



US Army Corps
of Engineers
Seattle District

Department of the Army Regional General Permit 7



Maintenance, Modification, and Construction of Overwater Structures and Bank Stabilization in the Pend Oreille River, in the State of Washington

Effective Date: July 26, 2011

Expiration Date: July 26, 2016

Permit Number: CENWS-OD-RG-RGP-7

Authority: In accordance with 33 CFR 325.2(e)(2), the U.S. Army Corps of Engineers (Corps) has issued Regional General Permit 7 (RGP-7) to authorize certain activities in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

Issuing Office: U.S. Army Corps of Engineers, Seattle District
Regulatory Branch, CENWS-OD-RG
Post Office Box 3755
Seattle, Washington 98124-3755
(206) 764-3495

Purpose and Location: The purposes of RGP-7 are to authorize recreational access to the Pend Oreille River through the maintenance, modification, and construction of overwater structures and to protect private property through bank stabilization projects in the Pend Oreille River, in the State of Washington.

Use of RGP-7: To use RGP-7, a prospective permittee must first notify the Corps of the proposed work in accordance with the application procedures in this RGP. ***Work may not commence until the District Engineer or his designee has issued written notification that the proposed project appears to meet the requirements of RGP-7 and is authorized.*** The permittee is responsible for ensuring that the authorized structures and/or activities comply with all applicable provisions of this RGP, including any project-specific special conditions that may be added by the District Engineer. Failure to abide by the requirements of this RGP may constitute a violation of the Clean Water Act and/or Rivers and Harbors Act. For purposes of this RGP, the term “permittee” shall include all successors in interest.

This RGP contains provisions intended to protect the environment, endangered species, and cultural resources. Work that will not comply with these provisions is not authorized by this RGP and may require Department of the Army authorization by a standard individual permit. Moreover, compliance with the provisions of this RGP does not itself guarantee that the work is authorized by this RGP. Activities that appear to comply with the provisions of this RGP but would have an unacceptable adverse impact on the public interest are not authorized.

Activities authorized by RGP-7: Work authorized by RGP-7 is limited to the activities described below and located in the main stem of the Pend Oreille River from Boundary Dam to the Washington/Idaho State border (see Figure 1). All structures and activities authorized must be for noncommercial use. Authorized

activities are maintenance, modification, and construction of residential overwater structures for the purpose of private watercraft moorage and water-oriented recreational use. Overwater structures for this RGP are defined as piers, ramps, floats, and their associated structures. Associated structures include piling, chains and anchors, ladders, handrails, steps, davits (suspended watercraft lifts), swim steps, watercraft grids or lifts, and lighting. RGP-7 only authorizes the installation or construction of one pier/ramp/float structure per property. The Corps strongly encourages the use of joint-use piers and/or floats and allows a larger size for joint-use structures. Fill placed for bank stabilization projects and associated fish habitat enhancement may also be authorized by this RGP. The section of the RGP labeled *Construction Specifications and Conservation Measures* provides additional details about limitations.

Application Procedures: Authorization under this RGP requires that prospective permittees notify the Corps of the proposed work in accordance with the application procedures described in this section. Applicants shall not proceed with the proposed work until the District Engineer or his designee issues written notification that the proposed project appears to meet the requirements of this RGP and is authorized. To notify the Corps of a proposed project that may qualify for authorization under this RGP, the prospective permittee must submit the following information:

- **Application:** The Corps requires that the applicant submit a completed Joint Aquatic Resources Permit Application (JARPA) and Appendix A of this RGP. Submittal of a complete application constitutes the applicant's voluntary agreement to meet all of the requirements of this RGP. The Corps will notify the U.S. Fish and Wildlife Service of the proposed action by faxing a copy of the application to their Spokane office for a 14-day period of review.
- **Drawings:** A complete application also includes a vicinity map and plan, profile, and cross-section drawings of the proposed structures. Overwater structures on adjacent properties should be shown. For assistance with preparation of the drawings, please refer to Appendix C, *Drawing Checklist*.
- **Cultural/Archeological Resources Information:** For activities that may affect properties listed or eligible for listing in the National Register of Historic Places, the notification must include a description of each historic property that may be affected by the proposed work and a map indicating the location of the property. We will notify you if an archeological reconnaissance survey is necessary.
- A signed Joint-Use Agreement if the overwater structure will be jointly used by multiple landowners.

Also, please submit any other relevant information, such as:

- Washington Department of Natural Resources approval for use of state-owned aquatic lands. As proprietor of state-owned lands, they should be contacted at (360) 902-1100 prior to any project permitting to ensure they will issue a use authorization or lease for your proposed project.
- Hydraulic Project Approval obtained from the Washington Department of Fish and Wildlife.
- Photographs of the project area and shoreline.
- Copies of other environmental compliance documents or permits.

CONSTRUCTION SPECIFICATIONS AND CONSERVATION MEASURES

Activities authorized by RGP-7 must comply with all applicable Construction Specifications and Conservation Measures (CSCMs) listed below.

Maintenance:

1. Any maintenance performed on an authorized structure shall not change the size or configuration from that which was originally authorized unless the changes are environmentally beneficial or reduce the size of the structure.

Piers, Ramps, and Floats:

2. RGP-7 authorizes only one pier and/or float system, including an access ramp if necessary, per upland private property. This property must front the Pend Oreille River. Submerged structural components of piers, ramps, and floats, including framing and cross bracing shall be minimized to that required for structural stability.
3. RGP-7 authorizes joint-use piers and/or floats constructed by more than one private property owner fronting the shoreline. All joint-use properties shall front the waterway. All affected joint-use property owners must sign a legal agreement to construct a joint-use pier or install floats. At a minimum, the agreement shall include a statement from each property owner that they voluntarily agree to build no additional overwater structures on their property. A copy of this agreement must be submitted with the application.
4. Piers and/or floats shall normally not extend more than 55 feet waterward (toward the middle of the river) of the ordinary high water mark. A greater length may be authorized up to the minimum length necessary to reach water of sufficient depth for safe boat moorage at the waterward end of the structure.
5. Total deck area of piers, floats, ramps, and existing structures waterward of the ordinary high water mark shall not exceed 320 square feet for each single use structure. If it is necessary to have a single-use structure greater than 55 feet in length because of water depth limitations referenced in CSCM 4, the total area of the structures shall not exceed 450 square feet. Total deck area of piers, floats, ramps, and existing structures waterward of the ordinary high water mark shall not exceed 450 square feet for joint-use piers and floats.
6. The width of any individual section of deck shall not exceed 8 feet for piers and floats and 4 feet for ramps.
7. Grating shall cover 100% of the surface area of piers, ramps, and floats. The open area of the grating shall be at least 60% as rated by the manufacturer. For floats, the functional grating will cover no less than 50% of the float. Submit a framing plan for proposed floats with calculations showing the percent functional grating (see Appendix E).
8. Only open pile pier construction is authorized.

9. Flotation for the float shall be fully enclosed and contained in a shell (e.g., polystyrene tubs not shrink wrapped or sprayed coatings) that prevents breakup or loss of the floatation material into the water and is not readily subject to damage by ultraviolet radiation or abrasion caused by rubbing against piling or waterborne debris.
10. A float system must be held in place by piling or other fixed structures, and may consist of more than one individual float. Floats must be located in water sufficiently deep to keep the structure from grounding or float stoppers must be installed so that the float does not rest on the substrate at any time.
11. No other structures or shading objects such as, but not limited to, storage boxes, benches, planters, sheds, tables, outdoor furniture, living quarters, fueling facilities, carpeting, or covered boat moorage shall be constructed or installed on any overwater structure authorized under this RGP.

Piling:

12. For impact pile driving of steel piles 10 inches in diameter or less, a block or layers of wood at least 6 inches thick between the pile driver and pile or a bubble curtain shall be used during driving. For steel piles greater than 10 inches in diameter, both 6 inches of wood between pile driver and pile and a bubble curtain shall be used during driving. Piles shall not exceed 12 inches in diameter.

Watercraft Lifts:

13. Only one uncovered watercraft lift may be installed at a single-use overwater structure. A maximum of two uncovered watercraft lifts may be installed at a joint-use overwater structure. Any additional lifts would need to be authorized under a different permit.

Bank Stabilization:

14. The bank stabilization activity shall not exceed 250 feet in length.
15. The activity shall not exceed an average of one-half cubic yard of material per running foot placed along the bank below the plane of the ordinary high water mark. The length of a bank protection project, especially in the case of barbs, is measured as the total length of shoreline/bank to be protected by the structure.
16. The bank stabilization activity must be part of a single and complete project.
17. No material is placed in excess of the minimum needed for erosion protection.
18. No material shall be placed in a manner that will be eroded by normal or expected high flows.
19. Properly installed and maintained silt fencing must be used between the construction area and the water surface, and removed when construction is complete.
20. Bank stabilization activity must incorporate the least environmentally damaging bank protection methods. These methods include, but are not limited to, the use of bioengineering, biotechnical design, root wads, large woody debris, and native plantings. We recommend using the Washington Department of Fish and Wildlife's *Integrated Streambank Protection Guidelines* (<http://wdfw.wa.gov/hab/ahg/ispdoc.htm>) for applicable techniques.

21. If native plantings will be installed, you must follow the requirements and meet the performance standards described in Appendix D *Planting Plan Requirements*. Vegetation must be maintained for the duration that the authorized structure is in place.

Bull Trout Protection:

22. No structure permitted herein shall be installed within 100 feet of the mouth of any river, stream or creek, or within 300 feet of the mouth of Slate, Indian, Sullivan, Mill, Cedar, Tacoma, Ruby, Calispell, and Le Clerk Creeks or in the SW ¼ of Section 29 and the NW ¼ of Section 32, Township 32N, Range 45E, in the Pend Oreille River.
23. In-water work, with or without pile driving, that disturbs the substrate, bank, or shore of a water of the United States shall be conducted only during the following work window to minimize the impacts to bull trout:
- Between July 1 and September 30 of any year.

Work in the Dry:

24. Bank stabilization work shall only occur in the dry. All other work shall occur in the dry whenever practicable.

Discharge of Fill in Wetlands:

25. No fill permitted herein shall be placed in wetlands. Non-fill structure placement in or over wetlands shall be limited to the minimum amount necessary.

Revegetation of Disturbed Riparian Areas:

26. Disturbance of bank vegetation shall be limited to the minimum amount necessary to accomplish the project. Disturbed bank vegetation shall be replaced with native, locally adapted species appropriate for the site.

Preservatives:

27. The use of wood treated with creosote, pentachlorophenol, copper naphthalene, or other comparably toxic compounds is prohibited for in-water components of a structure. Treated wood may only be used for above water structural framing and may not be used as decking, piling, or for any other uses. Alternative materials such as untreated wood, steel, concrete, recycled plastic and fiberglass should be used. No paint, stain, preservative or other protective coating application shall be applied to below-water parts of the structure or shall occur while the structure is in or over the water body.

Equipment Operation:

28. Equipment shall be operated from the top of the bank, dry gravel bar, work platform, or similar out-of-water location whenever possible. Equipment shall be operated in a manner that minimizes the suspension of particulates. All equipment used in or around waters shall be clean and inspected daily prior to use to ensure that the equipment has no fluid leaks. Should a leak develop during use, the leaking equipment shall be removed from the site immediately and not used again until it has been adequately repaired. No equipment may be stored or fueled within 100 feet of the waterbody.
29. If heavy equipment is used to accomplish the work, a Spill Prevention, Control, and Countermeasure (SPCC) plan must be implemented. A copy of the SPCC plan must be available to the Corps and U.S. Fish and Wildlife Service upon request during all construction activities.

GENERAL CONDITIONS

Department of the Army authorization under RGP-7 is subject to the following General Conditions:

1. Reliance on Permittee's Information. In verifying a permittee's authorization under this RGP, the Department of the Army has relied, in part, on the information provided by the permittee. If this information proves to be false, incomplete, or inaccurate, the permittee's authorization may be modified, suspended, or revoked, in whole or in part. If the authorization is revoked, any work completed under the authorization must be removed, without expense to the United States.
2. Compliance with Terms and Conditions. Projects authorized by this RGP shall comply with all terms and conditions herein. Failure to abide by these terms and conditions invalidates this authorization and may result in a violation of Federal law, which may require that the permittee restore the site or take other remedial action. Activities requiring Department of the Army authorization that are not specifically authorized by this RGP are prohibited unless authorized by another Department of the Army permit.
3. Deed Restriction. For projects with mitigation or a joint-use agreement, a copy of the completed Appendix A, permit drawings, mitigation planting plan or joint-use agreement (if applicable), and final authorization letter shall be recorded with the local government (Registrar of Deeds of the county or city), within 60 days after final Corps authorization, to ensure that subsequent property owners are aware of the construction, use, and mitigation requirements. Proof of this must be provided to the Corps within 65 days after the date of the Corps' RGP verification letter to the permittee.
4. Contractor's Copy of Permit. The permittee shall provide complete copies of this permit and the Corps' verification letter for the authorized project to each contractor involved in the project and keep copies of this permit and Corps' verification letter available for inspection at the project site.
5. Compliance Certification. Every permittee shall submit to the Corps, within 30 days of completing the authorized work, certification that the work, including any required mitigation, was conducted in accordance with the provisions of this RGP, including case-specific special conditions. The permittee must use the Statement of Compliance Form (Appendix B) of this RGP.

6. Access for Inspection. The permittee shall allow the District Engineer or their authorized representative to inspect the project whenever deemed necessary to ensure that the activity is in compliance with the terms and conditions prescribed herein.
7. Limits of Authorization. This permit does *not*:
 - a. Obviate the requirement to obtain all other Federal, State, or local authorizations required by law for the activity authorized herein, including any authorization required from Congress.
 - b. Convey any property rights, either in real estate or material, or any exclusive privileges.
 - c. Authorize any injury to property, invasion of rights, or any infringement of Federal, State, or local laws or regulations.
 - d. Authorize the interference with any existing or proposed Federal project.
8. Limits of Federal Liability. This permit is not an approval of the design features of any authorized project or an implication that such project is adequate for the intended purpose; a Department of the Army permit merely expresses the consent of the Federal Government to conduct the proposed work insofar as public rights are concerned. In issuing this RGP, the Federal Government does not assume any liability for the following:
 - a. Design or construction deficiencies associated with the authorized work.
 - b. Damages to the permitted project or uses thereof as a result of other permitted activities or from natural causes, such as flooding.
 - c. Damages to persons, property, or to other permitted or unauthorized activities or structures caused by the activity authorized by this permit.
 - d. Damages associated with any future modification, suspension, or revocation of this permit.
 - e. The removal, relocation, or alteration of any structure or work in navigable waters of the United States ordered by the Secretary of the Army or his authorized representative.
 - f. Damage to the permitted project or uses thereof as a result of current or future activities undertaken by, or on behalf of, the United States in the public interest.
9. Tribal Rights. No activity may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
10. State-owned Aquatic Lands. Projects proposed on state-owned aquatic lands require a Use Authorization from the Washington Department of Natural Resources. Applicants should call (360) 902-1100 prior to submitting an application to the Corps.
11. Obstruction of Navigation. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the work herein authorized, or if, in the opinion of the Secretary of the Army or their authorized representative, said structure or work unreasonably obstructs the full and free use of navigable waters of the United States, the permittee shall, upon due notice from the Corps, remove, relocate, or alter the obstructions caused thereby, without expense to the United States. If the permittee fails to comply with the direction of

the Corps, the District Engineer may restore the navigable capacity of the waterway, by contract or otherwise, and recover the cost thereof from the permittee.

12. Stability. The permittee shall design projects to be stable against the forces of flowing water, wave action, and the wake of passing vessels.
13. Maintenance. The permittee shall properly maintain all authorized structures, including maintenance necessary to ensure public safety. The permittee must obtain the appropriate authorization from the Corps before maintenance work occurs. This RGP or Nationwide Permit 3 may authorize any required maintenance activities on the structures authorized by this RGP.
14. Marking Structures. The permittee shall install and maintain any lights, signals, or other appropriate markers necessary to clearly designate the location of structures or work that might pose a hazard to public safety. Permittees shall abide by U.S. Coast Guard requirements concerning the marking of structures and work in navigable waters of the United States.
15. Endangered Species. This RGP does not authorize any activity that is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Endangered Species Act.
16. Essential Fish Habitat. This RGP does not authorize any activity that may adversely affect Essential Fish Habitat as defined under the Magnuson-Stevens Fishery Conservation and Management Act.
17. Historic Properties. This RGP does not authorize any activity that may affect historic properties listed, or eligible for listing, in the National Register of Historic Places (NRHP) until the provisions of 33 CFR 325, Appendix C, have been satisfied. Historic properties include prehistoric and historic archeological sites, and areas or structures of cultural interest. A prospective permittee must notify the District Engineer if the proposed activity may affect an historic property that is listed, eligible for listing, or may be eligible for listing in the NRHP, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. If a previously unknown historic property is encountered during work authorized by this RGP, the permittee shall immediately cease all ground disturbing activities in the immediate area and notify the Corps within 1 business day of discovery. The permittee shall perform any work required by the Corps in accordance with Section 106 of the National Historic Preservation Act and Corps regulations and avoid any further impact to the property until the District Engineer verifies that the requirements of 33 CFR Part 325, Appendix C, have been satisfied.
18. Water Quality Standards. All activities authorized herein that involve a discharge of dredged or fill material into waters of the United States shall, at all times, remain consistent with all applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards, and management practices established pursuant to the Clean Water Act (P.L. 92-500; 86 Stat. 816) or pursuant to applicable State and local law.
19. Soil Erosion and Sediment Controls. The permittee shall use and maintain appropriate erosion and sediment controls in effective operating condition and permanently stabilize all exposed soil and other fills, including any work below the ordinary high water mark at the earliest practicable date using native vegetation to the maximum extent practicable. The permittee shall remove all installed controls as soon as they are no longer needed to control erosion or sediment.

20. Aquatic Life Movements. The permittee shall not substantially disrupt the necessary life-cycle movement of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area.
21. Management of Water Flows. To the maximum extent practicable, the activity must be designed to maintain downstream flow conditions. Furthermore, the activity shall not permanently restrict or impede the passage of normal or expected high flows. The permittee should limit the work conducted in waters of the United States to low- or no-flow periods.
22. Water Supply Intakes. The permittee shall ensure that activities authorized by this RGP have no more than a minimal adverse impact on public water supply intakes.
23. Suitable Material. Any material or structure placed in waters of the United States, whether temporary or permanent, shall be free of pollutants in toxic amounts.
24. Disposal of Excess Material. All construction debris and any other material not authorized by the Corps for permanent placement into waters of the United States shall be disposed of in an appropriate upland location in a manner that precludes it from entering waters of the United States.
25. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected area returned to pre-construction contours and condition.
26. Transfer of RGP Verifications. If the permittee sells the property associated with a RGP verification, the permittee may transfer the RGP verification to the new owner by having the new owner submit a letter to the Seattle District Corps office to validate the transfer. A transfer must occur if mitigation is associated with the verification so that the new owner is aware of mitigation requirements. A copy of the RGP verification and permit drawings must be attached to the transfer letter, and the letter must contain the following statement and the new owner(s) signature: “I (we) understand that the structures or work authorized by this RGP verification have specific terms and conditions, including (if applicable) mitigation requirements. I (we) understand that these terms and conditions will continue to be binding on us as the new owner(s) of the property as well as the associated liabilities associated with compliance with its terms and conditions.”

Water Quality Certification: The Corps requested that the Washington Department of Ecology (Ecology) certify that activities authorized by this RGP for which Ecology is responsible will not violate established water quality standards in accordance with Section 401 of the Clean Water Act. Ecology did not make a water quality certification decision within the required time frame; therefore, water quality certification has been waived.

Activities authorized by this RGP involving a discharge of dredged or fill material on Kalispel tribal lands will require individual water quality certification from the Kalispel Tribe of Indians (see Figure 2). To obtain individual 401 certification from the Kalispel Tribe, contact Kenneth Merrill, Water Resources Manager, Kalispel Tribe of Indians, Post Office Box 39, Usk, Washington 99180, and telephone (509) 447-7276.

Endangered Species: The Endangered Species Act of 1973 (ESA), as amended, requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS), pursuant to Section 7 of the ESA, on any action, or proposed action, permitted, funded, or undertaken by the agency that may affect a species listed as threatened or endangered under the ESA, or its designated critical habitat. The Corps determined that activities that would be authorized by this RGP may affect, but are not likely to adversely affect, the bull trout (*Salvelinus confluentus*), grizzly bear (*Ursus*

arctos), and woodland caribou (*Rangifer tarandus caribou*). The USFWS concurred with our determination. Therefore, Section 7 consultation is completed for actions authorized by RGP-7. The action area for RGP-7 is not used by species regulated by the NMFS.

Essential Fish Habitat: The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). RGP-7 will not adversely affect EFH for federally managed fisheries in Washington waters. No further consultation is required.

Modification, Suspension, or Revocation of the RGP: RGP-7 may be modified, suspended, or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that the individual or cumulative impacts of work that would be authorized using this procedure are contrary to the public interest. Any such modification, suspension, or revocation shall become effective 30 days after the issuance of a public notice announcing such action. The final decision whether to modify, suspend, or revoke this permit, in whole or in part, shall be made pursuant to procedures prescribed by the Chief of Engineers. Following such revocation, any future activities heretofore authorized by this RGP will require alternate Department of the Army authorization.

The authorization of an individual project under this RGP may also be summarily modified, suspended, or revoked, in whole or in part, if the permittee either fails to abide by the terms and conditions of this permit or provides information that proves to be false, incomplete, or inaccurate, or, upon a finding by the District Engineer that such action would be in the public interest. If a permittee's authorization is revoked, the permittee shall, upon notice of such revocation, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former condition. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

Expiration of the RGP: This permit shall become effective on the date of the signature of the District Engineer or their authorized representative and will automatically expire five years from that date unless the permit is modified, revoked, or extended prior to that date. Activities that have commenced (e.g., are under construction) or are under contract to commence in reliance upon this permit will remain authorized provided that the activity is completed within one year of the date of this permit's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization.

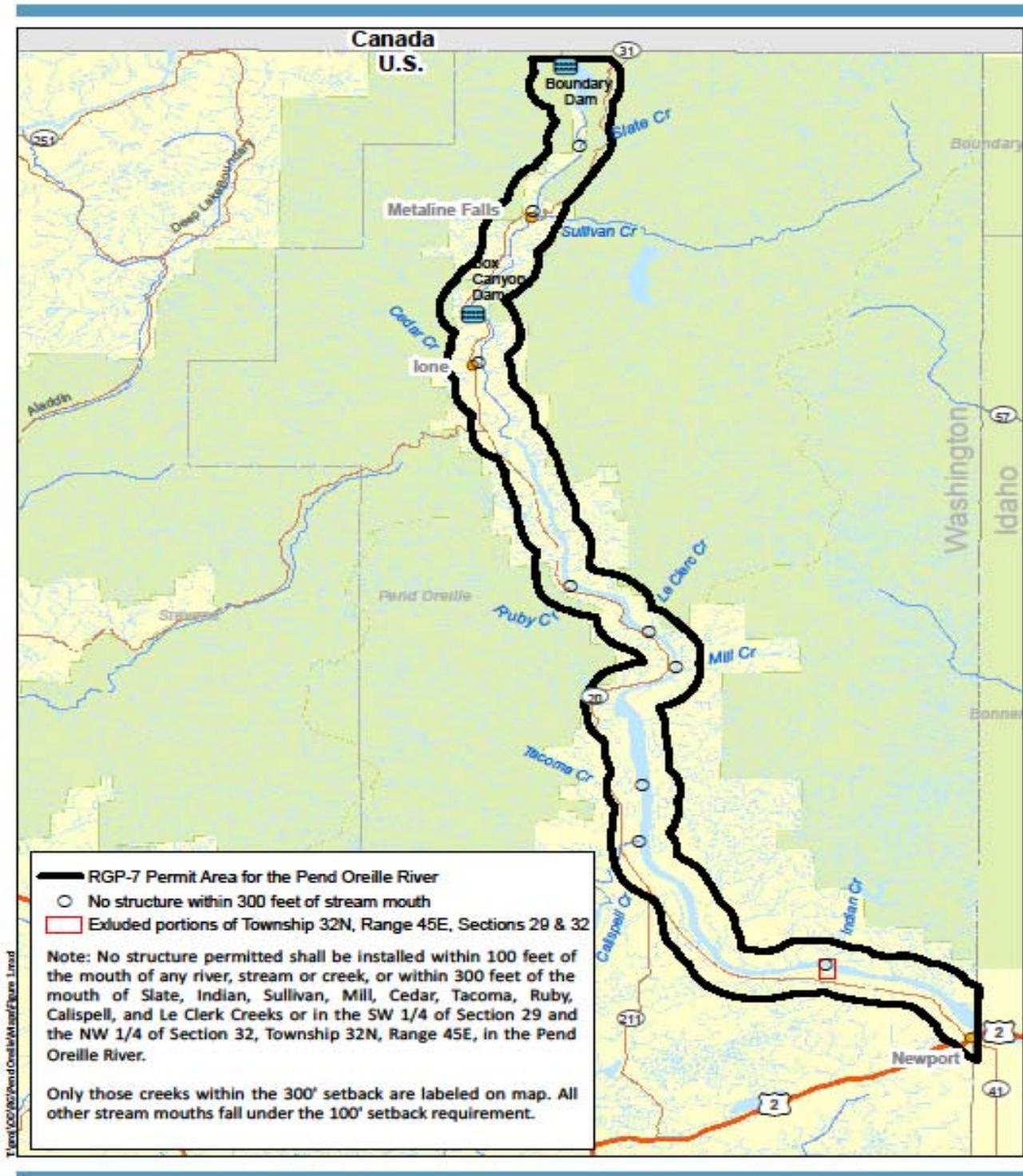


Figure 1
Regional General Permit - 7
Action Area
U.S. Army Corps of Engineers

APPENDIX A
Application Form for Regional General Permit 7 (RGP-7)
Valid: July 26, 2011-July 26, 2016

Please fully complete a JARPA and this form and submit with vicinity, plan, and elevation drawings and any other relevant information to: U.S. Army Corps of Engineers, Regulatory Branch, P.O. Box 3755, Seattle, Washington 98124-3755. After the U.S. Army Corps of Engineers (Corps) determines the application is complete, we will notify the U.S. Fish and Wildlife Service of the proposed action by faxing a copy of Appendix A and drawings to their Spokane office for a 14-day period of review.

SECTION A - Eligibility for RGP [Section A will be completed by the Corps]

<p>1. Corps reference number:</p>
<p>2. This application:</p> <p style="margin-left: 20px;"><input type="checkbox"/> Meets all of the requirements of RGP-7.</p> <p style="margin-left: 20px;"><input type="checkbox"/> Does not meet all of the requirements of RGP-7. This form constitutes a reference biological evaluation in association with USFWS (Spokane) reference number: 1-9-10-I-0379.</p>
<p>3. Endangered Species Act (ESA). ESA consultation requirements for the RGP-7 have been met for the following species and critical habitat which may occur in the action area: Columbia River bull trout and its designated critical habitat, woodland caribou, grizzly bear, and Canada lynx.</p> <p style="margin-top: 10px;">Date Corps Review Completed: _____ By: _____</p>

SECTION B - General Information

4. Date:			
5. Applicant name:			
Mailing address:			
Work phone:	Home phone:	Email:	Fax:
Co-applicant name (if joint use)			
Mailing address:			
Work phone:	Home phone:	Email:	Fax:
6. Authorized agent name:			
Mailing address:			
Work phone:	Home phone:	Email:	Fax:
7. Location where proposed work will occur (street address, city, county):			
Location of joint-use property (street address, city, county):			
Waterbody:			
¼ Section:	Section:	Township:	Range:
Latitude:	Longitude:		

8. **Work Type:** This RGP is for noncommercial use only. Please check all applicable boxes:

Maintenance of any work authorized by this RGP or by a previously issued Department of the Army permit

Modification of any work authorized by this RGP or by a previously issued Department of the Army permit

New construction/installation of:

Pier

Ramp

Float

Piling

Watercraft lift

Bank stabilization

9. **Brief Project Description** (Describe what you plan to do, dimensions of the proposed work and work area, amount of fill and/or excavated material, and how you plan to construct each element):

SECTION C – RGP-7 Construction Specifications and Conservation Measures (CSCMs)

In order to meet all ESA requirements for authorization under RGP-7, all applicable CSCMs summarized below must be implemented. Place an X in the “Yes” column if you agree to implement the RGP-7 CSCM or an X in the “No” column if you will not implement the CSCM. Place an X in the “N/A” column if the CSCM is not applicable to your project.

If you checked “No” you must explain why you cannot meet the CSCM in the Specific Project Information column. Note: If you check “No” for any box, then the work cannot be authorized by this RGP but this form may be used to complete an individual-project Endangered Species Act consultation.

Yes	No	N/A	Construction Specifications and Conservation Measures	Specific Project Information (complete if “No” was checked)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Maintenance:</u> 1. Any maintenance performed on an authorized structure shall not change the size or configuration from that which was originally authorized unless the changes are environmentally beneficial and reduce the size of the structure.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Piers, Ramps, and Floats:</u> 2. RGP-7 authorizes only one pier and/or float system, including an access ramp if necessary, per upland private property. This property must front the Pend Oreille River. Submerged structural components of piers, ramps, and floats, including framing and cross bracing shall be minimized to that required for structural stability.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. RGP-7 authorizes joint-use piers and/or floats constructed by more than one private property owner fronting the	

Yes	No	N/A	Construction Specifications and Conservation Measures	Specific Project Information (complete if “No” was checked)
			shoreline. All joint-use properties shall front the waterway. All affected joint-use property owners must sign a legal agreement to construct a joint-use pier or install floats. At a minimum, the agreement shall include a statement from each property owner that they voluntarily agree to build no additional overwater structures on their property. A copy of this agreement must be submitted with the application.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Piers and/or floats shall normally not extend more than 55 feet waterward (toward the middle of the river) of the ordinary high water mark. A greater length may be authorized up to the minimum length necessary to reach water of sufficient depth for safe boat moorage at the waterward end of the structure.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. Total deck area of piers, floats, ramps, and existing structures waterward of the ordinary high water mark shall not exceed 320 square feet for each single use structure. If it is necessary to have a single-use structure greater than 55 feet in length because of water depth limitations referenced in CSCM 4, the total area of the structures shall not exceed 450 square feet. Total deck area of piers, floats, ramps, and existing structures waterward of the ordinary high water mark shall not exceed 450 square feet for joint-use piers and floats.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. The width of any individual section of deck shall not exceed 8 feet for piers and floats and 4 feet for ramps.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Grating shall cover 100% of the surface area of piers, ramps, and floats. The open area of the grating shall be at least 60% as rated by the manufacturer. For floats, the functional grating will cover no less than 50% of the float. Submit a framing plan for proposed floats with calculations showing the percent functional grating (see Appendix E).	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8. Only open pile pier construction is authorized.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9. Flotation for the float shall be fully enclosed and contained in a shell (e.g., polystyrene tubs not shrink wrapped or sprayed coatings) that prevents breakup or loss of the flotation material into the water and is not readily subject to damage by ultraviolet radiation or abrasion caused by rubbing against piling or waterborne debris.	

Yes	No	N/A	Construction Specifications and Conservation Measures	Specific Project Information (complete if "No" was checked)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10. A float system must be held in place by piling or other fixed structures, and may consist of more than one individual float. Floats must be located in water sufficiently deep to keep the structure from grounding or float stoppers must be installed so that the float does not rest on the substrate at any time.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11. No other structures or shading objects such as, but not limited to, storage boxes, benches, planters, sheds, tables, outdoor furniture, living quarters, fueling facilities, carpeting, or covered boat moorage shall be constructed or installed on any overwater structure authorized under this RGP.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Piling:</u> 12. For impact pile driving of steel piles 10 inches in diameter or less, a block or layers of wood at least 6 inches thick between the pile driver and pile or a bubble curtain shall be used during driving. For steel piles greater than 10 inches in diameter, both 6 inches of wood between pile driver and pile and a bubble curtain shall be used during driving. Piles shall not exceed 12 inches in diameter.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Watercraft Lifts:</u> 13. Only one uncovered watercraft lift may be installed at a single-use overwater structure. A maximum of two uncovered watercraft lifts may be installed at a joint-use overwater structure. Any additional lifts would need to be authorized under a different permit.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Bank Stabilization:</u> 14. The bank stabilization activity shall not exceed 250 feet in length.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	15. The activity shall not exceed an average of one-half cubic yard of material per running foot placed along the bank below the plane of the ordinary high water mark. The length of a bank protection project, especially in the case of barbs, is measured as the total length of shoreline/bank to be protected by the structure.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16. The bank stabilization activity must be part of a single and complete project.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17. No material is placed in excess of the minimum needed for erosion protection.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18. No material shall be placed in a manner that will be eroded by normal or expected high flows.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	19. Properly installed and maintained silt fencing must be used between the construction area and the water surface, and removed when construction is complete.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	20. Bank stabilization activity must incorporate the least environmentally damaging bank protection methods. These	

Yes	No	N/A	Construction Specifications and Conservation Measures	Specific Project Information (complete if "No" was checked)
			<p>methods include, but are not limited to, the use of bioengineering, biotechnical design, root wads, large woody debris, and native plantings. We recommend using the Washington Department of Fish and Wildlife's <i>Integrated Streambank Protection Guidelines</i> (http://wdfw.wa.gov/hab/ahg/ispgdoc.htm) for applicable techniques.</p>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>21. If native plantings will be installed, you must follow the requirements and meet the performance standards described in Appendix D <i>Planting Plan Requirements</i>. Vegetation must be maintained for the duration that the authorized structure is in place.</p>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><u>Bull Trout Protection:</u> 22. No structure permitted herein shall be installed within 100 feet of the mouth of any river, stream or creek, or within 300 feet of the mouth of Slate, Indian, Sullivan, Mill, Cedar, Tacoma, Ruby, Calispell, and Le Clerk Creeks or in the SW ¼ of Section 29 and the NW ¼ of Section 32, Township 32N, Range 45E, in the Pend Oreille River.</p>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>23. In-water work, with or without pile driving, that disturbs the substrate, bank, or shore of a water of the United States shall be conducted only during the following work window to minimize the impacts to bull trout: Between July 1 and September 30 of any year.</p>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><u>Work in the Dry:</u> 24. Bank stabilization work shall only occur in the dry. All other work shall occur in the dry whenever practicable.</p>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><u>Discharge of Fill in Wetlands:</u> 25. No fill permitted herein shall be placed in wetlands. Non-fill structure placement in or over wetlands shall be limited to the minimum amount necessary.</p>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><u>Revegetation of Disturbed Riparian Areas:</u> 26. Disturbance of bank vegetation shall be limited to the minimum amount necessary to accomplish the project. Disturbed bank vegetation shall be replaced with native, locally adapted species appropriate for the site.</p>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><u>Preservatives:</u> 27. The use of wood treated with creosote, pentachlorophenol, copper naphthalene, or other comparably toxic compounds is prohibited for in-water components of a structure. Treated wood may only be used for above water structural framing and may not be used as decking, piling, or for any other uses. Alternative materials such as untreated wood, steel, concrete, recycled</p>	

Yes	No	N/A	Construction Specifications and Conservation Measures	Specific Project Information (complete if "No" was checked)
			plastic and fiberglass should be used. No paint, stain, preservative or other protective coating application shall be applied to below-water parts of the structure or shall occur while the structure is in or over the water body.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><u>Equipment Operation:</u> 28. Equipment shall be operated from the top of the bank, dry gravel bar, work platform, or similar out-of-water location whenever possible. Equipment shall be operated in a manner that minimizes the suspension of particulates. All equipment used in or around waters shall be clean and inspected daily prior to use to ensure that the equipment has no fluid leaks. Should a leak develop during use, the leaking equipment shall be removed from the site immediately and not used again until it has been adequately repaired. No equipment may be stored or fueled within 100 feet of the waterbody.</p>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>29. If heavy equipment is used to accomplish the work, a Spill Prevention, Control, and Countermeasure (SPCC) plan must be implemented. A copy of the SPCC plan must be available to the Corps and U.S. Fish and Wildlife Service upon request during all construction activities.</p>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><u>General Conditions:</u> 30. Compliance with all 26 General Conditions of RGP-7.</p>	

THIS APPLICATION IS HEREBY MADE FOR A PERMIT OR PERMITS TO AUTHORIZE THE ACTIVITIES DESCRIBED HEREIN. I CERTIFY THAT I AM FAMILIAR WITH THE INFORMATION CONTAINED IN THIS APPLICATION, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, SUCH INFORMATION IS TRUE, COMPLETE, AND ACCURATE. I FURTHER CERTIFY THAT I POSSESS THE AUTHORITY TO UNDERTAKE THE PROPOSED ACTIVITIES. I HEREBY GRANT TO THE AGENCIES TO WHICH THIS APPLICATION IS MADE, THE RIGHT TO ENTER THE ABOVE-DESCRIBED LOCATION TO INSPECT THE PROPOSED, IN-PROGRESS, OR COMPLETED WORK. I VOLUNTARILY AGREE TO MEET ALL REQUIREMENTS OF THIS RGP. I AGREE TO START WORK ONLY AFTER ALL NECESSARY PERMITS HAVE BEEN RECEIVED.

Signature of Applicant

Date

Signature of Co-Applicant

Date

Signature of Authorized Agent

Date

APPENDIX B – COMPLIANCE FORM

Statement of Compliance Form

Regional General Permit CENWS-OD-RG-RGP-7

Within 30 days of completing the authorized work, you must fill out and sign this statement of compliance form and submit it to: U.S. Army Corps of Engineers, Regulatory Branch, P.O. Box 3755, Seattle, WA 98124-3755.

1. U.S. Army Corps of Engineers Reference Number: _____
(refer to your RGP verification letter)

2. Permittee's name, address, and telephone number:

3. Contractor's name, address, telephone number, and point of contact:

4. Specific location of project area:
 Name of Waterway _____
 Street Address _____
 Section _____ Township _____ Range _____
 Latitude _____ Longitude _____
 City/County _____, Washington State

5. Description of completed work (if applicable, attach as-built drawings and/or written explanation if the completed work varies from the original plans, the drawings must include information as detailed on Appendix C – *Drawing Checklist*)

6. Status of planting plan (if required):

7. Dates of Work: The work was initiated on _____ and completed on _____.

I hereby certify that I have conducted the above-described work in compliance with the terms and conditions of this permit, including any project-specific conditions required by the District Engineer to ensure that this work would have no more than minimal adverse impact on the aquatic environment. I further certify that I have fully implemented any compensatory mitigation required by the District Engineer as a condition of this authorization.

Signature of Permittee

Date

APPENDIX C – DRAWING CHECKLIST

1. GENERAL

- () Use clear black lettering and fewest number of sheets possible; use 8 1/2- by 11-inch sheets
- () State the purpose of the proposed or existing work
- () List property owners and indicate number by number on plan view drawing
- () Show datum used in plan and elevation drawings
- () Use a graphic scale on all drawings
- () Use a north arrow; prepare drawing with north being directed to the top of the page
- () Label all proposed and existing work as such (e.g., Proposed Pier, Proposed Fill...)

2. TITLE BLOCK

- () A completed title block (first example) must be on first sheet; for subsequent sheets you can use the abbreviated form (second example)

PURPOSE: DATUM: ADJACENT PROPERTY OWNERS: 1. 2.	APPLICANT Reference Number LOCATION ADDRESS	PROPOSED: IN: NEAR/AT: COUNTY: STATE: WA SHEET * OF * DATE:
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Reference #: Applicant: Proposed: At Washington Sheet * of * Date

3. VICINITY MAP

- () Clearly show location of project (e.g., arrow, circle, etc.)
- () List latitude, longitude, section, township, and range
- () Name waterways
- () Show roads, streets, and/or mileage to nearest town or city limits

4. PLAN VIEW

- () Show shorelines:
 - Tidal: Show mean high water (MHW) line, mean higher high water (MHHW) line
 - Lakes or streams: Show the ordinary high water (OHW) line.
- () Show dimensions of proposed structures/fills; distance to property lines; encroachment beyond applicable shoreline; show wetland boundaries and specific impacts to wetlands
- () Indicate location, quantity, and type of fill, if any
- () Show all existing structures or fills on subject and adjacent properties
- () Show direction of currents such as tidal ebb and flood
- () Indicate adjacent property ownership

5. ELEVATION AND/OR SECTION VIEW

- () Show shorelines, MHW line, MHHW line, OHW line, wetland boundary
- () Show original and proposed elevations, water depths, dimensions of proposed structures or fills, and pertinent vertical dimensions to top and base of structure/fill; use the same vertical and horizontal scale, if possible.

RGP-7

APPENDIX D – PLANTING PLAN REQUIREMENTS

General Requirements

Provide a site plan drawing of the planting area showing location and layout of the plants in relation to the bank stabilization work. The planting plan should include a written description of the planting area(s) (dimensions and locations). List the species to be planted and the number you will plant of each species. The planting plot(s) shall be planted (cuttings, burlapped roots or 1 – 5 gallon pots) with native shrubs and trees suitable for existing habitat conditions. The plantings must be located within 15 feet landward of the ordinary high water mark (OHWM), parallel to the bank. We recommend planting immediately at the OHWM. Typically, the shrubs will be planted at intervals of 3-feet on center, and the trees will be planted at intervals of 10-feet on center. We encourage you to provide additional details about irrigation, control of weeds and predators, etc. The Corps must approve a planting plan submitted by the prospective permittee prior to issuance of a RGP-7 verification letter to the permittee.

Timing

Plantings must be installed during the appropriate time of year for the selected species and within one year of project construction. A report, as-built drawing, and photographs demonstrating that the plants have been installed will be submitted to the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch, within 12 months from the date of permit issuance. You can meet this reporting requirement by completing and submitting the *Status Report for Planting Plan Completion* form located in Appendix D.

Planting Performance Standards

One hundred percent survival of all planted trees and shrubs is required during the first and second years after planting the plots. During the third through fifth years after planting, 80 percent survival is required. The permittee must protect the planting plots against predation (e.g., beavers) – the Corps recommends fencing. Individual plants that die must be replaced with native plant species approved by the Corps. Maintenance of the mitigation area includes removal and replacement of dead or dying plants and removal of invasive and noxious weeds. Maintenance does not include trimming or mowing of the plants. The plants must be allowed to develop naturally. During the 5 years of monitoring, the permittee must implement any Corps required contingency plans (e.g., additional plantings, planting different species) if the performance standards are not met.

Monitoring Reports

Mitigation planting monitoring reports will be submitted by the permittee annually for 5 years from the date the Corps accepts the as-built drawings. The mitigation monitoring report will include written and photographic documentation on plant mortality and replanting efforts. Photographs must be taken between June – August (the best time of year to show plant growth). Photographs must show a panoramic view of the entire mitigation planting area. A set point from where photos are taken must be established and used repeatedly for each monitoring year. The date of the photos must be noted on the monitoring report. The permittee can meet this reporting requirement by submitting a completed *Planting Monitoring Report*, located in Appendix D, to the Corps.

Duration of Plantings

The permittee is required to establish and preserve the planting plots at the project site for the duration that the overwater structure is in place.

Status Report for Planting Plan Completion

Within one (1) year of the date your RGP verification was issued, submit this completed form to: U.S. Army Corps of Engineers, Regulatory Branch, P.O. Box 3755, Seattle, WA 98124-3755. You must submit a new form annually until the U.S. Army Corps of Engineers (Corps) accepts your as-built drawings of the mitigation construction.

Corps Reference Number: _____

Date the Corps Issued Your Permit: _____

Date this Report is Due: _____

Your Name: _____

Your Address: _____

Your City/State/Zip Code: _____

Location of Mitigation: _____

You must attach to this form: As-built drawing(s) of planting areas (if installed), and
 Photographs of the mitigation area.

Describe mitigation activity performed:

Date completed: _____

Name of Species You Planted	Number Planted
Total Planted:	

Please expand the table and attach additional pages as needed.

Planting Monitoring Report

Submit this completed form to: U.S. Army Corps of Engineers, Regulatory Branch, P.O. Box 3755, Seattle, WA 98124-3755. A completed form must be submitted 1, 2, 3, 4 and 5 years after the U.S. Army Corps of Engineers (Corps) accepts your as-built drawing of the mitigation planting area.

Corps Reference Number: _____

Date Your As-Built Were Accepted by the Corps: _____

Date This Report Is Due: _____

Your Name: _____

Your Address: _____

Your City/State/Zip Code: _____

Briefly describe the conditions of the compensatory mitigation project:

You must attach to this form: Photographs of the mitigation area (preferably taken during June-August).

Photographs must show a panoramic view of the entire mitigation planting area. A set point from where photos are taken must be established and used repeatedly for each monitoring year. The date of the photos must be noted.

Conditions of your Corps permit require 100% survival of all planted trees and shrubs during the first and second years after planting. During the third through fifth years after planting, 80% survival is required. Individual plants that die must be replaced with native species approved by the Corps. You must protect your mitigation area—fencing is recommended.

Date of Inspection	Species name of Dead Plants	Number of Dead Plants	Name of Species Replanted	Number Replanted

Please expand the table and attach additional pages as needed to describe condition of the site, issues, correspondence with the Corps regarding site conditions, and corrective or maintenance activities conducted or recommended. If performance standards are not being met, a brief explanation of the difficulties and potential remedial actions proposed by the permittee, including a timetable, must be provided.

APPENDIX E

Functional Grating Calculations for Regional General Permit 7 (RGP- 7) Maintenance, Modification, and Construction of Overwater Structures and Bank Stabilization in the Pend Oreille River, in the State of Washington

Construction Specification and Conservation Measure 7 of RGP-7 requires that:

- Grating shall cover 100% of the surface area of piers, ramps, and floats.
- The open area of the grating shall be at least 60% as rated by the manufacturer. The open area of grating is the area enclosed between the rectangular bars and cross rods in bar grating or the area enclosed between the bonds and strands in expanding grating. The ‘percent open area’ is a relative measure of the degree light can pass through the grating. The manufacturer can provide this value. Otherwise, it can be calculated by dividing the open area by the sum of the open area plus the surface area of a single unit of rectangular bars and cross rods.
- Functional grating shall cover at least 50% of the surface area of floats. Functional grating is grating that is not covered or blocked by any objects such as framing, flotation tubs, etc. The percent of functional grating is in relation to the surface area of the float.

Functional grating example:



Example of calculating functional grating on a float:

The total surface area of the 8' x 20' float:	160 ft ²
Area of float tubs:	54 ft ²
Area of framing wood:	24.5 ft ²

Area of functional grating: $160 \text{ ft}^2 - 54 \text{ ft}^2 - 24.5 \text{ ft}^2 = 86 \text{ ft}^2$

Percent functional grating: $81.5 \text{ ft}^2 / 160 \text{ ft}^2 = 51 \%$