

REPLY TO
ATTENTION OF**DEPARTMENT OF THE ARMY**
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3758
SEATTLE, WASHINGTON 98124-3755

Regulatory Branch

JUL - 5 2000

Mr. R.P. Fakkema
Post Office Box 737
Oak Harbor, Washington 98277Reference: 1999-4-00636
-Fakkema, R.P.

Dear Mr. Fakkema:

On May 13, 1999, we received a completed application for a Department of the Army permit to place fill material into 1.05 acres of headwater wetlands near the City of Oak Harbor, Island County, Washington. The proposed work would provide adult housing.

This application was subject to the notification requirements of Nationwide Permit (NWP) 26 for "Headwaters and Isolated Waters Discharges" (*Federal Register*, December 13, 1996, Vol. 61, No. 241 and/or March 9, 2000, Vol. 65, No. 47). The notification procedures specify the prospective permittee shall not begin the activity:

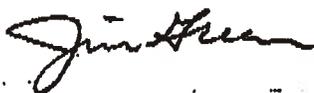
- a. Until notified in writing by the U.S. Army Corps of Engineers (Corps) that the activity may proceed under the NWP with any special conditions; or
- b. If notified in writing by the Corps that an individual permit is required; or
- c. Unless 45 days have passed from the Corps' receipt of the completed application and the prospective permittee has not received notice from the Corps.

Because we did not notify you within the required 45-day period, the proposed filling of 1.05 acres of headwater wetlands is authorized by this letter. This work must also comply with other State and local permit conditions and requirements. No work may be performed until you receive a 401 Water Quality Certification (WQC) and Coastal Zone Management (CZM) Consistency Response from the Washington State Department of Ecology (Ecology).

The mitigation site for the proposed project is located approximately one mile south of the project site near Oak Harbor. The mitigation consists of the excavation of a farmed field, part of which has been plowed and part that is fallow. The parcel is a mix of upland and drained farmed wetland. Because the mitigation work involves excavation and no wetlands will be filled, the mitigation does not require Department of the Army authorization.

If you have questions, please contact your project manager, Mr. Jim Green, at the above address or telephone (206) 764-6906.

Sincerely,



Jim Green, Project Manager
Application Review Section

Enclosure