



US Army Corps
of Engineers
Seattle District

Interim Guidelines



Construction of New or Expansion of Existing Residential Overwater Structures and Drive Moorage Piling in Lake Washington, Lake Sammamish, the Sammamish River and Lake Union, Including the Lake Washington Ship Canal

Effective Date: Proposed for Regional General Permit

Expiration Date: Proposed

In an effort to minimize impacts to the aquatic environment and to streamline the process for applicants, the U.S. Army Corps of Engineers (Corps), Seattle District, has developed these Interim Guidelines regarding the proposed construction of residential overwater structures in inland marine waters within the state of Washington.

If you are proposing to construct such work, if you plan your project to meet these Guidelines the permit review time will be expedited. You must submit a complete permit application and the required information for us to make a permit decision.

1. A complete written application is one that fully describes the proposed work. To expedite the review process, the Corps requests that the applicants use Appendix A of these Guidelines as the application form.

A “complete application” also includes a vicinity map; plan, profile, and cross-section drawings of the proposed structures and over water structures on adjacent properties; and a description of any material that would be discharged (temporarily or permanently) into waters of the United States. (For assistance with preparation of the drawings, please refer to Appendix E, “Guidance for Completion of Drawings.”)

If the structure will be “joint use” you must:

- List all property owners using the joint use pier as co-applicants and they must sign the application form
- 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 (Note: upon issuance of the permit for the joint use overwater structure, all property owners must record this Agreement on their deeds.)
- Show on a drawing the location of all properties involved in the joint use agreement
- Note: “joint use” means constructed and utilized by more than one residential waterfront property owner or by a homeowner’s association that owns waterfront property

2. For activities that may affect historic 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.
3. Any other relevant information, such as
 - Eelgrass and macroalgae surveys: preliminary, intermediate, intensive
 - Forage fish habitat documentation
 - A list of Federally listed threatened and endangered species in the project vicinity and affected by the project (“project vicinity” generally includes the area within 1 mile of the project site)
 - Hydraulic Project Approval
 - Photographs of the project area and shoreline bank area.

Interim Construction Specifications and Conservation Measures:

1. **Number of Overwater Structures.** This permit authorizes the construction or expansion of only one non-commercial, residential moorage facility per upland residential waterfront property owner or one joint-use moorage facility for two or more adjacent waterfront property owners.
2. **Existing In-Water Structures.** Any existing in-water and overwater structures within 30 feet of the ordinary high water (OHW) line, except for those facilitating access as authorized by this permit, shall be removed and no additional over-water structures shall be constructed in this nearshore area over the entire length of the property.
3. **Pier, Ramp, Float, and Ell Specification Options.** Note that only piers and ramps can be within the first 30 feet from shore. All floats and ells must be 30 feet waterward of OHW. No skirting is allowed on any structure.
 - a. Surface Coverage (includes all floats, ramps, and ells):
 - (1) Single property owner: 480 square feet
 - (2) Two property owners (residential): 700 square feet
 - (3) Three or more residential property owners: 1000 square feet.
 - b. Height above the water surface: except for floats, the bottom of all structures must be at least 1.5 feet above OHW.
 - c. Widths and lengths:
 - (1) Piers - 4-feet wide and fully grated with at least 60% open area.
 - (2) Ramps - must not exceed a width of 3 feet and must be fully grated.
 - (3) Ells - must be in water with depths of 9 feet or greater at the landward end of the ell.
 - a. Up to 6-feet wide by 20-foot long with a 2-foot strip of grating down the center.
 - b. Up to 6-feet wide by 26-foot long with grating providing 60% open area over the entire ell.
 - (4) Floats- must be in water with depths of 10 feet or more at the landward end of the float. Floats can be up to 6 feet wide and 20 feet long, but must contain a minimum of 2 feet of grating down the center.
4. **Length of Structures compared to Adjacent Structures.** The length of a pier is limited by the maximum square footage allowed (see item no. 3 above). Any proposed pier that extends further waterward than adjacent piers will be reviewed on a case-by-case basis to assess impacts on navigation. Piers determined by the Corps to have an adverse effect on navigation are not authorized by this permit.
5. **Piling Specifications.** The first (nearest shore) piling shall be steel, 4" piling and at least 18' from the OHW. Piling sets beyond the first shall also be spaced at least 18 feet apart and shall not be greater than 12" in diameter. Piles shall not be treated with pentachlorophenol, creosote, CCA or comparably toxic compounds. If ACZA piling are proposed, the applicant will meet all of the Best Management Practices, including a post-treatment procedure, as outlined in the amended Best Management Practices of the Western Wood Preservers.

Steel piles will be installed using approved sound attenuation measures. These measures can be found on the Corps website: <http://www.nws.usace.army.mil/reg.html>.
6. **Treatment of Overwater Structural Materials.** Any paint, stain or preservative applied to components of the overwater structure must be leach resistant, completely dried or cured prior to installation. Materials shall not be treated with pentachlorophenol, creosote, CCA or comparably toxic compounds.
7. **Existing Habitat Features.** Existing habitat features (e.g., large and small woody debris, substrate material, etc.) shall not be removed from the riparian or aquatic environment. If invasive weeds (e.g., milfoil) are present, removal may occur by non-chemical means only with authorization from the Washington State Department of Fish and Wildlife.

8. Mooring Piles. This permit allows for no more than 2 mooring piles driven per structure authorized by this RGP. The 2-pile limit shall include all existing mooring piles. Moorage piling shall not be driven within 30 feet of the OHW line; shall not be placed any further waterward than the end of the pier; and shall not be placed more than 12 feet from any point on the pier. These piles shall be as far offshore as possible.
9. Future Maintenance of Facilities. Future maintenance of facilities authorized by this RGP are authorized provided there is no change in size, configuration, or use of the facility; that all maintenance is conducted in accordance with all conditions contained herein and in the RGP verification letter; the RGP has not been modified; and as long as no new species have been listed under the Endangered Species Act.
10. Impact Reduction Measures. The above-described construction measures will minimize impacts of these structures to the aquatic environment. However, because of cumulative impacts of numerous floating and stationary structures to be authorized under this RGP, impact reduction measures must be implemented. Impact reduction measures consist of planting emergent vegetation (if site appropriate) and a buffer of vegetation a minimum of 10-feet wide along the entire length of the shoreline immediately landward of OHW. A path 6-feet wide or less is allowed through the buffer for access to the pier. This buffer is to be kept free of chemical fertilizers, herbicides and pesticides.

The purpose of the buffer is to establish a riparian plant community and associated food web that can be used by migrating salmonids as they pass through the project area. The vegetation will provide food, organic matter, and root structure for protection of juvenile fish in the near shore area. Woody debris from the buffer that enters the water will provide nutrients to the lake ecosystem. Therefore, woody debris shall not be removed from the water or shoreline.

A permittee is required to establish and preserve impact reduction plantings at the project site for the duration that the overwater structure is in place. The intent of the shoreline planting should be to provide a continuous native plant community along the shoreline. The impact reduction planting will consist of native shrubs and trees and, when possible, emergent vegetation. At least five native trees will be included in a planting plan containing one or more evergreen trees and two or more trees that like wet roots (e.g., willow species). Planting density and spacing should be commensurate with spacing recommended for each individual species. Prior to issuance of an RGP, the Corps must approve the prospective permittee's impact reduction plan and species list. The impact reduction planting must be completed within 12 months of the Corps' issuance of an RGP to the permittee.

Other impact reduction measures may be proposed by the applicant, particularly if riparian plantings are not feasible, due to lack of space. These will be reviewed and approved by the Corps, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service on a case-by-case basis.

11. Impact Reduction Planting Performance Standards. One hundred percent survival of all planted native trees and shrubs is required during the first and second years after planting. During the third through fifth years after planting 100 percent of the trees must survive and 80 percent survival of the remaining native plants is required. Individual plants that die must be replaced with native shrubs and trees taken from the approved species list (see Appendix C).
12. Impact Reduction Reports. Impact reduction reports must be submitted to the Corps for all projects as follows:
 - a. A status report on impact reduction construction, including as-built drawings, must be submitted to the Corps 12 months from the date the Corps issues an RGP to the permittee. Status reports on impact reduction construction will be due annually to the Corps until the Corps accepts the as-built drawings. The permittee can meet this reporting requirement by submitting to the Corps a completed *Status Report for Impact Reduction Construction*, found in Appendix D.

- b. For impact reduction planting, monitoring reports will be due annually for 5 years from the date the Corps accepts the as-built drawings. The impact reduction monitoring report will include written and photographic documentation on tree and shrub mortality and replanting efforts. The permittee can meet this reporting requirement by submitting to the Corps a completed *Impact Reduction Monitoring Report*, found in Appendix E.



US Army Corps of Engineers
Seattle District

Application and Reference Biological Evaluation Form



Construction of New or Expansion of Existing Residential Overwater Structures and Drive Moorage Piling in Lake Washington, Lake Sammamish, the Sammamish River and Lake Union, Including the Lake Washington Ship Canal, in the State of Washington

1. Referenced Biological Evaluation:

Biological Evaluation for Construction of New or Expansion of Existing Residential Overwater Structures and Drive Moorage Piling in Lake Washington, Lake Sammamish, the Sammamish River and Lake Union, Including the Lake Washington Ship Canal, in the State of Washington April 7, 2004. Regulatory Branch, Seattle District Corps of Engineers.

2. **Date:** _____

3. **Applicant:** _____ **Corps Reference No.:** _____

Address: _____

City: _____ State: _____ Zip: _____

4. **Agent:** _____

Address: _____

City: _____ State: _____ Zip: _____

5. Location(s) of Activity:

Quarter Section: _____ Section: _____ Township: _____ Range: _____

Latitude: _____ Longitude: _____

Street address: _____

Waterbody: _____ County: _____

6. **Use type:** Private non-commercial Private Joint-use^a non-commercial

Name and address of joint-use property owner(s):

7. Project description:

a. Length and width of pier: _____

b. Length and width of ramp: _____

c. Will the ramp be permanent or removable/seasonal: _____

d. Length and width of float(s): _____

e. Number of floats to be installed: _____

f. If ells or finger piers to be installed, what is the distance from the Ordinary High Water Line (OHWL): _____

^a Joint use requires at least two contiguous residential waterfront property owners.

- g. Length and width of grating to be installed: _____
- h. Number of Moorage Piling to be installed: _____
- i. Size of structure(s) to be removed (if applicable): _____
- j. Describe the amount (cubic yards), type/size, and location of material to be placed for beach nourishment or fish habitat enhancement, if authorized by an HPA issued by the Washington Department of Fish and Wildlife:

- k. Describe the elevation of the pier in relation to the OHWL: _____
- l. Describe the type of construction material to be used for the decking, fascia boards, stringers, pile caps, and whalers. Describe the type of preservative or paint to be used: _____

- m. Describe the type of floatation to be used. Include the color and composition (e.g., high density polyethylene, etc.) of flotation parts and materials that will contact the water: _____

- n. Provide the number, dimensions, and material of the piling to be installed to secure the pier, ramp, and/or float: _____

- o. Describe the type of floatation to be used. Include the color and composition (e.g., high density polyethylene, etc.) of flotation parts and materials that will contact the water: _____

- p. Describe moorage piling, if applicable (i.e. number to be installed, distance from shore, material, etc): _____

- q. Provide the minimum spacing between piling on any side of the structure's components (e.g., on the pier, ramp, and float): _____

9. Description of the project area:

a. Describe the length of the property shoreline along the OHWL, the slope of the shoreline landward from the OHWL, and the type of substrate on the shoreline landward of the OHWL: _____

b. Describe the vegetation along the shoreline above the OHWL. Include the number of trees and shrubs, the species, the height, and location. (Photos and/or drawings are recommended): _____

c. Describe the substrate waterward of the OHWL. Include the type of aquatic vegetation within a 200-foot radius of the proposed pier, ramp, and float, and the density of the vegetative cover (e.g., 75% vegetative cover and 25% unvegetated exposed substrate): _

d. Describe any existing or proposed in-water or overwater structures within 400 feet of this proposed pier, ramp, and float. Include the distance between these structures and this proposed pier, ramp, and float: _

e. Describe the amount of large and small woody debris on the shoreline both above and below the OHWL. Include woody debris on adjacent property shorelines: _____

10. **Conservation Measures to be implemented** (Check only the measures you will implement, leaving blank any measures you will not implement. State “not applicable” next to items that do not pertain to your project. For example, if no heavy equipment will be used during construction, write “not applicable” or “N/A” next to items a, b, and d):
- a. All heavy equipment will be clean and free of external oil, fuel, or other potential pollutants.
 - b. Native riparian vegetation will not be removed or destroyed during project construction.
 - c. No overwater structure will be constructed within 100 feet of a wetland or the mouth of any river, stream, or creek.
 - d. Heavy equipment will work from on-shore staging areas and will not enter the water, with the exception of an excavator arm or bucket. Pile drivers may use constructed work platforms to access construction locations (i.e., a barge).
 - e. Placement of inwater fill material for the purpose of beach nourishment and/or fish habitat enhancement may occur, if required as a condition of the Hydraulic Project Approval issued by the Washington Department of Fish and Wildlife.
 - f. First piling will be 4-inch steel and at least 18 feet from OHW. Remaining pilings will be spaced at least 18 feet apart. Steel piling will be installed in accordance with sound attenuation measures described on the Corps website: <http://www.nws.usace.army.mil/reg.html>.
 - g. Grating will be installed to allow ambient light to penetrate the structure.
 - h. Installation and construction of permanent dock components will occur during approved inwater work windows for the protection of salmonids. Pile driving activities will also occur during approved work windows for the protection of bald eagles (Please refer to <http://www.nws.usace.army.mil/reg/reg.htm> for current in-water work windows.)
 - i. Removable/seasonal ramps must be removed annually from January 1 to June 29.
 - j. Total deck area waterward of the OHWL, including ramp structures, shall not exceed 480 square feet for individual overwater structures, 700 square feet for joint use structures with two adjacent property owners, or 1,000 square feet for joint use structures with three or more adjacent property owners. Two floats may be used for joint-use docks. Joint use requires at least two separate, but adjacent, property owners as applicants for the Corps of Engineers permit.
 - k. Piers and floats do not extend waterward of adjacent piers, ramps, and floats, and shall not adversely affect navigation.
 - l. No skirting will be placed on floats.
 - m. The dock shall be built with materials that do not leach preservatives or other compounds that are known to be deleterious to fishes (i.e. Pentachlorophenol, creosote, or Chromated Copper Arsenate (CCA), copper naphthalene, or other leachable protective chemicals).
 - n. Piers and ramps will be less than 4 feet wide.
 - o. The pier and ramp will be elevated at least 1.5 feet above the elevation of the OHWL.
 - p. No existing habitat features will be removed from the shore or aquatic environment (woody debris or substrate materials). If invasive weeds (e.g., milfoil) are present, removal may occur with authorization from the Washington State Department of Fish and Wildlife.
 - q. Shoreline armoring (e.g., bulkheads, rip rap, and retaining walls) will not occur in association with the pier, ramp, and/or float installation (before, during, or after installation of the pier, ramp, and/or float).
 - r. Riparian vegetation will be left intact during and following dock installation, except in the exact footprint of individual piling.

- s. If absent, a 10-foot wide buffer of riparian vegetation shall be established along the length of the property shoreline. A pathway less than six feet wide is allowed to access the pier.
- t. The applicant must, upon completion of construction, submit as-built photographs of the project. The Corps must inspect the pier, ramp and float, as well as the riparian buffer each year until completion of the monitoring period to ensure compliance with all permit conditions. During the inspections, the Corps will record any unanticipated indirect and cumulative effects.

11. List those Conservation Measures that will not be met by this project. Describe why they won't be met:

12. Justification of why the project constitutes a “not likely to adversely affect” determination without meeting all the Conservation Measures. For example, what conservation measures will be incorporated in addition to those listed in item 10? (Ask your consultant or Corps project manager for assistance, if needed.)

13. Essential Fish Habitat, area affected (square footage of pier, ramp, and float): _____

14. Drawings: Attach a vicinity map and project drawings (plan and elevation views required). Photographs are recommended.

15. Planting plan: Attach copy of planting, monitoring, and contingency plan for riparian area.

----- Below to be completed by the Corps -----

1. Threatened or Endangered Species present (both listed and proposed). For federally listed terrestrial and plant species, provide an addendum discussing potential impacts to those species.

<u>Species</u>	<u>Distance to Occurrence (i.e. to nest, perch tree)</u>	<u>Effect Determination (NE, NLTAA, or LTAA)</u>

2. Work window for construction: _____ through _____

APPENDIX B

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 every sheet; for subsequent sheets you can use the abbreviated form (second example). All sheets will include the date and/or revision date.

PURPOSE: DATUM: ADJACENT PROPERTY OWNERS: 1. 2.	APPLICANT 2002- LOCATION ADDRESS	PROPOSED: IN: NEAR/AT: COUNTY: STATE: WA SHEET * OF * DATE:
---------------------------------------------------------------------	--------------------------------------------	---------------------------------------------------------------------------------------------

Reference: 2002- 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
- Use equal horizontal and vertical scales on Section View. Do not skew vertical scale.

For Example Drawings: http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=Drawing_Samples

APPENDIX C

Below is a list of approved plant species. The applicant can suggest other species but the Corps must approve the species before work commences. Updates to this list may be found on the Corps website:

<http://www.nws.usace.army.mil/reg.html>.

Common Name	Scientific Name
Shrubs:	
Sitka willow	<i>Salix sitchensis</i>
Souler willow	<i>S. scouleriana</i>
Sandbar willow	<i>S. exigua</i>
Pacific willow	<i>S. lasiandra</i>
Hooker willow	<i>S. hookeriana</i>
Red osier dogwood	<i>Cornus stolonifera</i>
Red flowering currant	<i>Ribes sanguineum</i>
Nootka rose	<i>Rosa nutkana</i>
Baldhip rose	<i>Rosa gymnocarpa</i>
Thimbleberry	<i>Rubus parviflorus</i>
Red elderberry	<i>Sambucus racemosa</i>
Snowberry	<i>Symphoricarpos albus</i>
Vine maple	<i>Acer circinatum</i>
Western serviceberry	<i>Amelanchier alnifolia</i>
Ocean spray	<i>Holodiscus discolor</i>
Hazelnut	<i>Corylus americana</i>
Sweet gale	<i>Myrica gale</i>
Trees:	
Black cottonwood	<i>Populus trichocarpa</i>
Douglas fir	<i>Pseudotsuga menzeisii</i>
Sitka spruce	<i>Picea sitchensis</i>
Shore pine	<i>Pinus contorta</i>
Ponderosa pine	<i>Pinus ponderosa</i>
Cascara	<i>Rhamnus purshiana</i>
Big leaf maple	<i>Acer macrophyllum</i>
Alnus rubra	<i>Red alder</i>
Birch species	<i>Betula spp.</i>
Pacific dogwood	<i>Cornus nuttalii</i>

APPENDIX D Status Report for Impact Reduction Construction

Within one (1) year of the date your permit was issued, submit this completed form to: U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington 98124-3755.

Corps' Reference Number: _____

Date the Corps Issued Your Permit: _____

Date this Report is Due: _____

Date Work was Completed: _____

Your Name: _____

Your Address: _____

Your City/State/Zip Code: _____

Your Phone Number: _____

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

Describe impact reduction construction performed: _____

If plantings were installed:

Conditions of your Corps permit require at least two trees be planted in each planting plot. The vegetation you plant must be taken from this list of native species below or you can suggest other species but the Corps must approve the species before planting commences. Shrubs should be planted at 3-foot-on-center intervals and trees should be planted at 10-foot-on-center intervals. Be sure to protect your plantings—fencing is recommended.

Name of Species You Planted	Number Planted
Total Planted:	

Native tree list: Populus trichocarpa, Pseudotsuga menziesii, Picea sitchensis, Pinus contorta

Native shrub list: Salix sitchensis, S. scouleriana, S. exigua, S. hookeriana, S. lasiandra, Cornus stolonifera

I hereby certify that I have completed the 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.

Signature of Permittee

Date

Signature of Contractor

Date

APPENDIX E Mitigation 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 Corps accepts your as-built drawing of the mitigation planting area.

Corps' Verification Reference Number: _____

Date Your As-Built's Were Accepted by the Corps _____

Date This Report Is Due: _____

Your Name: _____

Your Address: _____

Your City/State/Zip Code: _____

Your Phone Number: _____

You must attach to this form: Photographs of the mitigation area taken within the last month.

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 a species from the list below or you can suggest other species but the Corps must approve the species before planting commences. At least two trees must be planted in your mitigation area. 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

Native tree list: *Populus trichocarpa*, *Pseudotsuga menziesii*, *Picea sitchensis*, *Pinus contorta*

Native shrub list: *Salix sitchensis*, *S. scouleriana*, *S. exigua*, *S. hookeriana*, *S. lasiandra*, *Cornus stolonifera*

APPENDIX F

Definitions

“*Joint-use*” piers, floats, and ramps are constructed by more than one contiguous residential waterfront property owner or by a homeowner’s association.

“*In-water structures*” include wharves, walkways, piles, swim steps associated with a pier, boatlifts, and boathouses.

“*Overwater structures*” include piers, ramps, floats, and their associated structures. Associated structures include piling, chain and anchors for floats, ladders, steps, and swim steps.

“*Skirting*” is vertical boards along the edge of a pier extending downward.

The “*Ordinary High Water*” (OHW) mark or line is at an elevation of 21.8 feet for Lake Washington, Lake Union, and the Lake Washington Ship Canal (Corps of Engineers datum) and 27.0 for Lake Sammamish (National Geodetic Vertical Datum). For the Sammamish River connecting Lake Sammamish and Lake Washington, it is the visible line on the banks where the presence and action of waters are so common as to leave a mark upon the soil or vegetation. (Note: The State of Washington has a different definition of OHW).

The *footprint* of an overwater structure is the total surface area (square feet) of all the structure’s components (e.g., pier, ramp and/or floats).

Heavy equipment includes but is not limited to bulldozers, pile drivers, aquatic construction equipment, back-end loaders, barges, jackhammers, and cement mixers.

A *Spill Prevention Control and Countermeasures Plan* (SPCC plan) is a comprehensive description of containment and countermeasures that would prevent an oil spill from occurring as well as procedures to respond to and clean up an oil spill that does occur. The Clean Water Act requires preparation of a SPCC plan by any facility that stores, transports, or handles oil and could reasonably be expected to discharge oil in a harmful quantity to navigable water.