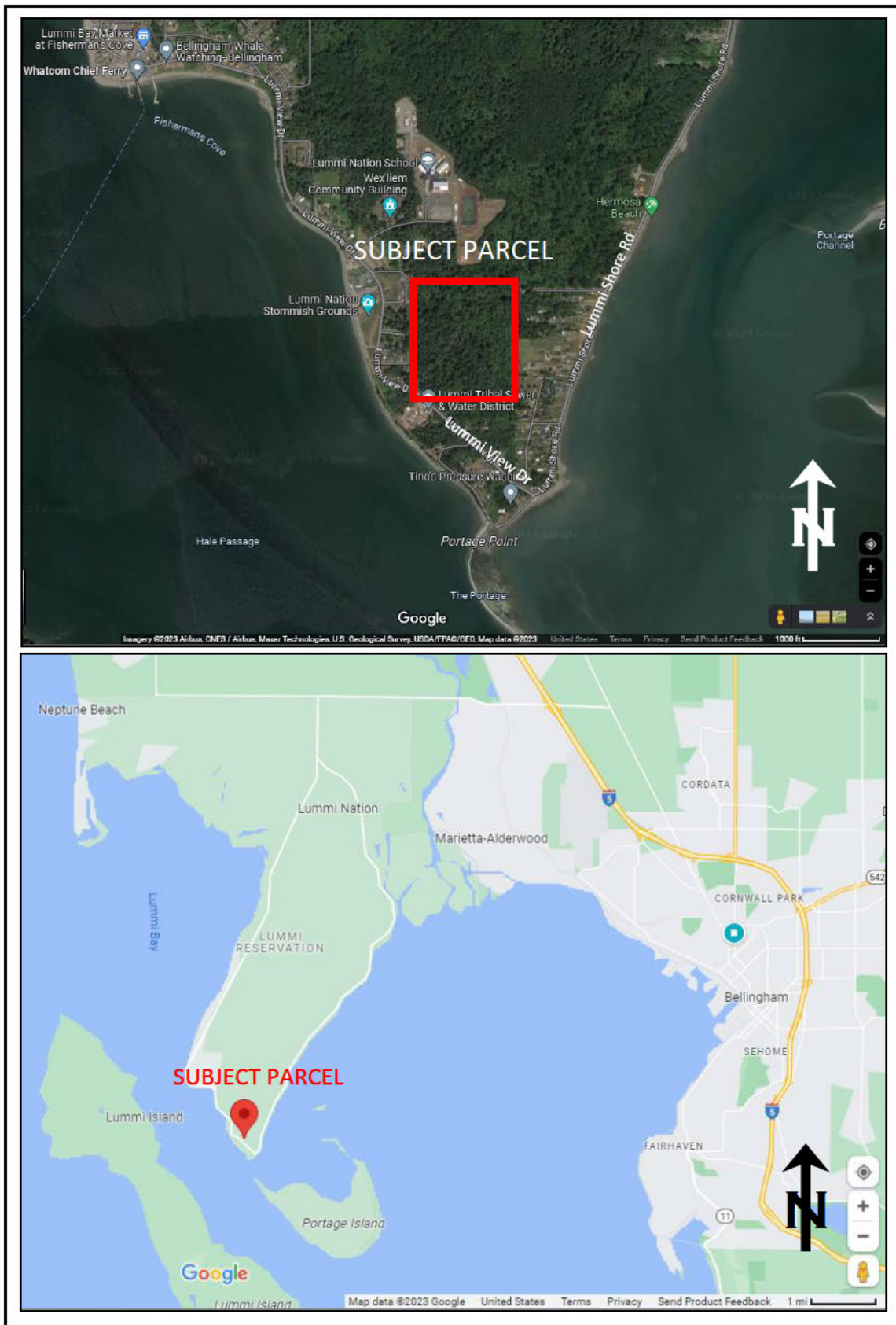
Sincerely,


[REDACTED]

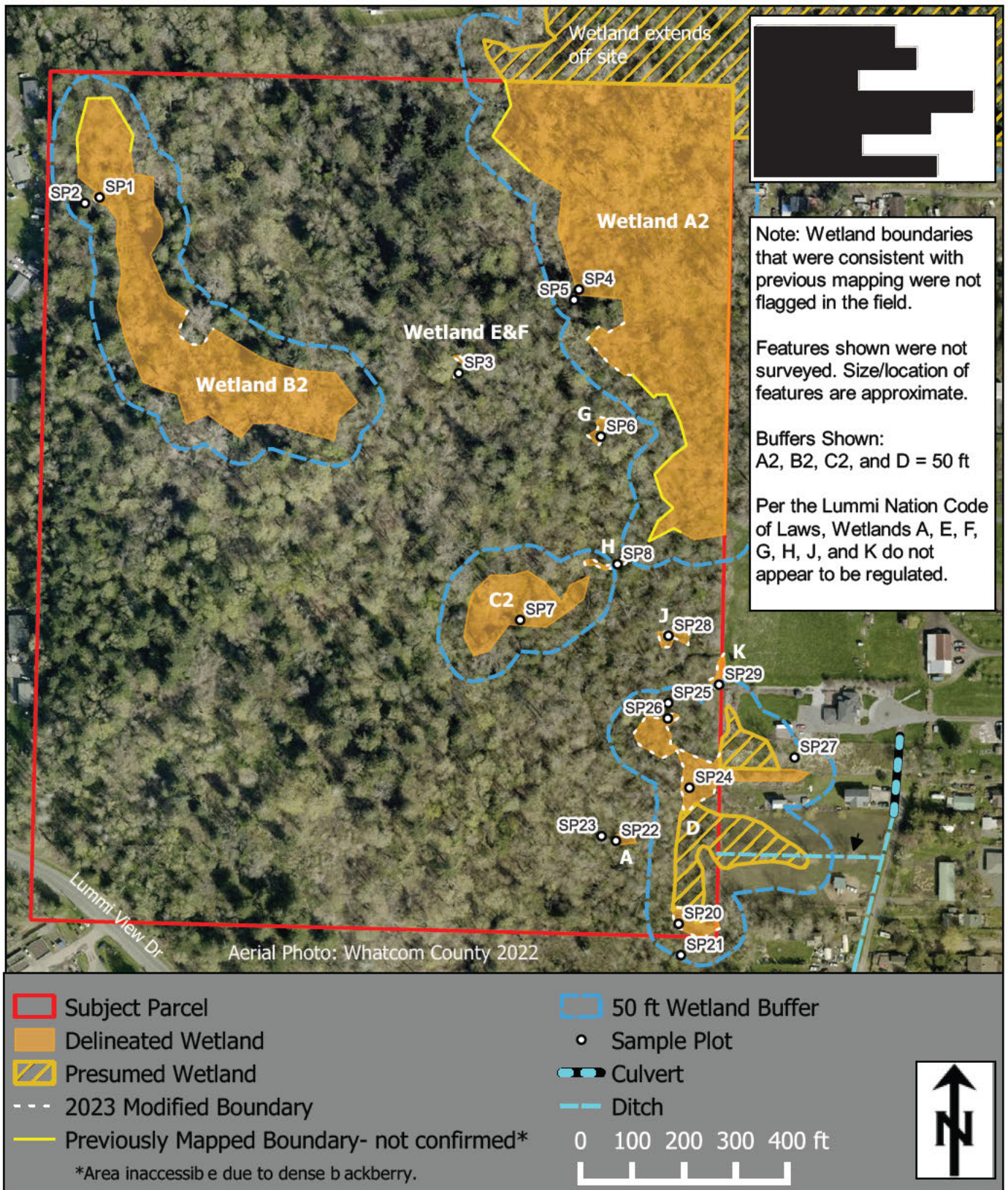
[REDACTED]

Regulatory Branch

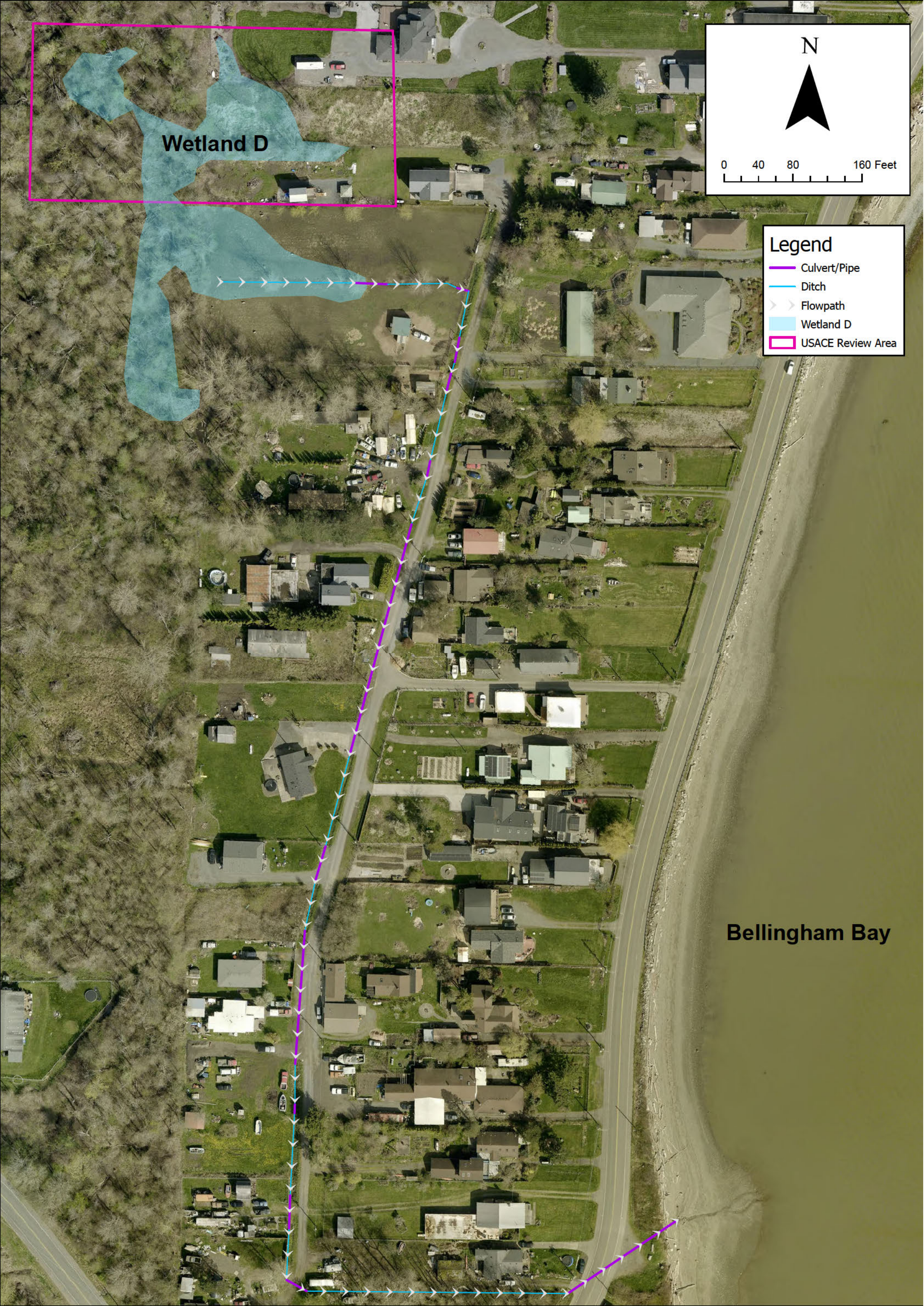
Enclosures



	<p>Vicinity Maps (Google Maps)</p> <p>Lummi Nation - Olsen Subdivision Wetland Update</p>	<p>Figure 1</p> <p>JAN 2024</p>
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	<p>Wetland Map</p> <p>Lummi Nation - Olsen Subdivision Wetland Update</p>	<p>Figure 3</p> <p>JAN 2024</p>
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Wetland D

N

0 40 80 160 Feet

Legend

- Culvert/Pipe
- Ditch
- Flowpath
- Wetland D
- USACE Review Area

Bellingham Bay