



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

Regulatory Branch

April 20, 2021

Mr. Blake Bjornson  
OneEnergy Renewables Inc.  
2003 Western Avenue, Number 225  
Seattle, Washington 98121

Reference: NWS-2021-189  
OER WA Solar 1, LLC

Dear Mr. Bjornson:

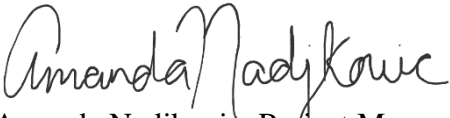
On April 8, 2021, we inspected the property at 11900-12898 State Route 24, Moxee, Yakima County, Washington in response to your request for verification of the jurisdictional limits of waters of the U.S. in the 809 acre review area as shown on the enclosed drawings dated February 19, 2021. The U.S. Army Corps of Engineers has determined that the drainages within the 809 acre review area are not waters of the U.S. because they are excluded non-waters of the U.S. per 33 CFR Part 328.3 (b). As such, work that would occur within these areas does not require Department of the Army authorization under Section 404 of the Clean Water Act. Other state and local regulations may still apply to these drainages. For example, the Washington State Department of Ecology (Ecology) may regulate these drainages. For information on how to obtain State approval for your project, you should contact Ecology's Federal Permit Coordinator at [ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov) or at (360) 407-6068. Information regarding State permitting requirements can also be found at the following website: <https://ecology.wa.gov/Water-Shorelines/Wetlands/Regulations>. We are sending a copy of this letter to Ecology and to the Environmental Protection Agency's Aquatic Resources Unit.

Other waters and wetlands that may occur on this property outside the review area are not the subject of this determination.

This approved jurisdictional determination is valid for a period of five years from the date of this letter unless new information warrants revisions of the determination. A copy of this jurisdictional determination, dated April 15, 2021 is enclosed and can be found on our website at [www.nws.usace.army.mil](http://www.nws.usace.army.mil) select "Regulatory Branch, Permit Information" and then "Jurisdictional Determinations". If you object to this determination, you may request an administrative appeal under our regulations (33 Code of Federal Regulations, Part 331) as described in the enclosed *Notification of Administrative Appeal Options and Process and Request for Appeal* form.

If you have any questions, please contact Mr. David Moore at David.J.Moore@usace.army.mil or at (206) 316-3166.

Sincerely,

  
Amanda Nadjkovic, Project Manager  
Regulatory Branch

Enclosures

cc with drawings and JD form:  
Washington Department of Ecology, Federal Permit Coordinator at:  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)

cc: EPA, Region 10 at: [R10 Wetlands and Oceans@epa.gov](mailto:R10_Wetlands_and_Oceans@epa.gov)