US Army Corps
of Engineers
Seattle District

Special Public Notice

Regulatory
Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495
ATTN: Ms. Marcy Reed and Kristina Tong

Public Notice Date: March 22, 2005

REGIONAL GENERAL PERMIT UPDATE

ANNOUNCEMENT: The U.S. Army Corps of Engineers, Seattle District, Regulatory Branch (Corps) has issued Regional General Permit (RGP) 3 to authorize the maintenance, modification, and construction of residential overwater structures and driving of piling. For the purpose of this RGP, "overwater structures" are defined as piers, ramps, floats, and their associated structures. Associated structures include piling, ladders, handrails, steps, and swim steps made from wood only, and a minor amount of gravel fill placed for fish habitat enhancement in Lake Washington, Lake Sammamish, the Sammamish River, Lake Union, and the Lake Washington Ship Canal in King County, Washington. Construction specifications and requirements of the RGP are detailed in the attached RGP 3 text. The RGP is effective immediately. The expiration date of RGP 3 is March 7, 2010.

BACKGROUND: This RGP has been issued to expedite the authorization of recurring activities that are similar in nature and have minor individual and cumulative adverse impact on the aquatic environment. The RGP includes completed Endangered Species Act Section 7 consultation, Essential Fish Habitat consultation, and water quality certification from the Washington State Department of Ecology, reducing the Corps' application review time.

APPLICATION PROCEDURE: Applicants must complete and submit Appendix A: Application Form. The Corps will inform the applicant if the application is complete and will complete the necessary review. The applicant may commence work only upon receipt of written approval from the Corps.

ANNOUNCEMENT: Revocation of General Permit 071-OYB-1-005974, Boat Lift Stations on Lake Washington, effective as of February 14, 2005

On February 14, 2005, the U.S. Army Corps of Engineers, Seattle District,(Corps) Regulatory Branch issued Regional General Permit (RGP) 1 to authorize the installation, repair, maintenance, replacement and/or retention of watercraft lifts and canopies in certain fresh and marine/estuarine waters within the State of Washington. RGP 1 is applicable in all waters of the United States, including Lake Washington, within the State of Washington except: in the main stem of the Snake River, the main stem of the Columbia River above Priest Rapids Dam, and portions of the Pend Oreille River. RGP 1 cannot be utilized on the main stem of the Pend Oreille River 100 meters (328 feet) up and downstream of the mouth of the following tributaries: Indian Creek, Skookum Creek, Calispell Creek, Cee Cee Ah Creek, Tacoma Creek, Mill Creek, LeClerc Creek, Ruby Creek, Cedar Creek, Sweet Creek, Sullivan Creek, and Slate Creek.

RGP 1 replaces General Permit 071-OYB-1-005974. Therefore, General Permit 071-OYB-1-005974 is hereby revoked.

US Army Corps of Engineers
Seattle District

Proposed Department of the Army Regional General Permit

RGP-3

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

Effective Date: March 7, 2005 **Expiration Date:** March 7, 2010

Permit Number: RGP-3

Permit Title: Residential Overwater Structures in Lake Washington, Lake Sammamish, Lake Union and Lake Washington Ship Canal

Authority: In accordance with 33 CFR 325.2(e)(2), the U.S. Army Corps of Engineers (Corps) is issuing this Regional General Permit 3 (RGP 3) 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).

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

Purpose: The purpose of RGP 3 is to authorize the construction of new or modification of existing residential overwater structures and installation of moorage piling in Lake Washington, Lake Sammamish, the Sammamish River and Lake Union, including the Lake Washington Ship Canal.

Use of RGP-3: To use RGP 3, a prospective permittee must first notify the Corps of the proposed work in accordance with the application procedures (see page 2). ***A proposed project is not authorized under this RGP, and <u>work may not commence</u>, until the District Engineer or his designee has issued <u>written notification</u> that the proposed project meets the requirements of this RGP and is authorized.*** The permittee and all contractors performing work are responsible for ensuring that the authorized work complies with all applicable provisions of RGP 3, including any project-specific special conditions that may be added by the District Engineer. Failure to abide by the requirements of RGP 3 may constitute a violation of the Rivers and Harbors Act or the Clean Water Act. For purposes of this RGP, the term "permittee" shall include all successors in interest.

RGP-3 contains provisions intended to protect the environment, endangered species, and cultural resources. Work that will not comply with these provisions is not authorized by this RGP and may require Department of the Army authorization by a standard individual permit. Moreover, compliance with the provisions of RGP-3 does not itself guarantee that the work is authorized by this RGP.

Activities that appear to comply with the provisions of RGP 3 but would have an unacceptable adverse impact on the public interest are not authorized.

Location of Authorized Activities: RGP 3 is applicable in Lake Washington, Lake Sammamish, the Sammamish River and Lake Union, including the Lake Washington Ship Canal.

Activities Authorized by this RGP: Work authorized by RGP-3 is limited to the construction of new or modification of existing residential overwater structures including piers, floats, ramps and other similar structures and/or installation of moorage piling and future maintenance of authorized facilities. Once the work is authorized by RGP-3, any proposed modifications beyond the limitations of RGP-3 must be approved by a Department of the Army Individual Permit. This RGP only authorizes one pier/ramp/float structure per property. There are further limitations for joint use piers (see Application Procedures section below). Definitions of terms used in this RGP are located in Appendix F of this document.

This permit authorizes fill material placed for the purposes of fish habitat enhancement, as required by the Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife. Also, any Corps required mitigation measures for the overwater structures are also authorized by this RGP.

Application Procedure: Authorization under RGP 3 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 ***Specific Project Information Form (SPIF)*** for RGP 3 (see Appendix A). Submittal of a completed *SPIF* for RGP 3 constitutes the applicant's voluntary agreement to meet all of the requirements of this RGP.

2. A "complete application" including appropriate vicinity map, plan, profile, and cross-section drawings of the proposed work and structures and overwater structures on adjacent properties, 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 B, *Drawing Checklist*). A complete application must also incorporate appropriate impact reduction measures as discussed in the *Construction Specifications and Conservation Measures* section below (see paragraph 10).

3. A drawing showing the planting plan and species list (see Appendix C) must be included with the project drawings discussed above.

4. If the structure will be "joint use" you must:
   a. List all property owners using the joint use pier as co-applicants and they must sign the application form.
   b. Provide a joint use 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 authorized joint use overwater structure.
   c. Show on a drawing the location of all properties involved in the joint use agreement.

5. 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.

6. Any other relevant information, such as photographs of the project area, a description of any offsite borrow site that would be used, and a copy of the HPA.

Upon receipt of a complete application, the Corps will forward a copy of the SPIF and any relevant information, including the HPA, to NOAA's National Marine Fisheries Service and the U.S. Fish and Wildlife Service (Services), and the Muckleshoot Indian Tribe. The Services and the Tribe will have 21 calendar days to provide comments on the application. If no comments are received, the Corps will complete its review, and if appropriate, issue written notification to the applicant that the proposed work meets the requirements of the RGP provided all other terms and conditions of the RGP are met.

If the Services or the Tribe raise any issues relating to the project, resolution of these issues must occur prior to the Corps confirming that the project meets the requirements of the RGP. If a resolution cannot be reached, the project may require additional information or may need to be processed using the Corps' individual permit procedures.

Construction Specifications and Conservation Measures: The following construction specifications and conservation measures must be implemented for the work to be authorized by this RGP:

1. Number of Overwater Structures. This permit authorizes the construction, expansion or modification 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 (with the exception of bulkheads), except for those facilitating access as authorized by this permit, shall be removed and no additional in- or over-water structures shall be constructed in this nearshore area over the entire length of the property without notifying the Corps.

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 at least 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 - must not exceed a width of 4 feet and must be 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 of the entire float.

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 in-water (nearest shore) set of pilings 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. All piling sizes are in nominal diameter.

   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 and applicant wishes to remove them, removal shall 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 installed per structure authorized by this RGP. Joint-use structures can have up to 4 mooring piles. The 2-pile limit for individuals and 4-pile limit for joint-users shall include all existing mooring piles. Moorage piling shall not be installed 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 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; and as long as no new species have been listed under the Endangered Species Act. Before doing any overwater or in-water maintenance, applicants must contact the Corps to determine whether a separate permit is necessary.

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 waterward of OHW (if site appropriate) and a zone of riparian vegetation a minimum of 10-feet wide along the entire length of the shoreline immediately landward of OHW. Joint-

use piers will require a planting plan covering all properties sharing the pier. A path 6-feet wide or less is allowed through the zone of riparian vegetation for access to the pier. Chemical fertilizers, herbicides and pesticides shall not be applied to the riparian zone.

The purpose of this zone 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 two native trees and three willow plants (See Appendix D) shall be included in the planting plan. 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 planting plan and species list and numbers. 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 NOAA's 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.

13. Allowable Work Windows for Bald Eagles. The prospective permittee agrees to abide by the work window established by the Corps (please refer to the Corps, Seattle District, Regulatory Branch Internet homepage, *http://www.nws.usace.army.mil/reg.html* for the current listing of approved work windows). Adherence to these timing windows is necessary, in most cases, to maintain a not likely to adversely affect (NLAA) determination if all other measures have

reduced the project impacts to this level. Variations in this work window are based on the distance of the proposed project to the nearest bald eagle nest and wintering concentration. The Corps will coordinate with the U.S. Fish and Wildlife Service to determine the appropriate work window once an application is submitted.

14. Allowable Work Windows for Listed Fish Species. In addition to the work windows for bald eagles listed above, work must comply with established fish work windows for the corresponding portion of Lake Washington, Lake Sammamish, the Sammamish River or Lake Union, including the Lake Washington Ship Canal. (Please refer to the Corps, Seattle District, Regulatory Branch Internet homepage, *http://www.nws.usace.army.mil/reg.html* for the current listing of approved work windows.)

15. Work in the Dry. Work that disturbs the substrate, bank, or shore of a water of the United States shall occur in the dry whenever practicable.

16. Operation of Equipment. Equipment shall be operated from the top of the bank, dry gravel bar, work platform, or similar out-of-water location whenever possible. Equipment shall be operated in a manner that minimizes the suspension of particulates. All equipment used in or around waters shall be clean and inspected daily prior to use to ensure that the equipment has no fluid leaks. Should a leak develop during use, the leaking equipment shall be removed from the site immediately and not used again until it has been adequately repaired. Equipment should be stored and/or fueled at least 100 feet from any surface water where possible.

17. Disturbance of Vegetation. Disturbance of bank vegetation shall be limited to the minimum amount necessary to accomplish the project. Disturbed bank vegetation shall be replaced with native, locally adapted herbaceous and/or woody vegetation. Herbaceous plantings shall occur within 48 hours of the completion of construction. Woody vegetation components shall be planted in the fall or early winter, whichever occurs first. The applicant shall take appropriate measures to ensure revegetation success.

18. Isolation of Work Area. In-water work areas shall be isolated from the surrounding waterbody by properly installed silt screen or similar sediment containment device whenever practicable. The permittee shall remove these temporary sediment containment devices as soon as the devices are no longer necessary to protect the surrounding waterbody.

19. Proximity to Wetlands. No structure permitted herein shall be installed in or within 100-feet of a of either side of the mouth of any river, stream, or creek. Structures in or within 100-feet of a wetland must avoid impacts to the wetland to the maximum extent possible. "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

20. Navigation and Access to Adjacent Structures and Property. The permitted activity must not interfere with the public's right to free navigation on navigable waters of the United States, including ingress and egress to adjacent waterfront structures and property.

Water Quality Certification: The Corps requested that the Washington Department of Ecology (Ecology), pursuant to Section 401 of the CWA and Chapters 173-225 of the Washington Administrative Code (WAC) and the requirements of the U.S. Coastal Zone Management Act (16 U.S.C. 1452 et seq.) and its implementing regulations (15 CFR 923-930), certify that those activities authorized by this RGP for which Ecology is responsible will not violate established State of Washington water quality standards

and will be consistent with the requirements of the State of Washington's Coastal Zone Management (CZM) program. On August 7, 2003, Ecology provided the required 401 Water Quality Certification. By not acting on the Corps request for Certification of Consistency with the Washington Coastal Zone Management Program, state agency concurrence is presumed.

Endangered Species: The Endangered Species Act of 1973 (ESA), as amended, requires all Federal agencies to consult with NOAA's National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service (USFWS), pursuant to Section 7 of the ESA, on any action, or proposed action, permitted, funded, or undertaken by the agency that may affect a species listed as threatened or endangered under the ESA, or its designated critical habitat. The Corps has completed consultation and received concurrence.

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 NOAA's National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). The Corps has determined that issuance of this RGP may adversely affect EFH for federally managed fisheries in Washington waters, the Corps has completed consultation with NOAA's National Marine Fisheries Service.

Permit Conditions: Department of the Army authorization under this RGP is subject to the following 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.

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. 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. 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.

4. Compliance Certification. Every permittee shall submit to the Corps, within 30 days of completing the authorized work, certification that the work, including any required impact reduction, 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 D) of this RGP.

5. 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.

6. 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.

7. 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.

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

9. Corps Coordination. Permittees shall coordinate with the appropriate office of the Corps prior to commencing any construction activity in a federally maintained channel and/or waterway

10. Obstruction of Navigation. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work unreasonably obstructs the full and free use of navigable waters of the United States, the permittee shall, upon due notice from the Corps, remove, relocate, or alter the obstructions caused thereby, without expense to the United States. If the permittee fails to comply with the direction of the Corps, the District Engineer may restore the navigable capacity of the waterway, by contract or otherwise, and recover the cost thereof from the permittee.

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.

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.

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 a 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 activities in the immediate area, notify the Corps within 1 business day of discovery. The permittee shall perform any work required by the Corps in accordance with Section 106 of the National Historic Preservation Act and Corps regulations and avoid any further impact to the property until the District Engineer verifies that the requirements of 33 CFR Part 325, Appendix C, have been satisfied.

17. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status unless the appropriate federal agency (e.g. National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service), with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

18. Water Quality Standards. All activities authorized herein that involve a discharge of dredged or fill material into waters of the United States shall, at all times, remain consistent with all applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards, and management practices established pursuant to the Clean Water Act (P.L. 92-500; 86 Stat. 816) or pursuant to applicable State and local law.

19. 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.

20. 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.

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

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected area returned to pre-construction contours.

28. 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:

7 March 2005
Date

Michelle Walker for
DEBRA M. LEWIS
Colonel, Corps of Engineers
District Engineer

APPENDIX A

US Army Corps of Engineers
Seattle District

REGIONAL GENERAL PERMIT 3
APPLICATION FORM
For Construction of New or Modification 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

TO BE COMPLETED BY THE CORPS
Corps Reference Number _____
☐ The proposed work meets all of the conditions of RGP 3.
☐ The proposed work does not meet all of the conditions of RGP 3. This form constitutes a Reference Biological Evaluation.
USFWS Reference: 1-3-04-PI-00560 NMFS Reference: 2004/00175

1. **Biological Evaluation:**
Biological Evaluation for Construction of New or Modification of Existing Residential Overwater Structures and Installation of Moorage Piling in Lake Washington, Lake Sammamish, the Sammamish River and Lake Union, Including the Lake Washington Ship Canal, in the State of Washington June 26, 2003. U.S. Army Corps of Engineers, Seattle District, Regulatory Branch.
2. **Date:** _____
3. **Applicant' Name:** _____
Address: _____
City: _____ State: _____ Zip: _____
4. **Agent' Name:** _____
Address: _____
City: _____ State: _____ Zip: _____
5. **Location(s) of Activity:**
Quarter Section: _____ Section: _____ Township: _____ Range: _____
Latitude: _____ Longitude: _____
Street address: _____
Waterbody: _____ County: _____
Names and Addresses of Adjacent Property Owners:
_____
_____

6. **Use type:** ☐ Private non-commercial ☐ Private Joint-use[a] non-commercial

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

   _____

   _____

7. **Project description:** _____

   _____

   _____

   _____

8. **Construction techniques:**

   a. Describe how the piling will be installed. Include the type of equipment, tools, and machinery to be used:

   _____

   _____

   b. Describe how the pier, ramp, and float will be constructed, transported, and installed. Include the type of equipment, tools, and machinery to be used:

   _____

   _____

   _____

   _____

   _____

   _____

   c. The number of days it will take to complete the project: _____

   d. Describe the methods proposed to prevent construction debris from entering the water or causing water quality degradation: _____

   _____

   _____

   _____

   _____

Endangered Species Act (ESA) Information: Specific 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. You must also complete the column on the right with your specific project information.

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

I (We) Will Implement	I (We) Will Not Implement	Not Applicable	Conservation Measure and Construction Specification	Specific Project Information
☐	☐	☐	Existing in-water and over-water structures (with the exception of bulkheads) with 30 feet of OHW, except for those facilitating access, shall be removed and no additional in-water structures shall be constructed in this nearshore area over the entire length of the property.	Existing in-water and over-water structures that will be removed: _____ _____
☐	☐	☐	Only piers and ramps can be within 30 feet of shore. All floats and ells must be at least 30 feet waterward of OHW.	
☐	☐	☐	Skirting: Skirting is not authorized by this RGP and any existing skirting must be removed.	
☐	☐	☐	New Piers: Surface coverage of pier must not exceed the following: a. Single property owner- 480 square feet b. Two property owners- 700 square feet c. Three or more property owners- 1000 square feet	size of proposed pier: _____ square feet
☐	☐	☐	Except for floats, the bottom of all structures must be at least 1.5 feet above OHW.	distance of bottom of pier from OHW
☐	☐	☐	Pier/walkway must be fully grated.	_____ % open area
☐	☐	☐	Pier/walkway must be no wider than 4 feet.	width of proposed pier: _____ feet
☐	☐	☐	Ramps must not exceed 3 feet in width and be fully grated.	width of proposed ramp: _____ feet
☐	☐	☐	Ells must not exceed than 6-foot wide by 20-foot long with a 2-foot wide strip of grating down the center OR 6-foot wide by 26-foot long and fully grated.	length of ell: _____ feet width of ell: _____ feet
☐	☐	☐	Float width must not exceed 6 feet and the length cannot exceed 20 feet.	width of proposed float: _____ feet length of proposed float: _____ feet
☐	☐	☐	Floats must contain at least a two foot strip of grating down the center	
☐	☐	☐	All grating must have at least 60% open area.	Proposed grating has _____ % open area
☐	☐	☐	Piling: The first in-water set of piles shall be steel, 4-inch and at least 18-feet from OHW.	Type of material and size of first set of piling;
☐	☐	☐	Beyond the first set of piles, piles for a new pier must be spaced no closer than 20 feet apart and no greater than 12-inces in diameter.	Number of proposed piling supporting the new pier: _____ Size of piling beyond the first set: _____
☐	☐	☐	Piling beyond the first set: Replacement or proposed new piling can be steel, concrete, plastic or untreated or treated wood.	Type of material for piling: _____

I (We) Will Implement	I (We) Will Not Implement	Not Applicable	Conservation Measure and Construction Specification	Specific Project Information
☐	☐	☐	A maximum of 2 (two) moorage piling (or 4 for joint-use) may be installed to accommodate the moorage of boats exceeding the length of the floats.	Number of proposed mooring piling: _____
☐	☐	☐	Moorage piling shall be at least 30-feet waterward of OHW and no further than 12 feet from the end of the pier.	Distance of piling from OHW:_____ Distance of piling from pier: _____
☐	☐	☐	If an impact hammer pile driver for steel piling is utilized, a sound attenuation device or system must be implemented during pile driving. Steel piling cannot exceed a 12-inch diameter.	Diameter of steel piling: _____ feet
☐	☐	☐	1. Piling with diameter of 10 inches or less – one Corps approved sound attenuation device is required	Type of sound attenuation device: _____
☐	☐	☐	2. For piling with a diameter greater than 10 inches, up to 12 inches, two Corps approved sound attenuation devices are required	Type of sound attenuation devices: _____
☐	☐	☐	Treated Wood: No creosote, pentachlorophenol, CCA, or comparably toxic compounds not approved for marine use, shall be used for any portion of the over water structure. ACZA treated wood must meet Post-Treatment Procedures.	If treated wood will be used, list type of treatment: _____ You must also submit certification that the wood was treated by the appropriate and approved Post Treatment Procedures before authorized work can commence.
☐	☐	☐	Invasive aquatic weeds are present and applicant will remove by non-chemical means.	
☐	☐	☐	Impact Reduction Measures: Applicant will plant emergent vegetation.	
			Impact Reduction Measures: Applicant will plant a ten-foot wide strip of vegetation along the entire of the shoreline (including shorelines of any joint-use applicants). A six-foot wide path through the vegetation is allowed for access to the pier.	
☐	☐	☐	Impact Reduction Plantings: The authorized species, number of plants, and correct spacing of plants will be utilized.	Attach planting plan.
☐	☐	☐	Impact Reduction Planting Performance Standards- The required performance standards will be met for the 5-year monitoring period: a. 100% survival of all trees and shrubs for the first two years. b. 100% of trees and 80% of shrubs must survive years 3-5.	
☐	☐	☐	Impact Reduction Reports: A status report on the project and mitigation, including as-built drawings, must be submitted to the Corps within 12 months from the date the Corps issues an RGP to the permittee. Planting monitoring reports will be due annually for 5 years from the date.	
☐	☐	☐	Fish Work Windows: The required RGP fish work window will be met. Note: The RGP fish work window may be different than the HPA work window. For the work to be authorized by this RGP, the RGP fish work window must be met.	Fish work window at this project location is (per Corps' website): _____
☐	☐	☐	Bald Eagle Work Window: Required bald eagle work windows will be met, if applicable to the project location. General work prohibition times: January 1 through August 15 (nesting areas) November 1 through March 31 (wintering areas)	The required bald eagle work window at this project location will be determined by the Corps

I (We) Will Implement	I (We) Will Not Implement	Not Applicable	Conservation Measure and Construction Specification	Specific Project Information
☐	☐	☐	Work in the Dry: Work that disturbs the substrate, bank, or shore shall occur in the dry whenever practicable.	
☐	☐	☐	Operation of Equipment: Equipment shall be operated from the top of the bank, dry gravel bar, temporary work platform, barge, or similar out-of-water location.	
☐	☐	☐	Equipment shall be operated in a manner that minimizes suspended particulates from entering the water column.	
☐	☐	☐	All equipment used in or around waters shall be clean and inspected daily prior to use to ensure that the equipment has not fluid leaks. Any equipment that develops a leak shall be removed from the site immediately and not used again until it has been adequately repaired.	
☐	☐	☐	All General Conditions will be met.	
☐	☐	☐	A copy of this permit, permit drawings, mitigation planting plan, 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 65 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. (General Condition 3)	

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

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

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

If the applicant has <u>checked "will not implement" for any of the above items</u>, then the following items must be completed by the applicant:

☐ You must attach a completed Coastal Zone Management form.

Note: This form can be found on the Corps' web page: www.nws.usace.army.mil/reg.html

☐ Based on the existing environmental conditions and the proposed work, the applicant is proposing additional impact reduction measures (beyond the requirements of Construction Specification 10) as described below: _____

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

_____

_____

_____

_____

_____

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

Signature of Applicant	Date
Signature of Authorized Agent	Date
Signature of Contractor (if Contractor is known)	Date

APPENDIX B

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 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

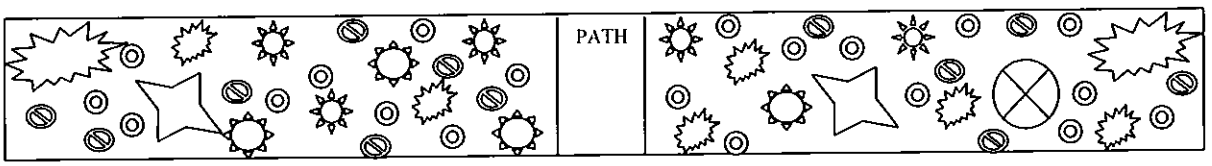
APPENDIX C

Below is a list of approved plant species and a sample planting plan. 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
Willow spp.	
Sitka willow	*Salix sitchensis*
Souler willow	*S. scouleriana*
Sandbar willow	*S. exigua*
Pacific willow	*S. lasiandra*
Hooker willow	*S. hookeriana*
Conifers	
Douglas fir	*Pseudotsuga menzeisii*
Sitka spruce	*Picea sitchensis*
Shore pine or Lodgepole pine	*Pinus contorta*
Ponderosa pine	*Pinus ponderosa*
Grand fir	*Abies grandes*
Western hemlock	*Tsuga heterophylla*
Western red cedar	*Thuja plicata*
Other Trees	
Black cottonwood	*Populus trichocarpa*
Cascara	*Rhamnus purshiana*
Big leaf maple	*Acer macrophyllum*
Alnus rubra	*Red alder*
Birch species	*Betula spp.*
Pacific dogwood	*Cornus nuttalii*
Bitter cherry	*Prunus emarginata*
Large shrubs	
Red osier dogwood	*Cornus stolonifera*
Red flowering currant	*Ribes sanguineum*
Nootka rose	*Rosa nutkana*
Baldhip rose	*Rosa gymnocarpa*
Thimbleberry	*Rubus parviflorus*
Red elderberry	*Sambucus racemosa*
Vine maple	*Acer circinatum*
Western serviceberry	*Amelanchier alnifolia*
Ocean spray	*Holodiscus discolor*
Hazelnut	*Corylus americana*
Sweet gale	*Myrica gale*
Small shrubs/groundcover	
Salal	*Gaultheria shallon*
Oregon grape	*Berberis nervosa*
Black twinberry	*Lonicera involucrata*
Sword fern	*Polystichum munitum*
Snowberry	*Symphoricarpos albus*
Deer fern	*Blechnum spicant*
Emergent vegetation	
Hardstem bulrush	*Scirpus acutus*
Daggerleaf rush	*Juncus ensifolius*
Small fruited bulrush	*Scirpus microcarpus*

SAMPLE PLANTING PLAN

PLAN VIEW
Scale:
1 inch = 10 feet
10-foot wide by 65-foot long



LEGEND

TREE SPECIES

willow species, generally on 10-foot centers

conifer, generally on 10-foot centers

other tree, generally on 10-foot centers

SHRUB SPECIES

large shrub, generally on 4 to 7-foot centers

large shrub, generally on 4 to 7-foot centers

large shrub, generally on 4 to 7-foot centers

small shrub, generally on 1 to 4-foot centers

small shrub, generally on 1 to 4-foot centers

APPENDIX D

Status Report for Impact Reduction Construction - RGP-3

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 found in Appendix C or you can suggest other species but the Corps must approve the species before planting commences. 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
(See Appendix C for a more complete list of acceptable species)

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 for RGP - 3

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: _____

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.