



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

Regulatory Branch

JUL 27 2011

Mr. Chris Wilcox
40400 Harts Lake Valley Road
Roy, Washington 98580

Reference: NWS-2010-01151
Wilcox, Chris

Dear Mr. Wilcox:

We have received your application for a Department of the Army (DA) permit to excavate approximately 900 cubic yards of accumulated sediment from no more than 7,000 linear feet of Harts Creek in Roy, Washington. We have reviewed the information you provided to us pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 and determined that a DA permit is not required for your proposed work as described in your application and drawings dated March 4, 2011.

Under Section 10 of the Rivers and Harbors Act of 1899, a Section 10 DA permit is normally required for work or structures in or affecting navigable waters of the U.S. Because Harts Creek is not a navigable water, a Section 10 DA permit is not required.

Under Section 404 of the Clean Water Act, a DA permit is normally required for the discharge of dredged or fill material (e.g., fill, excavation, or mechanized land clearing) into waters of the U.S., including wetlands. Harts Creek, (referred to in your Joint Aquatic Resources Permit Application as a drainage ditch), is a water of the U.S. However based on the information you provided, a Section 404 DA permit is not required for the following reasons: excavation will take place from the uplands using a mechanical excavator positioned at 50 foot intervals digging one shovelful at a time thus limiting the possibility that material that could be re-deposited into the creek, the dredged material will immediately be placed into a dump truck for transport to an approved upland location, no equipment or fill be placed in the wetlands adjacent to Harts Creek, and because no land clearing is proposed.

For more information, see the enclosed *Extracts and Definitions from the Clean Water Act and Rivers and Harbors Act*. While a DA permit is not required, local, state, and other federal requirements may still apply. For example, you may need to obtain a Shoreline Substantial Development Permit from the local government or a Hydraulic Project Approval from the Washington Department of Fish and Wildlife and the Washington Department of Ecology

(Ecology) also has regulations regarding work in wetlands. You should contact Ecology's Permit Assistance Center at ecypac@ecy.wa.gov for more information on how to obtain Ecology approval for your project. We are sending a copy of this letter to Ecology.

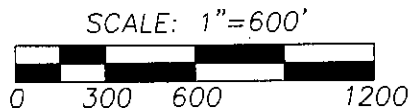
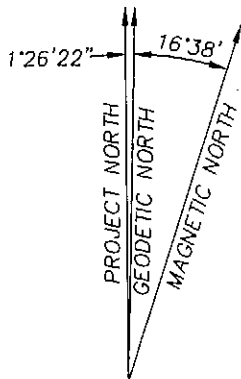
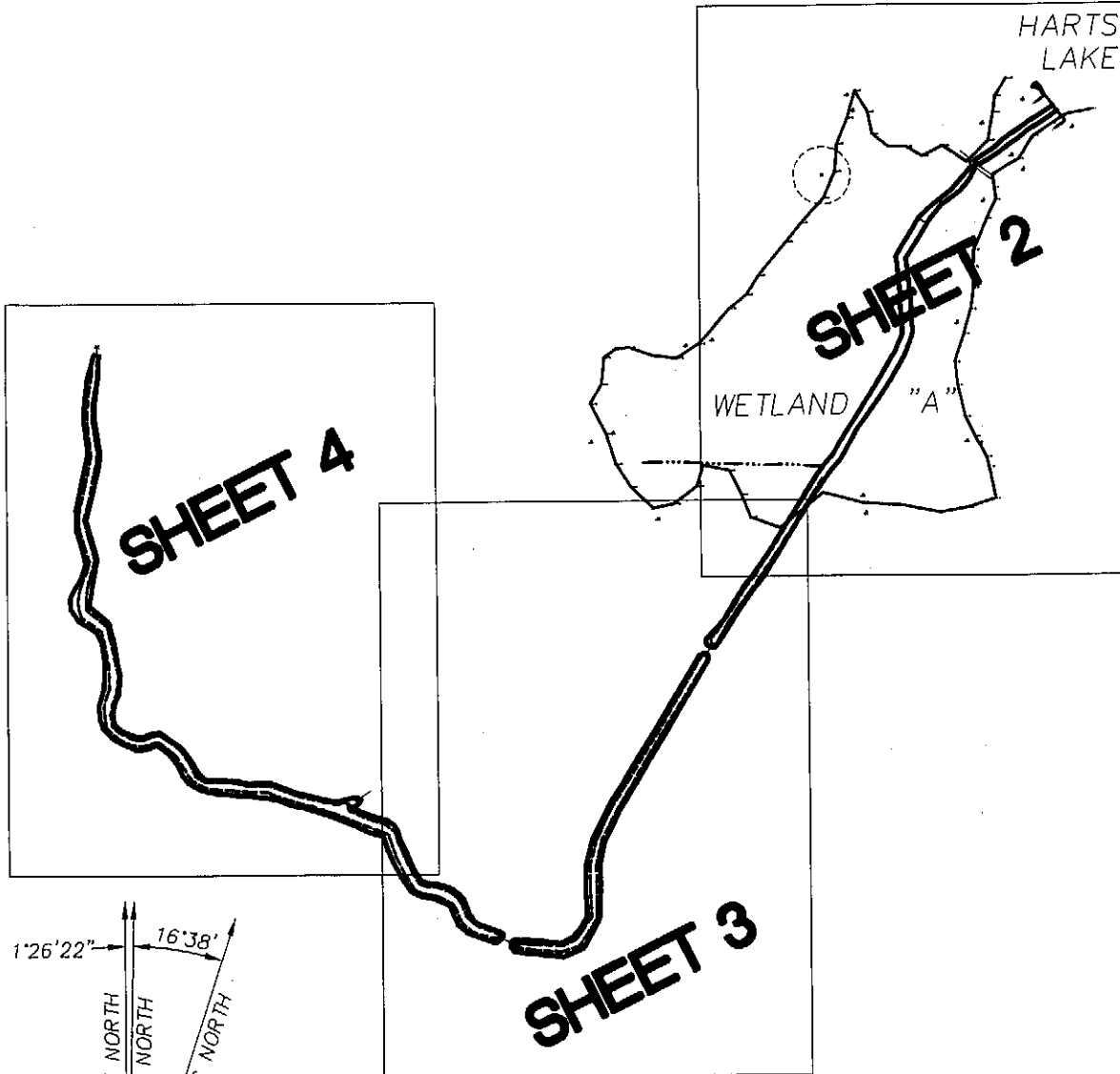
A copy of this letter will be furnished to Mr. Rich Larsen, Larsen and Associates, 4401 South 66th Street, Tacoma, Washington 98409, and to Mr. Mark Heckert, H&S Consulting, Post Office Box 731695, Puyallup, Washington 98373. If you have any questions about this letter or our regulatory program, please contact Ms. Erin Legge, at (206) 764-6695 or via email at Erin.L.Legge@usace.army.mil.

Sincerely,


for Mathew Bennett, Section Chief
Regulatory Branch

Enclosure

SHEET INDEX



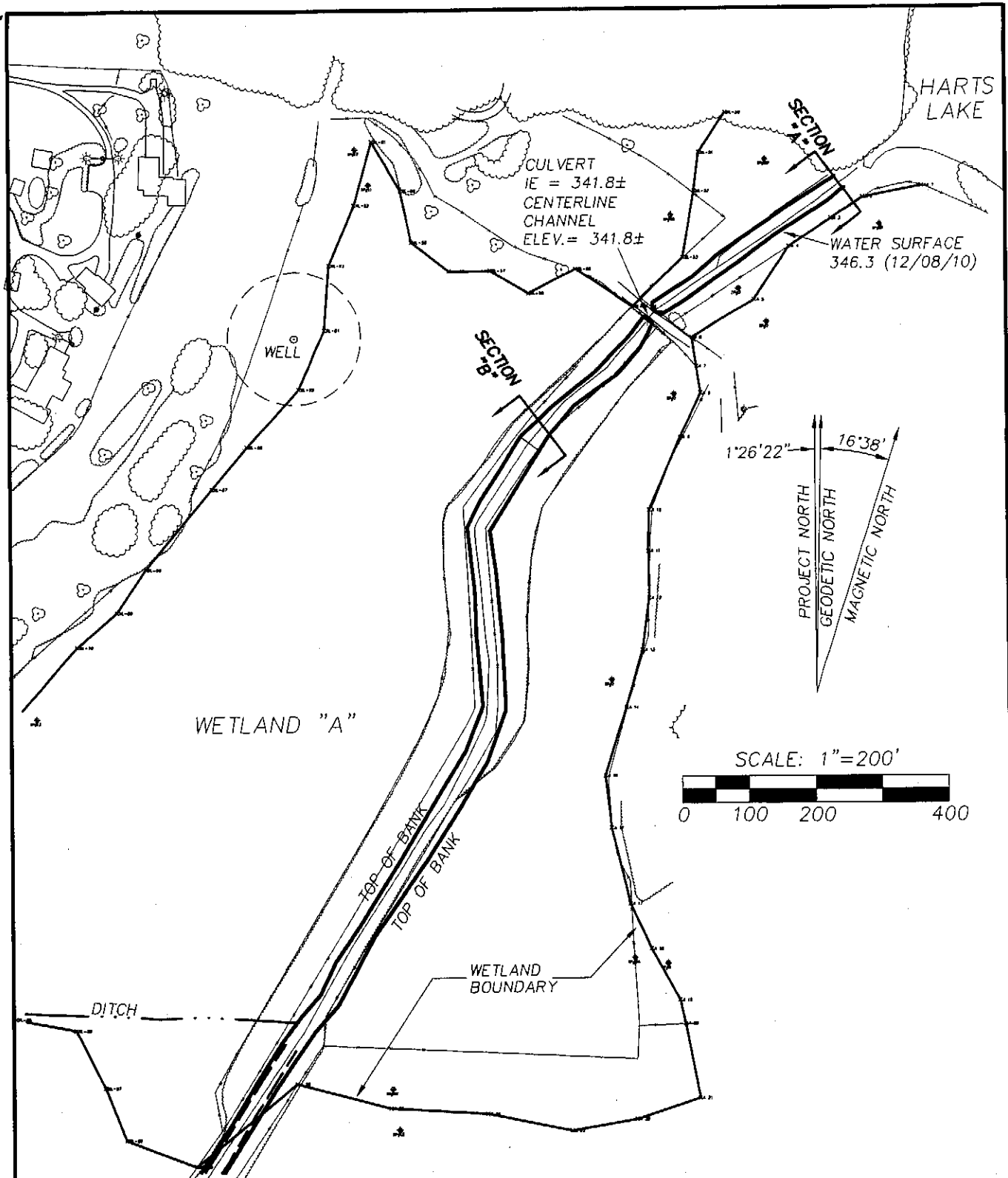
**PROPOSED PROJECT: WILCOX FARMS DITCH
MAINTENANCE PLAN**
IN: HARTS LAKE VICINITY
NEAR/AT: TOWN OF ROY; COUNTY: PIERCE; STATE: WA
APPLICANT: WILCOX FARMS, INC.
REFERENCE NUMBER: NWS
**PROJECT LOCATION: 40400 HARTS LAKE VALLEY ROAD
ROY, WA 98580-9182**

LAT/LONG:
DATUM:
SHEET 1 OF 5 SHEETS

DATE: MARCH 4, 2011

CORPS REFERENCE: NWS-2010-1151

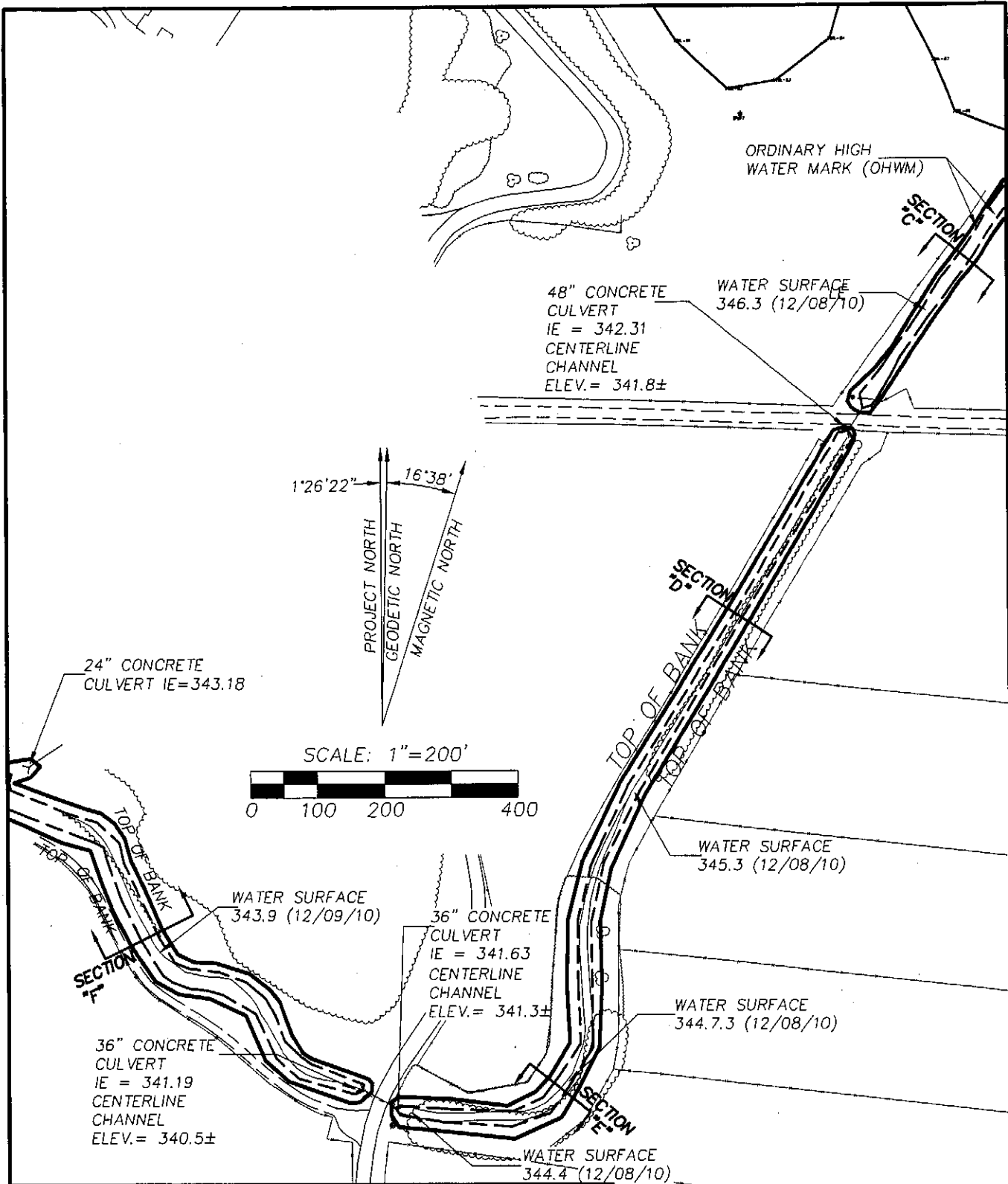
LARSON and ASSOCIATES
Land Surveyors & Engineers, Inc.
 4401 So. 66th ST. TACOMA, WA. 98409 (253) 474-3404



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SHEET 3 OF 5 SHEETS

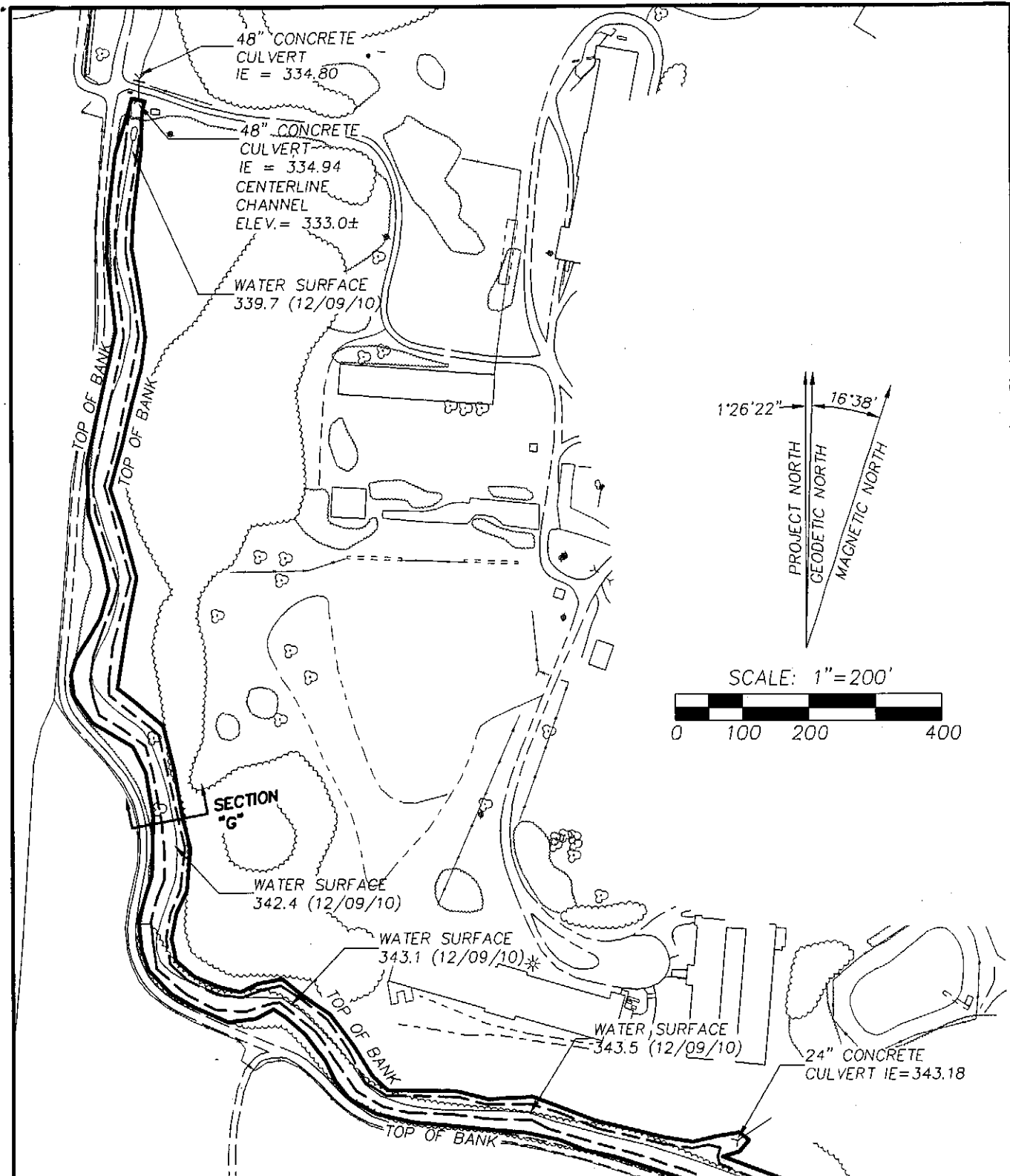
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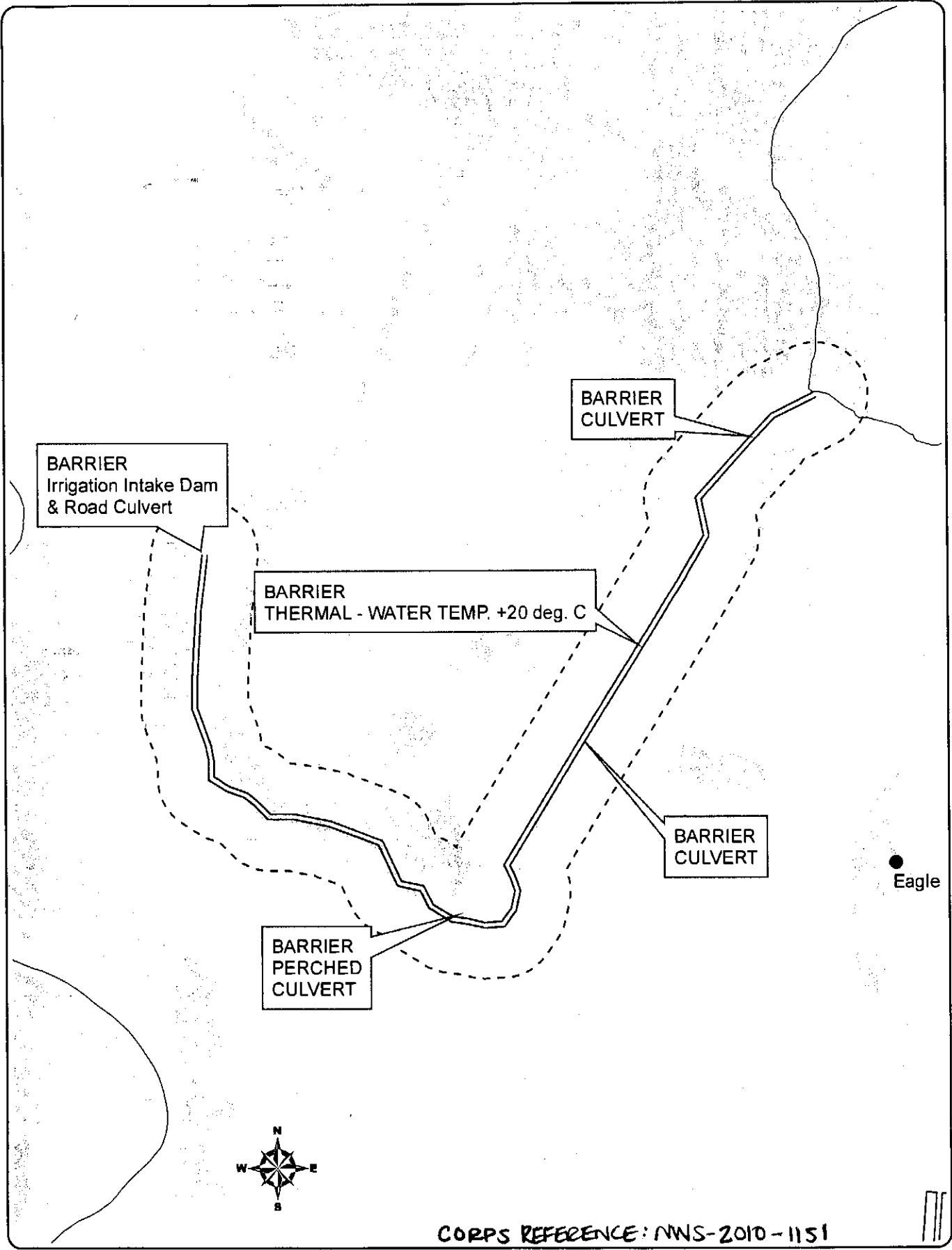
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Legend
 — Project Boundary
 300 ft perimeter

0 375 750 1,500 Feet
 1 inch = 750 feet

Wilcox Ditch Maintenance
 Project Boundaries & Fish Barriers