



REPLY TO  
ATTENTION OF

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

March 21, 2014

Regulatory Branch

Lummi Indian Tribe  
Honorable Chairman Tim Ballew II  
2665 Kwina Road  
Bellingham, Washington 98226

Reference: NWS-2014-688  
Lummi Indian Tribe.

Dear Chairman Ballew:

We have reviewed your application to conduct geotechnical sampling in Hale Passage at the Lummi Indian Reservation near Bellingham, Washington. Based on the information you provided to us, Nationwide Permit (NWP) 6, *Survey Activities* (Federal Register February 21, 2012, Vol. 77, No. 34), authorizes your proposal as depicted on the enclosed drawings dated June 18, 2014. In order for this authorization to be valid, you must ensure the work is performed in accordance with the enclosed *NWP 6, Terms and Conditions* and the following special condition:

- a. All samples brought up for analysis must be disposed of at an upland location.
- b. The applicant must implement the spill prevention and response measures found in the document titled, "*Offshore Geotechnical Drilling Investigation, Fisherman's Cove, Lummi Marina, Environmental Response and Spill Prevention Procedures – Site Specific*," dated July 2014, in their entirety.

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.

The authorized work complies with the Washington State Department of Ecology's (Ecology) Coastal Zone Management Act requirements for this NWP. No further coordination with Ecology is required.

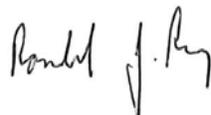
Hale Passage is a water of the United States. If you believe this is inaccurate, you may request a preliminary or approved jurisdictional determination (JD). If one is requested, please be aware that we may require the submittal of additional information to complete the JD and work authorized in this letter may not occur until the JD has been completed.

Our verification of this NWP authorization is valid until March 18, 2017 unless the NWP is modified, reissued, or revoked prior to that date. If the authorized work has not been completed by that date and you have commenced or are under contract to commence this activity before March 18, 2017, you will have until March 18, 2018 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 State and local 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* form. 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 form. This form and information about our program is available on our website at [www.nws.usace.army.mil](http://www.nws.usace.army.mil) (select "Regulatory/Permits" and then "Forms").

A copy of this letter with enclosures will be furnished to Mr. Dan Sorenson of GeoTest Services at 741 Marine Drive, Bellingham, Washington 98225. If you have any questions, please contact me at (360) 734-3156 or via email at [randel.j.perry@usace.army.mil](mailto:randel.j.perry@usace.army.mil).

Sincerely,

A handwritten signature in black ink, appearing to read "Randel J. Perry". The signature is written in a cursive style with a large, stylized initial "R".

Randel Perry, Project Manager  
Regulatory Branch

Enclosures