



Candice Guider <cguider@foothill.com>

RE: Biggs-West Gridley (UNCLASSIFIED)

1 message

Bell, Krystel L SPK <Krystel.L.Bell@usace.army.mil>

Mon, Feb 27, 2012 at 11:55 AM

To: Ken Whitney <kwhitney@foothill.com>

Cc: Candice Guider <candice.guider@foothill.com>

Classification: UNCLASSIFIED

Caveats: NONE

Hi Ken,

I have reviewed the information provided during the September 2011 Pre-application meeting, the January 18th meeting at my office, and the information provided on Feb 14th 2012 in order to determine the applicability of the agricultural exemptions to the proposed Gray Lodge Wildlife Area Water Supply Project.

Based upon the information you have provided I concur with your determination that the proposed activities on the existing irrigation supply canal system are exempt per the Corps' regulations at 33 CFR 324.3(a)(3). This determination is based upon my evaluation of the proposed project that would result in the discharge of fill material into potential WOUS and the existing system is used for irrigation purposes (per your statements in your letters dated Jan 12, 2012 and Feb 13, 2012). The proposed project would include components that would be considered exempt construction and maintenance activities per our regulations at 33 CFR 324. From the information you have provided it does not appear as if the proposed project would meet the 2 part test for the recapture provision at Section 404(f). Therefore, no permit is required for the construction and maintenance activities identified in the information you have provided to this office.

Thank you for providing the information I have requested in order for me to make a determination.

Best,

Krystel

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