US Army Corps of Engineers
Seattle District

Department of the Army Regional General Permit

PROPOSED
RGP-6
Maintenance, Modification, and Construction of Residential Overwater Structures in Inland Marine Waters Within the State of Washington

Effective Date: PROPOSED **Expiration Date**: PROPOSED

Permit Number: CENWS-OD-RG-RGP-6

Permit Title: Inland Marine Structures

Authority: In accordance with 33 CFR 325.2(e)(2), the U.S. Army Corps of Engineers (Corps) is proposing a regional general permit (RGP) that would 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 of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

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Purpose: The purpose of this RGP is to authorize the maintenance, modification, and construction of residential overwater structures in inland marine waters of Washington State. The maintenance, modification, and construction of *commercial structures or marinas* are not authorized by this RGP.

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

This RGP contains provisions intended to protect the environment, endangered species, and cultural resources. Work that does not comply with these provisions is not authorized by this RGP and may require Department of the Army authorization by a standard individual permit. Moreover, compliance

with the provisions of this RGP does not itself guarantee that the work is authorized by this RGP. Activities that appear to comply with the provisions of this RGP but would have an unacceptable adverse impact on the public interest are not authorized.

Definitions:

"*Watercraft grid*" is an open framework that may be supported by piling. The framework supports a boat such that at low tide the boat rests on the grid instead of the tidal substrate.

"*DBH*" is the diameter of a tree at the point 4.5 feet above the ground, measured from the uphill side.

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

"*Eelgrass*" is a grass-like marine flowering vascular plant (*Zostera spp.*) with dark green, long, narrow, ribbon-shaped leaves which are typically 8 – 20 inches in length.

"*Forage fish spawning habitat"* Detailed descriptions of forage fish habitat can be found at http://www.wa.gov/wdfw/fish/forage. Very generally, spawning habitat for the following forage fish are as follows: Pacific Herring – eelgrass and macroalgae located between 0 to -10 feet tidal elevation; Surf Smelt – 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 – substrate consists of pure fine grain sand beaches between MHHW to +5 feet tidal elevation, relative to the Seattle tide gauge.

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

"Hardened shoreline" includes but is not limited to concrete, rock or timber bulkheads, riprap, or concrete boat ramp access which prevents or reduces the natural bank from eroding.

"*High tide line*" means the line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges.

"*Inland marine waters*" are tidally influenced waters within the state of Washington limited to the marine waters ranging from South Puget Sound and Hood Canal to 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 waterbodies.

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

"Macroalgae" includes large red, green, or brown algae and what is commonly known as seaweed or kelp.

"*Mean higher high water (MHHW)*" is 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 elevation has been established at set tide gauges throughout Washington State. The MHHW for these

tide gauges may be obtained by checking the following website:
http://www.nws.usace.army.mil/hh/tides/tides.htm

"*Mean high water (MHW)*" is 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 State. The MHW for these tide gauges may be obtained by checking the following website:
http://www.nws.usace.army.mil/hh/tides/tides.htm

"*Offsite*" means outside the property boundaries of the waterfront 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 waterfront 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.

"*Opening size*" 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*" includes piers, ramps, floats, and their associated structures. Associated structures include piling, chain and anchors, ladders, hand rails, steps, and swim steps. Overwater structures, for the purposes of this RGP, does not include watercraft lifts, buoys, or swim floats.

"*Percent open area*" is a relative measure of the degree which light can pass through grating. The manufacturer often provides this value. Otherwise, it can be calculated by dividing the opening size by the sum of the opening size and the surface area of the adjacent rectangular bars and cross rods.

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

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

"*Uplands*" (for the purposes of this RGP) are areas landward of the high tide line.

Location of Authorized Activities: This RGP is applicable within inland marine waters of the State of Washington. This RGP is not applicable for sites in or adjacent to (within 300 feet of) an existing or previously designated clean up site under Superfund or Washington State Model Toxic Cleanup Act.

Activities authorized by this RGP: Work authorized by this RGP is limited to the categories of activities described below. Authorized activities are the maintenance, modification, and construction of residential overwater structures within inland marine waters of Washington State. Overwater structures include piers, floats, ramps, watercraft grids, and other associated structures in inland marine waters within Washington State for the purpose of private watercraft moorage and water oriented recreational use

Any fill material placed for the purpose of fish habitat enhancement, as required by the Hydraulic Project Approval from the Washington Department of Fish and Wildlife, due to the maintenance or construction of structures, authorized by this RGP, is authorized by this RGP.

Construction Specifications and Conservation Measures: The following construction specifications and conservation measures must be implemented for the work to be authorized by this RGP. The *italicized* text provides a description of why these specifications are needed.

1. Piers: *Salmonids, including juvenile chinook salmon and sub-adult and adult bull trout use the nearshore areas of Puget Sound for feeding, rearing, and/or as a migratory corridor. As small individuals, they stay in shallow waters and eelgrass beds to avoid large fish predators found in deeper water, and to rear and feed. As these fish grow larger, they will feed on forage fish, such as herring, sand lance, and surf smelt, that spawn and rear in shallow intertidal areas. Forage fish use eelgrass and macroalgae as refuge areas, nurseries, or spawning and rearing areas. Numerous species depend on eelgrass. Eelgrass is dependent on light for survival and growth. Piers inhibit light from entering the water. This loss of light impacts the ability of aquatic vegetation to grow and this negatively impacts aquatic vegetation. This subsequently has an impact on the feeding and rearing habitat of fish. Also, the shadow created by the pier may provide cover for predators of salmonid fish species. Therefore, the amount of shade created by the pier needs to be minimized. This can be accomplished several ways. Minimizing the width of the pier, elevating the pier, and orienting the pier in the north-south direction will reduce the amount and duration of shading*

    a. The width of the modified portion of a pier or a proposed new pier must not exceed 4 feet.

    b. Pier elevation: The modified portion of a pier or a proposed new pier must be elevated at least 6 feet above mean higher high water.

    c. Pier configuration: The pier must be linear. New finger piers and "ell" piers are not authorized by this RGP.

    d. The applicant must demonstrate to the Corps, in writing, as part of their permit application that, to the maximum extent practicable, the pier will be constructed with the length in the north-south direction.

2. Floats: *Tidal and subtidal substrate often support aquatic vegetation and benthic invertebrate species. These are very important food sources of forage fish and juvenile salmonids. The shadow cast by floats can discourage the passage of small fish, forcing these fish to deeper waters, increasing their chance of being preyed upon. The solid surface of a float may inhibit light from entering the water. Light is particularly important near eelgrass or macroalgae. The loss of light impacts the ability of aquatic vegetation to grow. This subsequently has an impact on the feeding and rearing habitat of fish. Therefore, grating the float surface and reducing the width of the float allows as much natural light as possible to reach vegetation important to fish species. Floats or concrete block anchors which rest on the tidal substrate or anchor chains which scrape the tidal substrate at low tide damage the tidal substrate, impacting benthic invertebrates and vegetation, subsequently impacting fish species. Removing floats during the migration season for forage fish and salmonids will leave the water and/or habitat free of any blockages when fish are most actively using the nearshore.*

a. For a single residential use overwater structure, the modified or proposed new float width must not exceed 6 feet, the float length cannot exceed 20 feet, and grating must be installed on at least 30 percent of the surface area of the float. The grating must be in a strip down the length of the float. Grating must have at least 60 percent open area.

b. For a joint use overwater structure, the modified or proposed new float width must not exceed 8 feet, the float length cannot exceed 40 feet, and grating must be installed on at least 50 percent of the surface area of the float. The grating must be in a strip down the length of the float. Grating must have at least 60 percent open area.

c. The applicant must demonstrate to the Corps, in writing, as part of their permit application that, to the maximum extent practicable, the float will be installed with the length in the north-south direction.

d. If the float is removed seasonally, the float should be removed from the water and placed in unvegetated uplands during September through May of any year. If the float is moved to a marina or other in-water facility for storage, the permittee must identify the area as part of their permit application so the Corps can verify that the facility has Corps authorization to store floats.

e. Floatation for the float shall be fully enclosed and contained in a shell that prevents breakup or loss of the floatation material into the water and is not readily subject to damage by ultraviolet radiation and abrasion caused by rubbing against piling and/or waterborne debris.

f. The floats cannot rest on the tidal substrate at any time. Stoppers on the piling anchoring the floats must be installed such that the bottom of the floatation device is at least 1 (one) foot above the level of the substrate. The stoppers must be able to fully support the entire float. Float support piling may also be used to ensure that the bottom of the floatation device is at least 1 (one) foot above the level of the substrate.

g. Floats should be held in place with piling, piling with stoppers and/or float support piling. However, if anchors and anchor lines need to be utilized, the anchor lines shall not rest on the substrate at any time. The anchor must be a helical screw.

3. Ramps. *Ramps may inhibit light from entering the water. This loss of light impacts the growth rate of aquatic vegetation. This subsequently may impact the feeding and rearing habitat of fish. Also, the shadow created by the ramp may provide cover for predators of salmonid fish species. By grating the ramp and using a greater length, the ramp can span the shallow intertidal area, minimizing shading impacts to vegetation in the intertidal area.*

a. The width of the ramp connecting the pier and the float must not exceed 4 feet.

b. Grating shall cover the entire surface area of the ramp. The grating must have at least 60 percent open area.

c. Traction devices covering the grating openings are prohibited.

4. Grating. The grating must be oriented to maximize the amount of light passage. To ensure that light transmission is not impeded, grating must not be covered or blocked underneath with any objects, such as, but not limited to, buildings, planters, storage sheds or boxes, nets, carpets, boards, tables, lawn furniture, and utility conduits or boxes.

5. Piling. *The tidal substrate often supports aquatic vegetation and benthic invertebrate species. These are very important habitat features and food sources of forage fish and salmonid species. Piling and pile driving displaces and disturbs this often sensitive substrate. The vibratory energy and noise of piling driving can adversely impact fish and bird species in the project vicinity. If pilings are installed close together, the piling could result in the accumulation of floating debris between the piling, which could impede fish migration in shallow water. To minimize the impacts to the tidal substrate, the number of piling must be minimized by maximizing the spacing between piling and reducing the number of piling*

    a. Replacement or proposed new piling must be untreated wood, concrete, steel, or plastic.

    b. Piling must be spaced at least 20 feet apart unless the length of structure itself is less than 20 feet. If the structure itself is less than 20 feet in length, piling can only be placed at both ends of the structure.

    c. If a drop hammer pile driver for steel piling is utilized, a sound attenuation device or system must be implemented during pile driving.

6. Wood Treatment. *In tidal waters, the harsh conditions and salt water may result in leaching of chemicals used to preserve wood, into the water. These chemicals may be harmful to fish, shellfish, and humans.*

    a. No treated wood shall be used for any portion of the overwater structures.

7. Skirting. *When piers are skirted, no natural light can reach the area under the pier. The fish may treat the pier as if it were a solid structure and swim around it in deeper water where they are more susceptible to predation. The vertical boards may cause floating debris to accumulate, which may impede fish migration through the shallow water.*

    a. No new or replacement skirting can be installed.

8. Other Structures. *Structures on top of overwater structures can cover grating or can cause additional shading impacts due to the height or size of the structure. This increase in shading can adversely affect eelgrass or macroalgae and the feeding, rearing, or migratory habitat of fish species.*

    a. Existing structures, such as, but not limited to, buildings, planters, storage sheds or boxes, and utility boxes on overwater structures cannot be maintained, repaired, or replaced. Damaged sheds or other buildings on overwater structures must be removed.

    b. No new sheds or other buildings can be constructed on overwater structures.

9. Watercraft Moorage at Structures Authorized by this RGP. *At low tide, watercraft tied to the overwater structure often rests on the tidal substrate. The tidal substrate often supports aquatic vegetation and benthic invertebrate species. The grounding of watercraft may scrape or*

compact the tidal substrate. This may adversely affect aquatic organisms by directly crushing the organisms or changing the character of the substrate such that organisms cannot burrow into it. A watercraft grid will prevent a watercraft from resting on the substrate at low tide.

a. Watercraft (e.g. motorized boats, jet skis, canoes, kayaks, or seaplanes) moored at modified or new structures cannot rest on the tidal substrate at any time. The watercraft must either be placed on the overwater structure (but not on grated portion), on a watercraft grid, or on a Corps permitted watercraft lift. (Note: For watercraft lifts, refer to the Corps' RGP-1 and relevant ESA requirements.)

b. Only one watercraft grid can be installed per waterfront property owner.

c. A maximum of two additional piling may be used to attach the watercraft grid to the piling used for anchoring the floats.

d. The bottom of the watercraft grid shall be at least one foot above the level of the substrate.

10. Eelgrass/Macroalgae. *Fish species are dependent upon eelgrass or macroalgae directly or indirectly. Some species use these areas as refuge areas or nurseries; others spawn or rear in the eelgrass and macroalgae. These plant systems are delicate with specific lighting, wave energy, salinity, substrate, and nutrient requirements. Overwater structure construction and use has the potential to adversely affect these plants therefore it is important to identify if the plants exist in the project area and the project must be designed to avoid impacting these areas. To minimize direct construction impacts and ongoing impacts (e.g., boat use, prop scour), the overwater structures should be located away from eelgrass and macroalgae.*

a. The applicant must provide the Corps with a preliminary eelgrass/macroalgae survey. Before commencing this survey, if the applicant believes there is no eelgrass/macroalgae in the project area, they must submit photographs of the site taken at low tide during June 1 through October 1 (to most accurately reflect macroalgae distribution), showing the entire project site, to the Corps for a determination regarding the need for a preliminary eelgrass/macroalgae survey (see Appendix F).

Note: As part of obtaining an Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife, a preliminary eelgrass/macroalgae survey is routinely required. If this review has been completed, and/or a HPA has been issued for the proposed work, this documentation can be submitted to the Corps to meet the requirements for a preliminary eelgrass/macroalgae survey.

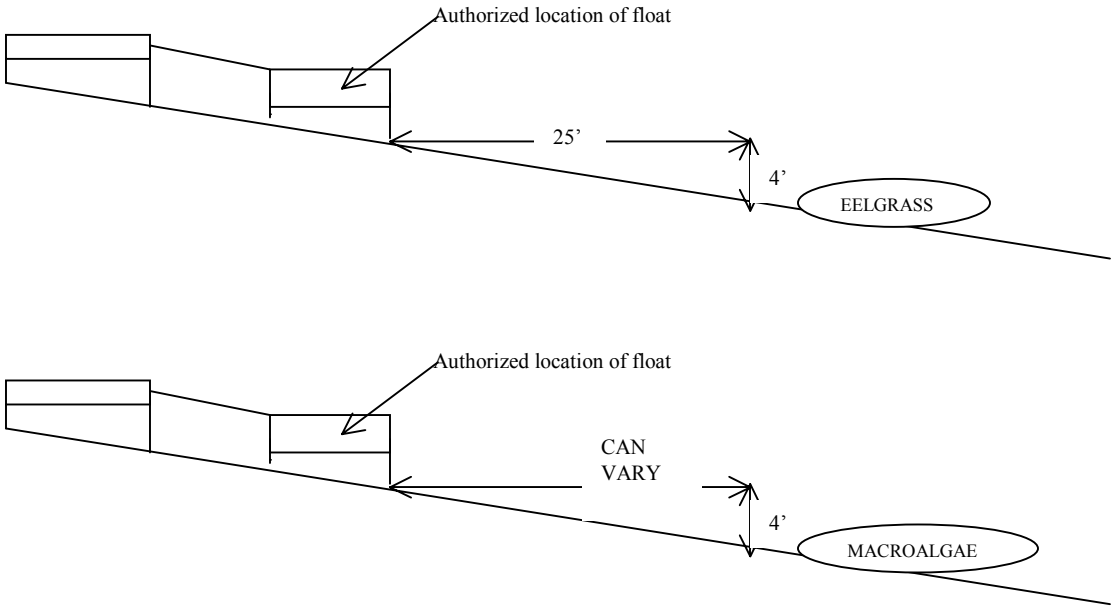
If eelgrass/macroalgae is found in the project area, an intermediate survey must be performed (see Appendix G).

If there is documented Pacific Herring spawning habitat (e.g., eelgrass) on the project site, the applicant must provide the Corps an intensive eelgrass/macroalgae survey (see Appendix H).

b. No overwater structures can be constructed within 25 feet (horizontally) and 4 foot depth (vertically) of eelgrass.

c. No overwater structures can be constructed within a 4 foot depth (vertically) from a macroalgae bed with greater than 25% cover of macroalgae over the substrate.

EXAMPLES: Elevation View



11. Work Windows. *Different fish species have different migration and spawning life histories. Also, certain bird species, such as bald eagles, have certain times for wintering and nesting activities. To minimize impacts to these species, in-water construction should occur when the fish are not migrating or spawning or when the birds are not wintering or nesting.*

a. To minimize impacts to salmonid species and their forage fish species, construction work shall be conducted only during approved fish work windows (these will be determined through ESA consultation and when finalized or revised, the work windows will be posted on the Regulatory Branch's website).

b. If there is no approved work window for Surf Smelt or Sand Lance at the project site, prior to construction, the applicant must have a biologist certified by the Washington Department of Fish and Wildlife (WDFW) confirm, in writing, that no Surf Smelt or Sand Lance are spawning in the project area during the proposed project construction. This documentation must include the date of the inspection, the findings, and must be provided to the Corps, Seattle District, Regulatory Branch, FAX (206) 764-6602, prior to construction. Address the letter or memorandum to the project manager and include the RGP authorization reference number. If the certified biologist confirms that no Surf Smelt or Sand Lance are spawning in the project area, the permittee has 48 hours to begin the work and one week from the date of the inspection to complete all work below mean higher high water. (Note: This notification to the Corps will occur after the applicant has already received RGP verification.)

c. To minimize impacts to marbled murrelets, construction work shall be conducted only during approved work windows. (these will be determined through ESA consultation and

when finalized or revised, the work windows will be posted on the Regulatory Branch's website)

d. To minimize impacts to wintering or nesting bald eagles specific work windows must be adhered to. Based on the distance to the nearest bald eagle nest and wintering concentration, the Corps will determine the appropriate work window. The prospective permittee must agree to abide by the required bald eagle work windows. (these will be determined through ESA consultation and when finalized or revised, the work windows will be posted on the Regulatory Branch's website)

12. Work in the Dry. *Work performed in the water which disturbs the substrate can stir up the sediments and create turbid water. The sediments can be carried in the water and can be deposited on spawning gravels, eelgrass, or macroalgae. This could adversely affect spawning of fish or the productivity of the eelgrass or macroalgae. Completing the work in the dry will reduce turbidity.*

a. Work that involves the excavation of the substrate, bank, or shore of a water of the United States (e.g., removal of bank protection or pile driving) shall occur in the dry whenever practicable.

13. Operation of Equipment. *These measures help to minimize impacts to organisms living in the tidal substrate and the waterbody.*

a. Equipment shall be operated from the top of the bank, work platform, barge, or similar out-of-water location whenever possible.

b. Equipment shall be operated in a manner that minimizes suspended particulates from entering the water column.

c. No equipment may be stored or fueled in such a way that fuel can enter the waterbody

d. Equipment with any identified problems, including leaks or accumulations of oil or grease, must be fixed before its use as part of the project. Fuel hoses, oil drums, or fuel transfer valves and fittings, etc. shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent accidental spills. Proper security shall be maintained to prevent vandalism. Equipment that enters the water shall be maintained to prevent any visible sheen from petroleum products from appearing on the water. Prior to entering water bodies, machinery must be steam cleaned at least 300 ft from the Corps jurisdictional boundary of wetlands and water bodies, and on impervious surfaces so as to prevent spills from escaping to ground waters.

e. If barges are needed, barges may ground for no more than 1 tidal cycle followed by 1 tidal cycle of no grounding.

f. Depressions or trenches in beach areas, waterward of MHHW, created by construction equipment, shall be restored to the original pre-project conditions (e.g., elevation and substrate material type) upon the immediate completion of construction and mitigation work.

g. Any disturbance of the beach area by construction activities or equipment, which leaves exposed hardpan or clay, shall be restored to the original pre-project conditions (e.g., elevation and substrate material type) upon the immediate completion of construction and mitigation work.

14. Disturbance of Vegetation. *Bank vegetation is an important nutrient and habitat source for the aquatic environment. Decomposition of vegetation that falls into the water provides an important food source for invertebrates and fish. The natural process of trees falling into the water provides complex habitat and refuge for fish and other aquatic species. In addition, bank vegetation diffuses sunlight providing cover and temperature regulation for upper intertidal habitats.*

    a. Existing habitat features (e.g., large and small natural woody debris) shall not be removed from the aquatic environment.

    b. Disturbance of bank vegetation shall be limited to a strip no wider than twice the width of the pier.

    c. If woody bank vegetation with a DBH of 4 to 12-inches needs to be removed for the construction of the project, the applicant must submit photographs of the bank and a justification regarding the proposed removal, to the Corps as part of the permit application. Approval for removal must be obtained from the Corps. Trees must be removed in their entirety including the root wad, to the maximum extent practicable, and placed on the beach, onsite.

    d. Woody bank vegetation with a DBH greater than 12-inches cannot be removed for the duration that the overwater structure is in place.

    e. Disturbed bank vegetation shall be replaced with native, indigenous species appropriate for the site. A planting plan must be provided. See Table 3 for list of approved plant species.

15. Forage Fish Habitat: *Forage fish are an important food source for many fish species. Forage fish, such as herring, sand lance, and surf smelt, spawn and rear in shallow intertidal areas. Impacts to forage fish and their habitat could adversely affect other fish species such as salmon and bull trout due to the reduction of their food source.*

    a. No floats, watercraft grids, or piling can be installed or driven within 25 feet (horizontally) and 4 foot depth (vertically) of documented pacific herring spawning habitat

    b. Piers and ramps can span documented surf smelt and/or sand lance spawning habitat.

16. Mitigation Measures. *While the above described construction measures will minimize impacts to the aquatic environment due to the individual structures, impacts from these structures have not been fully avoided. Also, because of cumulative impacts of numerous structures to be authorized under this RGP, mitigation measures must be implemented. The purpose of mitigation is to offset losses to the aquatic environment resulting from installation of an overwater structure. Overwater structures have the potential to degrade or destroy important habitat for threatened*

or endangered fish species. These mitigation measures will restore or create important fish habitat to offset the impact of the project.

Table 1 is a list of different types of mitigation measures the applicant can select from to mitigate for the proposed overwater structure(s). Each mitigation measure is given a point value. Based on the size of the project, a certain number of mitigation points will be required to mitigate for the impacts. Table 2 describes the method to be used to determine how many mitigation points are required for the proposed project. The first priority for mitigation work is onsite, however, if mitigation work cannot be completed onsite, the mitigation work may occur at a Corps' approved offsite location but the number of Required Mitigation Units is **doubled**.

Note: Fractional numbers 0.5 or above are rounded up and fractional numbers below 0.5 are rounded down. Examples: The number 7.3 would be rounded down to 7. The number 6.5 would be rounded up to 7.

These mitigation measures are important because hardened shorelines lower the beach in front of them, decrease shallow intertidal habitat, block natural erosion processes that feed the beach with sand, and remove overhanging vegetation important to the aquatic ecosystem. Removal of hardened shoreline and planting of overhanging vegetation will restore these processes. Existing man made structures can degrade the natural habitat by increasing shading, displacing the tidal substrate, or leach contaminants into the aquatic environment.

Table 1. Mitigation Measure Options and Corresponding Mitigation Points
(Note: The term "remove" means remove from the area waterward of MHHW and place in an upland area.)

Mitigation Measure Option #	Number of Mitigation Points	Mitigation Measure Description
1	1	Plant 2 trees and 2 shrubs (from the planting list and per planting specifications in this RGP) within 15 feet landward of the high tide line and parallel to the shoreline
2	1	Remove 1 pile located waterward of the high tide line
3	1	Permanently prevent an existing float from resting on the tidal substrate (at least 1 foot above the tidal substrate)
4	2	Remove 1 treated wood pile located waterward of the high tide line
5	2	Remove 9 square feet of an existing overwater structure
6	2	Permanently prevent an existing anchor line from scouring the tidal substrate
7	3	Relocate 3 linear feet of hardened shoreline waterward of the high tide line to landward of the high tide line
8	4	Remove 3 linear feet of hardened shoreline and plant removal area with native vegetation (see Table 3)
9	4	Remove manmade debris (e.g., concrete rubble, tires, etc.) waterward of the high tide line covering 9 square feet
10	Varies	Removal of an existing groin, in its entirety. The number of mitigation points varies depending on the size of the groin. One mitigation point = 9 square feet (footprint) of groin removed. For example: The groin to be removed is 9 feet long and 3 feet wide. This structure has a footprint of 27 square feet. 27 divided by 9 equals 3 mitigation points.
11	Varies	Removal of an existing boat ramp, in its entirety. The number of mitigation points varies depending on the size of the boat ramp. One mitigation point = 9 square feet (footprint) of boat ramp removed. For example: The boat ramp to be removed is 12 feet long and 8 feet wide. This structure has a footprint of 96 square feet. 96 divided by 9 = 10.5 → 11 mitigation points.
12	Varies	Removal of an existing marine railway (two rails and support structures), in its entirety. The number of mitigation points varies depending on the length of the marine railway. One mitigation point = 3 linear feet of a pair of rails removed. Note: each rail is not counted separately. For example: The marine railway to be removed is 14 feet long. 14 divided by 4 = 3.5 → 4 mitigation points.

Table 2. Number of Required Mitigation Points for Certain Project and Habitats

Project Work Description	Habitat Categories		
	A	B	C
	Project is greater than 50 feet away from eelgrass, macroalgae, spawning and forage fish habitat	Project is 26 – 50 feet away from macroalgae beds and/or forage fish habitat	Project is 26-50 feet away from eelgrass
	# Required Mitigation Points	# Required Mitigation Points	# Required Mitigation Points
Structure size and/or number of piling is reduced or the same (and project meets RGP conditions)	0	2	3
Per every ninety (90) square feet of pier, ramp, float, and the footprint of piling located in water shallower than –20 feet below MLLW for a **single** residential use overwater structure For example: For piling, use: (π x radius^2) = xx s.f. 10 piling (each 12" diameter) 3.14 x 6^2 = 113 s.f. Pier 80' by 4' = 320 s.f. Ramp 36' by 4'= 144 s.f. Float 20' by 6' = 120 s.f. TOTAL = 697 s.f. Divided by 90 = 7.7→8 Mitigation units required	1 Example: 8 x 1 = 8 If project is in Category A habitat, 8 mitigation points are required.	1.5 Example: 8 x 1.5 = 12 If project is in Category B habitat, 12 mitigation points are required.	2 Example: 8 x 2 = 16 If project is in Category C habitat, 16 mitigation points are required.
Per every ninety (90) square feet of pier, ramp, float, and the footprint of piling located in water shallower than –20 feet below MLLW for a **joint** residential use overwater structure	0.5	0.75	1
Float located waterward of a water depth of –20 feet below MLLW	0	0	0

If the proposed structure is in Category B and C, the number of required mitigation points is the number in Category C.

The following examples are provided to illustrate how to use Tables 1 and 2 for a proposed project. Examples are assumed to meet Category A mitigation requirements:

Example #1: A proposed new structure consisting of a pier, ramp, float, and piling has a footprint of 920 square feet. All structures are located landward of a water depth of –20 feet below MLLW. 920 divided by 90 equals 10.2, rounded down to 10 mitigation points required. As mitigation, the applicant will remove an existing 12- by 8-foot boat ramp (10.6 rounded up to 11 mitigation points) located on the property.

Example #2: A proposed new structure consisting of a pier, ramp, float, and piling has a footprint of 920 square feet. The pier and ramp are located landward of a water depth of –20 feet below MLLW. The 6- by 20-foot float (120 square feet) is located waterward of a water depth of –20 feet below MLLW. 920 – 120 = 800 s.f. which needs to be mitigated. No mitigation is required for the float. 800 divided by 90 equals 8.9 rounded up to 9 mitigation points required. As mitigation, the applicant will remove 6 linear feet of hardened shoreline (8 mitigation points) located on the property and will plant 2 trees and 2 shrubs on the property (1 mitigation point).

Example #3: An existing structure is modified. The existing pier, ramp and float have a footprint of 920 square feet, and use 16 piles. All structures are located landward of a water depth of –20 feet below MLLW. The float currently grounds and an anchor chain scours the substrate. The new structure will be 1,000 square feet, and consist of 12 piles. The size of the additional work will be: 1,000 - 920 = 80 s.f., which needs to be mitigated. 80 divided by 90 = 0.89 rounded up to 1 mitigation points required. The applicant will install subsurface floats on the anchor chain. Because the applicant will prevent an existing anchor line from scouring (2 mitigation points), no additional mitigation is required for this project as the mitigation needs are exceeded

Note: No "credit" is given for constructed mitigation points exceeding the required amount of required mitigation points.

Mitigation Planting. *The purpose of mitigation planting is to offset losses to the aquatic environment resulting from the installation of an overwater structure. The mitigation planting establishes a plant community and associated food web that can be utilized by foraging and migrating salmonids as they pass through the project area and provides complex shade for upper intertidal spawning forage fish.*

To this end, the prospective permittee is required to establish and preserve the planting plot(s) at the project site for the duration that the overwater structure is in place. A drawing of the proposed planting area must be recorded with the Registrar of Deeds per General Condition 3.

The planting plot(s) will be planted (cuttings, burlapped roots or 1 – 5 gallon pots) with native shrubs and trees. The plantings must be located within 15 feet landward of the high tide line, planted in an alignment nearest to the water parallel to the shoreline. The shrubs will be planted at intervals of 3-feet on center, and the trees will be planted at intervals of 10-feet on center. At least 2 trees must be planted in the mitigation unit. The Corps must approve a planting plan submitted by the prospective permittee prior to issuance of an RGP to the permittee.

EXAMPLE OF A PLANTING PLAN for 3 mitigation units:

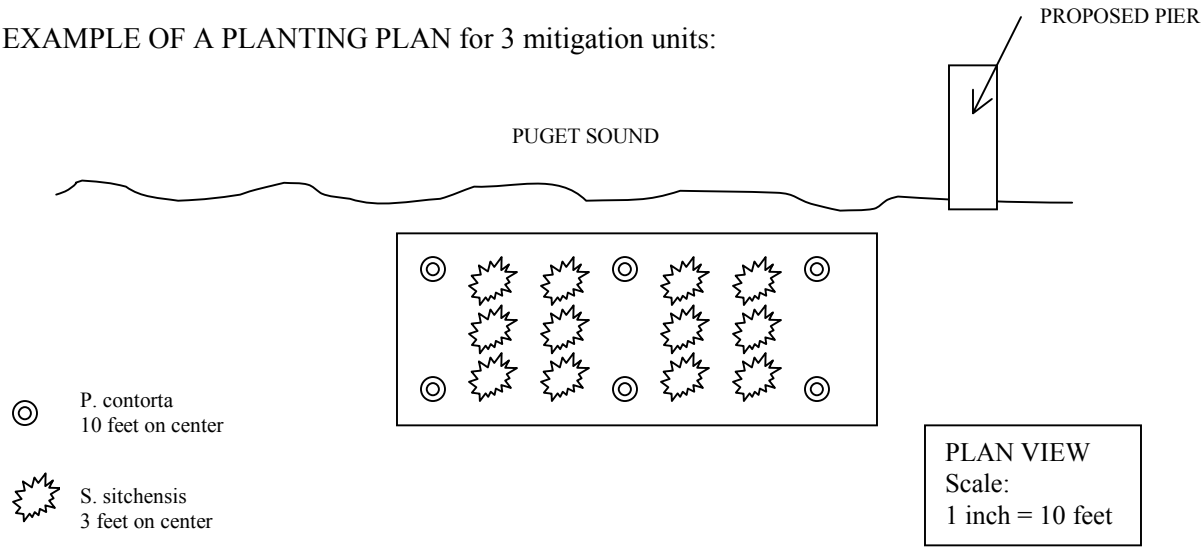


Table 3. List of Approved Plant Species

Common Name	**Scientific Name**
Shrubs:	
Sitka willow	*Salix sitchensis*
Souler willow	*S. scouleriana*
Sandbar willow	*S. exigua*
Pacific willow	*S. lasiandra*
Hooker willow	*S. hookeriana*
Red osier dogwood	*Cornus stolonifera*
Trees:	
Black cottonwood	*Populus trichocarpa*
Douglas fir	*Pseudotsuga menzeisii*
Sitka spruce	*Picea sitchensis*
Shore pine	*Pinus contorta*

Mitigation Planting Performance Standards. One hundred percent survival of all planted trees and shrubs is required during the first and second years after planting the plot(s). During the third through fifth years after planting, 80 percent survival is required. The permittee must protect the planting plot(s) against predation—the Corps recommends fencing. Individual plants that die must be replaced with native shrubs and trees taken from the species list above. Maintenance of the mitigation area includes removal and replacement of dead or dying plants and removal of noxious weeds. Maintenance does not include trimming or mowing of the plants. The plants must be allowed to develop naturally.

Mitigation Reports. Mitigation reports must be submitted to the Corps for all projects.

a. Mitigation must be completed within one year of permit issuance. A report on mitigation completion, including as-built drawings, must be submitted to the Corps 12 months from the date the Corps issues an RGP to the permittee. The permittee can meet this reporting

requirement by submitting to the Corps a completed *Report for Mitigation Work Completion*, Appendix C.

b. **If plantings are implemented:** Mitigation planting monitoring reports will be due annually for 5 years from the date the Corps accepts the as-built drawings. The mitigation monitoring report will include written and photographic documentation on tree and shrub mortality and replanting efforts. The permittee can meet this reporting requirement by submitting to the Corps a completed *Mitigation Planting Monitoring Report*, Appendix D.

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

1. A complete written application that fully describes the proposed work and clearly demonstrates to the Corps that the work would meet the requirements of this RGP. To expedite the review process, the Corps requires that the applicants use Appendix A of this RGP as the application form. Submittal of a completed application constitutes the applicant's voluntary agreement to meet all of the requirements of this RGP.

   A "complete application" also includes appropriate vicinity, plan, profile, and cross-section drawings of the proposed work and structures and overwater structures on adjacent properties, photographs, as well as estimates of the volume of each type of 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")

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 surveys, forage fish habitat documentation, Hydraulic Project Approval, and photographs of the project area and shoreline bank area.

Coastal Zone Management Consistency: The Corps will request that the Washington Department of Ecology concur, pursuant to the requirements of the U.S. Coastal Zone Management (CZM) Act (16 U.S.C. 1452 et seq.) and its implementing regulations (15 CFR 923-930), that the activities authorized by this RGP for which the Ecology is responsible will be consistent with the requirements of the State of Washington's CZM program. Any requirement that the Ecology requires as a condition of its CZM consistency concurrence will be included in this RGP, when issued.

Endangered Species: The Endangered Species Act of 1973 (ESA), as amended, requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or the U.S. Fish and Wildlife Service (FWS), 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 and, therefore, will consult with the NMFS and FWS.

Essential Fish Habitat: The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). If the Corps determines that issuance of this RGP may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate and complete consultation with the NMFS.

Permit Conditions: Department of the Army authorization under this RGP is subject to the following special and general conditions:

GENERAL CONDITIONS

1. Reliance on Permittee's Information. In verifying a permittee's authorization under this RGP, the Department of the Army has relied, in part, on the information provided by the permittee. If this information proves to be false, incomplete, or inaccurate, the permittee's authorization may be modified, suspended, or revoked, in whole or in part. If the authorization is revoked, any work completed under the authorization must be removed, without expense to the United States.

2. Compliance with Terms and Conditions. Projects authorized by this RGP shall comply with all terms and conditions herein and any case-specific conditions added by the Corps, State, or Environmental Protection Agency or a tribe as a result of a water quality certification or Coastal Zone Management consistency determination. Failure to abide by these terms and conditions invalidates this authorization and may result in a violation of Federal law, which may require that the permittee restore the site or take other remedial action. Activities requiring Department of the Army authorization that are not specifically authorized by this RGP are prohibited unless authorized by another Department of the Army permit.

3. Deed Restriction: A copy of this permit, permit drawings, mitigation planting plan (if applicable), and final authorization letter shall be recorded with the Registrar of Deeds, within 60 days after final Corps authorization, to ensure that subsequent property owners are aware of the construction, use, and mitigation requirements. Proof of this must be provided to the Corps within 60 days after the date of the Corps' RGP verification letter to the permittee. **If the pier is joint use**, all co-applicants must voluntarily agree to build no additional overwater structures on their property, except for the maintenance or modification of the proposed joint use overwater structure. This voluntary agreement and the documentation described above must be recorded on the deeds of all involved properties.

4. Contractor's Copy of Permit. The permittee shall provide complete copies of this permit and the Corps verification letter for the authorized project to each contractor involved in the project and keep copies of this permit and Corps verification letter available for inspection at the project site.

5. Compliance Certification. Every permittee shall submit to the Corps, within 30 days of completing the authorized work, certification that the work, including any required mitigation, was conducted in accordance with the provisions of this RGP, including case-specific special conditions. The permittee must use the Statement of Compliance Form (Appendix B) of this RGP.

6. Access for Inspection. The permittee shall allow the District Engineer or his authorized representative to inspect the project whenever deemed necessary to ensure that the activity is in compliance with the terms and conditions prescribed herein.

7. Limits of Authorization. This permit does *not*:

   a. Obviate the requirement to obtain all other Federal, State, or local authorizations required by law for the activity authorized herein, including any authorization required from Congress.

   b. Convey any property rights, either in real estate or material, or any exclusive privileges.

   c. Authorize any injury to property, invasion of rights, or any infringement of Federal, State, or local laws or regulations.

   d. Authorize the interference with any existing or proposed Federal project.

8. Limits of Federal Liability. This permit is not an approval of the design features of any authorized project or an implication that such project is adequate for the intended purpose; a Department of the Army permit merely expresses the consent of the Federal Government to conduct the proposed work insofar as public rights are concerned. In issuing this RGP, the Federal Government does not assume any liability for the following:

   a. Design or construction deficiencies associated with the authorized work.

   b. Damages to the permitted project or uses thereof as a result of other permitted activities or from natural causes, such as flooding.

   c. Damages to persons, property, or to other permitted or unauthorized activities or structures caused by the activity authorized by this permit.

   d. Damages associated with any future modification, suspension, or revocation of this permit.

   e. The removal, relocation, or alteration of any structure or work in navigable waters of the United States ordered by the Secretary of the Army or his authorized representative.

   f. Damage to the permitted project or uses thereof as a result of current or future activities undertaken by, or on behalf of, the United States in the public interest.

9. Tribal Rights. No activity may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

10. Obstruction of Navigation. The permittee understand and agree 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. (Section 10)

11. Stability. The permittee shall design projects to be stable against the forces of flowing water, wave action, and the wake of passing vessels.

12. Maintenance. The permittee shall properly maintain all authorized structures, including maintenance necessary to ensure public safety. Any required maintenance activities on the structures authorized by this RGP can be authorized by this RGP or Nationwide Permit 3.

13. Marking Structures. The permittee shall install and maintain any lights, signals, or other appropriate markers necessary to clearly designate the location of structures or work that might pose a hazard to public safety. Permittees shall abide by U.S. Coast Guard requirements concerning the marking of structures and work in navigable waters of the United States. (Section 10)

14. Endangered Species. This RGP does not authorize any activity that is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the ESA.

15. Essential Fish Habitat. This RGP does not authorize any activity that may adversely affect designated Essential Fish Habitat as defined under the Magnuson-Stevens Fishery Conservation and Management Act.

16. Historic Properties. This RGP does not authorize any activity that may affect historic properties listed, or eligible for listing, in the National Register of Historic Places (NRHP) until the provisions of 33 CFR 325, Appendix C, have been satisfied. Historic properties include prehistoric and historic archeological sites, and areas or structures of cultural interest. A prospective permittee must notify the District Engineer if the proposed activity may affect an historic property that is listed, eligible for listing, or may be eligible for listing in the NRHP, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. If a previously unknown historic property is encountered during work authorized by this RGP, the permittee shall immediately cease all ground disturbing activities in the immediate area andnotify the Corps within 1 business day of discovery. The permittee shall perform any work required by the Corps in accordance with Section 106 of the National Historic Preservation Act and Corps regulations and avoid any further impact to the property until the District Engineer verifies that the requirements of 33 CFR Part 325, Appendix C, have been satisfied.

17. 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. (Section 404)

18. Minimization of Environmental Impact. The permittee shall make every reasonable effort to conduct the authorized activities in a manner that minimizes the adverse impact of the work on water quality, fish and wildlife, and the natural environment, including adverse impacts to migratory waterfowl breeding areas, spawning areas, shellfish beds, and aquatic resource buffer zones.

19. Soil Erosion and Sediment Controls. The permittee shall use and maintain appropriate erosion and sediment controls in effective operating condition and permanently stabilize all exposed soil and other fills, including any work below the ordinary high water mark or high tide line, at the earliest practicable date using native vegetation to the maximum extent practicable. The permittee shall remove all installed controls as soon as they are no longer needed to control erosion or sediment.

20. Equipment. The permittee shall place heavy equipment working in wetlands on mats, or take other appropriate measures to minimize soil disturbance.

21. Aquatic Life Movements. The permittee shall not substantially disrupt the necessary life-cycle movement of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the primary purpose of the activity is to temporarily impound water.

22. Management of Water Flows. To the maximum extent practicable, the activity must be designed to maintain downstream flow conditions. Furthermore, the activity shall not permanently restrict or impede the passage of normal or expected high flows. The permittee should limit the work conducted in waters of the United States to low- or no-flow periods.

23. Water Supply Intakes. The permittee shall ensure that activities authorized by this RGP have no more than a minimal adverse impact on public water supply intakes.

24. Practicable Alternatives. Activities authorized by this RGP shall be designed and constructed to avoid and minimize adverse impacts to waters of the United States to the extent practicable through the use of practicable alternatives.

25. Suitable Material. Any material or structure placed in waters of the United States, whether temporary or permanent, shall be free of toxic pollutants in toxic amounts which could leach into waters of the United States. (Section 404)

26. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected area returned to pre-construction contours. (Section 404)

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

The authorization of an individual project under this RGP may also be summarily modified, suspended, or revoked, in whole or in part, if the permittee either fails to abide by the terms and conditions of this

permit or provides information that proves to be false, incomplete, or inaccurate, or upon a finding by the District Engineer that such action would be in the public interest. If a permittee's authorization is revoked, the permittee shall, upon notice of such revocation, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former condition. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

Expiration of the RGP: This permit shall become effective on the date of the signature of the District Engineer or 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 (e.g., are under construction) or are under contract to commence in reliance upon this permit will remain authorized provided that the activity is completed within 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.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Date	RALPH H. GRAVES Colonel, Corps of Engineers District Engineer

APPENDIX A
Application and Specific Project Information Form For RGP-6

Please fully complete this form and attach vicinity, plan, and elevation drawings and any other relevant information. Submit the information to: U.S. Army Corps of Engineers, Regulatory Branch, P.O. Box 3755, Seattle, WA 98124-3755

1. Appicant's name, address, telephone and fax number, and email:
   Single or Joint Use: _____ If joint use, you must list the other waterfront property owners: name, address, and telephone number, as co-applicants.

2. Authorized agent's name, address, telephone and fax number, and email:

3. Contractor name, address, telephone and fax number, and email, and point of contact:

4. Specific location of project area:
   Name of Waterway _____
   Street Address _____
   Section _____Township _____Range_____
   Latitude _____Longitude _____
   City/County_____(with Shoreline jurisdiction) Washington State

5. Description of work and drawings (attach drawings on 8 ½- by 11-inch sheets, including a vicinity map, a plan view, and an elevation view; the drawings must include information as detailed on Appendix E – Drawing Checklist). The drawings must clearly show the factors detailed in the project description section of this RGP. If joint use, the location of the other waterfront property(ies) must be shown on a map submitted to the Corps as part of the application.

6. Total overwater coverage of existing structures: _____square feet
   Total overwater coverage of proposed structures _____square feet

7. Existing skirting, sheds or buildings on existing structure Y/N, if Yes, describe:

8. Material of replacement/proposed piling: _____

9. Will existing vegetation along bank be disturbed by construction? Y/N, if Yes, attach a replanting plan

10. Furthest waterward encroachment of existing structure: _____feet
    Furthest waterward encroachment of modified structure: _____feet
    Furthest waterward encroachment of proposed new structure: _____feet

11. Pier width: existing _____feet modified _____feet proposed new _____feet

12. Pier elevation above plane of MHHW: existing _____feet modified _____feet
    proposed new _____feet

13. Percent open area of grating on ramp and float: _____

14. Percent of surface area of the float covered with grating: _____

15. Float width: existing _____feet modified _____feet proposed new _____feet

16. Float length: existing _____feet modified _____feet proposed new _____feet

17. Are floats removable: Y/N, if yes, where will the floats be stored? _____

18. Water depth at waterward water most edge of float at MHHW: _____feet

19. Distance from the navigation channel: _____feet (if applicable)

20. Length of anchor chain: _____feet Subsurface floats on chain? Y/N

21. Ramp width: existing _____feet modified _____feet proposed new _____feet

22. Type of pile driver: _____ (include a description of sound attenuation device or methods, if applicable)

23. Spacing between piling (along the length, not width, of the structure): _____feet

24. Eelgrass/macroalgae survey performed: preliminary _____ intermediate _____; intensive _____ attach findings and/or HPA

25. Forage fish habitat? _____ Surf smelt _____ Sand lance _____Pacific herring; attach documentation

26. Required Number of Mitigation Units: ____, Show your calculations. Habitat Category ____ (see Table 2). Describe your proposed mitigation activity (see Table 1). Is the mitigation onsite/offsite?

Endangered Species Act (ESA) Information: Special Project Information

Conservation Measures and Construction Specifications: In order to meet all ESA requirements for authorization under this Regional General Permit (RGP), all applicable Conservation Measures and Construction Specifications summarized below must be implemented. The entire text of the Conservation Measures and Construction Specifications are listed in the RGP document. Check each item that you agree to implement. Check each item "not applicable" if they do not apply to your project. For example, if you will not install piling, check "not applicable" next to the item listing the piling requirements.

Will Implement	Will Not Implement	Not Applicable	Conservation Measure and Construction Specification
			1.a. Piers: Pier width must not exceed 4 feet.
			b. The pier must be elevated at least 6 feet above MHHW.
			c. The pier must be linear. New finger piers and "ell" piers are not authorized
			d. Pier will be constructed in the north-south direction, to the maximum extent practicable.
			2.a. Floats: For a single use residential structure – the float width must not exceed 6 feet and the length cannot exceed 20 feet. Grating must be installed on 30 percent of the surface area of the float. Grating must be installed in a strip down the length of the float. Grating must have 60 percent open area.
			b. For a joint use residential structure – the float width must not exceed 8 feet and the length cannot exceed 40 feet. Grating must be installed on 50 percent of the surface area of the float. Grating must be installed in a strip down the length of the float. Grating must have 60 percent open area.
			c. The float will be installed in a north-south direction, to the maximum extent practicable.
			d. If the float is seasonally removed, it must be stored at a Corps approved location.
			e. The floatation for the float shall be fully enclosed and contained in a shell.
			f. The floats cannot rest on the tidal substrate. Stoppers or float support piling must be used such that the bottom of the floatation device is at least 1 (one) foot above the level of the substrate.
			g. Anchor line shall not sweep the substrate at any time. The anchor must be helical screw.
			3.a. Ramps: The width of the ramp cannot exceed 4 feet.
			b. Grating shall cover the entire surface area of the ramp. The grating must have at least 60 percent open area.
			c. Traction devices covering the grating openings are prohibited.
			4. Grating must be oriented to maximize the amount of light penetration and cannot be blocked by any objects above or below the grating.

Will Implement	Will Not Implement	Not Applicable	Conservation Measure and Construction Specification
			5.a. Piling: Replacement or proposed new piling must be untreated wood, concrete, steel, or plastic.
			b. Piling must be spaced no closer than 20 feet apart. Piling must be untreated wood, concrete, steel, or plastic.
			c. Drop hammer piling driving of steel piling has a specific work window requirement that must be met.
			d. A vibratory pile driver will be used.
			6. No treated wood shall be used for any portion of the overwater structure.
			7.a. Skirting: No new or replacement skirting can be installed.
			8.a. Other Structures: Existing structures on the overwater structure cannot be maintained, repaired, or replaced. Damaged structures must be removed.
			b. No new sheds or other buildings can be constructed on the overwater structures.
			9.a. Watercraft Moorage: Watercraft cannot rest on the tidal substrate at any time. If watercraft is placed on overwater structure, it should be placed on non-grated areas
			b. Only one watercraft grid can be installed per waterfront property owner.
			c. A maximum of 2 additional piling may be used to attach the grid to the piling used for the floats.
			d. The bottom of the watercraft grid shall be at least one foot above the level of the substrate.
			10.a. The applicant must submit a preliminary/intermediate/intensive eelgrass/macroalgae survey. (As appropriate)
			b. No overwater structures can be constructed within 25 feet (horizontally) of an eelgrass or kelp bed.
			c. No overwater structures can be constructed within a 4-foot depth (vertically) from a macroalgae bed with greater than 25% cover of macroalgae over the substrate.
			11.a. Work Windows: The required fish work window will be met.
			b. There is no allowable work window for surf smelt or sand lance at the project site. A biologist certified by WDFW will confirm the absence of these species before any construction work commences. Documentation must be provided to the Corps prior to commencing work.
			c. The required marbled murrelet work window will be met.
			d. The required bald eagle work window will be met.
			12. Work that involves the excavation of the substrate, bank, or shore shall occur in the dry whenever practicable.

Will Implement	Will Not Implement	Not Applicable	Conservation Measure and Construction Specification
			13.a. Operation of Equipment: Equipment shall be operated from the top of the bank, work platform, barge, or similar out-of-water location whenever possible.
			b. Equipment shall be operated in a manner that minimizes suspended particulates from entering the water column.
			c. No equipment may be stored or fueled in such a way that fuel can enter the waterbody.
			d. The required methods to identify problems and maintain and clean equipment will be implemented.
			e. Barges may ground for no more than 1 tidal cycle followed by 1 tidal cycle of no grounding.
			f. Depressions or trenches in beach areas, waterward of MHHW, created by construction equipment, shall be restored to the original pre-project conditions (e.g., elevation and substrate material type) upon the immediate completion of construction and mitigation work.
			g. Any disturbance of the beach area by construction activities or equipment, which leaves exposed hardpan or clay, shall be restored to the original pre-project conditions (e.g., elevation and substrate material type) upon the immediate completion of construction and mitigation work.
			14.a. Disturbance of Vegetation: Existing habitat features shall not be removed from the aquatic environment.
			b. Disturbance of bank vegetation shall be limited to a strip no wider than twice the width of the pier.
			c. Removal of woody bank vegetation with a DBH of 4 to 12-inches must received prior approval from the Corps.
			d. Woody bank vegetation with a DBH greater than 12-inches cannot be removed.
			e. Disturbed bank vegetation shall be replaced with native, indigenous species appropriate for the site. A planting plan must be provided.
			15.a. Forage Fish Habitat: No floats, watercraft grids, or piling can be installed or driven within 25 feet (horizontally) and 4 foot depth (vertically) of documented pacific herring spawning habitat.
			b. Piers and ramps can span documented sand lance and surf smelt spawning habitat.
			16. Mitigation Measures: Mitigation measures will be completed in the required amount of mitigation points.
			The selected and approved mitigation measures, except plantings, will be completed within 6 months from the date construction of the approved overwater structure commences.
			Mitigation Plantings: The authorized species, number of plants, and correct spacing of plants will be utilized. Plantings will occur during the appropriate time of year for the selected species and within one

Will Implement	Will Not Implement	Not Applicable	Conservation Measure and Construction Specification
			year of project construction.
			Mitigation Plantings: A drawing of the proposed planting area will be recorded with the Registrar of Deeds per General Condition 3.
			Mitigation Planting Performance Standards: The required performance standards will be met.
			Mitigation Reports: The required as-built and subsequent mitigation reports will be completed and submitted by the required due date.
			All applicable General Conditions will be met.
			A copy of this permit, permit drawings, mitigation planting plan (if applicable), and final authorization letter shall be recorded with the Registrar of Deeds, within 60 days after final Corps authorization, for each property owner authorized by this permit. **If the pier is joint use**, all co-applicants must voluntarily agree to build no additional overwater structures on their property, except for the maintenance or modification of the proposed joint use overwater structure. This voluntary agreement and the documentation described above must be recorded on the deeds of all involved properties. (General Condition 3)

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

_____ _____

Signature of Applicant Date

_____ _____

Signature of Authorized Agent Date

_____ _____

Signature of Contractor Date

APPENDIX B

Statement of Compliance Form

Regional General Permit CENWS-OD-RG-RGP-6

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

1. Corps' Reference Number:

2. Permittee name, address, telephone number, and email:

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

4. As-built drawings: attach

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

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 C

Status Report for Mitigation Work Completion on RGP - 6

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

Corps' Reference Number: _____

Date the Corps Issued Your Permit: _____

Date this Report is Due: _____

Number of Mitigation Points Required by Corps: _____

Your Name: _____

Your Address: _____

Your City/State/Zip Code: _____

Your Phone Number: _____

Location of Mitigation: _____

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

Date structure(s) removed: _____

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. Shrubs should be planted at 3-feet-on-center intervals and trees should be planted at 10-feet-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*

APPENDIX D

Mitigation Planting Monitoring Report for RGP - 6

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-Builts Were Accepted by the Corps _____

Date This Report Is Due: _____

Number of Mitigation Points Required by the Corps: _____

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. 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 E - Drawing Checklist

1. GENERAL

( ) Use clear black lettering and fewest number of sheets possible; use 8 ½- by 11-inch sheets
( ) State the purpose of the proposed or existing work
( ) List property owners and indicate number by number on plan view drawing
( ) Show datum used in plan and elevation drawings
( ) Use a graphic scale on all drawings
( ) Use a north arrow; prepare drawing with north being directed to the top of the page
( ) Label all proposed and existing work as such (e.g., Proposed Pier, Proposed Fill…)

2. TITLE BLOCK

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

PURPOSE: DATUM: ADJACENT PROPERTY OWNERS: 1. 2.	APPLICANT 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

APPENDIX F

Preliminary Eelgrass/Macroalgae Habitat Survey Guidelines

The following preliminary eelgrass/macroalgae habitat survey guidelines will be applied for all proposed projects where eelgrass or significant macroalgae habitats are suspected to be present in the vicinity of the proposed project.

The applicant shall contract a qualified diver/biologist to conduct the preliminary eelgrass/macroalgae survey. The diver/biologist must be able to demonstrate the ability to identify the predominant macroalgae species native to the project area.

The preliminary eelgrass/macroalgae survey shall include:

1. The diver/biologist will survey transects perpendicular to and/or parallel to the shoreline including the outer extremities of the proposed project site.

2. Survey transects will include the entire project site and will be spaced at a maximum of 40 foot intervals.

3. Transect locations will be referenced to a permanent physical feature within the project site.

4. The qualitative distribution of macroalgae species along each transect will be documented.

5. Substrate characterizations along each transect will be documented.

6. A project site map will be developed indicating the qualitative distribution of eelgrass/macroalgae species, substrate characterization, approximate depth contours and the approximate location of the proposed project features.

7. Approximate depth contours will be established for the project site based on mean lower low water equal to 0.00 (MLLW= 0.00). Tidal reference and correction should be noted.

8. Survey documentation will also include the time of survey, date of survey, turbidity/visibility, presence of invertebrate /vertebrate species and miscellaneous antidotal observations pertinent to habitat characterization of the project site.

9. Preliminary surveys may be conducted at any time during the year. Surveys from June 1 through October 1 most accurately reflect macroalgae distribution and are therefore preferable.

APPENDIX G

Intermediate Eelgrass/Macroalgae Habitat Survey Guidelines

Intermediate eelgrass/macroalgae habitat survey guidelines will be applied in those instances where a proposed project is to be located within an area of documented eelgrass/macroalgae habitats but where herring spawning has not been documented.

The applicant shall contract a qualified diver/biologist to conduct the intermediate eelgrass/macroalgae survey. The diver biologist must be able to demonstrate the ability to identify the predominant macroalgae species native to the project area.

The intermediate eelgrass/macroalgae survey shall include:

1. Through prior consultation with the Washington Department of Fish and Wildlife (WDFW) habitat manager, specific macroalgae species will be identified for quantitative distribution evaluation.

2. The diver/biologist will survey transects perpendicular to the shoreline. Transects will be referenced to a permanent physical feature within the project location.

3. Transect length and location will be determined by project and site specifics. Transects will include the landward margin of the macroalgae habitat and should extend waterward to include the outer margin of the macroalgae habitat. At a minimum, transects will extend 25 feet waterward of the most waterward project feature.

4. Transect locations will be specified based on specific project and project site features. For pier/ramp/float structures, transects will include at a minimum:

(1) transect located at the center line of the proposed project.
(2) transects located 10 feet to each side of the outer edge of the proposed project.
(3) transects located 25 feet to each side of the outer edge of the proposed project.

5. For eelgrass, turion (shoot) counts shall be conducted along each transect at a maximum 20 foot intervals and shall include the inner and outer margins of the eelgrass bed. Eelgrass density counts will include three (3) 1/4 meter square counts as described by the corner of the 1/4 meter square pivoted around the 20 foot interval count point at approximately the 2, 6, 10 o'clock positions. The density count at each 20 foot count interval will be the average of the three (3) 1/4 meter square counts.

6. For non-eelgrass macroalgae species, percent cover estimates will be conducted along each transect at a maximum 20 foot interval and shall include the inner and outer margins of the macroalgae habitat. Percent cover estimates will include three (3) 1/4 meter square estimates as described by the corner of the 1/4 meter square pivoted around the 20 foot interval count point at approximately the 2, 6, and 10 o'clock positions. The percent cover estimate will be the average of the three (3) 1/4 meter square estimates.

7. Intermediate surveys will be conducted from June 1 through October 1.

8. Approximate depth contours will be established for the project site based on mean lower low water equal to 0.00 (MLLW= 0.00). Tidal reference and correction should be noted.

9. A site map will be developed indicating the qualitative distribution of eelgrass/macroalgae species, substrate characterization, approximate depth contours and the approximate location of the proposed project features.

10. Survey documentation will also include the time of survey, date of survey, turbidity/visibility, presence of invertebrate /vertebrate species and miscellaneous antidotal observations pertinent to habitat characterization of the project site.

APPENDIX H

Intensive Eelgrass/Macroalgae Habitat Survey Guidelines

Intensive eelgrass/macro algae habitat survey guidelines will be applied in those instances where a proposed project is to be located within an area of documented herring spawn.

The applicant shall contract a qualified diver/biologist to conduct the intermediate eelgrass/macro algae survey. The diver biologist must be able to demonstrate the ability to identify the predominant macro algae species native to the project area.

The intensive eelgrass/macro algae survey shall include:

1. Through prior consultation with the WDFW Area Habitat Biologist, specific macro algae species will be identified for quantitative distribution evaluation.

2. The diver/biologist will survey transects perpendicular to and/or parallel to the shoreline.

3. Transects will be referenced to a permanent physical feature within the project location.

4. Transect length and location will be determined by project and site specifics. Transects will include the landward margin of the macro algae habitat and should extend waterward to include the outer margin of the macro algae habitat. At a minimum, transects will extend 25 feet waterward of the most waterward project feature.

5. Transect locations will be specified based on specific project and project site features. For pier/ramp/float structures, transects will include at a minimum:
   (1) transect located at the center line of the proposed project.
   (2) transects located 10 feet to each side of the outer edge of the proposed project.
   (3) transects located 20 feet to each side of the outer edge of the proposed project.
   (4) transects located 30 feet to each side of the outer edge of the proposed project.

Note: additional transects may be included at the discretion of the applicant.

6. For eelgrass, turion (shoot) counts shall be conducted along each transect at a maximum 20 foot interval and shall include the inner and outer margins of the eelgrass bed. Eelgrass density counts will include three (3) 1/4 meter square counts as described by the corner of the 1/4 meter square pivoted around the 20 foot interval count point at approximately the 2, 6, 10 o'clock positions. The density count at each 20 foot count interval will be the average of the three (3) 1/4 meter square counts.

7. For non-eelgrass macroalgae species, percent cover estimates will be conducted along each transect at a maximum 20 foot interval and shall include the inner and outer margins of the macro algae habitat. Percent cover estimates will include three (3) 1/4 meter square estimates as described by the corner of the 1/4 meter square pivoted around the 20 foot interval count point at approximately the 2, 6, and 10 o'clock positions. The percent cover estimate will be the average of the three (3) 1/4 meter square estimates.

8. Intensive surveys will only be conducted from June 1 through October 1.

9. Approximate depth contours will be established for the project site based on mean lower low water equal to 0.00 feet (MLLW = 0.00 feet). Tidal reference and correction should be noted.

10. A site map will be developed indicating the qualitative distribution of eelgrass/macro algae species, substrate characterization, approximate depth contours and the approximate location of the proposed project features.

11. Survey documentation will also include the time of survey, date of survey, turbidity/visibility, presence of invertebrate /vertebrate species and miscellaneous anecdotal observations pertinent to habitat characterization of the project site.

12. Results of the intensive level survey will be compiled and sent to the WDFW Area Habitat Biologist for review.

Note: Deviations from the intensive level survey guidelines will not be acceptable unless agreed to through prior consultation with the WDFW Area Habitat Biologist.