

APPENDIX A
Regional General Permit 4
List of Requirements

August 23, 2016 (Format revised on April 21, 2017)

Please read all Construction Specifications and Conservation Measures of RGP-4 carefully. You must meet all applicable conditions to qualify for RGP-4. For us to determine if your proposal meets all of the conditions of RGP-4, you must submit a permit application form (JARPA or ENG form), vicinity map, project and mitigation drawings/plans, and any other documentation, as applicable. The requirements are displayed in this list format to help you determine if your project meets the conditions of RGP-4. You are not required to submit this list as part of your permit application.

Hard copies of all application materials must be submitted and the additional submittal of an *electronic* copy of materials on a disc is strongly recommended.

Construction Specifications and Conservation Measures	
	<p><u>Maintenance:</u></p> <p>1. Any maintenance performed on an authorized structure shall not change the size or configuration from that which was originally authorized unless the changes are environmentally beneficial and reduce the size of the structure.</p>
	<p><u>Piers, Ramps, and Floats:</u></p> <p>2. This permit authorizes only one pier/ramp/float structure per property. This property must front Lake Chelan. Submerged structural components of piers, ramps, and floats, including concrete footings, framing, and cross bracing shall be minimized to that which is required for structural stability.</p>
	<p>3. This permit authorizes a joint-use pier/ramp/float structure constructed by more than one private property owner fronting the shoreline. All joint-use properties shall front the waterway. All affected joint-use property owners must sign a legal agreement to construct a joint-use pier/ramp/float structure. At a minimum, the agreement shall include a statement from each property owner that they voluntarily agree to build no additional overwater structures on their property except for the maintenance or modification of the joint-use overwater structure which is the subject of the permit application. A copy of this agreement must be submitted with the application.</p>
	<p>4. Piers, ramps, and/or floats shall not extend more than 55 feet waterward (toward the middle of the lake) of the ordinary high water mark. A greater length may be authorized up to the minimum length necessary to reach water of sufficient depth at the waterward end of the structure for safe boat moorage purposes only.</p>
	<p>5. A float system must be held in place by piling or other fixed structures, and may consist of more than one individual float. Float stoppers must be installed so that the float does not rest on the substrate at any time.</p>
	<p>6. The width of any individual section of deck shall not exceed 6 feet for piers and floats and 4 feet for ramps.</p>

	<p>7. Total deck area of <u>single-use</u> piers, floats, ramps, and other overwater structures waterward of the ordinary high water mark shall not exceed 320 square feet. If it is necessary to have a single-use structure greater than 55 feet in length because of water depth limitations referenced in CM 4, the total area of the structures shall not exceed 450 square feet.</p>
	<p>8. Total deck area of <u>joint-use</u> piers, floats, ramps, and other overwater structures waterward of the ordinary high water mark, shall not exceed 450 square feet.</p>
	<p>9. Only open pile pier construction is authorized.</p>
	<p>10. Flotation for the float shall be fully enclosed and contained in a shell (e.g., polystyrene tubs not shrink wrapped or sprayed coatings) that prevents breakup or loss of the flotation material into the water and is not readily subject to damage by ultraviolet radiation or abrasion caused by rubbing against piling or waterborne debris.</p>
	<p>11. No other structures or shading objects such as, but not limited to, storage boxes, benches, planters, sheds, tables, outdoor furniture, living quarters, fueling facilities, carpeting, or covered boat moorage shall be constructed or installed on any overwater structure authorized under this RGP.</p>
	<p>12. Fill around piling may only be used when the condition of the substrate prevents the use of driven piles. The total amount of fill used to secure all piles associated with a structure shall not exceed 10 cubic yards, but is limited to the minimum amount necessary to secure the piles. Fill material is limited to clean rock and concrete. Concrete footings must be poured in the dry when possible and always in tightly sealed forms.</p>
	<p>13. Concrete footings must have at least 1 foot of natural substrate placed above the footing to prevent exposure of footings.</p>
	<p>14. For impact pile driving of steel piles 10 inches in diameter or less, a block or layers of wood at least 6 inches thick between the pile driver and pile or a bubble curtain shall be used during driving. For steel pile greater than 10 inches in diameter, both 6 inches of wood between pile driver and pile, and a bubble curtain shall be used during driving.</p>
	<p><u>Watercraft Lift:</u> 15. Under this RGP, only one uncovered watercraft lift may be installed at a single-use overwater structure. A maximum of two uncovered watercraft lifts may be installed at a joint-use overwater structure. Any additional lifts would need to be authorized under a different permit.</p>

Mitigation: The mitigation must be retained and/or maintained for the duration that the authorized structure is in place.

Mitigation must address the impacts of a proposed project which could include water quality, fish habitat, and terrestrial habitat impacts. Proposed mitigation needs to replace or enhance these functions when they are impacted by a new overwater structure. For every new pier, ramp, float or second watercraft lift, the permittee must implement at least one of the following mitigation measures:

16. Mitigation measure options:

Category A (Minimization Measures):

- A. The pier width is limited to 4 feet or less.
- B. Installation of grating covering the entire surface of the pier and ramp.

Category B (Compensatory Mitigation Measures):

- C. Planting a riparian area with trees and shrubs evenly interspersed. The size of the riparian area must be at least 1:1 ratio with the amount of overwater coverage.

For example, if a 320 square foot pier is proposed, 320 square feet of riparian area must be planted for this mitigation measure. Before the applicant selects this mitigation measures, they must have the Corps review the specific site conditions to ensure that plantings are appropriate and will be successful at the selected location.

- i. The prospective permittee is required to establish and preserve the planting plot at the project site for the duration that the overwater structure is in place. A drawing of the proposed planting area must be recorded with the Registrar of Deeds per General Condition 3 of this RGP within 60 days after final Corps authorization. Proof of this must be provided to the Corps within 65 days after the date of the Corps' RGP verification letter to the permittee.
- ii. The planting plot(s) will be planted (cuttings, burlapped roots or 1 – 5 gallon size) with native shrubs and trees.
- iii. The plot needs to be on the property but does not need to be located adjacent to the overwater structures. However, the waterward edge of the planting area must be no further than 10 feet from the ordinary high watermark of the lake and oriented parallel to the shoreline.
- iv. The shrubs will be planted at intervals of 3-feet on center, and the trees will be planted at intervals of 10-feet on center. *The Corps must approve the planting plan prior to issuance of a RGP verification letter.* The plant species must be from the plant list in Appendix E or must be a species approved by the Corps.
- v. Performance Standards. One hundred percent survival of all planted trees and shrubs is required during the first and second years after planting the plot(s). During the third through fifth years after planting, a minimum 80 percent survival is required. The permittee must protect the planting plot(s) against predation—the Corps recommends fencing. Individual plants that die must be replaced with native shrubs and trees taken from the plant list in Appendix E. Maintenance of the mitigation area includes removal and replacement of dead or dying plants and removal of invasive and/or noxious weeds. Maintenance does not include trimming or mowing of the mitigation plants. The mitigation plants must be allowed to develop naturally. If during the 5 years of monitoring, contingency plans are required (e.g., irrigation, additional plantings, planting different species), the permittee must implement any Corps-

required contingency plans.

- vi. Mitigation planting monitoring reports will be due annually, no later than November 30 of each monitoring year, for 5 years from when Corps accepts the as-built drawings. The mitigation monitoring report will include written and photographic documentation of tree and shrub mortality and replanting efforts. Photographs must be taken between June – August (the best time of year to show plant growth). Photographs must show a panoramic view of the entire mitigation planting area. Set points from where photos are taken must be established and used repeatedly for each monitoring year. The date of the photos must be noted on the monitoring report. The permittee can meet this reporting requirement by submitting to the Corps a completed *Mitigation Planting Monitoring Report for RGP-4*, Appendix F.

D. Installation of large woody material (LWM).

- i. The LWM must cover at least an area equal to the amount of overwater coverage of the proposed structures (e.g., 1:1 ratio).
- ii. The LWM must have complex structure (e.g., branches and/or root wads).
- iii. The LWM must be placed at or landward of the 1079 foot elevation contour so that the maximum amount of water covers the structure for the entire year.
- iv. The LWM must not interfere with navigation.
- v. The placement of the LWM must be completed within one year of RGP verification. A report on the installation must be submitted to the Corps no later than 12 months from the date of permit issuance. The permittee can meet this reporting requirement by submitting to the Corps a completed *Status Report for Mitigation Work Completion for RGP-4*, Appendix G. The report must include photographic documentation showing the installation of the LWM from the installation vessel. The photographs should be taken facing the shoreline and should show landmarks on the shoreline to verify the location of the placement of the LWM. In addition, the documentation must include the latitude and longitude and elevation of the LWM.

E. Use of a Corps approved in-lieu fee (ILF) program or mitigation bank

- i. The applicant must submit a draft Statement of Sale, Bank Use Plan, or other documentation as

	<p>required to use the ILF program or mitigation bank for the Corps' review and approval before the RGP verification is complete.</p> <p>ii. The applicant shall complete the ILF or mitigation bank transaction and provide documentation to the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch, that the transaction has been completed no later than 60 days from the date of the RGP verification letter.</p> <p>F. Use of other Corps-approved project- and site-specific mitigation. The applicant may propose an alternate form of compensatory mitigation that compensates for specified project impacts. Examples of possible alternative forms of compensatory mitigation include restoration of riparian areas of tributaries to Lake Chelan, removal of bank hardening material, removal of hardened material from the lake bed, removal of overwater structures. However, the Corps is the sole authority to determine if the compensatory mitigation is appropriate and adequate to compensate for impacts to waters of the U.S. The applicant must comply with all Special Conditions added to the RGP verification to ensure the mitigation is successfully implemented.</p>
	<p><u>Work in the Dry:</u> 17. All work shall occur in the dry whenever practicable.</p>
	<p><u>Prohibition of Discharge of Fill in Wetlands:</u> 18. No fill permitted herein shall be placed in wetlands. Non- fill structure placement in or over wetlands shall be limited to the minimum amount necessary.</p>
	<p><u>Revegetation of Disturbed Riparian Areas:</u> 19. Disturbance of bank vegetation shall be limited to the minimum amount necessary to accomplish the project. Disturbed bank vegetation shall be replaced with native, locally adapted species appropriate for the site.</p>
	<p><u>Preservatives</u> 20. No paint, stain, preservative or other protective coating application shall occur while the structure is in or over the water body, and any such application shall be completely cured prior to the structure being returned to the water. If treated wood is used, piling must be treated with wood preservatives in compliance with the Registration Documents issued by EPA under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and following the Western Wood Preservers Institute (WWPI) guidelines and BMPs to minimize the preservative migrating from treated wood into aquatic environments (see http://www.wwpinstitute.org/documents/BMP_Revise_4.3.12.pdf). Rub strips are required if treated wood is to be used for fender piling.</p>

Construction Specifications and Conservation Measures	
	<p><u>Equipment Operation:</u></p> <p>21. Equipment shall be operated from the top of the bank, work platform, or similar out-of-water location whenever possible. Equipment shall be operated in a manner that minimizes the suspension of particulates. All equipment used in or around waters shall be clean and inspected daily prior to use to ensure that the equipment has no fluid leaks. Should a leak develop during use, the leaking equipment shall be removed from the site immediately and not used again until it has been adequately repaired. No equipment may be stored or fueled within 100 feet of the waterbody.</p>
	<p>22. If heavy equipment is used to accomplish the work, a Spill Prevention, Control, and Countermeasure (SPCC) plan must be implemented. A copy of the SPCC plan must be available to the Corps upon request during all construction activities.</p>
	<p>Compliance with RGP General Conditions 1 through 26 of RGP-4. Refer to full text of RGP-4 for the list of General Conditions.</p>