



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PORTLAND DISTRICT
P.O. BOX 2946
PORTLAND, OR 97208-2946

April 15, 2021

Regulatory Branch
Corps No.: NWP-2021-159

Patrick Gemma
Patrick/Dave, LLC
2575 38th Avenue West
Seattle, Washington 98199
pgemma@prologis.com

Dear Mr. Gemma:

The U.S. Army Corps of Engineers (Corps) received your request for an Approved Jurisdictional Determination (AJD) of the waters or water features, including wetlands, within the review area as shown on the enclosed drawings (Enclosure 1). The review area is located between Forest Lawn Road and South Hemlock Street Cannon Beach, Clatsop County, Oregon at Latitude/Longitude: 45.8864°, -123.9628°. Other waters or water features, including wetlands, that may occur on this property or on adjacent properties outside the review area are not the subject of this determination.

The Corps has determined Wetland A within the review area is not a water of the U.S. The enclosed drawings (Enclosure 1) identify the size and boundaries of the delineated wetland. The enclosed *Approved Jurisdictional Determination Form (Interim)* (Enclosure 2) provides the basis for jurisdiction. A copy of the AJD Form can also be found on our website at: <http://www.nwp.usace.army.mil/Missions/Regulatory/Appeals/>.

If you object to the enclosed AJD, you may request an administrative appeal under 33 CFR Part 331 as described in the enclosed *Notification of Administrative Appeal Options and Process and Request for Appeal (RFA)* form (Enclosure 3). To appeal this AJD, you must submit a completed *RFA* form to the Corps Northwestern Division (NWD) office at the address listed on the form. In order for the request for appeal to be accepted, the Corps must determine that the form is complete, that the request meets the criteria for appeal under 33 CFR Part 331.5, and the form must also be received by the NWD office within 60 days from the date on the form. It is not necessary to submit the form to the NWD office if you do not object to the enclosed AJD.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you

or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

This AJD is valid for a period of five years from the date of this letter unless new information warrants revisions of the determination.

We would like to hear about your experience working with the Portland District, Regulatory Branch. Please complete a customer service survey form at the following address: https://corpsmapu.usace.army.mil/cm_apex/f?p=136:4.

If you have any questions regarding our Regulatory Program or permit requirements for work in waters of the U.S., please contact Mr. Brad Johnson by telephone at (503) 808-4383 or e-mail at: Brad.A.Johnson2@usace.army.mil.

Sincerely,

For: William D. Abadie
Chief, Regulatory Branch

Enclosures

cc with drawings:

Oregon Department of State Lands (Dan Cary, dan.cary@dsl.state.or.us)

Oregon Department of Environmental Quality (401applications@deq.state.or.us)

Pacific Habitat Services (John van Staveren, jvs@pacifichabitat.com)