DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NORTHWESTERN DIVISION
PO BOX 2870
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JAN 12 2017

The Honorable Jay Inslee
Governor of Washington
P.O. Box 40002
Olympia, WA 98504-0002

Dear Governor Inslee:

Thank you for your letter dated December 16, 2016, regarding the line of tidal jurisdiction used by the U.S. Army Corps of Engineers (Corps) Seattle District for Section 404 of the Clean Water Act. You raised concerns about the health of salmon and the aquatic environment, state management of shoreline armoring, and integration of the Corps' authorities with State and local efforts in the management of shoreline resources.

The protection of aquatic resources, to include salmon habitat, is a priority we all share. The Puget Sound Nearshore Ecosystem Restoration Project is a prime example of the importance of this issue to the Region and the Nation. However, the Corps is bound by its authorities. Any line we use must comply with the definition of high-tide line found at 33 CFR 328.3(d), which requires the elevation occur with periodic frequency. The Corps does not have the legal authority to extend our jurisdiction to important habitat beyond that defined in our regulations.

Nonetheless, we have been working with the National Marine Fisheries Service (NMFS) and the Environmental Protection Agency (EPA) to better understand different tidal elevations, including highest astronomical tide and the State of Washington's Ordinary High Water Mark, and reviewing of the frequency of their occurrence at various points through the tidal waters of Washington.

While we all share the same goals of protecting salmon lifecycles, I agree that it is critical that we think carefully and collaboratively about the most effective, and available means to achieve those goals. Therefore, in addition to reviewing the various available tidal elevations, our Agency remains interested in better understanding the authorities the State of Washington, EPA, and NMFS have to achieve one of your stated goals of increased habitat protection through a continued or even enhanced cooperative working relationship. I propose a senior staff level meeting between Mr. David Ponganis, the Northwestern Division Director of Programs and a representative of the State of Washington to discuss collaboration opportunities and the path forward with respect to the Corps' evaluation of its jurisdictional boundary.

Thank you for your interest in this issue and I look forward to the State of Washington's continued cooperation. If you have any further question or comments, please feel free to contact me.

My point of contact to arrange the senior leader meeting is Mr. David Gesl, Northwestern Division Regulatory Program Manager, who can be reached at 503-808-3824 or david.w.gesl@usace.army.mil.

Sincerely,

Scott A. Spellmon
Major General, US Army
Division Commander