

**APPENDIX A:**  
**REGIONAL GENERAL PERMIT 6**

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US Army Corps  
of Engineers  
Seattle District

## Department of the Army Regional General Permit

*Structures in Inland Marine Waters of Washington State*



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

**Effective Date:** [to be determined]

**Expiration Date:** [to be determined]

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

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

**Purpose:** The purpose of RGP-6 is to authorize the construction of new<sup>1</sup> residential overwater structures in inland marine waters of Washington State through a streamlined permitting process that includes a programmatic Section 7 Endangered Species Act (ESA) and Magnuson-Stevens Fishery Conservation and Management Act (MSA) essential fish habitat (EFH) consultation, provided the reviewing biologists determine impacts to the aquatic environment have been avoided, minimized and mitigated.

**Activities Authorized by RGP-6:** Work authorized by RGP-6 is limited to the following categories of activities: the installation and construction of new residential overwater structures in inland marine waters of Washington State. These structures include piers, ramps, floats, mooring buoys, marine rails, open-frame stairways, bluff-to-beach trams, and watercraft lifts. Applicants are limited to one overwater structure or marine railway plus one stairway or tram per property. Construction of marinas, dolphins or commercial structures are not authorized by this RGP. Shared or "joint-use" overwater structures are encouraged because they result in fewer overwater structures (they may also be more cost-effective for applicants). For the purpose of this RGP, "joint-use" means overwater structures constructed and shared by more than one residential waterfront property owner or by a homeowners' association that owns waterfront property. The placement of fill material proposed as compensatory mitigation (for example, the placement of spawning gravel) may also be authorized by this RGP.

**Avoidance, Minimization and Compensatory Mitigation:** Compensatory mitigation will be required as part of the proposed action to reduce cumulative and individual impacts to the aquatic environment including ESA-listed species and habitat (see Appendix B). The amount of mitigation will be calculated only after it has been demonstrated that impacts have been avoided and minimized. An example of avoidance is situating a pier as far as possible from eelgrass an example of a minimization measure is fully grating an overwater structure.

<sup>1</sup> For the purposes of RGP-6, "new" structures means those placed where there was previously none; this includes modifications to existing structures that expand the footprint (For example, if an existing pier is proposed to be extended 10 feet, the proposed 10 feet must meet all applicable Terms and Conditions of RGP-6 to be authorized by RGP-6).

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

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

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

**Use of this RGP:** To use RGP-6, a prospective permittee must apply to the Corps in accordance with the procedures herein. **Submittal of a complete application constitutes the applicant’s voluntary agreement to meet all of the terms and conditions of this RGP.** A proposed project is not authorized under this RGP, and work may not commence, until the Seattle District Engineer (DE) or their designee (i.e., Regulatory Project Manager) has issued written verification that the proposed project is authorized. The permittee is responsible for ensuring the authorized structures and construction activities comply with all terms and conditions of this RGP, including any project-specific special conditions that may be added by the DE. Failure to abide by the requirements of RGP-6 may constitute a violation of the Clean Water Act, Rivers and Harbors Act, MSA, National Historic Preservation Act, ESA and other relevant laws. For purposes of this RGP, the term “permittee” shall include all successors in interest.

Once the work is authorized by this RGP, a Department of the Army Individual, Nationwide, or different regional permit must approve any proposed maintenance beyond the limitations of the authorization. Projects that don’t meet the requirements of RGP-6 are subject to a different permitting process as well as individual ESA and MSA consultation.

**Compliance:** A percentage of all structures and compensatory mitigation sites authorized by this RGP will be inspected for compliance annually.

**Application Procedures:** In order to apply for RGP-6 authorization, applicants must submit a single set of hard copies as well as a CD containing all electronic files of the documents, to the address on page one of this RGP:

1. **Application:** Completed and signed *Regional General Permit 6 (RGP-6) Application Form* located in Appendix A. You do not need to submit a Joint Aquatic Resources Permit Application (JARPA). However, if you have already completed a JARPA for State or local permits, you may submit a copy to supplement the RGP-6 application.
2. **Mitigation:** *Mitigation Requirements and Calculations Form* located in Appendix B.
3. **Project and Mitigation Drawings:** All existing and proposed conditions must be depicted (include manmade and landscape features). Drawings should be on 8 ½- by 11-inch paper. Include a north arrow, graphic scale, high tide line (mean higher high tide), mean high tide, and limits of upper, lower and deeper shore zones. Page 1 should be a vicinity map, Page 2 should show a top-down plan view, Page 3 should show a cross-sectional view and additional pages can be used if needed. Every page should have a Title Block.

REFERENCE: <u>(USACE will provide)</u>	LOCATION: _____ (address/intersection/ parcel number)	PROPOSED PROJECT: (short description)
APPLICANT: _____	LAT/LONG: _____	IN: <u>(waterbody)</u>
ADJACENT PROPERTY OWNERS:		NEAR/AT: <u>(closest city or town)</u>
1. <u>(include name/parcel on plan view)</u>		COUNTY: <u>(county)</u>
2. <u>(include name/parcel on plan view)</u>	PAGE # OF #      DATE: <u>(last revised)</u>	STATE: <u>WA</u>

**4. Joint-use Projects (only provide for joint-use) the following information must be provided:**

- a. List all property owners who would share in using the overwater structure as co-applicants; all must sign the *Application Form* in Appendix A.
  - b. Provide a *Joint-Use Agreement* signed by all involved property owners; this Agreement must state that each property owner voluntarily agrees to build no other overwater structures on their property except for maintenance or modification of the authorized structure.
  - c. Upon issuance of the permit, all property owners must record the Agreement on their property deeds/titles (See General Condition 3).
  - d. Show on a drawing the location of all properties involved in the joint-use agreement, with addresses.
5. For activities that may affect historic properties, listed or eligible for listing, in the National Register of Historic Places, the application must include a description of each historic property that may be affected by the proposed work and a map indicating the location of the property. The Corps will review each project individually under Section 106 of the NHPA and federally recognized Native American Tribes with an interest in the project area will be notified of each project so they can perform their own review for cultural resources.
6. Basic information required to assess existing conditions:
- a. **Forage Fish.** *Forage fish provide a critical food web link in marine waters.* Photographs should be taken of the project area, bank and beach. Photographs should be taken at low tide and be zoomed in enough to show the substrate composition of the upper shore zone. A forage fish (surf smelt, Pacific herring, sand lance) habitat survey may be required if suitable habitat exists where work is proposed to demonstrate how the project will avoid and minimize impacts.
  - b. **Submerged Aquatic Vegetation.** *Submerged aquatic vegetation <sup>2</sup>(SAV) serves as important food sources and habitat for many marine species, in addition eelgrass meadows and kelp forests help protect shorelines from wave damage and take in carbon from the atmosphere.* Photographs of the lower shore zone should be taken of the project area at low tide from June 1 through October 1 to most accurately reflect vegetation distribution. Include descriptions of the type and abundance of all seagrasses, kelp, macroalgae or other SAV located on the property where work is proposed. If installing a mooring buoy, underwater photographs should be taken that show at least a 25 foot diameter buffer around the location of the anchoring device. If the project area is located in area with dense SAV or if native eelgrass (*Zostera marina*) exists on the property where work is

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

proposed, a survey may be required to demonstrate how the project will avoid and minimize impacts.

- c. **Wetlands.** *Wetlands are biologically productive natural ecosystems and applicants should avoid impacting them for the project and during construction.* Freshwater or saltwater wetlands on the property where work is proposed must be identified on the project drawings. If wetlands will be impacted as part of the project, a wetland delineation must be submitted and wetland compensatory mitigation may be required. Please also describe any proposed wetland buffer impacts.
- d. **Riparian Vegetation.** *Riparian areas and shoreline vegetation are integral parts of the marine ecosystem.* Photographs should be taken of the existing (pre-construction) riparian zone which, for purposes of this RGP, is a zone the length of the property and 50 foot laterally from the high tide line. Please include a description of the size/density of all trees, shrubs and grasses. In addition, provide an estimate of the percent cover of impervious surface within this zone.

**Application Resources:** Commonly used forms and information papers can be found on the Seattle District Corps website at [www.nws.usace.army.mil](http://www.nws.usace.army.mil), select “Regulatory Branch”, “Permit Information.” Many documents referenced here are considered “living documents” and may be updated as new information or best management practices are developed.

- *As-built/Status Report for Mitigation Work Completion Form*
- *Certificate of Compliance Form*
- *WDFW Eelgrass/Macroalgae Habitat Interim Survey Guidelines*
- *Drawing Checklist*
- *Components of a Complete Eelgrass Delineation Report*
- *Components of a Complete Wetland Delineation Report*
- *Use of the Puget Sound Nearshore Habitat Values Model with HEA (NMFS White Paper)*
- *Hydraulic Project Approval information can be on WDFW’s website: <http://wdfw.wa.gov/hab/hpapage.htm>*
- *Forage fish habitat information can be found on WDFW’s Conservation website and the Department of Ecology’s “Coastal Atlas” website but the absence of documented habitat does not preclude its existence.*
- *Joint-Use Agreement Template [to be posted when finalized]*
- *Major Estuary Zone maps*
- *Marbled Murrelet Monitoring Protocol*
- *Mitigation Planting Monitoring Report Form (for riparian planting sites)*
- *Regional General Permit Biological Assessment and Addenda [to be posted when finalized]*
- *Riparian Planting Mitigation Plan Requirements*
- *Work Windows, Marine Waters and Tidal Reference Area Map*

**Agency and Tribal Notification and Review Process:** Once a complete application package is received, it will be reviewed by a Corps Regulatory Project Manager to ensure appropriate avoidance, minimization and compensatory mitigation is proposed. The application will then be sent to the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) to ensure ESA and MSA requirements are met. NMFS and USFWS will reply within a 30 calendar day period. Concurrently, a brief project description, including compensatory mitigation and project drawings will be sent to each federally recognized Native American Tribe with an interest in the project area to solicit comments in order to meet the tribal trust responsibilities of the Federal Government. Any relevant comments or objections received during these processes will be forwarded to the applicant for their response which could include project/mitigation revisions.

### **RGP-6 General Permit Conditions:**

1. Reliance on Permittee's Information. In verifying a permittee's authorization under this RGP, the Department of the Army has relied, in part, on the information provided by the permittee. If this information proves to be false, incomplete, or inaccurate, the permittee's authorization may be modified, suspended, or revoked, in whole or in part. If the authorization is revoked, any work completed under the authorization must be removed, without expense to the United States.
2. Compliance with Terms and Conditions. Projects authorized by RGP-6 shall comply with all terms and conditions contained herein. Failure to abide by these terms and conditions invalidates this authorization and may result in a violation of Federal law, which may require that the permittee restore the site, take other remedial action or could result in the assessment of criminal or civil penalties. Activities requiring Department of the Army (DA) authorization that are not specifically authorized by this RGP are prohibited unless authorized by another DA permit.
3. Deed Recording: A copy of the completed application form, permit drawings, compensatory mitigation plan, and final authorization letter shall be recorded with the local government (Registrar of Deeds in the county or city of the project location), within 60 calendar days of the date of the RGP-6 authorization, to ensure that subsequent property owners are aware of the permit and mitigation requirements. Proof of this must be provided to the Corps within 65 calendar days after the date of the Corps' RGP authorization letter to the permittee. **If the overwater structure is joint-use**, all co-applicants must sign a *Joint-Use Agreement* to voluntarily agree to build no additional overwater structures on their property, except for the maintenance or modification of the proposed joint-use overwater structure. Maintenance is not covered by this RGP. This voluntary agreement and documentation must be recorded on the deeds of all involved property owners.
4. Coastal Zone Management Act Consistency: [process initiated]
5. Contractor's Copy of Permit. The permittee shall provide complete copies of this permit and the Corps RGP-6 authorization letter for the project to each contractor involved in the project and keep copies of this permit and Corps authorization letter available for inspection at the project site.
6. Compliance Certification. Every permittee shall submit to the Corps, within 30 days of completing the authorized work, certification that the work, including any required compensatory mitigation, was conducted in accordance with the provisions of this RGP, including project-specific Special Conditions. This requirement can be met with the submittal of a completed *Certificate of Compliance Form*.
7. Access for Inspection. The permittee shall allow the DE or designee to inspect the project whenever deemed necessary to ensure the activity is in compliance with the terms and conditions prescribed herein.
8. Limits of Authorization. This permit does not:
  - a. Obviate the requirement to obtain all other Federal, State, or local authorizations required by law for the activity authorized herein, including any authorization required from Congress.
  - b. Convey any property rights, either in real estate or material, or any exclusive privileges.
  - c. Authorize any injury to property, invasion of rights, or any infringement of Federal, State, or local laws or regulations.
  - d. Authorize the interference with any existing or proposed Federal project.
9. Limits of Federal Liability. This permit is not an approval of the design features of any authorized project or an implication that such project is adequate for the intended purpose; a DA permit merely expresses the consent of the Federal Government to conduct the proposed work insofar as public rights are concerned. In issuing this RGP, the Federal Government does not assume any liability for the following:
  - a. Design or construction deficiencies associated with the authorized work.

- b. Damages to the permitted project or uses thereof as a result of other permitted activities or from natural causes, such as flooding.
  - c. Damages to persons, property, or to other permitted or unauthorized activities or structures caused by the activity authorized by this permit.
  - d. Damages associated with any future modification, suspension, or revocation of this permit.
  - e. The removal, relocation, or alteration of any structure or work in navigable waters of the United States ordered by the Secretary of the Army or his authorized representative.
  - f. Damage to the permitted project or uses thereof as a result of current or future activities undertaken by, or on behalf of, the United States in the public interest.
10. Tribal Rights. No activity authorized by this RGP may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
11. State Owned Aquatic Lands. Projects proposed on state owned aquatic lands require approval from the Washington Department of Natural Resources (DNR) and if approved, will require a *Site Use Authorization*. Applicants should contact DNR's Aquatic Resources Division at (360) 902-1100 or via email at [ard@dnr.wa.gov](mailto:ard@dnr.wa.gov) for more information. Their website is: [www.dnr.wa.gov](http://www.dnr.wa.gov).
12. Obstruction of Navigation. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work unreasonably obstructs the full and free use of navigable waters of the United States, the permittee shall, upon due notice from the Corps, remove, relocate, or alter the obstructions caused thereby, without expense to the United States. If the permittee fails to comply with the direction of the Corps, the DE may restore the navigable capacity of the waterway, by contract or otherwise, and recover the cost thereof from the permittee.
13. Stability. The permittee shall design projects to be stable against the forces of flowing water, wave action, and the wake of passing vessels.
14. Maintenance. The permittee shall properly maintain all authorized structures, including maintenance necessary to ensure public safety. RGP-6 does not cover any maintenance work, the applicant must submit a separate application to the Corps for future maintenance actions.
15. Marking Structures. The permittee shall install any lights, signals, or other appropriate markers necessary to clearly designate the location of structures or work that might pose a hazard to public safety. Permittees shall abide by U.S. Coast Guard requirements concerning the marking of structures and work in navigable waters of the United States.
16. Endangered Species. This RGP requires that permittees avoid, minimize and compensate for effects to species listed or proposed under the Endangered Species Act (ESA). The Corps permit decision is considered a Federal action that must comply with the ESA. The ESA is administered by the NMFS and the USFWS. The ESA requires all Federal agencies to consult with NMFS and/or the USFWS pursuant to Section 7 of the ESA, on any action, or proposed action, permitted, funded, or undertaken by the agency that may affect a species listed as threatened or endangered under the ESA, or its designated critical habitat. The Corps has determined that activities that would be authorized by this RGP may affect federally listed species. [process initiated]
17. Essential Fish Habitat. This RGP requires that permittees avoid, minimize and compensate for effects to essential fish habitat as defined under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996 (MSA). The MSA requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by

the agency that may adversely affect Essential Fish Habitat (EFH). The Corps has determined that issuance of this RGP may adversely affect EFH for federally managed fisheries in Washington waters. [process initiated]

18. Marine Mammal Protection Act. The Marine Mammal Protection Act (MMPA) defines “take” to mean “to hunt, harass, capture, or kill” any marine mammal or attempt to do so. This RGP does not include an Incidental Take Permit from the NMFS. *It is the applicant’s responsibility to ensure that no “take” of marine mammals occurs as a result of the construction or operation of any work authorized by this RGP.*
19. Historic Properties and Cultural Resources. The permittee shall perform any work authorized by the Corps in accordance with Section 106 of the National Historic Preservation Act (NHPA) and Corps regulations and avoid impacts to the historic property until the DE or their designee verifies that the requirements of 33 CFR Part 325, Appendix C, have been satisfied. Historic properties include prehistoric and historic archeological sites, and areas or structures of cultural interest. An applicant or permittee must notify the Corps if a proposed activity may affect a potential historic property and shall not begin work that would impact the property until notified by the Corps that the requirements of the NHPA have been satisfied and that the activity is authorized. If a previously unknown historic property is encountered during work authorized by this RGP, the permittee shall immediately cease all ground disturbing activities in the immediate area and notify the Corps within 1 business day of discovery.
20. 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.

*Note: Boaters can help protect Puget Sound by using pump-out stations to remove sewage from their holding tanks. For a list of pump-out stations go to the Department of Ecology’s website: <http://www.ecy.wa.gov>. There are also mobile pump-out barges that will come to your location. It is the applicant’s responsibility to ensure compliance with the water quality requirements of the Department of Ecology and the Environmental Protection Agency (EPA) and any relevant local regulations.*

20. Water Quality Certification. [process initiated]
21. Soil Erosion and Sediment Controls. The permittee shall avoid removing vegetation and use appropriate erosion and sediment controls during all staging and construction activities. The permittee shall remove all installed manmade controls as soon as they are no longer needed to control erosion or sediment.
22. Equipment. During construction, the permittee shall place heavy equipment on removable mats, or take other appropriate measures to minimize disturbance to wetlands, native soil and woody vegetation. Work barges may not ground out at any time.
23. Aquatic Life Movements. The permittee shall avoid, minimize and mitigate impacts to avoid disrupting the necessary life-cycle movements and migration patterns of those species that require access to the waterbody.
24. Disposal of Excess Material. All construction debris and any other material not authorized by the Corps for permanent placement into waters of the United States shall be disposed of in an upland location in a manner that precludes it from entering waters of the United States.

**Modification, Suspension, or Revocation of RGP-6:** This RGP may be modified or suspended in whole or in part if the Secretary of the Army or his authorized representative determines the individual or cumulative impacts of work that would be authorized by RGP-6 are contrary to the public interest. The final decision whether to modify, suspend, or revoke this permit, in whole or in part, shall be made pursuant to procedures prescribed by the Chief of Engineers. Following such revocation, any future activities heretofore authorized by this RGP will require alternate DA 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 DE or their designee 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/her authorized representative and will automatically expire 5 years from that date unless the permit is modified, revoked, or extended prior to that date. Activities that have commenced (i.e., are under construction) or are under contract to commence in reliance upon this permit will remain authorized provided that the activity is completed within 1 year of the date of this permit's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization.

# APPENDIX A: Regional General Permit 6 (RGP-6) Application Form

*Structures in Inland Marine Waters of Washington State*

Version: [DATE OF ISSUANCE]

Please fully complete this RGP-6 application form including Appendix B and attach a vicinity map, project and mitigation plans and drawings, photographs, required surveys and all other required information at the same time. You must provide hard copies of all documentation; submittal of an electronic copy on a disc is strongly recommended.

Submit all application materials to: U.S. Army Corps of Engineers, Seattle District, Regulatory Branch, Post Office Box 3755, Seattle, Washington 98124-3755

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

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

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

Reference Number For This Project: [CORPS PROVIDES TO APPLICANT UPON RECEIPT OF APPLICATION]

## SECTION B: General Information

1. Date:

2. Applicant name:

Mailing address: \_\_\_\_\_

Home phone: \_\_\_\_\_

Alternate phone: \_\_\_\_\_

Email: \_\_\_\_\_

3. Authorized agent name:

Company name:

Mailing address: \_\_\_\_\_

Work phone: \_\_\_\_\_

Alternate phone: \_\_\_\_\_

Email: \_\_\_\_\_

4. Contractor's name:

Company name:

Mailing address: \_\_\_\_\_

Work phone: \_\_\_\_\_

Alternate phone: \_\_\_\_\_

Email: \_\_\_\_\_

## SECTION C: Project Information

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

¼ Section: \_\_\_\_\_ Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_ Parcel Number \_\_\_\_\_ HUC: \_\_\_\_\_

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

Provide a detailed description of proposed work and proposed compensatory mitigation. All measurements must be listed (do not just refer to the drawings). Include proposed building materials, construction methods and timing of the work. The locations and amounts of all impacts including excavation and the placement of fill material must be specifically identified (in volume and square feet). Include staging areas and access roads, and any other proposed ground-disturbing activities, including those in wetlands or uplands.

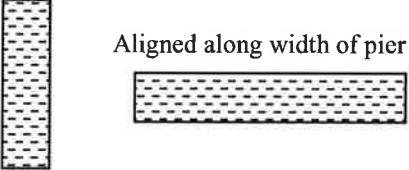
<b>7. Joint-Use Overwater Structure:</b>		
If joint-use, you must list the other waterfront property owners: name, address, and telephone number, as co-applicants. You must also provide a joint use agreement (Agreement) signed by all involved property owners; the Agreement must state that each property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

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

<b>SECTION D –Conservation and Construction Specifications<sup>3</sup> with Specific Project Information</b>				
Conservation and Construction Specification	Specific Project Information	I (We) Will Implement	I (We) Will Not Implement	Not Applicable
<b>1. PIERS (a flat deck structure supported by piling) or LANDINGS and STEPS of a stairway</b>				
a. The width of the pier must not exceed 4 feet for single-use and 6 feet for joint-use.	Width of pier: _____ feet Length of pier: _____ feet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Pier surfaces and stairway landings and steps must be entirely grated with either multi-directional grating with 40% open space or square grating with 60% open space.	Type of grating proposed:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. The pier must be a straight line (finger “ell” or “T” shaped piers are <u>not</u> authorized by this RGP).		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. The construction of new structures on piers, (i.e., buildings, planter boxes, slides, etc.) are <u>not</u> authorized by this RGP except utility boxes.	If a utility box will be installed provide dimensions and detail:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Stairways must be open-frame construction and not a solid structures (i.e., concrete).		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. The width of stairway landings and steps must not exceed 4 feet for single-use and 6 feet for joint-use.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2. FLOATS (a flat deck structure supported by flotation devices)</b>				
a. For a <b>single use</b> structure the float width must not exceed 8 feet and the length cannot exceed 30 feet. Functional grating must be installed on at least 50% of the surface area of the float.	Length of float: _____ feet Width of float: _____ feet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Conservation and Construction Specification	Specific Project Information	I (We) Will Implement	I (We) Will Not Implement	Not Applicable
b. For a <b>joint-use</b> structure the float width must not exceed 8 feet and the length cannot exceed 60 feet. Functional grating must be installed on at least 50% of the surface area of the float.	Length of float: _____ feet Width of float: _____ feet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Floats should be installed with the length of the float aligned in the north-south direction to the maximum extent practicable.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Floats may be held in place with lines anchored with a helical screw or "duckbill" embedded anchor, piles with stoppers and/or float support/stub piles. (1) For a <b>single-use</b> float, a maximum of 4 piles (not including stub piles) or embedded anchors may be installed. (2) For a <b>joint-use</b> float, a maximum of 8 piles (not including stub piles) or embedded anchors may be installed. (3) If embedded anchors need to be utilized, the anchor lines shall not rest on the substrate at any time; each must contain a mid-line float. (4) Only if the substrate prohibits use of piles or embedded anchors may a Corps-approved alternative be used.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. If a concrete anchor or other Corps-approved alternative is needed to hold the float, calculations showing that it will hold without dragging or breaking during storm events are required. This analysis should include the size of the float and the dry weight and dimensions of the anchor.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. If the float is removed seasonally, the applicant must disclose this and provide the storage location. Floats must be stored in the uplands landward of the high tide line or at an approved in-water location. <i>Separate Corps authorization will be required for in-water storage (even in a marina).</i>	Storage location: _____ Latitude: _____ Longitude: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Flotation for the structure must be fully enclosed and contained in a shell (tub) and only contain material suitable for the marine environment. The shell must prevent breakup or loss of the flotation material into the water.	Flotation material: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Flotation shall be installed under the solid portions of the float, not under the grating (unless the entire float is grated).		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. If the float is positioned perpendicular to the ramp, a small access float may be installed to accommodate tidal movement of the ramp. The access float cannot be larger than 6 feet wide and 10 feet long.	Length of access float: _____ feet Width of access float: _____ feet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. No floats may be installed in the Upper Shore Zone (approximately landward of +5 MLLW).		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3. FLOAT STOPS</b>				

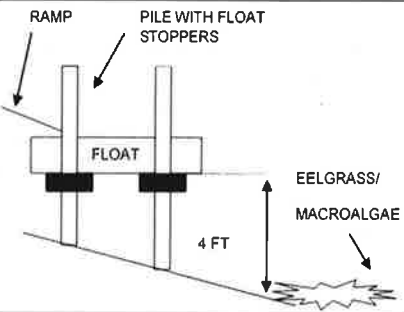
Conservation and Construction Specification	Specific Project Information	I (We) Will Implement	I (We) Will Not Implement	Not Applicable
a. To suspend the float above the substrate at all tides, float stops (stoppers) should be installed on piles anchoring new floats. This method is preferred over 3b and 3c because float stops are less impacting to the marine environment.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. If float stops attached to piles are not feasible (provide explanation) then up to four 10-inch diameter stub pilings may be installed instead.	Proposed number and material of stub piles: _____ (wood is generally preferred over steel)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Float "feet" attached to the float may be considered an option only if the substrate consists of coarse material as described in the column to the right.  If you propose to install float "feet", check the box that best describes substrate conditions on the project site at the location of the float. Documentation on the elevation and substrate size must also be provided.	<input type="checkbox"/> In coarse substrate, D25 <sup>4</sup> of 25 mm or larger for a grain size sample taken from upper 1 foot of substrate <input type="checkbox"/> For elevations of -3 feet MHHW and lower at D25 of 4 mm or larger for a grain size sample taken from upper 1 foot of substrate (to exclude installing float feet in muck)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4. RAMPS</b> (a sloped deck structure typically connecting a pier and a float)				
a. The width of the ramp cannot exceed 4 feet.	Length of ramp: _____ feet Width of ramp: _____ feet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Ramps must be fully grated with either multi-directional grating with 40% open space or square grating with 60% open space.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5. MARINE RAILS</b>				
RGP-6 authorizes either a marine rail at least 20 feet long or an overwater structure, but not both. Support marine rails with as few piles as practicable.	Length of each rails _____ feet Number of support pilings _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>6. GRATING</b>				
a. Grating must not be covered (on the surface or underneath) with any items (e.g., kayaks, planters, sheds, lawn chairs, etc.) except utility boxes.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Provide grating type and manufacturer to document % open area. Grating must be <u>entirely</u> grated with either multi-directional grating with a minimum of 40% open space or square grating with a minimum of 60% open space.	Grating Type/Manufacturer: _____ (may provide website of manufacturer)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Grating openings should be oriented lengthwise in the east-west direction to the maximum extent practicable.  See diagrams showing orientation of the grated openings.	<p>North ↑</p>  <p>Aligned along the length of the pier</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>7.1. PILES, FILL (for stairways or trams)</b>				

<sup>4</sup> "D25 of 25mm" means that 25% of the substrate has a grain size of 25 mm or less.

Conservation and Construction Specification	Specific Project Information	I (We) Will Implement	I (We) Will Not Implement	Not Applicable
a. Proposed new piles may be steel, concrete, plastic, untreated wood or wood treated with approved wood preservatives per Section 8 of this document.	Material of new piling: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Piling supporting a new pier must be spaced no closer than 20 feet apart.	Number of new piling: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. A maximum of 2 moorage piles may be installed to accommodate the moorage of boats exceeding the length of the floats.	Number of moorage piling: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Any piles subject to abrasion must incorporate design features to minimize contact between all of the different components of overwater structures during all tidal elevations.	How will abrasion be minimized? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. For anchoring of tram cables or footings for stairs: No more than one cubic yard of fill can be used for each footing or anchor. The number and size of footings and anchors must be minimized.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Forms must be removed after concrete has cured.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>7.2. PILE DRIVING</b>				
a. Vibratory or impact hammer installation of wood, concrete, plastic, or other non-metal piles of any size is allowed under this RGP. However, the smallest diameter and number of piles required to construct a safe structure should be proposed and appropriate pile driving methods employed to minimize underwater sound. <i>Note: NMFS and USFWS biologists will review each proposal to ensure best management practices are included for the species they protect.</i>	Installation method (vibratory or impact hammer): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Pile driving must occur during daylight hours only, for a maximum of 12 hours per day.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Impact installation of steel piles is only allowed for steel piles up to 12 inches in diameter. If steel piles are proposed, a vibratory pile driver is preferred for installation.*	*by checking "will implement", you are agreeing that only vibratory pile driving will occur, and no impact pile driving, including proofing would occur. If checking "will not implement", please provide information regarding the total number of impact pile strikes in 7.2.g (below).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. If Southern Resident Killer (SRKW) whales (an ESA-listed species) have been documented more than four times a month, any month, during the proposed work window (typically June – February) in the quadrant the project area is located in, a <i>Marine Mammal Monitoring Plan</i> (MMMP) must be prepared and submitted with this application. This information will be reviewed by a NMFS biologist. NOAA's website identifies these quadrants and contains guidance on the potential for ESA-listed marine mammal occurrences in project areas: <a href="http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/evaluating_sound.html">http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/evaluating_sound.html</a>	<input type="checkbox"/> Monitoring plan attached  Guidance for developing an MMMP can be found on NOAA's website: <a href="http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/monitoring_plan_guidance.html">http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/monitoring_plan_guidance.html</a>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Conservation and Construction Specification	Specific Project Information	I (We) Will Implement	I (We) Will Not Implement	Not Applicable																																								
<p>e. If in one or both of the previous two years there were four or more Humpback whale sightings during the month you propose to work in, in the basin where pile driving will occur, a MMMP must be submitted. Check the Orca Network Sightings Map:</p> <p><a href="http://www.orcanetwork.org/Archives/index.php?categories_file=Sightings%20Archives%20Home">http://www.orcanetwork.org/Archives/index.php?categories_file=Sightings%20Archives%20Home</a> for Humpback whale sightings. For questions on which Puget Sound Basin your project is in, please see the map in Schlenger et al. 2011. Purple areas are considered to be part of both basins:</p> <p>Hood Canal South Puget Sound South/Central Puget Sound North Central Puget Sound Whidbey Basin Strait of Juan de Fuca San Juan Islands and Georgia Strait</p>	<p>If a MMMP has to be implemented for either SRKW or humpback whales monitoring must occur for either species.</p> <p><input type="checkbox"/> Monitoring plan attached</p>																																											
<p>f. All pile driving must cease <u>immediately</u> if any marine mammal is within 300 feet of the project, and shall only continue once the animal is beyond 300 feet.</p>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																								
<p>g. If steel piles must be installed or proofed with an impact hammer, you must provide rationale and complete the table below. For each diameter class of steel piles (include stub piles if applicable) that will be impact proofed or driven, provide the maximum number of strikes per pile, the maximum number of piles that will be installed per day, and the maximum number of days needed to install all piles. Include rationale why an impact hammer must be used instead of vibratory installation methods. All of this information will be reviewed by a USFWS biologist and a <i>Monitoring Protocol for Marbled Murrelets</i> may be required (Protocol online: <a href="https://www.fws.gov/wafwo/documents/MAMUMonProtocol_Oct30_2013.pdf">https://www.fws.gov/wafwo/documents/MAMUMonProtocol_Oct30_2013.pdf</a>)</p> <table border="1"> <thead> <tr> <th>Day</th> <th>Pile Diameter (inches)</th> <th>Number of piles/type of pile</th> <th>Strikes Per Pile (maximum)</th> <th>Total Strikes per day</th> </tr> </thead> <tbody> <tr> <td><i>e.g., Day 1</i></td> <td><i>12-inch</i></td> <td><i>4 float piles</i></td> <td><i>50 strikes per pile</i></td> <td><i>200 strikes per day total</i></td> </tr> <tr> <td><i>e.g., Day 2</i></td> <td><i>8 -inch</i></td> <td><i>4 stub piles</i></td> <td><i>40 strikes per pile</i></td> <td><i>160 strikes per day total</i></td> </tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Day	Pile Diameter (inches)	Number of piles/type of pile	Strikes Per Pile (maximum)	Total Strikes per day	<i>e.g., Day 1</i>	<i>12-inch</i>	<i>4 float piles</i>	<i>50 strikes per pile</i>	<i>200 strikes per day total</i>	<i>e.g., Day 2</i>	<i>8 -inch</i>	<i>4 stub piles</i>	<i>40 strikes per pile</i>	<i>160 strikes per day total</i>																											<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<p>h. When installing steel piles that are up to 12 inches in diameter with an impact hammer, 300 impact pile strikes per day must not be exceeded.</p>	<p><b>*If checking "will not implement", please provide the following:</b></p> <p>____ (quantity) ____-inch diameter piles, requiring ____ strikes per pile, with ____ piles installed per day, for a total of ____ pile strikes per day. (Attach if more space is needed).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																								

Conservation and Construction Specification	Specific Project Information	I (We) Will Implement	I (We) Will Not Implement	Not Applicable
i. When installing piles larger than 10 inches in diameter, to stay below the noise threshold, the number of strikes per day is limited to 300 and sound attenuation devices must include: (1) Placement of a block of wood (minimum of 6 inches thick) between the hammer and the pile, and; (2) Use of a bubble curtain that distributes air around 100% of the perimeter of the pile. The curtain must be designed/operated so that bubbles originate from the bottom and flow at all times during impact pile driving (see Bubble Curtain Performance Standards).	Include a description if different sound attenuation devices are proposed.  Note: Hydro-acoustic monitoring may be required by USFWS for monitoring Marbled murrelets. USFWS will make this determination when reviewing the pile data in item "g" above and the Marbled murrelet monitoring plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Piles larger than 12 inches in diameter may be allowed on a case-by-case basis when using alternative designs or materials (i.e., double walled piling). You must provide details on the alternative design or materials to show they have been proven to achieve more than -10 decibel sound attenuation so that 183 decibel Sound Exposure Level is not exceeded.	<input type="checkbox"/> An explanation of how the work will meet sound thresholds is attached.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>8. TREATED WOOD</b>				
a. Creosote, pentachlorophenol, chromated copper arsenate, or other wood preservative compounds <b>not</b> approved for use in inland marine waters by the Environmental Protection Agency (EPA) may <b>not</b> be used for any portion of the overwater structure.  Ammoniacal copper zinc arsenate (ACZA) piles may <b>not</b> be used in forage fish spawning habitat or on State-owned lands.	Type of Treated Wood Proposed: _____  <input type="checkbox"/> Treatment Certification from the Wood Preservers Institute is attached. <a href="http://www.wwpinstitute.org/">http://www.wwpinstitute.org/</a>  OR  <input type="checkbox"/> Certification from the EPA describing the suitability of the proposed wood preservative for the marine environment is attached.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>9. WATERCRAFT/LIFTS AND GRIDS</b>				
a. A description of the watercraft to be moored at the overwater structures must be provided.	Type: _____ Size: _____ (length and width)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Watercraft may not rest on the tidal substrate at any time.	How will grounding be prevented? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Up to two watercraft lifts may be installed at a single-use overwater structure and up to four may be installed at a joint-use structure.	Number of watercraft lifts proposed: _____ Size: _____ (length and width) Type of watercraft lifts: _____ (ground based, suspended or floating)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. A maximum of 2 additional piles may be used to attach a watercraft lift/grid to the piles used for anchoring the floats.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>10. MOORING BUOYS</b>				
a. Only one mooring buoy per property may be authorized by this RGP.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. The location of the anchor for the buoy must be identified on the project drawings; provide the latitude	Latitude: _____ Longitude: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Conservation and Construction Specification	Specific Project Information	I (We) Will Implement	I (We) Will Not Implement	Not Applicable
and longitude.				
c. Anchor lines must not rest or drag on the substrate. A mid-line float must be installed to prevent this from occurring.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Anchors should be helical screw or another type of embedded anchor. Only if the substrate prohibits use of embedded anchors may a Corps-approved alternative anchor (i.e., concrete block) be used.	If an embedded anchor is not used, you must attach a written explanation for why site conditions would not support an embedded anchor.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. If an embedded anchor cannot be used and a concrete anchor is needed, calculations showing that the anchor will hold without dragging or breaking during storm events are required. This analysis should include the size of the vessel and the dry weight and dimensions of the anchor.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. No more than 3 other buoys may be anchored within a 117 foot radius of the proposed buoy.	Show all existing buoys within a 117 foot radius of the proposed buoy on the project drawings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. New mooring buoys may not be installed in any waterbody the Washington State Department of Health has designated as "threatened" or "closed" to shellfish harvesting due to the number of boats moored there.	The Corps will publish a list of closed waterbodies in a <i>Special Public Notice</i> (posted on our website) as they are added or removed from this list.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Note:</b> Please review the following links to determine whether a Washington State Dept. of Natural Resources permit is also needed: <a href="http://www.dnr.wa.gov/recreationeducation/howto/homeowners/pages/aqr_mooring_buoy.aspx">http://www.dnr.wa.gov/recreationeducation/howto/homeowners/pages/aqr_mooring_buoy.aspx</a> <a href="http://washingtondnr.wordpress.com/2011/06/01/how-to-authorize-a-mooring-buoy-with-dnr/">http://washingtondnr.wordpress.com/2011/06/01/how-to-authorize-a-mooring-buoy-with-dnr/</a>				
<b>Note:</b> Buoys must be installed in accordance with the marking and lighting requirements of the U.S. Coast Guard (33 CFR 330.5(a)(1)).				
<b>11. SUBMERGED AQUATIC VEGETATION<sup>5</sup> (SAV) and MARINE PLANT SURVEYS</b>				
a. The applicant must submit a SAV and marine plant delineation/survey for the project area within 25 feet of proposed structures. If SAV or marine plants are found within that area then you must provide a survey of the entire property and demonstrate avoidance and minimization.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. If overwater structures will be installed less than 25 feet away from SAV and marine plants, the applicant must clearly demonstrate that there are no other practicable locations of the structures.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Minimization measures include elevating the structure at least 4 feet above the substrate at low tide to reduce prop scour impacts on SAV.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>12. FORAGE FISH HABITAT</b>				

Conservation and Construction Specification	Specific Project Information	I (We) Will Implement	I (We) Will Not Implement	Not Applicable
<p>a. If there is documented or potential forage fish habitat in the project area, you must show the extent of this habitat on a project drawing.</p> <p>Maps of <b>documented</b> forage fish habitat can be found at:  <a href="http://wdfw.maps.arcgis.com/home/webmap/viewer.html?webmap=19b8f74e2d41470cbd80b1af8dedd6b3&amp;extent=-126.1368,45.6684,-119.6494,49.0781">http://wdfw.maps.arcgis.com/home/webmap/viewer.html?webmap=19b8f74e2d41470cbd80b1af8dedd6b3&amp;extent=-126.1368,45.6684,-119.6494,49.0781</a></p>	<p>Is there <b>documented</b> forage fish spawning habitat within 4,200 feet of the project site?</p> <p>Herring: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Surf smelt: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Sand lance: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b. If there is <b>potential</b> forage fish habitat a survey may be required depending on the information provided by the applicant on the existing conditions at the site.</p> <p>See Appendix C, Glossary, for a description of <b>potential</b> forage fish spawning habitat.</p>	<p>Is there <b>potential</b> forage fish spawning habitat in the project area?</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>c. If there is no alternative to constructing piers and ramps over forage fish spawning habitat, they must span at least 40 feet to minimize the number of piles in the habitat.</p>	<p>Number of piles proposed in forage fish habitat: _____</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>d. If there is no way to avoid impacts to forage fish (Pacific herring, surf smelt and sand lance) spawning habitat, <b>50% more mitigation is required</b> (see Appendix B).</p>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>13. WORK WINDOWS</b>				
<p>a. The work will be conducted during the typical in-water work window. Please refer to <i>Marine Water Work Windows</i> on the Corps website.</p>	<p>Note: Work windows in the Hydraulic Project Approval issued by the WA Dept. of Fish and Wildlife may be different than Corps required work windows. If this is the case, you should combine the work windows and use the most restrictive.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b. If there is documented forage fish spawning habitat at the project site and there is no approved work window for forage fish prior to construction, the applicant must have a qualified biologist approved by WDFW's science staff confirm, in writing, that no forage fish are spawning in the project area during the proposed construction. If the Corps confirms the biologist's assessment, the permittee has 48 hours to begin work and 2 weeks from the date of inspection to complete all work in the intertidal zone.</p>	<p>Note: WDFW maintains a list of trained biologists on their website.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>c. The following work window restriction is in place whenever steel piles will be driven or proofed with an impact hammer:</p> <p>(1) All pile driving operations are only authorized to occur between 2 hours after sunrise and 2 hours before sunset during marbled murrelet nesting season (April 1 to September 15).</p>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>14. WORK IN THE DRY</b>				

Conservation and Construction Specification	Specific Project Information	I (We) Will Implement	I (We) Will Not Implement	Not Applicable
a. Work that involves excavation of the substrate, bank, or upper shore zone shall occur in the dry or at low tide.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>15. OPERATION OF EQUIPMENT</b>				
a. Use of equipment on the beach shall be held to a minimum, confined to a single access point, and limited to a 12-foot work corridor on either side of the proposed work. Preferably, equipment shall be operated from the top of the bank, on a temporary work platform, barge, or similar out-of-water location.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Equipment shall be operated in a way that minimizes turbidity.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Barges may not ground out at any time. Spud barges can be used if there is the possibility of grounding.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Any disturbance of the beach areas, waterward of the high tide line, by construction activities or equipment, shall be restored to the original pre-project conditions upon the immediate completion of construction and mitigation work.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>16. MINIMAL DISTURBANCE OF RIPARIAN ZONE</b>				
a. Clearing of uplands and slopes could precipitate erosion which may take several years to manifest. Existing habitat features (e.g., vegetation, large wood) shall be retained to the extent possible to avoid causing erosion and to maintain food sources, shading and other ecological functions important to water quality and aquatic species.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Disturbance of bank vegetation shall be limited to a "work strip" area no wider than twice the width of the structure.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. The applicant must disclose if woody vegetation with a diameter at breast height (DBH) of 4 inches or greater needs to be removed to construct the project.	Describe woody vegetation to be removed: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Trees that must be removed should be installed along the shoreline as habitat features where possible. Any anchors for securing large wood should be buried.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Disturbed bank vegetation shall be replaced with native species appropriate for the site. A Planting Plan must be provided and approved by the Corps. Plantings must be installed during the appropriate time of year and within one year of construction.	<input type="checkbox"/> Re-planting Plan attached.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Vegetation on the face of the bluff should be avoided and not be removed, trimmed or altered. If there is no alternative but to impact vegetation on the face of the bluff, it should be done so in accordance with a slope stability plan/report. If vegetation is cleared, mitigation will be determined on a case-by-case basis based on the type and amount of vegetation removed or altered.	<input type="checkbox"/> Engineering Slope Stability Report attached.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>17. MITIGATION</b>				
a. Applicant must complete Appendix B and, if applicable, submit a mitigation plan and drawings.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Conservation and Construction Specification	Specific Project Information	I (We) Will Implement	I (We) Will Not Implement	Not Applicable
<b>18. SKIRTING</b>				
a. Skirting on any portion of an overwater structure is <u>not</u> authorized by this RGP.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>19. LIGHTING</b>				
a. Artificial lighting of the marine environment should be minimized to the extent possible. If lighting is proposed, it should be included on the project drawings and will be included in the review process.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>GENERAL CONDITIONS</b>				
All RGP-6 General Conditions starting on page 4 of the <i>Full Text for RGP 6</i> will be met.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPLICATION IS HEREBY MADE FOR A PERMIT TO AUTHORIZE THE ACTIVITIES DESCRIBED HEREIN. I CERTIFY THAT I AM FAMILIAR WITH THE INFORMATION CONTAINED IN THIS APPLICATION, THE TERMS AND CONDITIONS OF REGIONAL GENERAL PERMIT 6 (RGP-6), AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, SUCH INFORMATION IS TRUE, COMPLETE, AND ACCURATE. I FURTHER CERTIFY THAT I POSSESS THE AUTHORITY TO UNDERTAKE THE PROPOSED ACTIVITIES. I HEREBY GRANT TO THE AGENCIES TO WHICH THIS APPLICATION IS MADE, THE RIGHT TO ENTER THE ABOVE-DESCRIBED LOCATION TO INSPECT THE IN-PROGRESS OR COMPLETED WORK. I VOLUNTARILY AGREE TO MEET ALL REQUIREMENTS OF THIS RGP. I AGREE TO START WORK ONLY AFTER ALL NECESSARY LOCAL AND STATE PERMITS HAVE BEEN RECEIVED.

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

I CONSENT TO THE PERMITTING AGENCIES ENTERING THE PROPERTY WHERE THE PROJECT IS LOCATED TO INSPECT THE PROJECT SITE OR ANY WORK. THESE INSPECTIONS SHALL OCCUR AT REASONABLE TIMES AND, IF PRACTICAL, WITH PRIOR NOTICE TO THE LANDOWNER. THE PROPERTY OWNER SIGNATURE (IF NOT THE APPLICANT) IS NOT REQUIRED IF THE PROJECT IS ON EXISTING RIGHT-OF-WAY OR EASEMENTS.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Contractor (if known)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner Printed Name

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

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

## APPENDIX B: Compensatory Mitigation Requirements and Calculations

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

Version: [DATE OF ISSUANCE]

Reference Number For This Project: [CORPS PROVIDES TO APPLICANT UPON RECEIPT OF APPLICATION]

**Avoidance, Minimization and Compensatory Mitigation.** Before proposing compensatory mitigation the applicant must first demonstrate that impacts to waters of the U.S., including special aquatic sites have been avoided then minimized (in that order) to the maximum extent possible. To calculate compensatory mitigation requirements, review Table 1 (Vegetation Scenario) before filling out Table 2 (Mitigation Calculations) which will provide the total number of mitigation points required for the project. The final step is to choose from the available mitigation options listed in Table 3 (Mitigation Options).

**Table 1. Vegetation Scenario.**

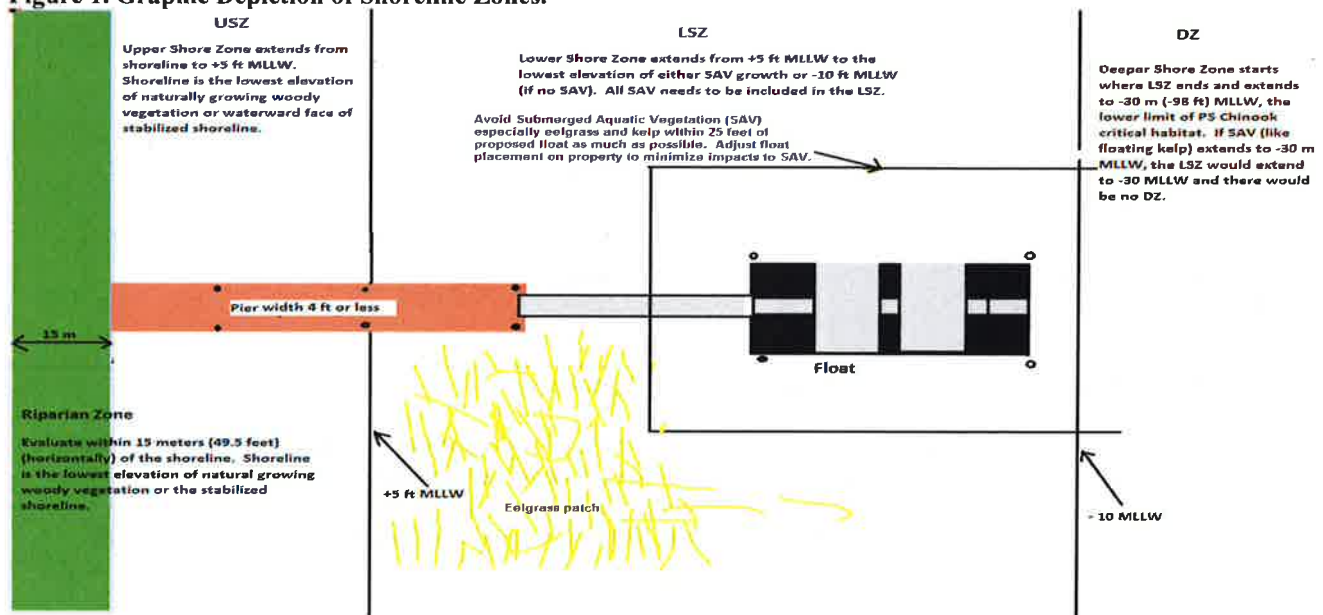
Determine the Vegetation Scenario for each zone within 25 feet of the proposed project.	Vegetation Scenario
$\leq 0\%$	0
11% – 30%	1
31% – 70%	2
>70%	3

**IMPORTANT NOTE:** If forage fish spawning habitat, eelgrass, or kelp is present, a multiplier of 1.5 is included in Table 2 to account for impacts to these important marine resources. *Be sure to provide all supporting documentation and surveys.*

Use the following information to complete Table 2:

- Upper Shore Zone (USZ) is the area landward of +5 MLLW
- Lower Shore Zone (LSZ) is the area waterward of +5 MLLW and landward of -10 MLLW, or lowest elevation of SAV.
- Deep Shore Zone (DSZ) is the area that begins waterward of where the LSZ ends and extends to 98 feet below MLLW. If SAV extends to -98 feet below MLLW, the LSZ would extend to that point and there would be no DSZ.

**Figure 1. Graphic Depiction of Shoreline Zones.**



**Table 2. Mitigation Calculations.** This table is based on NMFS' characterization of adverse impacts from overwater structures on salmonid habitat in Puget Sound utilizing the Habitat Equivalency Analysis methodology.

HABITAT ZONES AND CALCULATIONS OF IMPACTS			MITIGATION POINTS (MPs)
<b>Riparian Zone Impacts</b> (From the high tide line to 50 feet landward of the high tide line)			
If woody vegetation with a diameter at breast height (DBH) of 4 inches or greater in the riparian work strip needs to be permanently cleared for access to the overwater structure:	Add 1.45 MPs per 100 square feet for removal of woody vegetation. See glossary for definition of "work strip".		____ MP
<b>Upper Shore Zone (USZ) Impacts</b> (From the high tide line to +5 feet MLLW)			
For any vegetation scenario: if the width of the pier is $\leq 4$ feet for single use or $\leq 6$ -feet for joint-use, no mitigation points are required:	No calculations necessary for this section.		<u>0</u> MP
For any vegetation scenario, if the width of the pier is $> 4$ feet for single use or $> 6$ -feet for joint-use, insert the square footage and complete the formula:	$\left[ 0.4 \times \frac{\text{s.f.}}{100} \right] + 0.1 = \text{____ MP}$ <p><input type="checkbox"/> If the USZ is documented or potential forage fish habitat <b>and</b> the piles are spaced closer than 40 feet along the length of the pier, multiply the number of MP's by 1.5</p>		____ MP
<b>Lower Shore Zone (LSZ) Impacts</b> (Lower than +5 feet MLLW to -10 feet MLLW and limits of SAV)			
<b>Pier and Piles</b>			
For any vegetation scenario, if the structure is fully grated and width is $\leq 4$ feet for single use or $\leq 6$ feet for joint-use, no mitigation points are required:	No calculations necessary for this section.		<u>0</u> MP
For any vegetation scenario, if the structure is fully grated and width is $> 4$ -feet for single use or $> 6$ -feet for joint-use, insert the square footage and complete the formula:	$\left[ 1 \times \frac{\text{s.f.}}{100} \right] + 0.3 = \text{____ MP}$		____ MP
<b>Floats</b>			
Insert the square feet of float(s) into the formula, including access float and piles, located in the LSZ where the float is 50% grated with 60% open space and there are 8 or less piles.  See Table 1 for the Vegetation Scenario Table and choose the appropriate option.	Vegetation Scenario 0	$\left[ 3.5 \times \frac{\text{s.f.}}{100} \right] + 7.2$	____ MP
	Vegetation Scenario 1	$\left[ 4.8 \times \frac{\text{s.f.}}{100} \right] + 8.9$	____ MP
	Vegetation Scenario 2	$\left[ 6.1 \times \frac{\text{s.f.}}{100} \right] + 10.6$	____ MP
	Vegetation Scenario 3	$\left[ 7.4 \times \frac{\text{s.f.}}{100} \right] + 12.3$	____ MP
<b>Floating watercraft lifts</b>			
Insert the square feet of floating watercraft lifts located in LSZ and complete the calculations in the formula.	Vegetation Scenario 0	$\left[ 2.2 \times \frac{\text{s.f.}}{100} \right]$	____ MP
	Vegetation Scenario 1	$\left[ 3.5 \times \frac{\text{s.f.}}{100} \right] + 4.5$	____ MP
	Vegetation Scenario 2	$\left[ 4.9 \times \frac{\text{s.f.}}{100} \right]$	____ MP

	Vegetation Scenario 3	$6.3 \times \frac{\text{s.f.}}{100}$	____ MP
<b>Deeper Shore Zone (DSZ) Impacts (Deeper than -10-feet MLLW or outer limits of SAV)</b>			
Insert the square footage of floats located in the DSZ and complete the calculations in the formula.		$1.8 \times \frac{\text{s.f.}}{100} + 1.4$	____ MP
<b>SUB-TOTAL NUMBER OF MITIGATION POINTS (Add up the Total MP for <u>each</u> Zone): ____ MP</b>			
<b>Debiting Factors for Environmental Conditions (See the glossary for more information on these topics)</b>			
If the project is located within a pocket estuary, bluff- backed beach, or pocket beach multiply the subtotal by 1.5.			____ MP
If the project is located within documented or potential forage fish spawning habitat multiply the subtotal by 1.5.			____ MP
If the project is located within a Major Estuary Zone (see Appendix C, Glossary for definition; see Corps webpage for maps showing zones) multiply the subtotal by 1.5.			____ MP
<b>TOTAL REQUIRED MITIGATION POINTS (SUB-TOTAL WITH DEBITING FACTORS):</b>			<b>____ MP</b>

**Table 3. Mitigation Options.** To compensate for the impacts of your project, you must implement any combination of the following mitigation options to total the amount of mitigation points calculated in Table 2 for your project. Conservation and Construction Specifications described in Section D apply to mitigation measures listed in Table 3. Additional CMs for mitigation include: Work in intertidal will be performed in the dry as much as possible.

Mitigation Points (MP)	Descriptions of Mitigation Options
0.35 MP per 100 SF of planted native woody vegetation directly behind existing shoreline stabilization  0.7 MP per 100 SF of planted native woody vegetation within 50 feet of the high tide line where there is fully functioning shoreline	Plant native trees and shrubs landward of the high tide line where there previously was invasive vegetation, lawn, or impervious surface.  No structures such as sheds or boathouses may separate vegetation from the water.  All native woody vegetation needs to remain in their natural state for the life of the permitted overwater structure. A site protection mechanism must be placed on planted area. See glossary for a description of site protection mechanisms.  The permit and mitigation planting area must be recorded on the deed.  As-built drawings should be submitted upon installation of the mitigation (and within one year of construction), or a status report should be submitted instead (temporal loss may increase the amount of mitigation required). Vegetation establishment needs to be maintained, monitored with reports submitted to the Corps annually for 5 years [for emergent and scrub/shrub systems and for monitoring years 1, 3, 5, 7, and 10 for forested systems]. For additional monitoring and planting requirements see <i>Riparian Plantings Requirements</i> document on the Corps' webpage.
MP determined on a case-by-case basis depending on the area	Placement of spawning gravel over areas where down cutting of beach profile has been documented and where it would benefit forage fish. This includes sites of documented and potential forage fish spawning as well as sites up-drift of spawning areas. It must be shown that this mitigation option is suitable and would provide an ecological lift to the mitigation site. The source, type and size of gravel must be specified as well as the elevations where the material will be placed. The mitigation site should be researched to ensure that the appropriate material is proposed. This option may require multiple years of beach nourishment to be effective.
7.2 MP  10 MP if area is ( <u>one</u> of the following): <ul style="list-style-type: none"> <li>• adjacent to existing forage fish spawning habitat</li> <li>• located in a pocket estuary or beach</li> <li>• within 5 miles of a major estuary</li> </ul>	Install large woody material (LWM) in 2000 square feet* of the USZ and LWM needs to remain in place for the life of the permitted overwater structure. A site protection mechanism must be placed on mitigation area. See glossary for a description of site protection mechanisms.  * This area requirement may be reduced if the applicant can demonstrate that the proposed location and spacing of LWM mimics historic conditions at that specific location. The applicant should coordinate with WDFW or NMFS to reconstruct historic conditions of LWM at the project location.
0.5 MP per pile	Remove non-treated wood, ACZA, concrete, plastic, or steel piles located in the tidal substrate (if the pile is creosote-treated wood, use MMO #4 instead). This option will require before and after photographs and a map showing the location of the piles to be removed.
1 MP per pile	Remove creosote-treated wood piles located in the tidal substrate. This option will require before and after photographs and a map showing the location of the piling to be removed. Guidance on disposal of treated wood can be found online: <a href="http://www.ecy.wa.gov/programs/hwtr/demowood/pages2/demowood.html">www.ecy.wa.gov/programs/hwtr/demowood/pages2/demowood.html</a>

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

calculation	structures). The number of mitigation points varies depending on the length. This option will require before and after photographs, a description of the marine railway, and a map showing the length and width of the marine railway.
Varies, contact Corps for calculation	Third Party Mitigation – purchase credits from an approved mitigation or conservation bank and/or in-lieu fee (ILF) program. Current information on available mitigation banks or ILF programs can be found on the Washington Department of Ecology’s website: <a href="http://www.ecy.wa.gov/programs/sea/wetlands/mitigation/banking/index.html">http://www.ecy.wa.gov/programs/sea/wetlands/mitigation/banking/index.html</a>
Varies, contact Corps for calculation	<p>Off-site Mitigation – Corps approved permittee responsible mitigation. See examples below. Submit a mitigation plan for Corps review and approval. Plan will include type and location of mitigation. Depending on the type of proposed mitigation, individual ESA-consultation may be required. A site protection mechanism must be placed on mitigation area. See glossary of this document for a description of site protection mechanisms.</p> <p>Examples of other mitigation options that may be considered:</p> <ul style="list-style-type: none"> <li>• Improve habitat conditions of a stream (i.e., remove a fish barrier culvert) that has a confluence with inland marine waters; mitigation work should occur within 1,000 linear feet of the high tide line</li> <li>• Setback or removal of shoreline armoring</li> <li>• Creation of pocket beaches</li> <li>• Reducing hardness of armored shorelines using bio-engineering</li> <li>• Buffer enhancement within 50 feet of the high tide line</li> <li>• Installation of large woody material</li> <li>• Shoreline restoration projects</li> <li>• Removal of derelict fishing gear and other debris from the nearshore environment</li> <li>• Other compensatory mitigation proposed by the applicant (all mitigation options must occur within the same waters where RGP-6 is applicable)</li> </ul>

**Brief Description of Proposed Mitigation with Total Points: (*Attach mitigation plan with maps/drawings*)**

Mitigation plans should be commensurate with the scale and scope of the impacts and prepared in accordance with the *Federal Compensatory Mitigation for Losses of Aquatic Resources Final Rule* (33 CFR Parts 332, April 10, 2008). See the “Mitigation” section of the U.S. Army Corps of Engineers Regulatory Branch website for additional information.

## RGP-6 APPENDIX C: Glossary

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

Version: [DATE OF ISSUANCE]

The terms in this glossary are defined for use with this RGP.

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

*Bluff-backed beaches* are defined as beaches which terminate at the toe of a steep bluff.

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

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

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

*Dolphin* is a piling assemblage

*Endangered and Threatened Species*: An endangered species is in danger of extinction throughout all or a significant portion of its range. A threatened species is likely to become endangered in the foreseeable future.

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

*Forage fish spawning habitat*: For the following forage fish species, Pacific herring (*Clupea pallasii*) spawning habitat is roughly defined as: eelgrass and macroalgae located between 0 to -10 feet tidal elevation; surf smelt (*Hypomesus pretiosus*) – substrate consisting of pea gravel or coarse sand (gravel diameter 0.005 – 0.35 of an inch) between the high tide line to +7 feet tidal elevation relative to the Seattle tide gauge; Pacific sand lance (*Ammodytes hexapterus*) – substrate consisting of pure fine grain sand beaches between the high tide line to +5 feet tidal elevation, relative to the Seattle tide gauge. Note that forage fish eggs may be found at higher elevations than the high tide line near the toe of the bank and the appropriate tidal gage should be used for your location.

- *Documented* forage fish spawning habitat is habitat inspected and determined by WDFW to support actual forage fish spawning.
- *Potential* forage fish spawning habitat is habitat with the characteristics of forage fish spawning habitat but no actual forage fish spawning has been documented by WDFW.

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

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

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

*High Tide Line* in the Seattle District is currently Mean Higher High Water (MHHW). This 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 has been established at set tide gauges throughout Washington. Tide gauge information may be obtained online:

<http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PermitGuidebook/Streams.aspx>. Should the Seattle District redefine the high tide line, that definition will supersede this definition.

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

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

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

*Major Estuary Zone* is the transition zone at the confluence of the freshwater tributaries listed below and tidal waters. See maps showing these zones on our webpage at: [www.nws.usace.army.mil](http://www.nws.usace.army.mil), select Regulatory Branch, Permit Information, go to the “Permit Guidebook” webpage, then select “Permitting, Regional General Permits,” and look at Major Estuary Zone maps.

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

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

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

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

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

[http://www.dnr.wa.gov/RecreationEducation/HowTo/Homeowners/Pages/aqr\\_mooring\\_buoy.aspx](http://www.dnr.wa.gov/RecreationEducation/HowTo/Homeowners/Pages/aqr_mooring_buoy.aspx)

*Native species* do not include hybrids or cultivars such as dwarf varieties of plants. Please include the genus and species when describing existing or proposed plants at the project and/or mitigation site.

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

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

*Open area* or *open space* of grating is the area enclosed between the rectangular bars and cross-rods in bar grating, or the area enclosed between the bonds and strands in expanded grating.

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

*Pocket Estuaries* are defined as small sheltered areas along the shoreline that have freshwater influence at least part of the year. The location of pocket estuaries can be found at <https://fortress.wa.gov/ecy/coastalatlas/tools/Map.aspx> (Under "Contents", select "Pocket Estuaries"). The lateral extent of each pocket estuary is the protected (pocket or lagoon feature) area.

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

*Remove* means the removal of material from the area waterward of the High Tide Line to be disposed of in an upland location or approved disposal area landward of the High Tide Line using the appropriate best management practices.

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

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

- **Deed Recording:** Deed recording requires that the permittee record on the deed for the mitigation site property a copy of the DA permit, drawings, and a description of the mitigation area identified in the final mitigation plan.
- **Restrictive Covenants:** A restrictive covenant (often called a deed restriction) is a provision in a deed limiting the use of the property by prohibiting certain uses. The restrictive covenant is established by the land owner and does not include a third party. It is recorded against the property title and runs with the land.

- **Conservation Easements:** It is a legal restriction placed on a piece of property to protect the resources (natural or man-made) associated with the parcel. It restricts the type and amount of activities that can take place on a parcel of land. Easements are recorded on the property deed and are held in trust by a conservation easement “holder” such as a land trust or government agency.

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

*Special aquatic sites* are geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas may be impossible or difficult to replace and are recognized as significantly contributing to the health of the ecosystem (i.e., sanctuaries and refuges, wetlands, mud flats, vegetated shallows, coral reefs, riffle and pool complexes). (40 CFR Part 230)

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

*Treated wood preservatives* are chemicals used to control wood degradation. The EPA reviews registered pesticides every 15 years to determine whether it continues to meet the statutory standard of no unreasonable adverse effects on human health or the environment. The EPA is the authority on the suitability of treated wood products in the marine environment and should be contacted for more information.

*Uplands* are non-wetland areas landward of the high tide line.

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

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

