



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

June 18, 2025

Mr. Micah Wait
Wild Fish Conservancy
P.O. Box 402
Duvall, Washington 98019

Reference: NWS-2024-926
Wild Fish Conservancy
(Lower Cherry Creek
Restoration Project
Phase II-III)

Dear Mr. Wait:

We have reviewed your application to restore degraded native salmonid habitat in the area upstream of the mouth of Cherry Creek and its confluence with the Snoqualmie River at Duvall, King County, Washington. Based on the information you provided to us, Nationwide Permit (NWP) 27, *Aquatic Habitat Restoration, Enhancement, and Establishment Activities* (Federal Register December 27, 2021, Vol. 86, No. 245), authorizes your proposal as depicted on the enclosed drawings dated April 28, 2025.

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* and the following special conditions:

a. 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 *Specific Project Information Form*, dated April 23, 2025, 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.

b. This U.S. Army Corps of Engineers (Corps) permit does not authorize you to take a threatened or endangered species, in particular the Puget Sound Chinook salmon and

coastal steelhead trout. In order to legally take a listed species, you must have a separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permits, or ESA Section 7 consultation Biological Opinion (BO) with non-discretionary “incidental take” provisions with which you must comply). The Habitat Restoration Program Limit 8 BO prepared by the National Marine Fisheries Service (NMFS) dated February 28, 2007, contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with the specified “incidental take” in the BO (NMFS Reference Number 2006/05601). Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take of the BO. These terms and conditions are incorporated by reference in this permit. Failure to comply with the commitments made in this document constitutes non-compliance with the ESA and your Corps permit. The NMFS is the appropriate authority to determine compliance with the ESA.

c. In order to meet the requirements of the Endangered Species Act you may conduct the authorized activities from July 1 through September 30 in any year this permit is valid. You shall not conduct work authorized by this permit from October 1 through June 30 in any year this permit is valid.

d. To ensure the project results in a net increase in aquatic resource functions and services, an as-built report and drawings shall be submitted within six months of project completion. This report should state if any adaptive management is required to ensure a net increase in aquatic resource functions. If this work would require additional impacts to waters of the U.S., you must wait for approval by the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch, before commencing that work. The as-built report must prominently display the reference number NWS-2024-926.

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.

As part of our permit application review process, we notified Native American tribes that have an interest in this area. The Snoqualmie Tribe requested their archeology staff

be present to observe construction. Based on our coordination, you agreed to allow tribal staff access. Please contact Adam Osbekoff at (425) 753-0388 or adam@snoqualmietribe.us prior to commencing construction.

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 decision 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 14, 2026, unless the NWP is modified, reissued, or revoked prior to that date. If the authorized work for the NWP authorization has not been completed by that date and you have commenced or are under contract to commence this activity before March 14, 2026, you will have until March 14, 2027, 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*. All compliance reports should be submitted to the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch electronically at nws.compliance@usace.army.mil. 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.

Referenced documents and information about our program are available on our website at www.nws.usace.army.mil, select "Regulatory Permit Information". If you have any questions, please contact me at shane.m.shelburne@usace.army.mil or (206) 316-3156.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shane Shelburne', with a stylized, cursive script.

Shane Shelburne, Project Manager
Regulatory Branch

Enclosures

cc:
Ecology (ecyrefedpermits@ecy.wa.gov)