

**Regional General Permit 6 (RGP-6)**  
**General Conditions**  
Version: April 20, 2018

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 U.S.

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the U.S 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.

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. If compensatory mitigation is required, a copy of the completed application, drawings, mitigation plan, and final authorization letter shall be recorded with the local government (Registrar of Deeds in the county or city of the project), 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. **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 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. Proof of recording of all applicable documents must be provided to the Corps within 65 calendar days after the date of the Corps' RGP verification letter to the permittee.

4. Washington State Coastal Zone Management Program (CZMP). On August 25, 2016, the Department of Ecology concurred with the Corps' determination that work authorized by RGP-6 is consistent with the CZMP.

5. Contractor/Consultant Copies/Compliance. The permittee shall provide complete copies of the Corps RGP-6 verification letter and approved permit drawings to all contractors and consultants performing the authorized work and keep copies available for inspection at the project site. If contractors or consultants have questions about conditions of a permit or jurisdictional limits, they should contact the Regulatory Project Manager listed in the verification letter before performing work. Project changes must be coordinated and approved by the Corps in advance of performing the work.

6. As-built Report. 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 *As-Built Report* (template available on our webpage).

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 U.S 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 U.S in the public interest.
10. Tribal Rights. No activity authorized by this RGP may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.
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. Stability. The permittee shall design projects to be stable against the forces of flowing water, wave action, and the wake of passing vessels.
13. 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.
14. 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 U.S.
15. 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. A Biological Opinion (BO) for RGP-6 was issued by the NMFS on September 13, 2016, and by the USFWS on January 20, 2017. Both BO's are available on the Corps' webpage.

16. 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. A Biological Opinion (BO) for RGP-6 was issued by the NMFS and includes a Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response. This BO is available on the Corps webpage.

17. 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.*

18. 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 one business day of discovery.

19. Water Quality Standards. All activities authorized herein that involve a discharge of dredged or fill material into waters of the U.S 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 fixed or mobile pump-out stations to remove sewage from their holding tanks. To report spills call: 1-800-424-8802. A list of pump-out stations can be found on Ecology's website: <http://www.ecy.wa.gov>.

21. Section 401, Clean Water Act, Water Quality Certification. On August 24, 2016, the Washington Department of Ecology issued Water Quality Certification Order No. 13728 for work authorized by this RGP. This Order is available on the Corps website.

22. 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.

23. 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.

24. 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.

25. Disposal of Excess Material. All construction debris and any other material not authorized by the Corps for permanent placement into waters of the U.S shall be disposed of in an upland location in a manner that precludes it from entering waters of the U.S.

26. Work in Navigable Waters of the U.S. The permittee understands and agrees that, if future operations by the U.S require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the U.S. Army Corps of Engineers (Corps), to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. 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.

27. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for obtaining any “take” permits required under USFWS regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act.