



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

May 11, 2023

BV Homes, LLC
317 4th Street
Kirkland, Washington 98033

Reference: NWS-2022-539
BV Homes LLC
(Residential Land
Development)

Dear Mr. Lanz:

We have reviewed your application to place fill in 0.046 of an acre of wetland to construct two single-family residences at Mercer Island, King County, Washington. Based on the information you provided to us, Nationwide Permit (NWP) 29, *Residential Developments* (Federal Register January 13, 2021, Vol. 86, No. 8), authorizes your proposal as depicted on the enclosed drawings dated June 7, 2022 provided you implement the mitigation plan dated June 30, 2022 and revised May 9, 2023.

In order for this authorization to be valid, you must ensure the work is performed in accordance with the enclosed *NWP 29, Terms and Conditions* and the following special conditions:

- a. You shall implement and abide by the LNL Build Residences Mercer Island, WA Mitigation Fee In Lieu Plan dated June 30, 2022 and revised May 9, 2023, and obtain In Lieu Fee (ILF) credits in accordance with Section 9 of the ILF Use Plan.
- b. You shall obtain from the King County Mitigation Reserves Program ILF sponsor, documentation of the completed In Lieu Fee (ILF) transaction in the form of a Statement of Sale. You shall submit to the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch an electronic copy of the ILF Statement of Sale prior to performing work in waters of the U.S. authorized by this permit. All submittals must prominently display the reference number NWS-2022-539.

- c. Your responsibility to obtain the required In Lieu Fee mitigation credits as set forth in Special Condition "a" will not be considered fulfilled until you have received written verification from the U.S. Army Corps of Engineers.

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 note that National General Condition 21, *Discovery of Previously Unknown Remains and Artifacts*, found in the *Nationwide Permit Terms and Conditions* enclosure, details procedures that must be followed should an inadvertent discovery occur. You must ensure that you comply with this condition during the construction of your project.

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 samantha.m.stanford@usace.army.mil or (206) 764-6182.

Sincerely,

A handwritten signature in black ink that reads "Samantha Stanford". The signature is written in a cursive, flowing style.

Samantha Stanford, Project Manager
Regulatory Branch

Enclosures

cc:

Ecology (ecyrefedpermits@ecy.wa.gov)

Mr. John Altmann (john@altoliver.com)