



US Army Corps
of Engineers
Seattle District

Department of the Army Regional General Permit

Structures in Inland Marine Waters of Washington State



Permit Title: Regional General Permit 6 (RGP-6): Structures in Inland Marine Waters of Washington State

Effective Date: [to be determined]

Expiration Date: [to be determined]

Authority: In accordance with 33 CFR 325.2(e)(2), the U.S. Army Corps of Engineers (Corps) is [proposing] this modification and reissuance of Regional General Permit 6 (RGP-6) to authorize certain activities in or affecting waters of the United States, including navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

Issuing Office: U.S. Army Corps of Engineers, Seattle District
Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone: (206) 764-3495
Website: www.nws.usace.army.mil/

Purpose: The purpose of RGP-6 is to authorize the construction of new residential overwater structures in inland marine waters¹ of Washington State through a streamlined application process. Construction of commercial structures or marinas is not authorized by this RGP.

Activities authorized by RGP-6: Work authorized by RGP-6 is limited to the following categories of activities: the installation and construction of new residential overwater structures in inland marine waters of Washington State. These structures include piers, ramps, and floats, mooring buoys, marine rails, open-frame stairways, bluff-to-beach trams, and watercraft lifts and are limited to one overwater structure or rail plus one stairway or tram per property. Mitigation will be required as part of the proposed action to reduce impacts to the aquatic environment and ESA-listed species (see Appendix B). Mitigation needs to be proportional to the impacts.

Location of Authorized Activities: RGP-6 is applicable to inland marine waters of the state of Washington with the following exceptions:

- Elliott Bay at Seattle. Elliott Bay extends from the tip of West Point in Discovery Park south to the tip of Alki Point in West Seattle.
- Sites in or within 300 feet of an existing or previously designated Superfund Site (<http://www.epa.gov/superfund>) or the Washington State Model Toxic Control Act (<https://fortress.wa.gov/ecy/publications/publications/ftc94129.pdf>) cleanup site.
- Areas within 1 mile of documented Steller sea lion haul-out sites in inland marine waters.

Use of this RGP: To use RGP-6, a prospective permittee must notify the Corps of the proposed work in accordance with the procedures herein. The proposed project is not authorized under this RGP, and work may not commence, until the District Engineer or their designee has issued written notification that the proposed project

¹ For the purposes of this RGP, inland marine waters are defined as tidally influenced waters within the state of Washington limited to the marine waters ranging from South Puget Sound and Hood Canal to and including the Strait of Juan de Fuca and the Strait of Georgia. This does not include the outer coast adjoining the Pacific Ocean or tidally influenced rivers (above river mile "zero") draining into these water bodies.

meets the requirements of this RGP and is authorized. The permittee is responsible for ensuring the authorized structures and construction activities comply with all terms and conditions of this RGP, including any project-specific special conditions that may be added by the District Engineer. Failure to abide by the requirements of RGP-6 may constitute a violation of the Clean Water Act and/or Rivers and Harbors Act and the Endangered Species Act (ESA). For purposes of this RGP, the term “permittee” shall include all successors in interest.

Once the work is authorized by this RGP, a Department of the Army Individual, Nationwide, or different regional permit must approve any proposed maintenance or modifications beyond the limitations of the authorization. If a project does not meet all RGP-6 Conservation Measures and Construction Specifications, a different Corps authorization is required and separate ESA consultation will be required.

This RGP authorizes only one pier/ramp/float and stairway/tram/rail structure per residential property. Shared or “joint-use” piers are encouraged because they result in fewer overwater structures, thereby minimizing aquatic impacts and the need for more mitigation. Thus, joint-use structures are usually more cost effective for applicants. For the purpose of this RGP, “joint-use” means overwater structures constructed and shared by more than one residential waterfront property owner or by a homeowners’ association that owns waterfront property.

This RGP contains provisions intended to protect the environment, endangered species, and cultural resources. Work that does not comply with these provisions is not authorized by this RGP and may require Department of the Army authorization by an individual permit. A percentage of all structures and mitigation sites authorized by this RGP will be inspected for compliance annually.

Application Procedures: Submittal of a complete application constitutes the applicant’s voluntary agreement to meet all of the terms and conditions of this RGP. Project and site specifics will dictate the information necessary for a “complete application.” In order to apply for RGP-6 authorization, applicants must submit a completed *Application Form* (Appendix A), the *Mitigation Requirements and Calculations Form* (Appendix B), and a complete set of drawings. You do not need to submit a Joint Aquatic Resources Permit Application (JARPA). However, if you have already completed a JARPA for other State or local permits, you may submit a copy to supplement the RGP-6 application. **Application materials should be submitted on a CD and mailed along with hard copies in order to expedite the review process.**

The following project-specific information must also be submitted, as it pertains to the project site:

- 1) If the structure will be “joint-use” applicants must:
 - a. List all property owners who would share in using the overwater structure as co-applicants; all must sign the *Application Form* (Appendix A).
 - b. Provide a *Joint-Use Agreement* signed by all involved property owners; this Agreement must state that each property owner voluntarily agrees to build no other overwater structures on their property except for maintenance or modification of the authorized structure, if authorized. See the template on our website.
 - c. Upon issuance of the permit for the joint-use overwater structure, all property owners must record the Agreement on their property deeds/titles (see RGP-6 General Condition 3).
 - d. Show on a drawing the location of all properties involved in the joint-use agreement.
- 2) For activities that may affect historic properties, listed or eligible for listing, in the National Register of Historic Places, the application 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.
- 3) Information on existing conditions:
 - a. Photographs of the project area, bank and shoreline taken at low tide and a description of the substrate; include a forage fish habitat survey if applicable.

- b. Description of the type and abundance of any submerged aquatic vegetation² (SAV) found at the project site; include a SAV survey if applicable.

4) Any placement of fill material for the purpose of mitigation (for example placement of spawning gravel) including mitigation required by the Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife (WDFW) is authorized by this RGP.

Application Resources: The following online resources may be necessary to complete the application:

Lists of federally listed threatened and endangered species in the project vicinity can be obtained by contacting the National Marine Fisheries Service (NMFS): <http://www.westcoast.fisheries.noaa.gov> and U.S. Fish and Wildlife Service (USFWS): <http://endangered.fws.gov/index.html>

Information about how to obtain an HPA can be on WDFW's website: <http://wdfw.wa.gov/hab/hpage.htm>

Documented forage fish habitat information:

<http://wdfw.maps.arcgis.com/home/webmap/viewer.html?webmap=19b8f74e2d41470cbd80b1af8dedd6b3&extent=-126.1368,45.6684,-119.6494,49.0781>.

PDF and/or WORD fill-in-the blank versions of required forms and guidance documents can be found on the Seattle District Corps website at www.nws.usace.army.mil, select "Regulatory Branch", "Permit Information".

- 💧 *As-built / Status Report for Mitigation Work Completion Form*
- 💧 *Certificate of Compliance Form*
- 💧 *Coastal Zone Management Act Consistency Form*
- 💧 *Documented Steller Sea Lion Haul-out Sites in Inland Marine Waters*
- 💧 *Documenting Aquatic Vegetation and Forage Fish Habitat* [to be posted when finalized]
- 💧 *Drawing Checklist*
- 💧 *Joint-Use Agreement Template* [to be posted when finalized]
- 💧 *Major Estuary Zone maps*
- 💧 *Marine Mammal Monitoring Plan Requirements*
- 💧 *Mitigation Planting Monitoring Report Form (for riparian planting sites)*
- 💧 *Monitoring Protocol for Marbled Murrelets*
- 💧 *Regional General Permit – full text* [to be posted when finalized]
- 💧 *Regional General Permit Biological Evaluation* [to be posted when finalized]
- 💧 *Riparian Planting Mitigation Plan Requirements*
- 💧 *Work Windows, Marine Waters and Tidal Reference Area Map*

Agency Notification: Once a complete application is received by the Corps, the Corps will provide the application to the National Marine Fisheries Service (NMFS) for a 30-day period to ensure ESA requirements are met.

RGP Conservation and Construction Specifications: The conservation and construction specifications are listed in Appendix A. All conservation and construction specifications must be met for the work to qualify for RGP 6 authorization.

² For the purposes of this RGP, SAV is defined as floating or submerged aquatic vegetation including native eelgrass and macroalgae.

RGP-6 GENERAL PERMIT 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 contained 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, take other remedial action or could result in the assessment of criminal or civil penalties. Activities requiring Department of the Army (DA) authorization that are not specifically authorized by this RGP are prohibited unless authorized by another DA permit.
3. **Deed Recording:** A copy of the completed application form, permit drawings, mitigation plan, and final authorization letter shall be recorded with the local government (Registrar of Deeds in the county or city of the project location), within 60 days of the date of the RGP-6 authorization, to ensure that subsequent property owners are aware of the permit 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. **If the overwater structure is joint-use**, all co-applicants must sign a *Joint-Use Agreement* to voluntarily agree to build no additional overwater structures on their property, except for the maintenance or modification of the proposed joint use overwater structure. Maintenance is not covered by this RGP. This voluntary agreement and documentation must be recorded on the deeds of all involved property owners.
4. **Coastal Zone Management Act Consistency:** [process initiated]
5. **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.
6. **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. This requirement can be met with the submittal of a completed *Certificate of Compliance Form*.
7. **Access for Inspection.** The permittee shall allow the District Engineer or his authorized representative to inspect the project whenever deemed necessary to ensure the activity is in compliance with the terms and conditions prescribed herein.
8. **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.

9. 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.
10. Tribal Rights. No activity authorized by this RGP may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
11. State Owned Aquatic Lands. Projects proposed on state owned aquatic lands require approval from the Washington Department of Natural Resources (DNR) and if approved, will require a *Site Use Authorization*. Applicants should contact DNR's Aquatic Resources Division at (360) 902-1100 or via email at ard@dnr.wa.gov for more information. Their website is: www.dnr.wa.gov.
12. 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 his 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.
13. Stability. The permittee shall design projects to be stable against the forces of flowing water, wave action, and the wake of passing vessels.
14. Maintenance. The permittee shall properly maintain all authorized structures, including maintenance necessary to ensure public safety. This RGP does not cover any maintenance. Maintenance activities may require separate authorization. Compensatory mitigation may be required.
15. Marking Structures. The permittee shall install 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.

16. Endangered Species. This RGP requires that permittees avoid, minimize and mitigate for effects to species listed or proposed under the Endangered Species Act.

The Corps permit decision is considered a Federal action that must comply with the ESA. The ESA is administered by the NMFS and the USFWS. The ESA requires all Federal agencies to consult with NMFS and/or the 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 has determined that activities that would be authorized by this RGP may affect federally listed species due to cumulative effects. [process initiated]

17. Essential Fish Habitat. This RGP requires that permittees avoid, minimize and mitigate for effects to essential fish habitat as defined under the MSA.

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). The Corps has determined that issuance of this RGP may adversely affect EFH for federally managed fisheries in Washington waters due to cumulative effects. [process initiated]

18. Historic Properties and Cultural Resources. The permittee shall perform any work authorized by the Corps in accordance with Section 106 of the National Historic Preservation Act (NHPA) and Corps regulations and avoid impacts to the historic property until the District Engineer (DE) verifies that the requirements of 33 CFR Part 325, Appendix C, have been satisfied. Historic properties include prehistoric and historic archeological sites, and areas or structures of cultural interest. An applicant or permittee must notify the DE if a proposed activity may affect a potential historic property and shall not begin work that would impact the property until notified by the DE that the requirements of the NHPA 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.

19. 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.

Water Quality Certification: [process initiated]

20. Soil Erosion and Sediment Controls. The permittee shall use and maintain appropriate erosion and sediment controls 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.
21. Equipment. During construction, the permittee shall place heavy equipment on removable mats, or take other appropriate measures to minimize soil disturbance.
22. Aquatic Life Movements. The permittee shall avoid, minimize and mitigate impacts to avoid disrupting the necessary life-cycle movements and migration patterns of those species that require access to the waterbody.

23. Water Supply Intakes. The permittee shall ensure that activities authorized by this RGP have no more than a minimal adverse impact on water supply intakes.
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 upland location in a manner that precludes it from entering waters of the United States.

Modification, suspension, or revocation of the RGP: This RGP may be modified or suspended in whole or in part if the Secretary of the Army or his authorized representative determines the individual or cumulative impacts of work that would be authorized by RGP-6 are contrary to the public interest. 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 his authorized representative and will automatically expire 5 years from that date unless the permit is modified, revoked, or extended prior to that date. Activities that have commenced (i.e., are under construction) or are under contract to commence in reliance upon this permit will remain authorized provided that the activity is completed within 1 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.

APPENDIX A: Regional General Permit (RGP) Application Form

RGP-6: Structures in Inland Marine Waters of Washington State

Version: **[DATE OF ISSUANCE]**

Please fully complete this application form and provide a vicinity map, drawings, photographs, submerged aquatic vegetation survey, RGP 6 Appendix B (Mitigation), and any other required information. Submit all required documentation to: U.S. Army Corps of Engineers (Corps), Regulatory Branch, Post Office Box 3755, Seattle, Washington 98124-3755. For assistance with this application, please review the *Full Text of RGP 6* and the Seattle District Regulatory Branch website: www.nws.usace.army.mil (select "Regulatory Branch, Permit Information").

SECTION A – Corps and Programmatic ESA Consultation Reference Numbers (NWS-2002-1291, RGP-6)

NMFS Reference Number: **[TO BE ADDED WHEN COMPLETE]** for **[SPECIES TO BE ADDED WHEN COMPLETE]**

USFWS Reference Number: **[TO BE ADDED WHEN COMPLETE]** for **[SPECIES TO BE ADDED WHEN COMPLETE]**

Applicant's Reference Number For This Project: **[TO BE ADDED BY CORPS UPON RECEIPT OF APPLICATION]**

SECTION B - General Information

1. **Date:**

2. **Applicant name:**

Mailing address: _____

Home phone: _____

Alternate phone: _____

Email: _____

3. **Authorized agent name:**

Company name:

Mailing address: _____

Work phone: _____

Alternate phone: _____

Email: _____

4. **Contractor's name:**

Company name:

Mailing address: _____

Work phone: _____

Alternate phone: _____

Email: _____

SECTION C – Project Information

5. **Location where proposed work will occur** (street address, city, county): _____

¼ Section: _____ Section: _____ Township: _____ Range: _____

Latitude: _____ Longitude: _____ Parcel Number _____ HUC: _____

6. **Work Type(s):** _____ (e.g., pier, ramp, float, buoy, watercraft lift)

Provide a detailed description of proposed work and proposed mitigation. All measurements must be listed (do not just refer to the drawings). Include proposed building materials, construction methods and timing of the work. The locations of all impacts including the placement of fill material must be specifically identified and the area of fill provided (in square feet). Please list all project components, whether or not they are within Corps jurisdiction.

7. Joint-Use Overwater Structure:		
If joint-use, you must list the other waterfront property owners: name, address, and telephone number, as co-applicants. You must also provide a joint use agreement (Agreement) signed by all involved property owners; the Agreement must state that each property owner voluntarily agrees to build no overwater structures on their property except for the maintenance or modification of the authorized joint use overwater structure. Upon issuance of the permit for the joint use overwater structure, all property owners must record this Agreement on their deeds.		
Co-applicant Name: _____		
Mailing address: _____		
Work phone:	Alternate phone:	Email: _____
Attach additional information if there is more than one co-applicant.		
8. Existing Structures (See Page 2 for the limits on the total number of structures allowed)		
Are there any existing structures at the project location? ____ If so, provide the type of structure and year of construction or installation of each structure and attach a copy of the Corps permit for the existing structures: _____		

Terms and Conditions of RGP-6 and Conservation and Construction Specifications: In order to meet all ESA requirements for authorization under RGP 6, all Conservation and Construction Specifications summarized in Section D of this form must be implemented as they are terms and conditions of RGP-6. Check each item in this section of the application that you agree to implement or deem “not applicable” and fill in your specific project information.

SECTION D –Conservation and Construction Specifications ³ with Specific Project Information				
Conservation and Construction Specification	Specific Project Information	I (We) Will Implement	I (We) Will Not Implement	Not Applicable
1. PIERS (a flat deck structure supported by piling) or LANDINGS and STEPS of a stairway				
a. The width of the modified portion of a pier or proposed new pier should not exceed 4 feet for single-use and 6 feet for joint-use. NOTE: No mitigation is required for 4-foot wide fully grated single use piers or up to 6-foot wide fully grated joint-use piers.	Width of pier: _____ feet Length of pier: _____ feet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Pier surface must be fully grated with grating that has 60% open space.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Pier configuration: The pier must be a straight line. New finger “ell” or “T” shaped piers are not authorized by this RGP.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. The construction of new structures on piers, (i.e., buildings, planter boxes, slides, etc.) are <u>not</u> authorized by this RGP.	If a utility box will be installed provide dimensions and detail: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Landings and Steps of a stairway: The stairway must be open-frame construction not a solid structure (i.e., concrete). and fully grated.				
2. FLOATS (a flat deck structure supported by flotation devices)				
a. For a single use structure the float width must not exceed 8 feet and the length cannot exceed 30 feet. Functional grating must be installed on at least 50% of the surface area of the float.	Length of float: _____ feet Width of float: _____ feet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

³ Variances will be considered for persons with disabilities on a case-by-case basis and changes in overwater coverage will be factored into the mitigation ratios.

b. For a joint-use structure the float width must not exceed 8 feet and the length cannot exceed 60 feet. Functional grating must be installed on at least 50% of the surface area of the float.	Length of float: <input type="text"/> feet Width of float: <input type="text"/> feet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. To the maximum extent practicable, floats will be installed with the length in the north-south direction.	Direction of length of float: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Floats may be held in place with lines anchored with a helical screw or “duckbill” anchor, piling with stoppers and/or float support/stub pilings. (1) For a <u>single use</u> float, a maximum of 4 piling (not including stub piling) or helical screw or “duckbill” anchors may be installed (2) For a <u>joint-use</u> float, a maximum of 8 piling or helical screw or “duckbill” anchors may be installed (3) If anchors and anchor lines need to be utilized, the anchor lines shall not rest on the substrate at any time. (4) In rocky substrates where a helical screw or “duckbill” anchor cannot be used, another type of Corps-approved anchor (i.e., drilled anchor with grout) may be permitted.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. If the float is removed seasonally, the applicant must indicate this in their application and provide the coordinates (latitude and longitude) of the storage location. Floats must be stored landward of MHHW or at an approved location. <i>Corps authorization may be required for in-water storage (even in a marina).</i>	Storage location: <input type="text"/> Latitude: <input type="text"/> Longitude: <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Flotation for the float shall be fully enclosed.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Flotation shall be installed under the solid portions of the float, not under the grating (unless the entire float is grated).		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. If the float is positioned perpendicular to the ramp, a small access float may be installed to accommodate tidal movement of the ramp. The dimensions of the access float cannot exceed 6 feet in width and 10 feet in length.	Length of access float: <input type="text"/> feet Width of access float: <input type="text"/> feet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. No floats may be installed in the Upper Shore Zone (landward of +5 MLLW).		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. FLOAT STOPS				
a. To suspend the float above the substrate at all tides, float stops (stoppers) should be installed on piling anchoring new floats.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. If float stops attached to pilings are not feasible (provide explanation) then up to four 10-inch diameter stub pilings may be installed instead.	Proposed number of stub piles: <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Float feet attached to the float may be considered an option only if the substrate consists of coarse material as described in the column to the right. If you propose to install float feet, check the box which describes the substrate conditions on the project site at the location of the float. Appropriate documentation on the elevation and substrate size must also be provided.	<input type="checkbox"/> In coarse substrate, D25 ⁴ of 25 mm or larger for a grain size sample taken from upper 1 foot of substrate <input type="checkbox"/> For elevations of - 3 feet MHHW and lower at D25 of 4 mm or larger for a grain size sample taken from upper 1 foot of substrate (to exclude installing float feet in muck)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

⁴ “D25 of 25mm” means that 25% of the substrate has a grain size of 25 mm or less.

4. RAMPS (a sloped deck structure typically connecting a pier and a float)				
a. The width of the ramp cannot exceed 4 feet.	Length of ramp: _____ feet Width of ramp: _____ feet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Ramps must be fully grated with grating that has at least 60% open area.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. MARINE RAILS				
RGP-6 authorizes either a marine rail at least 20 feet long or an overwater structure, but not both. Support marine rails with as few piles as practicable.	Length of each rails _____ feet Number of support pilings _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. GRATING				
a. Grating must not be covered (on the surface or underneath) with any items (e.g., kayaks, planters, sheds, lawn chairs, etc.) except utility boxes.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Provide grating type and manufacturer to document % open area. Grating must have at least 60% open area.	Grating Type/Manufacturer: _____ (may provide website of manufacturer)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Grating openings should be oriented lengthwise in the east-west direction to the maximum extent practicable.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.1. PILES and FILL for stairways or trams				
a. Proposed new piles may be steel, concrete, plastic, ACZA-treated wood, or untreated wood. ACZA treated piling may be used if the area is: not in documented forage fish spawning habitat and is on privately owned tidelands and the wood meets Post-Treatment Procedures. <i>See:</i> http://www.wwpinstitute.org/	Material of new piling: _____ If ACZA treated wood will be used, treatment certificate needs to be submitted to the Corps before work commences. If currently available, attach to this application.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Piling supporting a new pier must be spaced no closer than 20 feet apart.	Number of new piling: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. A maximum of 2 moorage piles may be installed to accommodate the moorage of boats exceeding the length of the floats. Dolphins are not authorized by this RGP.	Number of moorage piling: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Any piling subject to abrasion must incorporate design features to minimize contact between all of the different components of overwater structures during all tidal elevations.	How will abrasion be minimized? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. For anchoring of tram cables or footings for stairs: No more than one cubic yard of fill can be used for each footing or anchor. The number of footings and anchors must be minimized.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.2. PILE DRIVING				
a. Pile driving will occur during daylight hours only, for a maximum of 12 hours per day.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Installation method: (e.g.: vibratory, impact hammer) Note: Vibratory or impact installation of wood, concrete, plastic, or other non-metal piles of any size is allowed. Impact installation of steel piles is only allowed for steel piles with a diameter up to 12 inches.	_____ Piling material: _____ Piling diameter: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. If steel piles are proposed, a vibratory pile driver is preferred for installation.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. If killer whale occurrence has been documented for more than four times during the proposed work window (typically June – Feb) in the quadrat the project area is located in, a <i>Marine Mammal Monitoring Plan</i> must be	To make this determination, look at: http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/evaluating_sound.html	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

prepared and submitted with this application.	<input type="checkbox"/> Marine mammal monitoring plan required and attached Follow NOAA guidance at: http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/monitoring_plan_guidance.html																																	
e. Vibratory pile driving must not be initiated if ESA-listed marine mammals (i.e., Southern Resident Killer whale) are present within 1.33 miles of the work site. Pile driving must cease immediately if a marine mammal is within 1.33 miles of the project, and shall only continue once the animal is beyond 1.33 miles.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																														
f. If steel piling will be installed or proofed with an impact hammer, please complete the table below because a Marbled Murrelet Monitoring Plan may be required. The USFWS will be provided the information in this application so that they can determine if a plan is required. If required, the plan must be prepared according to the <i>Monitoring Protocol for Marbled Murrelet</i> and submitted with this application.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																														
<table border="1"> <thead> <tr> <th>Day</th> <th>diameter</th> <th># piles</th> <th># strikes</th> <th>Total # strikes</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Day	diameter	# piles	# strikes	Total # strikes																													
Day	diameter	# piles	# strikes	Total # strikes																														
g. Vibratory or impact pile driving must not be initiated if ESA-listed birds (e.g., Marbled murrelets) are seen within 160 feet of the work site.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																														
h. When installing steel piling that is up to 12 inches in diameter with an impact hammer 187 dB Sound Exposure Level and 206 dB peak pressure are not to be exceeded. For pilings larger than 6 inches in diameter to stay below the noise threshold, the number of strikes per day is limited to 500 and sound attenuation devices must include the following: the placement of a block of wood (minimum of 6 inches thick) between the hammer and the pile and the use of a bubble curtain that: <ol style="list-style-type: none"> (1) distributes air around 100% of the perimeter of the pile, (2) is designed and operated so that bubbles start/originate from the bottom and (3) bubbles flow at all times during impact pile driving Alternative designs or materials may be used to reduce installation noise below the threshold, see below.	Please contact the Corps when proposing a sound attenuation device that differs from these specifications. Hydroacoustic monitoring may be required by USFWS for monitoring marbled murrelets. USFWS will make this determination when reviewing the piling data in item "f" above and the marbled murrelet monitoring plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																														
i. Larger diameter piling may be allowed when using alternative designs or materials (i.e., double walled piling). You must provide details on the alternative design or materials. If you can show the alternative design or materials can achieve more than 10 dB sound attenuation and 187 dB Sound Exposure Level and 206 dB peak pressure are not exceeded.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																														
8. TREATED WOOD																																		
a. No creosote, pentachlorophenol, CCA, or	<input type="checkbox"/> ACZA treated wood will be used	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																														

comparably toxic compounds not approved for marine use, shall be used for any portion of the over water structure. ACZA treated piling may be used if the area is: not in documented forage fish spawning habitat and is on privately owned tidelands and the wood meets Post-Treatment Procedures. <i>See:</i> http://www.wwpinstitute.org/	If ACZA treated wood will be used, a treatment certificate needs to be submitted to the Corps before work commences. If currently available, attach to this application.			
9. WATERCRAFT/ LIFTS AND GRIDS				
a. A description of the watercraft to be moored at the overwater structures must be provided.	Type: <input type="text"/> Size: <input type="text"/> (length and width)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Watercraft may not rest on the tidal substrate at any time.	How will grounding be prevented? <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Up to two watercraft lifts may be installed at a single-use overwater structure and up to four may be installed at a joint-use structure.	Number of watercraft lifts proposed: <input type="text"/> Size: <input type="text"/> (length and width) Type of watercraft lifts: <input type="text"/> (ground based, suspended or floating)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. A maximum of 2 additional piles may be used to attach a watercraft grid to the piles used for anchoring the floats.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. The bottom of the watercraft lift shall be at least 1 foot above the substrate at all times.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. MOORING BUOYS				
a. Only one mooring buoy per property may be authorized by this RGP.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. The location of the anchor for the mooring buoy must be identified; provide the latitude and longitude.	Latitude: <input type="text"/> Longitude: <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Anchor lines may not rest or drag on the substrate. If necessary, a mid-line float must be installed on the line.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Anchors should be helical screw or "duckbill" type. If the substrate does not allow these anchors to be used, a Corps-approved alternative anchor (i.e., drilled anchor with grout) may be used.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. No more than 3 other buoys may be anchored within a 117 foot radius of the proposed buoy.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Note: Please review the following links to determine whether a Washington State Dept of Natural Resources permit is needed: http://www.dnr.wa.gov/recreationeducation/howto/homeowners/pages/aqr_mooring_buoy.aspx http://washingtondnr.wordpress.com/2011/06/01/how-to-authorize-a-mooring-buoy-with-dnr/				
11. SUBMERGED AQUATIC VEGETATION⁵ (SAV) and MARINE PLANT SURVEYS				
a. For all proposed new overwater structures, the applicant must submit survey information on SAV and substrate conditions.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. FORAGE FISH HABITAT				
a. If there is documented or potential forage fish habitat in the project area, you must show the extent of this habitat on the project plans. For maps of <i>documented</i> forage fish habitat: http://wdfw.maps.arcgis.com/home/webmap/viewer.html?webmap=19b8f74e2d41470cbd80b1af8dedd6b3&extent=-126.1368,45.6684,-119.6494,49.0781	Is there documented forage fish (Pacific herring, surf smelt or sand lance) spawning habitat in project area? <input type="checkbox"/> No <input type="checkbox"/> Yes Is there <i>potential</i> forage fish habitat in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

⁵ For the purposes of this RGP, SAV is defined as floating or submerged aquatic vegetation including macroalgae and native eelgrass.

See Appendix C, Glossary, for a description of potential forage fish spawning habitat.	<input type="checkbox"/> No <input type="checkbox"/> Yes			
<p>b. If piers and ramps need to be constructed over documented or potential forage fish spawning habitat, they must span at least 40 feet to minimize the number of piling in the habitat.</p> <p>If habitat is mapped as potential forage fish spawning habitat but the substrate appears to have changed, documentation must be submitted that shows why the substrate is no longer suitable.</p> <p>If fill for footings or anchoring of tram cables will be placed on documented or potential forage fish spawning habitat, 50% more mitigation will be required.</p> <p>NOTE: If it is not possible to avoid Pacific herring spawning habitat, 50% more mitigation is required.</p>	Number of piles proposed in forage fish habitat: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. WORK WINDOWS				
a. The work would be conducted during the normal in-water work window. (Please refer to <i>Marine Water Work Windows</i> on the Corps website (which might be different than the HPA window).		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. If there is documented forage fish spawning habitat at the project site and there is no approved work window for forage fish prior to construction, the applicant must have a qualified biologist or biologist certified by the WDFW confirm, in writing, that no forage fish are spawning in the project area during the proposed construction. If the Corps confirms the biologist's assessment, the permittee has 48 hours to begin work and 2 weeks from the date of inspection to complete all work contacting the substrate waterward of MHHW.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>c. The following work window restrictions are in place whenever steel piles will be driven or proofed with an impact hammer:</p> <p>(1) All pile driving operations are only authorized to occur between 2 hours after sunrise and 2 hours before sunset during Marbled murrelet nesting season (April 1 to September 15)</p> <p>(2) Impact hammer pile driving of steel piles will not start before August 16 and must end by September 16.</p>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. WORK IN THE DRY				
Work that involves the excavation of the substrate, bank, or shore shall occur in the dry whenever practicable.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. OPERATION OF EQUIPMENT				
a. Use of equipment on the beach shall be held to a minimum, confined to a single access point, and limited to a 12-foot work corridor on either side of the proposed work. Preferably, equipment shall be operated from the top of the bank, on a temporary work platform, barge, or similar out-of-water location.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Equipment shall be operated in a way that minimizes		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

turbidity.				
c. Required methods to identify problems and maintain equipment will be implemented.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Barges may not ground out at any time.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Any disturbance of the beach areas, waterward of MHHW, by construction activities or equipment, shall be restored to the original pre-project conditions upon the immediate completion of construction and mitigation work.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. DISTURBANCE OF RIPARIAN ZONE for piers, ramps, and floats				
a. Existing habitat features (e.g., vegetation and woody debris) shall be avoided to the maximum extent possible to avoid causing erosion and to maintain food source, shading and other ecological functions. The only exception is the replacement of non-native species with native species immediately after removal.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Disturbance of bank vegetation shall be limited to a "work strip" area no wider than twice the width of the pier. There is no length requirement.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. If woody vegetation with a DBH of 4 inches or greater needs to be removed within the "work strip area", the applicant must submit photographs of the bank, work strip area, and areas immediately adjacent with justification to the Corps as part of the permit application <u>before</u> work begins. If the area will remain cleared, a mitigation plan must be submitted. Item "d" below is suitable mitigation if trees in the work strip need to be removed. <i>Check with local jurisdiction for additional land clearing regulations before work begins.</i>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Trees that are removed should be left and anchored along the shoreline as habitat features where possible.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Disturbed bank vegetation shall be replaced with native species appropriate for the site. A Planting Plan must be provided and approved by the Corps. Plantings must be installed during the appropriate time of year and within one year of construction.	<input type="checkbox"/> Planting Plan is attached	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For stairways and trams: (the conditions above apply to vegetation on the top of the bluff, in addition, the following condition applies)				
f. Vegetation on the face of the bluff must be avoided and cannot be removed, trimmed or altered. If there is no alternative but to impact vegetation on the face of the bluff, it must be done so in accordance with a slope stability plan/report approved by the local government or State. If vegetation is cleared, compensatory mitigation will be determined on a case-by-case basis by the Corps based on the type of vegetation and amount of vegetation removed or altered. Replacement of non-native with native species immediately after removal is authorized.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. MITIGATION				
Applicant must complete Appendix B and, if applicable, must submit a mitigation plan.	<input type="checkbox"/> Appendix B is attached <input type="checkbox"/> Mitigation plan is attached	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. SKIRTING				

Skirting on any portion of an overwater structure is <u>not</u> authorized by this RGP.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GENERAL CONDITIONS			
All RGP-6 General Conditions starting on page 4 of the <i>Full Text for RGP 6</i> will be met.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPLICATION IS HEREBY MADE FOR A PERMIT TO AUTHORIZE THE ACTIVITIES DESCRIBED HEREIN. I CERTIFY THAT I AM FAMILIAR WITH THE INFORMATION CONTAINED IN THIS APPLICATION, THE TERMS AND CONDITIONS OF THIS PERMIT, 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 IN-PROGRESS OR COMPLETED WORK. I VOLUNTARILY AGREE TO MEET ALL REQUIREMENTS OF THIS RGP. I AGREE TO START WORK ONLY AFTER ALL NECESSARY LOCAL AND STATE PERMITS HAVE BEEN RECEIVED.

I ALSO ACKNOWLEDGE AND UNDERSTAND THAT ANY CHANGE IN PROJECT LOCATION AND/OR PROJECT AND MITIGATION PLANS REQUIRES SUBMITTAL OF THE REVISED PLANS TO THE CORPS IN ORDER TO OBTAIN APPROVAL BEFORE WORK COMMENCES. DEVIATING FROM APPROVED PLANS WITHOUT PRIOR APPROVAL MAY RESULT IN THE ASSESSMENT OF CRIMINAL OR CIVIL PENALTIES.

Signature of Applicant

Date

Signature of Authorized Agent

Date

Signature of Contractor (if known)

Date

Property Owner Signature (if not applicant) not required if project is on existing rights-of-way or easements.

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

Property Owner Printed Name

Property Owner Signature

Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

APPENDIX B: Compensatory Mitigation Requirements and Calculations

RGP-6: Structures in Inland Marine Waters of Washington State

Version: **[DATE OF ISSUANCE]**

Corps Reference number: _____ [To be completed by Corps Project Manager]

Name of Applicants: _____

Mitigation Instructions: You must have the following information to complete this table to determine how many “mitigation points” are needed for your proposed project. Once you complete Table 1 (Mitigation Calculations), go to Table 2 (Mitigation Options) to view the available mitigation options. Then select mitigation options equal to the amount of required points.

Before you complete this table you must first have the following:

1. Project drawings of the proposed work showing:
 - a. The following elevations, using MLLW datum, mean higher high water, mean high water, +5 feet above MLLW, MLLW, and -10 feet below MLLW.
 - b. The location of submerged aquatic vegetation in reference to the elevations listed above
2. Use the following definitions and abbreviations to complete this table
 - a. Upper Shore Zone (USZ) - the area landward of +5 MLLW
 - b. Lower Shore Zone (LSZ) - the area waterward of +5 MLLW and landward of -10 MLLW, or the lowest elevation of SAV.
 - c. Deep Shore Zone (DSZ) - begins waterward of where the LSZ ends and extends to 98 feet below MLLW. If SAV extends to -98 feet below MLLW, the LSZ would extend to that point and there would be no DSZ. See Figure 1 for depiction of these zones.
 - d. Overwater Structures (OWS) - includes piers, ramps, floats, piling, and watercraft lifts
 - e. Pier - a flat deck structure supported by piling
 - f. Ramp - a sloped deck structure typically connecting a pier and a float
 - g. Float - a flat deck structure supported by flotation devices
 - h. Submerged aquatic vegetation (SAV) - (for the purposes of this RGP) is defined as floating or submerged aquatic vegetation including macroalgae and native eelgrass.
 - i. Vegetation Scenario Table (below).

Evaluate % cover of SAV or salt marsh vegetation within 20 feet of proposed overwater structure(s)	Choose one of the following options for use in Table 1 (Mitigation Calculations)
≤10%	0
11% – 20%	1
21% – 40%	2
41% – 75%	3
>75%	4

IMPORTANT NOTE: If ≤ 20% of SAV is in documented forage fish spawning habitat, Condition 0 and 1 do not apply. Select Condition 2. If there a different percentage cover of SAV on opposite sides of the proposed OWS, choose the higher percentage cover to determine which vegetation condition applies.

- j. Pocket Estuary/Beach - small estuaries that provide some sheltered area and have freshwater influence at least part of the year. The location of pocket estuaries can be found at <https://fortress.wa.gov/ecy/coastalatlas/tools/Map.aspx> (Under Contents, select Pocket Estuaries). The lateral extent of each pocket estuary is the protected (pocket or lagoon feature) area.

- k. Bluff backed beach - beaches which terminate at the toe of a steep bluff.
- l. Major Estuary Zone (for Puget Sound Chinook and/or Hood Canal summer chum) - --For RGP-6 only, a Major Estuary Zone is an estuary is the transition zone at the mouth of listed freshwater tributaries and Puget Sound that support PS Chinook or Hood Canal summer chum (see Appendix B, Glossary for list of tributaries). A 5-mile zone around these estuaries is very important habitat for early juvenile rearing of these species.

Figure 1. Graphic Depiction of Shoreline Zones

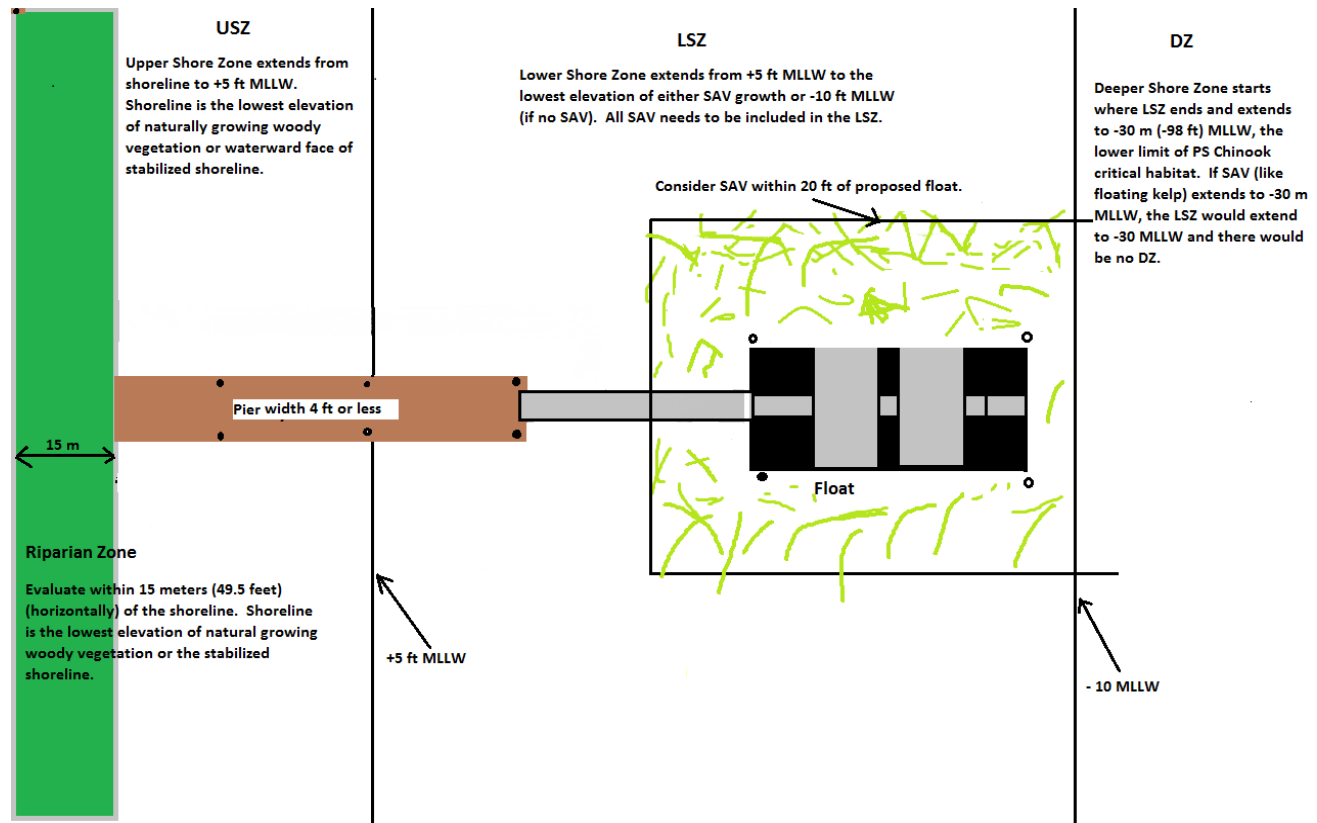


Table 1. Mitigation Calculations. This table is based on NMFS' characterization of adverse impacts from overwater structures on salmonid habitat in Puget Sound utilizing the Habitat Equivalency Analysis methodology.

Riparian Zone Impacts (From MHHW to 50 feet landward of MHHW)			Mitigation Points (MP)
The woody vegetation with a DBH of 4 inches or greater in the riparian work strip needs to be permanently cleared for permanent access to the overwater structure.	Add 1.45 MP's per 100 square feet for removal of woody vegetation if the requirements of Section 16c or 16d of the <i>Conservation and Construction Specifications</i> are not met.	_____ MP	
Upper Shore Zone (USZ) Impacts (MHHW to +5 feet MLLW)			
For any vegetation scenario: if the width is ≤ 4 feet for single use and 6-feet for joint-use no mitigation points are required.	No calculations necessary for this section.	<u> 0 </u> MP	
For any vegetation scenario, if the width is > 4 feet for single use and 6-feet for joint-use, insert the square footage and complete the formula.	$\left[0.4 \times \frac{\text{s.f.}}{100} \right] + 0.1 = \text{_____ MP}$ <input type="checkbox"/> If the USZ is documented or potential forage fish habitat and the piling are spaced closer than 40-feet along the length of the pier, multiply the number of MPs by 1.5	_____ MP	
Lower Shore Zone (LSZ) Impacts (Lower than +5 feet MLLW to -10 feet MLLW and limits of SAV)			
Pier and Piles			
For any vegetation scenario, if the pier is fully grated and width is ≤ 4 feet for single use and 6 feet for joint-use, no mitigation points are required.	No calculations necessary for this section.	<u> 0 </u> MP	
For any vegetation scenario, if the pier is fully grated and width is > 4 -feet for single use and 6-feet for joint-use, insert the square footage and complete the formula.	$\left[1 \times \frac{\text{s.f.}}{100} \right] + 0.3 = \text{_____ MP}$	_____ MP	
Floats			
Insert the square feet of float(s) into the formula, including access float and piles, located in the LSZ where the float is 50% grated with 60% open space and there are 8 or less piles. See Page 17 for the Vegetation Scenario Table and choose the appropriate option.	Vegetation Scenario 0	$\left[3.5 \times \frac{\text{s.f.}}{100} \right] + 7.2$	_____ MP
	Vegetation Scenario 1 & 2	$\left[4.8 \times \frac{\text{s.f.}}{100} \right] + 8.9$	_____ MP
	Vegetation Scenario 3	$\left[6.1 \times \frac{\text{s.f.}}{100} \right] + 10.6$	_____ MP
	Vegetation Scenario 4	$\left[7.4 \times \frac{\text{s.f.}}{100} \right] + 12.3$	_____ MP
Floating watercraft lifts			
Insert the square feet of floating watercraft lifts located in LSZ and complete the calculations in the formula.	Vegetation Scenario 0	$\left[2.2 \times \frac{\text{s.f.}}{100} \right]$	_____ MP
	Vegetation Scenario 1 & 2	$\left[3.5 \times \frac{\text{s.f.}}{100} \right] 4.5$	_____ MP
	Vegetation Scenario 3	$\left[4.9 \times \frac{\text{s.f.}}{100} \right] 0$	_____ MP
	Vegetation Scenario 4	$\left[6.3 \times \frac{\text{s.f.}}{100} \right] 7.9$	_____ MP
Deeper Shore Zone (DSZ) Impacts			

(Deeper than -10-feet MLLW or outer limits of SAV)		
Insert the square footage of floats located in the DSZ and complete the calculations in the formula.	$\left\lceil 1.8 \times \frac{\text{s.f.}}{100} \right\rceil + 1.4$	_____ MP
MP SUB TOTAL - Add up all the Total MP for each Zone: _____ MP		
Debiting Factors for Environmental Conditions		
If the project is located within a pocket estuary, bluff back beach, or pocket beach multiply the subtotal by 1.5.		_____ MP
If the project is located within a Major Estuary Zone (see Appendix C, Glossary for definition; see Corps webpage for maps showing zones) multiply the subtotal by 1.5.		_____ MP
TOTAL REQUIRED MITIGATION POINTS FOR PROJECT – MP SUBTOTAL WITH DEBITING FACTOR:		_____ MP

Table 2. Mitigation Options. To fully compensate for the impacts of your project, you must implement any combination of the following mitigation options to total the amount of mitigation points calculated in Table 1 for your project.

MMO	Mitigation Points	Mitigation Measure Option (MMO) Description
1	<p>0.35 MP per 100 SF of planted native woody vegetation directly behind existing shoreline stabilization</p> <p>0.7 MP per 100 SF of planted native woody vegetation within 50 feet of MHHW where there is fully functioning shoreline</p>	<p>Plant native trees and shrubs landward of the MHHW where there previously was invasive vegetation, lawn, or impervious surface.</p> <p>No structures like boat houses may separate vegetation from water.</p> <p>All native woody vegetation needs to remain in their natural state for the life of the permitted overwater structure. A site protection mechanism must be placed on planted area. See glossary for a description of site protection mechanisms.</p> <p>The permit and mitigation planting area must be recorded on the deed.</p> <p>Vegetation establishment needs to be maintained, monitored with reports submitted to the Corps annually for 5 years [for emergent and scrub/shrub systems and for monitoring years 1, 2, 3, 5, 7, and 10 for forested systems].</p> <p>For monitoring and planting requirements see <i>Riparian Plantings Requirements</i> document on the Corps' webpage.</p>
2	<p>6.6 MP</p> <p>10 MP if area is (<u>one</u> of the following):</p> <ul style="list-style-type: none"> • adjacent to existing forage fish spawning habitat • located in a pocket estuary or beach • within 5 miles of a major estuary 	<p>Install large woody material (LWM) in 2000 SF* of the USZLWM needs to remain in place for the life of the permitted overwater structure. A site protection mechanism must be placed on mitigation area. See glossary for a description of site protection mechanisms</p> <p>* This area requirement may be reduced if the applicant can demonstrate that the proposed location and spacing of LWM mimics historic conditions at that specific location. The applicant can coordinate with WDFW or NMFS to reconstruct historic conditions of LWM at the project location.</p>
3	0.5 MP per pile	Remove non-treated wood, ACZA, concrete, plastic, or steel piles located in the tidal substrate (if the pile is creosote-treated wood, use MMO #4 instead). This option will require before and after photographs and a map showing the location of the piling to be removed. Removal of a pile must result in a net loss of piling in the aquatic environment. For example, if you proposed to remove a piling but replace it with a new piling, you will not receive any mitigation points for the removal of the piling.
4	1 MP per pile	Remove creosote-treated wood piles located in the tidal substrate. This option will require before and after photographs and a map showing the location of the piling to be removed. Guidance on disposal of treated wood materials can be found online: www.ecy.wa.gov/programs/hwtr/demodebris/pages2/demowood.html
5	0.1 MP per 100 SF	Permanently prevent an existing float, that currently grounds out, from resting on the tidal substrate (must be elevated at least 1 foot above the tidal substrate)
6	Use Table 1 to determine MP*	Remove part or all of an existing overwater structure. This option will require before and after photographs and a map showing the location and length and width of the structure to be removed.

		*For example, if you remove a 5- by 40-foot pier in the LSZ where there is 10% SAV, you will be providing 5.3 MPs
7	<p>0.8 MP per linear foot removed and planted</p> <p>1.2 MP per linear foot removed and planted if the removed structure was (<u>one</u> of the following):</p> <ul style="list-style-type: none"> • adjacent to existing forage fish spawning habitat • located in a pocket estuary or beach • within 5 miles of a major estuary <p>1.7 MP per linear foot removed and planted if <u>two</u> of the above bulleted items were met</p>	<p>Completely remove hardened bank stabilization and plant at least a 10-foot wide buffer along the shoreline with native vegetation (must meet planting requirements described in MMO #1). This option will require before and after photographs and a map showing the location of the structure to be removed.</p> <p>Please contact the Corps for applicable mitigation points for partially removing hard bank stabilization and partial replanting of riparian buffer.</p>
8	<p>3 MP per 100 SF</p> <p>4.5 MP per 100 SF removed if the area was (<u>one</u> of the following):</p> <ul style="list-style-type: none"> • adjacent to existing forage fish spawning habitat • located in a pocket estuary or beach • within 5 miles of a major estuary <p>6.8 MP per 100 SF removed if <u>two</u> of the above bulleted items were met</p>	Remove an entire or portion of an existing manmade groin. This option will require before and after photographs and a map showing the location and length and width of the structure to be removed.
9	Varies, contact Corps for calculation	<p>Complete or partial removal of hardened bank stabilization and in its place, a pocket beach is constructed. Example designs can be found at:</p> <p>http://www.kitsapshoreline.org/Kitsap_Shoreline_Booklet_Final_62910.pdf</p> <p>http://your.kingcounty.gov/dnrp/library/water-and-land/shorelines/0709-fact-sheets/Bulkheads.pdf</p>
10	Varies, contact Corps for calculation	Remove an entire or portion of an existing boat ramp. The number of mitigation points varies depending on the size of the ramp. This option will require before and after photographs, a description of the boat ramp, and a map showing the length and width of the ramp.
11	Varies, contact Corps for calculation	Remove an entire or portion of an existing marine railway (two rails and support structures). The number of mitigation points varies depending on the length. This option will require before and after photographs, a description of the marine railway, and a map showing the length and width of the marine railway.

12	Varies, contact Corps for calculation	<p>Third Party Mitigation – purchase credits from an approved mitigation or conservation bank and/or in-lieu fee (ILF) program. Current information on available mitigation banks or ILF programs can be found on the Washington Department of Ecology’s website:</p> <p>http://www.ecy.wa.gov/programs/sea/wetlands/mitigation/banking/index.html</p>
13	Varies, contact Corps for calculation	<p>Off-site Mitigation – Corps approved permittee responsible mitigation. See examples below. Submit a mitigation plan for Corps review and approval. Plan will include type and location of mitigation. Depending on the type of proposed mitigation, individual ESA-consultation may be required. A site protection mechanism must be placed on mitigation area. See glossary of this document for a description of site protection mechanisms.</p> <p>Improve in-stream habitat of a stream at the confluence upstream no more than 1,000 linear feet from a Washington State inland marine water, for example:</p> <ul style="list-style-type: none"> 💧 Day-lighting streams 💧 Removing fish and wildlife barriers 💧 Removing armoring 💧 Setback of armoring 💧 Creating pocket beaches 💧 Reducing hardness of armoring using bio-engineering 💧 Planting riparian vegetation 💧 Re-meandering straightened streams 💧 Installing large woody material 💧 Restoring tidal wetlands, estuaries 💧 Remove derelict fishing gear in the nearshore

RGP-6 APPENDIX C: Glossary

RGP-6: Structures in Inland Marine Waters of Washington State

Version: **[DATE OF ISSUANCE]**

The terms in this glossary are defined for use with this RGP. These definitions are not intended to be used in a broader context.

Bank is the rising ground bordering the waterbody forming an edge or steep slope.

Conservation Banking is a tool for conserving listed plant and animal species and their habitat through Section 7 and Section 10 of the ESA. Conservation banks are lands (usually large tracts) acquired by third parties to be managed specifically for these species and protected in perpetuity by a conservation easement. Conservation banks develop and sell credits within a specified Service Area to offset adverse impacts to listed species that occur elsewhere.

DBH (diameter at breast height) is the diameter of a tree (in inches) at the point 4.5 feet above the ground, measured from the uphill side.

Davit is a crane or hoist that is attached to the pier and projects over the water and is used to lift boats out of the water.

Dolphin is a piling assemblage

Float support piling or *stub piling* are piling used to suspend the float above the tidal substrate. The float rests on top of the float support piling, not the tidal substrate.

Forage fish spawning habitat: For the following forage fish species, spawning habitat is roughly defined as: eelgrass and macroalgae located between 0 to -10 feet tidal elevation; surf smelt (*Hypomesus pretiosus*) – substrate consisting of pea gravel or coarse sand (gravel diameter 0.005 – 0.35 of an inch) between MHHW to +7 feet tidal elevation relative to the Seattle tide gauge; Pacific sand lance (*Ammodytes hexapterus*) – substrate consisting of pure fine grain sand beaches between MHHW to +5 feet tidal elevation, relative to the Seattle tide gauge. *Documented* forage fish spawning habitat is habitat inspected and determined by WDFW to support actual forage fish spawning. *Potential* forage fish spawning habitat is habitat with the characteristics of forage fish spawning habitat but no actual forage fish spawning has been documented by WDFW.

Functional Grating is grating which is not covered or blocked underneath by any objects, such as float tubs.

Groin is a rigid structure (constructed of rock, wood, or other durable material) built out from the shore, usually perpendicular to the shoreline, to prevent erosion or trap sand.

Hardened shoreline is the area of shoreline that is no longer natural but has been replaced with structures, including but is not limited to concrete, rock or timber bulkheads, riprap, or concrete boat ramp access.

Inland marine waters in Washington State are tidally influenced waters within the state of Washington limited to the marine waters ranging from South Puget Sound and Hood Canal to and including the Strait of Juan de Fuca and the Strait of Georgia. This does not include the outer coast adjoining the Pacific Ocean or tidally influenced rivers (above river mile “zero”) draining into these water bodies.

In-lieu fee program refers to a program involving the restoration, establishment, enhancement and/or preservation of aquatic resources through funds paid to a governmental or non-profit natural resources management entity to satisfy compensatory mitigation requirements for DA permits. Similar to a mitigation bank, an in-lieu fee (ILF) program sells compensatory mitigation credits to permittees whose obligation to provide mitigation is then transferred to the program sponsor. The sponsor must use the funds pooled from multiple permittees within a specified service area to restore, establish, enhance and/or preserve one or more mitigation receiving sites. The operation and use of an ILF program are governed by an ILF Program Instrument.

Joint-use piers, floats, and ramps are constructed and utilized by property owners on more than one residential waterfront property or by a homeowner's association that owns waterfront property.

Major Estuary Zone - the transition zone at the confluence of the freshwater tributaries listed below and tidal waters. See maps showing these zones on our webpage at: www.nws.usace.army.mil, select Regulatory Branch, Permit Information, go to the "Permit Guidebook" webpage, then select "Permitting, Regional General Permits", and look at Major Estuary Zone maps.

In Puget Sound:	In Hood Canal:	In the Strait of Juan de Fuca:
1. Nooksack River	11. Union River	25. Chimacum Creek
2. Skagit River	12. Tahuya River	26. Salmon/Snow Creeks
3. Stillaguamish River	13. Skokomish River	27. Jimmycomelately Creek
4. Snohomish	14. Lilliwaup Creek	28. Dungeness River
5. Snoqualmie River	15. Dewatto Creek	29. Morse Creek
6. Duwamish River	16. Hamma Hamma River	30. Elwha River
7. Puyallup River	17. Eagle Creek	
8. Chambers Creek	18. Duckabush River	
9. Nisqually River	19. Dosewallips River	
10. Deschutes River	20. Big Beef Creek	
	21. Stavis Creek	
	22. Little Anderson Creek	
	23. Seabeck Creek	
	24. Big and Little Quilcene River	

Mean higher high water (MHHW) The elevation on the shore of tidal waters reached by the plane of the average of the higher of the two daily high tides, generally averaged over a period of 19 years. This has been established at set tide gauges throughout Washington. Tide gauge information may be obtained online:

<http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PermitGuidebook/Streams.aspx>

Mean high water (MHW) The elevation on the shore of tidal waters reached by the plane of the average of the lower of the two daily high tides, generally averaged over a period of 19 years. This elevation has been established at set tide gauges throughout Washington. Tide gauges information may be obtained online:

<http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PermitGuidebook/Streams.aspx>

Mitigation Bank refers to a site where wetland and/or other aquatic resources are restored, established, enhanced and/or preserved expressly for the purpose of providing compensatory mitigation in advance of unavoidable and authorized impacts to similar resources. Mitigation credits generated at the bank are sold to permittees whose obligation for all aspects of the compensatory mitigation is then transferred to the mitigation bank sponsor. Mitigation banks have specific service areas where the bank is authorized to operate.

Mooring Buoys means non-commercial, single-boat mooring buoys. Information about State requirements can be found online on the Department of Natural Resources website.

http://www.dnr.wa.gov/RecreationEducation/HowTo/Homeowners/Pages/aqr_mooring_buoy.aspx

Offsite means outside the property boundaries of the property owner(s) proposing the project. For the purpose of this RGP, the property boundary in the water, unless already shown on a deed or legal description, is a straight-line extension of the property line on the land, projected waterward, and perpendicular to the shoreline.

Onsite means within the property boundaries of the property owner(s) proposing the project. For the purpose of this RGP, the property boundary in the water, unless already shown on a deed or legal description, is a straight-line extension of the property line on the land, projected waterward, and perpendicular to the shoreline.

Open area or *open space* 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 expanded grating.

Overwater structures are defined as piers, ramps, floats, marine rails, mooring buoys, piling, steps, open-frame stairways, bluff-to beach trams, watercraft grids or lifts.

Project area is defined as the area the overwater structure will cover and 25 feet on all sides of the structures including landward of the line of MHHW.

Remove means the removal of material from the area waterward of MHHW means that it will be disposed of in an upland location or approved disposal area using the appropriate BMP's.

Single use piers, floats, and ramps are constructed and utilized by only one residential waterfront property owner.

Site protection mechanisms includes a description of the legal arrangements and instruments, including site ownership that will be used to ensure the long-term protection of the compensatory mitigation project site.

Different types include:

- **Deed Recording:** Deed recording requires that the permittee record on the deed for the mitigation site property a copy of the Department of the Army permit, drawings, and a description of the mitigation area identified in the final mitigation plan.
- **Restrictive Covenants:** A restrictive covenant (often called a deed restriction) is a provision in a deed limiting the use of the property by prohibiting certain uses. The restrictive covenant is established by the land owner and does not include a third party. It is recorded against the property title and runs with the land.
- **Conservation Easements:** It is a legal restriction placed on a piece of property to protect the resources (natural or man-made) associated with the parcel. It restricts the type and amount of activities that can take place on a parcel of land. Easements are recorded on the property deed and are held in trust by a conservation easement "holder" such as a land trust or government agency.

Skirting is vertical boards attached to the edge of a pier extending downward.

Submerged aquatic vegetation is defined as floating or submerged aquatic vegetation including macroalgae and native eelgrass

Uplands are non-wetland areas landward of the MHHW.

Watercraft lift is a free-standing, floating, or pier-affixed device which supports a watercraft and prevents the watercraft from resting on the tidal substrate.

Work strip is the upland area temporarily disturbed for the construction of the overwater structure and should be as narrow as possible and no more than twice the width of the structure. *Pier = 4 feet; Work Strip = 8 feet*