

How to record your U.S. Army Corps of Engineers' permit for over and in-water structures and associated compensatory mitigation on your property deed

WHAT: Most Corps permits for over and in-water structures require that the permit and associated compensatory mitigation be recorded on the property deed.

WHY: This recording informs future owners that:

- The pier, watercraft lift, and/or shoreline structures are permitted (legal) and that there may be compensatory mitigation plantings that must be cared for as long as the permitted project is in place
- Any grated surfaces on the permitted structures must not be blocked by objects placed on the grating.

The recording helps ensure long-term protection of the mitigation site. The language in the different permit authorizations varies slightly but each one essentially states:

A copy of this permit letter, approved drawings, and mitigation planting plan (if applicable) will be recorded with the Registrar of Deeds, within 60 days after final Corps authorization, to ensure that subsequent property owners are aware of the installation, use, and mitigation requirements. Proof of this will be provided to the Corps within 65 days after the date of the Corps' permit letter to the permittee.

HOW: To find out where and how to record your permit and associated compensatory mitigation on your deed, find your county's registrar or recorder of deeds webpage. They will have format and legibility requirements that must be followed. For example, many counties requires a one inch margin on all sides of the page and an 8 point or larger font. Not all consultants produce drawings that are eligible to be recorded, so it's wise to check requirements in advance. The fee schedule for recording is usually listed on the County webpage as well.

You must either take the documents to the county office in person or mail them in. They will record the documents on your property deed and provide you verification on your cover sheet that it has been recorded. Then you send the Corps a copy of the cover sheet with the verification on it and a copy of the documents that were recorded.

A permit consists of the verification letter and all the approved drawings that accompany it. The entire permit package must be recorded on the deed. If the drawings do not show the mitigation area and planting plan, then additional drawing(s) showing the mitigation area must also be recorded.

There's a place on the cover sheet provided by the Registrar's office for the name of the grantor and the name of the grantee. Put your own name in both places. You aren't granting the Corps anything; this isn't an easement.

WHEN: Typically, you must submit proof to the Corps that recording has occurred within 65 days after the permit authorization is issued. Check your permit for the exact due date.

The following page shows an example cover sheet that can be used for recording permits.

AFTER RECORDING RETURN TO:
U.S. Army Corps of Engineers, Seattle District
Regulatory Branch
ATTN: NWS-20xx-xxxx
P.O. Box 3755
Seattle, Washington 98134

Tax ID or Parcel Number and Legal Description:

Street Address:

Description of action:

As required by the attached documents, a portion of the work performed on this property required authorization from the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch. The work and mitigation (if applicable) must be performed in accordance with the attached documents by the property owner. The mitigation, including but not limited to plantings, must be maintained, preserved, and protected by current and future owners for the life of the project. Grated surfaces on overwater structures must allow light transmission and so must not be covered with or blocked by any objects, such as but not limited to, planters, storage sheds, nets, carpets, boards, tables, chairs, or utility conduits or boxes.

Description of Attached Documentation:

Copy of the Department of the Army permit from the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch, dated XX/XX/XXXX

Copy of Permit drawings dated XX/XX/XXXX

Copy of Mitigation drawings dated XX/XX/XXXX