



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, SEATTLE DISTRICT  
4735 EAST MARGINAL WAY SOUTH, BLDG 1202  
SEATTLE, WA 98134-2388

Regulatory Branch

October 19, 2021

Ms. Erin Bergquist  
TRC  
123 North College Avenue, Number 206 & 208  
Fort Collins, Colorado 80524

Reference: NWS-2021-741  
TRC High Top Solar

Dear Ms. Bergquist:

We have received your application for a Department of the Army (DA) permit to construct a solar panel facility near Yakima, Yakima County, Washington, as depicted on the enclosed drawings dated October 18, 2021. 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 (RHA). We have determined that no action by the U.S. Army Corps of Engineers (Corps) is required for the proposed work described in your application and drawings.

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 and navigable waters of the U.S. For more information, see the enclosed *Clean Water Act Extracts and Definitions*. Dry Creek is a water of the U.S. However, because the solar project does not involve a discharge of dredged or fill material, a Section 404 DA permit is not required.

While a DA permit is not required, local, State, and other Federal requirements may still apply. For assistance in determining other permit requirements for the proposed project, we recommend you contact the Washington State Office of Regulatory Assistance via the internet at [www.ora.wa.gov](http://www.ora.wa.gov). If you have any questions, please contact me at [david.j.moore@usace.army.mil](mailto:david.j.moore@usace.army.mil) or (206) 316-3166.

Sincerely,

A handwritten signature in cursive script that reads "David Moore".

David Moore, Biologist  
Regulatory Branch

Enclosures