CONTRACT DOCUMENTS

FOR

NORTHSHORE ROAD
EXPOSED SEWER FORCE MAIN

(DISTRICT PROJECT #M1811)

Prepared 7/2/2019 for use with Small Works Roster

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Lake Whatcom Water & Sewer District
1220 Lakeway Drive
Bellingham, WA 98229
(360) 734-9224, (360) 738-8250 Fax

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Bellingham, WA 98229
(360) 734-9224, (360) 738-8250 Fax

ADVERTISEMENT FOR BIDS

Lake Whatcom Water and Sewer District ("District") will receive sealed Bid proposals for the following project:

TITLE:	Northshore Road Exposed Sewer Force Main (District Project #M1811)
ESTIMATED BASE BID COST RANGE:	Base Bid $50,000 to $100,000 (Not including sales tax)
SUBMITTAL TIME/DATE/LOCATION:	Prior to 2:05 P.M. PST, Wednesday, July 24, 2019 Lake Whatcom Water and Sewer District 1220 Lakeway Drive Bellingham, WA 98229 Public Bid Opening will commence at approximately 2:10 P.M. at the same location.
PRE-BID MEETING:	A non-mandatory pre-Bid meeting will be held at the District Office (1220 Lakeway Drive), at 10:00 A.M. PST, Tuesday, July 16, 2019, for the purpose of answering questions from prospective Bidders. Bidders are invited to attend a site visit immediately following the office meeting.

Plans and specifications can be downloaded at: www.lwwsd.org. Within 24 hours following the bid opening, Bidders may obtain Bid results at the same location.

Direct questions regarding this project to Jenifer Ramsey, PE at Wilson Engineering, LLC**,** 805 Dupont Street, Suite 7, Bellingham, WA 98225 (360) 733-6100 x223.

Bidder Responsibility will be evaluated for this project. In determining Bidder responsibility, the Owner shall consider an overall accounting of the criteria set forth in "DIVISION 00300 SUPPLEMENTAL BIDDER RESPONSIBILITY CRITERIA".

Lake Whatcom Water and Sewer District reserves the right to accept or reject any or all proposals and to waive informalities or irregularities.

INSTRUCTIONS TO BIDDERS

PART 0 – GENERAL CONDITIONS

0.1 EXPLANATION TO PROSPECTIVE BIDDERS

A. A. In accordance with RCW 39.04.380 pertaining to a **Reciprocal Preference for Resident Contractors**, any public works bid received from a nonresident contractor from a state that provides an in-state percentage bidding preference, a comparable percentage disadvantage must be applied to the bid of that nonresident contractor.

A nonresident contractor from a state that provides a percentage bid preference means a contractor that:

1. Is from a state that provides a percentage bid preference to its resident contractors bidding on public works contracts; and
2. At the time of bidding on a public works project, does not have a physical office located in Washington.

The state of residence for a nonresident contractor is the state in which the contractor was incorporated or, if not a corporation, the state where the contractor's business entity was formed.

All nonresident contractors will be evaluated for out of state bidder preference. If the state of the nonresident contractor provides an in-state contractor preference, a comparable percentage disadvantage will be applied to their bid prior to contract award.

This section does not apply to public works procured pursuant to RCW 39.04.155, 39.04.280, or any other procurement exempt from competitive bidding.

B. Any prospective Bidder desiring an explanation or interpretation of the solicitation, drawings, specifications, etc., must submit a request in writing to the Architect/Engineer (A/E) not later than 7 calendar days before the Bid due date. Oral explanations or instructions given before the award of a contract will not be binding. Any information given a prospective Bidder concerning a solicitation will be furnished promptly to all other prospective Bidders by addendum to the solicitation, if that information is necessary in submitting Bids or if the lack of it would be prejudicial to other prospective Bidders.

0.2 PREPARATION OF BIDS – CONSTRUCTION

A. Bids must be: (1) submitted on the Bid proposal forms, or copies of forms, furnished by the Owner or the Owner's agent, and (2) signed in ink. The person signing a Bid must initial each change appearing on any Bid form. If the Bid is made by a corporation, it shall be signed by the corporation's authorized designee empowered to make a binding

commitment for the corporation with the Bid. The address of the Bidder shall be typed or printed on the Bid form in the space provided.

B. A complete set of Bidding Documents shall be used in preparing Bids; neither Owner nor A/E assume any responsibility for errors or misinterpretations resulting from the use of incomplete sets of Bidding Documents. Bidder shall be solely responsible for obtaining a complete set of Bidding Documents and relying on same for Bid preparation.

C. The Bid form may require Bidders to submit Bid prices for one or more items on various bases, including: (1) lump sum base Bid; (2) lump sum Bid alternate prices; (3) unit prices; or (4) any combination of items (1) through (3) above.

D. If the solicitation includes alternate Bid items, failure to bid on the alternates may disqualify the Bid. If Bidding on all items is not required, Bidders should insert the words "no bid" in the space provided for any item on which no price is submitted.

E. Substitute Bid proposals will not be considered unless this solicitation authorizes their submission.

0.3 BID GUARANTEE

A. When the sum of the base Bid plus all additive Bid alternates is $35,000.00 or less, Bid security is not required.

When the sum of the base Bid plus all additive alternates is greater than $35,000.00, a Bid guarantee in the amount of 5% of the base Bid amount including Washington State Sales Tax (WSST) is required. Failure of the Bidder to provide Bid guarantee when required shall render the Bid non-responsive.

B. Acceptable forms of Bid guarantee are: A Bid bond on Lake Whatcom Water and Sewer District's Bid bond form (Section 00310 Bid Bond), or postal money order, or certified check or cashier's check made payable to Lake Whatcom Water and Sewer District (collectively "Bid Guarantee").

The Owner will return the Bid Guarantee (other than Bid bond) to unsuccessful Bidders as soon as practicable, but not sooner than the execution of a contract with the successful Bidder. The successful Bidder's Bid guarantee will be returned to the successful Bidder with its official notice to proceed with the work of the contract.

C. The Bidder will return to the Owner a signed contract, insurance certificate and bond or bond waiver within 15 days after receipt of the contract. If the apparent successful Bidder fails to sign all contractual documents or provide the bond and insurance as required or return the documents within 15 days after receipt of the contract, the Owner may terminate the award of the contract and retain the Bid Guarantee.

D. In the event a Bidder discovers an error in its Bid following the Bid opening, the Bidder may request to withdraw its Bid under the following conditions:

1. Written notification is received by the Owner within 24 hours following Bid opening.

2. The Bidder provides written documentation of the claimed error to the satisfaction of the Owner within three (3) business days following the Bid opening.

The Owner will approve or disapprove the request for withdrawal of the Bid in writing. If the Bidder's request for withdrawal of its Bid is approved, the Bidder will be released from further obligation to the Owner without penalty. If it is disapproved, the Owner may retain the Bidder's Bid Guarantee.

E. The Bidder shall provide a Bid bond using an industry standard form. To be considered adequate the Bid bond must be signed by Bidder or surety, include Power of Attorney, and be for this project and Bidder.

0.4 ADDITIVE OR DEDUCTIVE BID ITEMS

The low Bidder, for purposes of award, shall be the responsive Bidder offering the low aggregate amount for the base Bid item, plus additive or deductive Bid alternates selected by the Owner, and within funds available for the project.

0.5 ACKNOWLEDGEMENT OF ADDENDA

Bidders shall acknowledge receipt of all addenda to this solicitation by identifying the addenda numbers in the space provided for this purpose on the Bid proposal form. Failure to do so may result in the Bid being declared non-responsive.

0.6 SITE INVESTIGATION AND CONDITIONS AFFECTING THE WORK

The Bidder acknowledges that it has taken steps necessary to ascertain the nature and location of the Work, and that it has investigated and satisfied itself as to the general and local conditions which can affect the Work or its cost, including but not limited to (1) conditions bearing upon transportation, disposal, handling, and storage of materials; (2) the availability of labor, water, electric power, and road; (3) uncertainties of weather, river stages, tides, or similar physical conditions at the site; (4) the conformation and conditions of the ground; and (5) the character of equipment and facilities needed preliminary to and during the Work. The Bidder also acknowledges that it has satisfied itself as to character, quality, and quantity of surface and subsurface materials or obstacles to be encountered insofar as this information is reasonably ascertainable from an inspection of the site, including exploratory work done by the Owner, as well as from the drawings and specifications made a part of this Contract. Finally, the Bidder acknowledges that it has become familiar with federal, state and local laws, ordinances, rules, and regulations that may in any manner affect cost, progress or performance of the Work. Any

failure of the Bidder to take the actions described and acknowledged in this paragraph will not relieve the Bidder from responsibility for estimating properly the difficulty and cost of successfully performing the Work.

0.7 BID AMOUNTS

A. The Bid prices shown for each item on the Bid proposal shall include all labor, material, equipment, overhead and compensation to complete all of the work for that item.

B. The actual cost of building permit, right-of-way revocable encroachment permit, and other local government permits required to complete the project, along with the public utility hookup fees, will be a direct reimbursement to the Contractor or paid directly to the permitting agency by the Owner. Fees for these permits should not be included by the Bidder in the Bid amount.

C. The Bidder agrees to hold the base Bid and alternate prices open for acceptance by the Owner for sixty (60) days from date of Bid opening.

D. Unit prices shall not be excessively unbalanced (either above or below the amount of a reasonable Bid) to the potential detriment of the Owner. An unbalanced bid item could render the proposal irregular and constitute grounds for rejection of the Bid.

0.8 TAXES

The Bid amounts shall not include Washington State Sales Tax (WSST). All other taxes imposed by law shall be included in the Bid amount. The Owner will include WSST in progress payments. The Contractor shall pay the WSST to the Department of Revenue and shall furnish proof of payment to the Owner if requested.

[NOTE: Contractor must provide a payment bond pursuant to RCW 39.08.101 in amount of the Contract Sum plus the WSST.]

0.9 SUBMISSION OF BIDS

A. Bid Proposals must be submitted on or before the time specified in the Advertisement for Bids. All Bids must be made on the Bid Proposal Form, and be accompanied by a Bid Bond or other acceptable Bid Guarantee, along with any supplementary Bid forms. All blank spaces for Bid prices must be filled in with ink or typewritten, and the Bid forms must be fully executed when submitted.

B. If the base Bid and the sum of the additive alternates is estimated by the Owner to be one million dollars or more, the Bid Proposal shall comply with the following requirements:

1. Pursuant to RCW 39.30.060, if the base Bid and the sum of the additive alternates is one million dollars or more, the Bidder shall provide names of the Subcontractors with whom the Bidder will subcontract for

performance of heating, ventilation and air conditioning (HVAC), plumbing, and electrical.

2. The Bidder can name itself for the performance of the work.

3. The Bidder shall not list more than one Subcontractor for each category of work identified UNLESS Subcontractors vary with Bid alternates, in which case the Bidder must indicate which Subcontractor will be used for which alternate.

4. Failure of the Bidder to submit as part of the Bid the NAMES of such Subcontractors or to name itself to perform such work shall render the Bidder's Bid nonresponsive and, therefore, void.

C. The Bid Proposal shall be submitted in a sealed envelope addressed to the office specified in the Advertisement for Bids. The envelope shall have printed on the outside:

1. The project title.
2. The name and address of the Bidder.
3. Identification as Bid Proposal.

D. Prior to the Bid opening, the Owner's representative will designate the official Bid clock. Any part of the Bid proposal or Bid modification not received prior to the times specified, per the designated Bid clock, will not be considered and the Bid will be returned to the Bidder unopened.

E. A Bid may be withdrawn in person by a Bidder's authorized representative before the opening of the Bids. Bidder(s) representative will be required to show ID and sign on Bid summary sheet before it will be released.

0.10 BID RESULTS

After the Bid Opening, Bidders may obtain Bid results from the District office by calling (360) 734-9224 or by downloading the Bid tabulation from www.lwwsd.org. Bid results may also be obtained from the A/E.

0.11 LOW RESPONSIBLE BIDDER

A. Mandatory Responsibility Criteria: Before award of the Contract, a Bidder must meet the following mandatory responsibility criteria under RCW 39.04.350(1) to be considered a responsible Bidder and qualified to be awarded the Contract for this public works project. The Bidder must:

1. At the time of Bid submittal, have a certificate of registration in compliance with chapter 18.27 RCW;

2. Have a current Washington Unified Business Identifier (UBI) number;

3. If applicable, have Industrial Insurance (workers' compensation) coverage for the Bidder's employees working in Washington as required in Title 51 RCW; a Washington Employment Security Department number as required in Title 50 RCW; and a Washington Department of Revenue state excise tax registration number as required in Title 82 RCW;

4. Not be disqualified from Bidding on any public works contract under RCW 39.06.010 or 39.12.065(3);

5. If Bidding on a public works project subject to the apprenticeship utilization requirements in RCW 39.04.320, not have been found out of compliance by the Washington State apprenticeship and training council for working apprentices out of ratio, without appropriate supervision, or outside their approved work processes as outlined in their standards of apprenticeship under chapter 49.04 RCW for the one-year period immediately preceding the date of the Bid solicitation;

Have received training on the requirements related to public works and prevailing wage in 39.12 RCW. The bidder must designate a person or persons to be trained on these requirements. The training must be provided by the department of labor and industries or by a training provider whose curriculum is approved by the department. The department, in consultation with the prevailing wage advisory committee, must determine the length of the training. Bidders that have completed three or more public works projects and have had a valid business license in Washington for three or more years are exempt from this subsection. The department of labor and industries must keep records of entities that have satisfied the training requirement or are exempt and make the records available on its web site. Responsible parties may rely on the records made available by the department regarding satisfaction of the training requirement or exemption; and

6. Within the three-year period immediately preceding the date of the bid solicitation, not have been determined by a final and binding citation and notice of assessment issued by the department of labor and industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW.

B. Supplemental Responsibility Criteria: In addition to the mandatory Bidder responsibility, the Owner will consider an overall accounting of the attached "DIVISION 00300 SUPPLEMENTAL BIDDER RESPONSIBILITY CRITERIA".

Following the Bid opening, upon Owner's request, the apparent low Bidder(s) must supply the information requested in DIVISION 003000 SUPPLEMENTAL BIDDER RESPONSIBILITY CRITERIA, within two (2) business days of request by Owner. Withholding information or failure to submit all the information requested within the time provided shall render the Bid non-responsive.

The Owner will make a determination whether or not the apparent low Bidder is responsible, taking into account all the information submitted by the apparent low Bidder(s) in response to this request. The Owner will notify the Bidder of its determination in writing, including the reasons for its determination.

Within three (3) days after receipt of the determination, if the Bidder is determined not responsible, the Bidder may withdraw its Bid or request an appeal hearing. The Bidder may also present additional information pursuant to RCW 39.04.350 (2)(d).

If the Bidder requests an appeal hearing, the Owner will schedule said hearing at a Board of Commissioner meeting, to be heard not later than two (2) weeks after receipt of Bidder's request. The appeal hearing members will be the Board of Commissioners. The Board will issue a Final Determination after reviewing information presented at the appeal hearing. If the Final Determination affirms that the Bidder is not responsible, the Owner will not execute a Contract for the Project with any other Bidder until two (2) business days after the Bidder determined to be not responsible has received the Final Determination. The Final Determination is specific to this Project, and will have no effect on other or future projects.

C. Bidders with concerns about the relevancy or restrictiveness of the Supplemental Bidder Responsibility Criteria required in these Bidding Documents may make or submit requests to the Owner to modify the criteria. Such requests should be in writing, describe the nature of the concerns, and proposed specific modifications to the criteria that will make the criteria more relevant or less restrictive of competition. Bidders shall submit any such request seven (7) days prior to the Bid submittal deadline and address the request to the Lake Whatcom Water & Sewer District General Manager.

0.12 "SUBCONTRACTOR RESPONSIBILITY CRITERIA"

A. In accordance with RCW 39.06.020 the Contractor shall include the language of this section in each of its first tier subcontracts, and shall require each of its subcontractors to include the same language of this section in each of their subcontracts, adjusting only as necessary the terms used for the contracting parties. The requirements of this section apply to all subcontractors regardless of tier.

B. At the time of subcontract execution, the Contractor shall verify that each of its first tier subcontractors meets the following Bidder responsibility criteria:

1. Have a current certificate of registration as a contractor in compliance with chapter 18.27 RCW, which must have been in effect at the time of subcontract Bid submittal;

2. Have a current Washington Unified Business Identifier (UBI) number; and if applicable, have:

a. Industrial Insurance (workers' compensation) coverage for the subcontractor's employees working in Washington, as required in Title 51 RCW;
b. A Washington Employment Security Department number, as required in Title 50 RCW;
c. A Washington Department of Revenue state excise tax registration number, as required in Title 82 RCW;
d. An electrical contractor license, if required by Chapter 19.28 RCW;
e. An elevator contractor license, if required by Chapter 70.87 RCW.

3. Not be disqualified from Bidding on any public works contract under RCW 39.06.010 or 39.12.065(3).

4. Have received training on the requirements related to public works and prevailing wage in 39.12 RCW. The bidder must designate a person or persons to be trained on these requirements. The training must be provided by the department of labor and industries or by a training provider whose curriculum is approved by the department. The department, in consultation with the prevailing wage advisory committee, must determine the length of the training. Bidders that have completed three or more public works projects and have had a valid business license in Washington for three or more years are exempt from this subsection. The department of labor and industries must keep records of entities that have satisfied the training requirement or are exempt and make the records available on its web site. Responsible parties may rely on the records made available by the department regarding satisfaction of the training requirement or exemption; and

0.13 CONTRACT AWARD

A. The Owner will evaluate Bids responsiveness and responsibility.

1. A Bid will be considered responsive if it meets the following requirements:

a. It is received at the proper time and place.
b. It meets the stated requirements of the Bid proposal.
c. It is submitted by a licensed/registered contractor within the State of Washington at the time of Bid opening and is not banned from Bidding by the Department of Labor and Industries.
d. It is accompanied by a Bid Guarantee, if required.

2. A Bid will be considered responsible if it meets the following requirements:

a. It meets the mandatory responsibility criteria established in RCW 39.04.350 and an overall accounting of the supplemental responsibility criteria established for the project.

B. The Owner reserves the right to accept or reject any or all Bid proposals and to waive informalities or irregularities at its discretion and to accept the Bid which Owner deems to be in its best interest. The lowest Bid will not necessarily be accepted. Without in any way limiting the generality of the foregoing, any Bid may be rejected by Owner in its sole discretion for any of the following reasons:

1. Incomplete Bid.
2. Obscured or irregular erasures or corrections.
3. Prices omitted or unbalanced.
4. Evidence of inadequate experience of Bidder
5. Evidence of inadequate capacity of Bidder
6. Failure to qualify under condition of Bidding Requirements
7. Evidence of previous failure to adequately perform work
8. Insertion by Bidder of conditions which vary from the Bidding Requirements or Bid Forms.

C. No action of the Owner other than a written "Notice of Acceptance," signed by an official properly authorized to execute same by the Owner, shall constitute an acceptance of a Bid.

D. The apparent low Bidder(s), for purpose of award, shall be the responsive Bidder(s) offering the low aggregate amount for the base Bid plus selected additive or deductive Bid alternates and meeting all other Bid submittal requirements.

E. **Reciprocal Preference for Resident Contractors**. For a public works bid received from a nonresident contractor from a state that provides an in-state percentage bidding preference, a Comparable Percentage Disadvantage (CPD) will be applied to the bid of that nonresident contractor. The CPD is the in-state contractor percent advantage provided by the contractor's home state.

For the purpose of determining the successful bidder, multiply the nonresident contractor bid amount by the CPD. The "bid amount" shall be the total of the base bid and all accepted alternate bid items. The product of the bid amount multiplied by the CPD shall be the CPD Total. The CPD Total shall be added to the nonresident contractor bid amount which shall equate to the Nonresident Disadvantage Total. The Nonresident Disadvantage Total shall be compared to the Washington contractor bid amounts. The bidder with the lowest total shall be the successful bidder. See example below.

EXAMPLE: Alaska Nonresident Contractor Bid Amount	$100,000
Multiplied by the Alaska CPD	x 0.05
Alaska CPD Total	$ 5,000

Alaska Nonresident Contractor Bid Amount	$100,000
Alaska CPD Total	$ 5,000
Nonresident Disadvantage Total	$105,000*

* Note: If the Nonresident Disadvantage Total is lower than all other Washington contractor bid amounts, the Alaska Nonresident Contractor is the successful bidder and will be awarded a contract for the bid amount of $100,000.
If the Nonresident Disadvantage Total is higher than a Washington contractor bid amount, the successful Washington bidder will be awarded a contract for the bid amount.

F. The Contract will only become effective when signed by both the Contractor and the Owner. Prior to the Owner's signature, any and all costs incurred shall be the sole responsibility of the Bidder.

G. In the event of a tie low Bid between responsive and responsible Bidders, the Contract will be awarded by random method. The random method will be performed at a District public meeting, where a District commissioner will pull a winner from a hat containing the names of tie Bidders.

0.14 DOCUMENTS (ATTACHED)

A. Advertisement for Bids
B. Supplemental Bidder Responsibility Criteria
C. Bid Bond form
D. Bid Proposal
E. Payment Bond form
F. Performance Bond form
G. Retainage Bond form
H. Washington State Prevailing Wage Rates (by reference)
I. Water & Sewer Risk Management Pool (WSRMP): Builder's Risk – Hazard Evaluation Guide (FS-01-10)

SUPPLEMENTAL BIDDER RESPONSIBILITY CRITERIA

Following the Bid opening, upon Owner's request, the apparent low Bidder(s) must supply the requested information as identified herein within two (2) business days of request by Owner. Withholding information or failure to submit all the information requested within the time provided shall render the Bid non-responsive.

The Owner will make a determination whether or not the apparent low Bidder is responsible, taking into account all the information submitted by the apparent low Bidder(s) in response to this request. The Owner will notify the Bidder of its determination in writing, including the reasons for its determination. Within three (3) days after receipt of the determination, if the Bidder is determined not responsible, the Bidder may withdraw its Bid or request an appeal hearing. The Bidder may also present additional information pursuant to RCW 39.04.350 (2)(d). If the Bidder requests an appeal hearing, the Owner will schedule said hearing at a Board of Commissioner meeting, to be heard not later than two (2) weeks after receipt of Bidder's request. The appeal hearing members will be the Board of Commissioners. The Board will issue a Final Determination after reviewing information presented at the appeal hearing. If the Final Determination affirms that the Bidder is not responsible, the Owner will not execute a Contract for the Project with any other Bidder until two (2) business days after the Bidder determined to be not responsible has received the Final Determination. The Final Determination is specific to this Project, and will have no effect on other or future projects.

The following supplemental Bidder responsibility criteria and requested supporting documentation are established for this Project. To be responsible, a Bidder must substantially meet the responsibility criteria established below.

1. Workload Capacity

Current Workload Capacity Criterion:

The Bidder's concurrent and projected workload during the life of this Contract should not exceed 150% of the actual contracted workload over the previous 12 month period unless the Bidder can demonstrate to the Owner's satisfaction that it has the capacity to assume the additional work of this Project, provide adequate staffing, and meet Project demands.

□	Current Workload Documentation:	Provide a list of all construction contracts $100,000 and above your firm has in progress and those projected to commence during the next 9 months, giving the name of project; name, address, and phone number of owner and architect/engineer; contract amount; percentage complete, and scheduled completion date. Failure to list all projects shall render the Bid non-responsive. List the current and projected workload for the next 12 months including this Contract, expressed in total contract value. $_____ List actual contracted workload for the previous 12 months expressed in total contract value. $_____

2. Previous Experience

Previous Experience Criterion:

The Bidder should have experience over the most recent past five (5) years with successfully completing public works projects similar in size and complexity to the current Project. The Contractor's Superintendent and Project Manager should also have experience within the past five (5) years successfully managing to completion public works projects of similar size and complexity to the current Project.

Previous Experience Documentation:

□	Experience of Contractor:	Provide a list of public works construction contracts similar in size and complexity your firm has completed in each of the past five (5) years, giving the name of the project, name, address, and phone number of owner, and architect/engineer, contract amount, date of completion, and percentage of the cost of the work performed with your own forces. This information will be used for references.
□	Experience of Superintendent:	Submit resume and references of the person proposed by the Bidder to superintend the work. Resume and references should demonstrate Superintendent has managed public works projects of similar complexity and similar size, and successfully completed the project(s) within the last five (5) years.
□	Experience of Project Manager	Submit resume and references of the person proposed by the Bidder to manage the project. Resume and references should demonstrate Project Manager has managed public works projects of similar complexity and similar size, and successfully completed the project(s) within the last five (5) years.

3. Ability to Perform Within Time Specified

Ability to Perform Criterion:

Bidder should have a demonstrable recent track record of completing public works projects on time.

Ability to Perform Documentation:

□	Contractor's Ability to Meet the Project Schedule	Provide a list of public works construction contracts similar in size and complexity by title, original contract time, and change order time extensions completed within the past five (5) years. Bidders shall document that it achieved substantial completion of these projects of similar size and scope within no more than 105% of the originally allowed contracted duration adjusted for change orders. References and current contact information for owners and architect/engineers on each project listed should be provided

BID BOND

KNOW ALL PEOPLE BY THESE PRESENTS, that _____ the

CONTRACTOR, hereinafter known as PRINCIPAL, and _____ hereinafter known as SURETY, are held and firmly bound to the Lake Whatcom Water and Sewer District hereinafter known as

OWNER, in the penal sum of _____

_____

dollars (not less than 5% of Base Bid plus Additive Alternates including Washington State Sales Tax) for the payment of which sum well and truly to be made, we do jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns firmly by these presents.

WHEREAS, the PRINCIPAL has submitted a Bid for

(*Project Title*): _____

NOW, THEREFORE, the condition of this obligation is such that if the OWNER accepts the Bid of the PRINCIPAL, and

a. the PRINCIPAL executes such Contract Documents required by the terms of the Bid and provides required bonds for the performance of the Contract and for the prompt payment of labor and material furnished for the project as may be specified in the Bid then this obligation is satisfied, or

b. in the event of the failure of the PRINCIPAL to execute such Contract Documents and provide such Bonds required by the terms of the Bid, the PRINCIPAL shall pay and forfeit to the OWNER the full penal sum hereof, then this obligation shall be null and void; otherwise this obligation remains in full force and effect and the SURETY shall forthwith pay and forfeit to the OWNER, as a penalty and liquidated damages, the amount of this bond.

SIGNED, SEALED AND DATED THIS _____ day of_____, 20____.

_____	_____
PRINCIPAL	SURETY
_____	_____
By	By
_____	_____
Title	Title
_____	_____
Address of PRINCIPAL	Address of SURETY

Note: If PRINCIPAL is Partnership, all Partners should execute bond. Surety companies executing bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State of Washington. A power of attorney must be provided which appoints the SURETY's true and lawful attorney-in-fact to make, execute, seal and deliver this bond.

Project Name: Northshore Road Exposed Sewer Force Main (District Project #M1811)

Name of Firm:_____

LAKE WHATCOM WATER AND SEWER DISTRICT
1220 LAKEWAY DRIVE
BELLINGHAM, WA 98229

BID PROPOSAL

In compliance with the contract documents, the following bid proposal is submitted:

BASE BID

Item	Description	Quantity	Unit	Unit Price	Amount
1	Sewer Force Main Protection	1	LS	NA	$
2	Streambed Sediment	35	TON		$
3	10-inch Streambead Cobbles	20	TON		$
4	Owner Directed Stream Flow Bypass	1	LS	NA	$

TOTAL BASE BID	**$**

(do not include Washington State Sales Tax)

Name of Firm:_____

The Owner reserves the right to accept or reject any or all Bid prices within sixty (60) days of the Bid date.

Time for Completion

The undersigned hereby agrees to substantially complete all the Work (and accepted alternates**) within 60 calendar days** after the date of Notice to Proceed; and to achieve Final Completion within **30 calendar days** of Substantial Completion.

Work Window Limitations

WDFW HPA permit restricts work below the Ordinary High Water Mark between June 15 and October 15.

Seasonal clearing activity limitations established by Whatcom County Code 20.51.410 are in force. Clearing activity, which includes trench excavation/backfill and other land disturbance, that will result in exposed soils exceeding 500 square feet are not permitted from October 1 through May 31. Whatcom County measures the total project land disturbance area to determine the square footage threshold, not individual work sites or sequential trenching/backfill. **To meet this requirement the contractor must complete all excavation and land disturbance activities on the project between May 31 and October 1, except for the last 500 square feet.**

Liquidated Damages

The undersigned agrees to pay the Owner as liquidated damages the sum as specified in the General Conditions for each consecutive calendar Day that is in default after the Contract Time(s). Liquidated damages shall be deducted from the contract by Change Order or from the Contractor's application for payment as determined by Owner in its sole discretion.

Receipt of Addenda

Receipt of the following addenda is acknowledged:

Addendum No. ___	Addendum No. ____	Addendum No. ____
Addendum No. ___	Addendum No. ____	Addendum No. ____

Applicable Prevailing Wage Rages

State of Washington prevailing wage rates for this public works project located in Whatcom County may be found at the following website address of the Department of Labor and Industries: https://fortress.wa.gov/lni/wagelookup/prvWagelookup.aspx. Based on the Bid submittal deadline for this project, the applicable effective date for prevailing wages for this project is **July 24, 2019**. A copy of the applicable prevailing wage rates are also available for viewing at the office of the Owner, located at 1220 Lakeway Drive, Bellingham, Washington. Upon request, the Owner will mail a hard copy of the applicable prevailing wages for this project.

Bid Submittal Checklist

___ 00410 Bid Proposal (this form)

___ Bid Guarantee (00310 Bid Bond or other type of Bid Guarantee)

Name of Firm _____

NOTE: *If Bidder is a corporation, write State of Incorporation; if a partnership, give full names and addresses of all parties below.*

Non-Collusion Declaration: By signing below, I hereby declare that I, firm, association or corporation has (have) not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action restraining free competitive bidding for this project.

In addition, by signing below I hereby declare that: Within the three-year period immediately preceding the date of the bid solicitation, I, firm, association or corporation has (have) not have been determined by a final and binding citation and notice of assessment issued by the department of labor and industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed by _____, Official Capacity _____

Print Name _____

Date of Execution _____

Place of Execution _____

Address _____

City _____ State _____ Zip Code _____

Telephone _____ FAX _____

State of Washington Contractor's License No. _____

Federal Tax ID # _____ e-mail address: _____

Employment Security Department No. _____

WATER & SEWER RISK MANAGEMENT POOL

[WSRMP]

INSURING WASHINGTON'S WATER AND SEWER UTILITIES SINCE 1987

Builder's Risk - Hazard Evaluation Guide for Projects > $100,000

(FS-01-10)

How to Use this Guide

Best risk management practice indicates that Districts and their project management representatives should require contractor's awarded a project to submit a written site specific loss control plan (SSLCP) for projects with a constructed value of $100,000 or greater. Builder's Risk hazard risk control procedures must be included in each contractor's loss prevention plan and submitted for review by the District. Districts are provided Builders Risk insurance through WSRMP which puts them in a much better negotiating position to contractually require that best practices be followed to control Builders Risk exposures. This guide can be used by member Districts to evaluate whether each element is covered in the general contractor's document submittals.

If a member District does not have such a Builder's Risk checklist they may want to provide the Prime Contractor a copy of the attached checklist after bid award to help the Prime Contractor know what the District expects should be in a good SSLCP.

If a SSLCP is included by reference as part of the construction contract then during the course of construction, when deviations occur from the loss control plan the owner is not directing the construction work but is only enforcing the contract.

If you have further questions about Builders Risk and Course of Construction Risk Management please call WSRMP at 425-452-9750 or email larryb@wsrmp.org

Builders' Risk (FS-01-10)

(Course of Construction Loss Control Guidance on Preparation of Site-Specific Loss Control Plans)

Introduction

This guide was prepared for building construction and other structures, during the course of construction, including the planning, site preparation, and erection/installation periods. Its focus includes loss prevention suggestions in the areas of management practices, fire and engineering planning, site security, off-site security, and construction practices. It is designed to consider property damage exposures rather than employee or public safety.

Structures in the course of construction are susceptible to substantial loss. Many of these losses, not including damage caused by environmental causes, could and should be prevented through management attention to the areas contained in this guide.

The topics covered in this document are intended to provide an overall awareness of the major exposures and hazards associated with District member construction risks. It is not possible to treat any of these subjects in an exhaustive manner. While the information and recommendations provided cannot guarantee a loss free environment, they should contribute to the control of losses. Adapt these guidelines to project requirements and sit-epecific con

SITE SECURITY

General Premises Protection and Control

a) Develop job site security plan and assign security responsibilities.
b) Contact police authorities and solicit aid of neighbors to watch site.
c) Require reports of theft and vandalism and maintain complete records thereof.
d) Encourage employees to suggest and assist in solving problems.
e) Consider utilizing a reputable security service with communication equipment to minimize incidence of fire, theft and vandalism.
f) Include security staff representatives as part of pre-construction and emergency planning meetings.

Theft and Vandalism

a) Enclose job site with an eight-foot chain link fence. If fencing is not practical, establish a fenced, well-lighted compound on the site for containment of essentials such as equipment and building materials, as well as the construction trailer.
b) Provide adequate but limited access with locking gates. Have a construction trailer at gate.
c) Locks should be of high quality and should remain locked at all times. Keys should be accessible only to appropriate personnel.
d) Check out site before leaving for the day.
e) Provide elevated nighttime lighting.
f) Utilize around the clock security guards.
g) Install alarm systems on trailers and storage sheds.

Equipment, Tools and Materials

a) Establish an inventory control program and check out system for tools and material.
b) Mark all tools and materials in distinctive manner.

c) Lock all equipment cabs during non-working hours, and monitor key control program.
d) Disable equipment by removing battery, distributor cap or rotor, chain equipment together, and position mobile equipment to block vulnerable items. Lock oil, gas and hydraulic caps.
e) Secure tools in locked storage shed or trailer.
f) Make one person responsible to sign for deliveries or materials and verify same.
g) Keep inventory of materials to a minimum and store away from perimeter fencing.
h) Control on site parking in designated areas to necessary vehicles and locate employee-parking remote from job site fence.

Security Service

a) Determine level of protection required by location, exposure to natural perils, and nature of on-site exposures.
b) Specify requirements to professional security service provider.
c) Consider these elements of security service:
   i. Site ingress and egress.
   ii. Local and remote control reporting.
   iii. Site Patrolling.
   iv. Requirements during all types of emergency plans, including use and activation of emergency equipment.
   v. Quality of on-site communications.
   vi. Quality of off-site communications for public fire and police assistance.
   vii. Knowledge and experience of service for type of construction.

d) Identify authority level of security service. All contractors on the site should understand such authority.

OFF-SITE SECURITY

Storage Yards and Lots

a) Provide adequate lighting, fencing, and watchmen service and/or camera supervision.
b) Do not store machinery and materials of high value or any property susceptible to damage by weather conditions at these off-site locations.
c) Avoid areas subject to flooding, earth slide and other natural perils.

Assembly Locations

a) Select reputable contractor when off-site assembly of machinery/equipment is required and obtain certificates of insurance from the contractor.
b) Pre-plan and coordinate off-site assembly of required items to maximize workflow procedures and minimize storage exposures.

Warehouses

a) Arrange purchasing/delivery to minimize need for prolonged storage periods.
b) Maintain effective inventory procedures for checking items received and removed from storage.
c) Provide adequate physical protection and controls against loss by fire, theft and vandalism.
d) Develop a fire prevention program that includes both private and public protection.
e) Ensure storage arrangements conform to applicable standards and maintain adequate access.
f) When a public warehouse facility is used, it should be reputable, financially responsible and in good physical condition with adequate protection.
g) Identify acceptable warehouse locations during preplanning process to facilitate selection if need arises.

Transit

a) Ensure proper equipment used for transporting property (e.g. low boys, flat beds, and vans).
b) Pre-plan route to avoid low overpasses, bridges with weight restrictions, etc.

c) Schedule delivery to job site to minimize storage exposures prior to installation.
d) Comply with special regulations and practices when transporting wide loads.
e) Secure items properly for transit and protect them from the weather.
f) Avoid overnight runs with unattended parking exposures whenever possible.
g) Avoid temporary dropping of trailer with load outside actual job site.
h) Arrange delivery at job site when designated personnel are available to accept load.
i) Assure proper handling equipment at job site for safe unloading upon arrival.
j) Assure adequate access to job site (e.g.: clearance of streets and overheads, stability of ground ramps).
k) Inspect load and sign bill of lading upon receipt from carrier noting any shortages or damages.
l) Determine who has title to property in transit to avoid disputes after a loss.

HOISTING AND RIGGING

a) When hoisting or rigging is necessary, use a licensed, capable rigger and obtain certificates of insurance from the rigger.
b) Follow the manufacturers' recommended procedures when loading/unloading equipment and materials.
c) Engineer all critical loads to be hoisted. Do not rely on invoice weights, when accurate weights are critical to the hoist.

FIRE PROTECTION / HAZARD PREVENTION

The potential for serious fire damage is often greater during the course of construction than after the building is completed. The lack of fire proofing on structural members, lack of cut offs, accumulations of combustibles, temporary heat and hot processes, coupled with incomplete fire protection systems such as alarms, standpipes and sprinklers create this vulnerability.

The following guidelines will help reduce the potential of a fire during construction and will help to provide a framework for fire control should a fire occur.

Management Responsibilities

a) Establish accountability AND responsibilities.
b) Implement prevention/protection programs.

Fire Prevention

a) Organize safe storage of materials.
b) Remove packing materials, combustible form work and other trash regularly. Do not allow trash to accumulate on the site.
c) Welding and cutting operations should be conducted safely, away from combustible materials. A fire watch should be posted in the area during operations and for 30 minutes after hot work is completed. Protect exposed, immovable combustibles.
d) Tar kettles should be located outside the building, safely away from combustibles.
e) Temporary heat should be provided by UL listed equipment, which is properly installed. Bonfires and drum fires should be prohibited.
f) Spare gas cylinders should be stored upright with valve cover in place. Cylinders should be stored in a cool area and should be secured to prevent tipping.
g) Fuel gases should be stored away from oxidizing gases.
h) Flammable liquids should be limited in quantity to that necessary for operations. Bulk storage should be in stable, diked tanks or properly marked safety cans located away from source of ignition and physical damage.
i) Only flame resistant tarpaulins should be used.
j) Temporary offices and tool sheds should be located outside the building. If such structures are erected inside the building, construction should be of non-combustible material and sprinkler protection should be provided.
k) Temporary electrical service and circuits should be installed in accordance with the National Electrical Code.
l) Temporary heating devices such as LPG fueled jet heaters should be UL listed and located a safe distance from any combustible materials.

Public Protection

a) Job site access for fire department usage, including access to all sides of the structure should be provided and maintained throughout the period of construction.
b) Water supply should be adequate, reliable and accessible for all areas of the job site. Notify proper authority as soon as fire hydrants, standpipes or similar devices become available so they can inspect and test as appropriate.
c) Fire protection systems should be expedited and should be with hose connection completed and placed in service on each floor as early as possible during construction.
d) Temporary sprinkler system should be provided in areas where hazards warrant.
e) For high-rise buildings, extend a serviceable standpipe up and provide at least one 2 1/2" hose outlet on each floor. Locate top hose outlet not more than one floor below the highest area containing combustibles. Provide a readily accessible fire department connection outside at street level.
f) Properly maintained fire extinguishers should be provided in all office sheds, tool sheds, etc., and on each floor of the building.
g) Security services should be provided during all idle hours. Security guards should patrol the construction site regularly and should record rounds on a watch clock.
h) Provide communication capabilities with the public fire department.
i) Fire walls protecting horizontal and vertical openings should be completed as early as possible during construction.
j) An emergency organizational plan should be established to call the fire department, implement fire fighting measures, and take action to limit the damage should a fire occur. Furnish site plan to fire department showing access points to the site and critical storage areas, such as flammable liquids and solids.
k) Arrange periodic on-site visits by fire department.

CONSTRUCTION PRACTICES

Consideration of the types, methods and features of construction are significant aids in evaluating the loss potential of builder's risks. The many practices must be compatible and complementary to minimize or avoid loss, always bearing in mind that changes in design should be approved by the design engineer and project manager. Offered here are some guidelines to help control this exposure.

COMPONENT CONSIDERATIONS

To properly evaluate the general exposure to any structure, one should evaluate the key components that make up the project, e.g. foundation, frame, roof. It may be desirable to employ specialists, e.g. special rigging, post tensioning or specialized concrete placement. Bear in mind that soil and foundation engineers are not always used. During all phases of construction and development, supervision by specialized, experienced engineers and contractors is critical to assure proper communication and continuity of design.

Foundations

Hazard: Improper design or workmanship can result in abnormal settlement, which can affect the integrity of the completed structure.
Suggestion: In more complex foundation situations, utilize test piles to verify capability. Maintain adequate de-watering capability (especially in deeper foundations or cast in place piles or caissons). Require contractor to report unusual soil conditions from the expected, especially compressible soils or voids.

Structural Support

Hazard: Improperly erected structural support can result in extensive repairs or even total collapse of the structure.
Suggestion: The design engineer should be represented at the site in order to assure the contractor's understanding of the

construction details such as expansion joints, erection sequence, and temporary support requirements. Utilize specialist contractors as necessary.

Facades

Hazard: Improperly constructed facades can result in personal hazard (falling objects) as well as threaten the water, weather and insulation integrity of the building.
Suggestion: It is essential that a qualified specialist contractor be utilized as well as any specialized erection guidance.

Roof Structures

Hazard: Failure of roof systems to maintain water integrity as well as load capability can result in water damage to interiors as well as collapse.
Suggestion: Inspections should include tests for adequate expansion as well as water removal capability (to avoid pounding).

TECHNIQUES AND TYPES OF CONSTRUCTION

Contractors use a variety of techniques to perform the various types of construction required by building designers. While the type of structure will determine the basic material (e.g. concrete, reinforced concrete, and structural steel), the contractor often has a number of options in choosing the respective technique. In order to avoid these hazards of specialized work, it is recommended that only experienced, specialized contractors be used. Some of these techniques and their considerations are:

Concrete Placement

Hazard: Improperly placed or poor quality concrete can often result in a member that is structurally weak or overstressed (excessive shrinkage). This can lead to extensive remedial repairs or catastrophic collapse of an entire structure.
Suggestion: Require independent inspection of incoming concrete as well as observation of contractor placement. Additional tests of samples should be made to verify ultimate strength. Pouring sequence should be arranged to minimize setting shrinkage of the overall member and assembly. Shoring equipment should have a safety factor based on accepted testing procedures. During and after the pour, there should be continuous inspection of the shoring system so that any movements can be adjusted immediately.

Flying Forms

Hazard: Aside from the damage, which may occur to the forms themselves during the moving operation, the major concern is the collapse hazard. This can result, either from the removal of the forms before proper curing of the concrete or the structural failure of the flying forms themselves.
Suggestion: The forms should be designed for the specific job and the manufacturer's specification should be followed in the assembly and pouring of the concrete within designated safe capacities. Recommended capacities are for new equipment, therefore, after each concrete placement, all parts of the forms should be inspected and any dents, cracks, broken welds, etc., should be repaired or the part replaced.

Tilt-Up and Precast Wall Construction

Hazard: Usual rigging exposures when panels are lifted into place. Until the roof is in place, there is a critical period when the walls are highly susceptible to wind or other accidental damage.
Suggestion: Properly approved and engineered rigging plans should be drawn and not altered without the engineer's approval. Once in place, panels must be properly braced against wind or lateral movement. Temporary bracing should be carefully designed, recognizing not only the normal wind factors for the area, but also allowing for unexpected high winds which could be encountered. Construction of the bracing should follow manufacturer's recommendations and be closely supervised.

Slurry Wall Excavation

Hazard: This technique can result in collapse or ground sliding when improperly performed.
Suggestion: Utilize only experienced specialist contractors for this work.

Other Techniques Which Require Specialized Contractor Experience

Slip Forming
Jump Forming
Post Tensioning

Fast Track Construction

Hazard: Changes to design during construction, which are not properly coordinated, can cause damage or even structural collapse.
Suggestion: Require continuous monitoring of construction as well as changes by the design engineers to assure proper communication as well as continuity of design.

CONTRACTOR DESIGN/BUILD EXPERIENCE

Since all design work is not done by the architect/engineer, some additional considerations are:

Reinforced Concrete

Hazard: Improper design of form work causing collapse of uncured concrete. Also there is the possibility of collapse due to improper detailing of reinforcing steel.
Suggestion: Require contractor qualification or require subcontract to qualified specialty contractor.

Cofferdam/Retaining Wall

Hazard: Collapse due to improper design.
Suggestion: Have specialized and detailed design reviewed by project design engineer.

Rigging Design

Hazard: Damage due to collapse of component or system during specialized rigging operations.
Suggestion: Require design engineers to review critical work (rigging plans) as well as utilize specialized, experienced and qualified contractor.

NATURAL PERILS

Earthquake

Refer to applicable building codes to determine seismic zone (0, 1, 2, 3, 4,) and anticipated earthquake intensity, if any, for the location.

Identify any fault, fault length, date and maximum magnitude of a seismic event. Also check seismic history for frequency of events.

Consider pre-construction site conditions determined that could be affected by seismic activity.

a. Terrain: Topography of land, bodies of water.
b. Geologic formation and soil conditions: bedrock type, thickness and type of overburden, water table, filled ground.
c. Ground site response: compaction, landslides, liquefaction, uplift or displacement along a fault.

Emergency plans in event of seismic activity should include: availability of cranes, site protection, utilities outages, vandalism and theft protection, and transportation of injured to nearest hospital clinic or aid station. Construction in known seismic zones should conform to that zone's requirements and should be verifiable through the architect's/engineer's plans and specifications.

Flood

Determine if location is in 100-year flood plain. On line resources are available to estimate flood zones.

Consider local site conditions that could induce flash flooding such as: up-slope exposures, gullies, washes, dams, reservoirs, water impoundment on site or adjacent site, existing drainage facilities for overloading by flash flooding or unusual rains.

Make chronological inventory of materials, building equipment installed and to be installed, construction equipment and electrical facilities.

Establish plan to monitor weather forecasts 24 hours per day to identify need to move equipment or materials to higher elevations or safer locations.

Windstorm

Determine meteorological history of the area including known losses.

Check for local prevailing winds and phenomena. Even low winds can cause damage to partially completed structures such as framing, unsupported masonry, and tilt up construction. Gusts can be twice the prevailing wind speeds.
Unprotected and unsecured materials are particularly vulnerable.

Establish plan to monitor weather forecasts 24 hours per day to identify need to install extra bracing or supports, and provide better protection for equipment or materials susceptible to windstorm damage.

PERFORMANCE BOND

KNOW ALL PEOPLE BY THESE PRESENTS, that _____ the

CONTRACTOR, hereinafter known as PRINCIPAL, and _____ hereinafter known as SURETY, are held and firmly bound to the Lake Whatcom Water and Sewer District hereinafter known as

OWNER, in the penal sum of _____

_____ dollars (including Washington State Sales Tax) for the payment of which sum well and truly to be made, we do jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the PRINCIPAL entered into a Contract

with the OWNER dated the _____ day of_____,20___ to construct the

(*Project Title*): _____, and which Agreement is on file at the OWNER's office and by this reference is made a part hereof.

WHEREAS, said PRINCIPAL is required under the terms of said Agreement to furnish a bond for the faithful **performance** of said Agreement:

NOW, THEREFORE, if the Principal shall well, truly, and faithfully perform its duties, all the undertakings, covenants, terms, conditions, and agreements of said Contract during the original term thereof, and any extensions thereof which may be granted by the OWNER, with or without notice to the Surety and during the one year guaranty period, and if he shall satisfy all claims and demands incurred under such Contract, and shall fully indemnify and save harmless the OWNER from all costs and damages which it may suffer by reason of failure to do so, and shall reimburse and repay the OWNER all outlay and expense which the OWNER may incur in making good any default, then this obligation shall be void; otherwise to remain in full force and effect.

PROVIDED, FURTHER, that the said Surety for value received agrees that no change, extension of time, alteration or addition to the terms of the Contract, the SPECIFICATIONS accompanying the Contract, or to the WORK to be performed under the Contract shall in any way affect its obligation on this BOND, and waives notice of any change, extension of time, alteration or addition to the terms of the Contract or the WORK performed. The Surety agrees that modifications and changes to the terms and conditions of the Contract that increase the total amount to be paid the Principal shall automatically increase the obligation of the Surety on this BOND and notice to Surety is not required for such increased obligation.

PROVIDED, FURTHER, that no final settlement between the OWNER and the CONTRACTOR shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

IN WITNESS WHEREOF, the duly authorized officers of PRINCIPAL and of SURETY execute this instrument in three

counterparts, each one of which shall be deemed an original, this the_____ day of_____,

20____.

_____	_____
PRINCIPAL	SURETY
_____	_____
By	By
_____	_____
Title	Title
_____	_____
Address of PRINCIPAL	Address of SURETY

Note: Date of Bond must not be prior to date of Contract. If PRINCIPAL is a Partnership, all Partners should execute bond. Surety companies executing bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State of Washington. A power of attorney must be provided which appoints the SURETY's true and lawful attorney-in-fact to make, execute, seal and deliver this bond.

PAYMENT BOND

KNOW ALL PEOPLE BY THESE PRESENTS, that _____ the

CONTRACTOR, hereinafter known as PRINCIPAL, and _____ hereinafter known as SURETY, are held and firmly bound to the Lake Whatcom Water and Sewer District hereinafter known as

OWNER, in the penal sum of _____

_____ dollars (including Washington State Sales Tax) for the payment of which sum well and truly to be made, we do jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the PRINCIPAL entered into a Contract

with the OWNER dated the _____ day of_____,20____ to construct the

(*Project Title*): _____, and which Agreement is on file at the OWNER's office and by this reference is made a part hereof.

WHEREAS, said PRINCIPAL is required under the terms of said Agreement to furnish a bond for the faithful **payment** of all laborers, mechanics, subcontractors, materialmen and all persons who shall supply said Principal or said subcontractors with provisions and supplies for the carrying on of work under said Contract:

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions and agreements of said Contract and pay all laborers, mechanics, subcontractors, materialmen and all persons who shall supply said Principal or said subcontractors with provisions and supplies for the carrying on of such work during the original term of said Contract and any extension thereof that may be granted by the Lake Whatcom Water and Sewer District, and during the life of any guaranty required under the Contract and shall well and truly perform and fulfill the undertakings, covenants, terms, conditions and agreements of any and all duly authorized modifications of said Contract and pay all laborers, mechanics, subcontractors, materialmen and all persons who supply said Principal or said subcontractors with provisions and supplies for the carrying on of such modifications which may hereafter be made, then this obligation to be void; otherwise to remain in full force and effect.

PROVIDED, FURTHER, that the said Surety for value received agrees that no change, extension of time, alteration or addition to the terms of the Contract, the SPECIFICATIONS accompanying the Contract, or to the WORK to be performed under the Contract shall in any way affect its obligation on this BOND, and waives notice of any change, extension of time, alteration or addition to the terms of the Contract or the WORK performed. The Surety agrees that modifications and changes to the terms and conditions of the Contract that increase the total amount to be paid the Principal shall automatically increase the obligation of the Surety on this BOND and notice to Surety is not required for such increased obligation.

PROVIDED, FURTHER, this Bond is executed pursuant to RCW Chapter 39.08.

IN WITNESS WHEREOF, the duly authorized officers of PRINCIPAL and of SURETY execute this instrument in three counterparts, each one of which shall be deemed an original, this the_____ day of_____, 20_____.

_____	_____
PRINCIPAL	SURETY
_____	_____
By	By
_____	_____
Title	Title
_____	_____
Address of PRINCIPAL	Address of SURETY

Note: Date of Bond must not be prior to date of Contract. If PRINCIPAL is a Partnership, all Partners should execute bond. Surety companies executing bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State of Washington. A power of attorney must be provided which appoints the SURETY's true and lawful attorney-in-fact to make, execute, seal and deliver this bond.

RETAINAGE BOND

KNOW ALL PEOPLE BY THESE PRESENTS, that _____ the

CONTRACTOR, hereinafter known as PRINCIPAL, and _____ hereinafter known as SURETY, are held and firmly bound Lake Whatcom Water and Sewer District hereinafter known as OWNER and the State of Washington (STATE), and are similarly held and bound unto the beneficiaries of the trust fund created by Chapter 60.28 Revised Code of Washington (RCW), and their heirs, executors, administrators, successors and assigns in the penal sum of _____

_____

dollars, plus 5% of any increases in the Contract Sum that have occurred or may occur, due to change orders, increases in the quantities or the addition of any new item of work.

WHEREAS, the PRINCIPAL has executed Contract for

(*Project Title*): _____

WHEREAS, said Contract and Chapter 60.28 RCW require the OWNER to withhold from the PRINCIPAL the sum of five percent (5%) from monies earned by the PRINCIPAL on estimates during the progress of the Work, hereinafter referred to as earned retained funds; and

WHEREAS, the PRINCIPAL/SURETY has requested that the OWNER accept a bond in lieu of earned retained funds as allowed under Chapter 60.28 RCW.

NOW, THEREFORE, this obligation is such that the SURETY, its successors and assigns, are held and bound unto OWNER, STATE and unto all beneficiaries of the trust fund created by RCW 60.28.011(1) in the aforesaid sum. This bond, including any proceeds therefrom, is subject to all claims and liens and in the same manner and priority as set forth for retained percentages in Chapter 60.28 RCW. The condition of this obligation is such that if the PRINCIPAL shall satisfy all payment obligations to persons who may lawfully claim under the trust fund created pursuant to Chapter 60.28 RCW, to the STATE, and to the OWNER, and indemnify and hold the OWNER harmless from any and all loss, costs, and damages that the OWNER may sustain by release of said retainage to PRINCIPAL/SURETY, then this obligation shall be null and void provided the SURETY is notified by OWNER that the requirements of RCW 60.28.021 have been satisfied and the obligation is duly released by OWNER; otherwise it shall remain in full force and effect.

IT IS HEREBY FURTHER DECLARED AND AGREED that this obligation shall be binding upon and inure to the benefit of the PRINCIPAL, the SURETY, the OWNER, STATE and, the beneficiaries of the trust fund created by Chapter 60.28, Revised Code of Washington (RCW) and their respective heirs, executors, administrators, successors and assigns.

The laws of the State of Washington shall be applicable in the determination of the rights and obligations of the parties hereunder. Venue for any dispute or claim hereunder shall be the superior court of Whatcom County.

SIGNED, SEALED AND DATED THIS _____ day of_____, 20____.

_____	_____
PRINCIPAL	SURETY
_____	_____
By	By
_____	_____
Title	Title
_____	_____
Address of PRINCIPAL	Address of SURETY

Note: Date of Bond must not be prior to date of Contract. If PRINCIPAL is Partnership, all Partners should execute bond. Surety companies executing bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State of Washington. A power of attorney must be provided which appoints the SURETY's true and lawful attorney-in-fact to make, execute, seal and deliver this bond.

LAKE WHATCOM WATER AND SEWER DISTRICT
SMALL WORKS CONTRACT

THIS AGREEMENT is made on **MONTH & DAY**, **2018**, between LAKE WHATCOM WATER AND SEWER DISTRICT ("DISTRICT"), a Washington special purpose district and **NAME OF CONTRACTOR** ("CONTRACTOR").

In consideration of the terms and conditions contained in this Contract and attached to it, the parties agree as follows:

1. PROJECT

Contractor shall do all work and furnish all tools, materials, and equipment for the District's public works project known as **Northshore Road Exposed Sewer Force Main (District Project #M1811)** ("Project") in accordance with and as more fully described in **Attachment A**.

2. WORK

The term Work, as used in this Contract, means the construction and services necessary or incidental to fulfill Contractor's obligations in conformance with this Contract.

3. PROJECT COST

The District shall pay Contractor not to exceed _____ ($_____.____) plus Washington State sales tax of **8.5 %** for a total of _____ _____ $_____.____ ("Project Cost"), subject to the terms herein. The Project Cost includes the cost of all Work, materials, fees, and expenses required for completion of the Project including without limitation labor, materials, overhead, administrative, and permit and regulatory costs, as stated in the Bid Proposal and Attachments hereto, unless otherwise agreed to by the parties in writing.

4. PAYMENT TERMS

The Project Cost shall be payable in the following manner: On or before the 26th day of each month, Contractor shall submit a detailed monthly pay application for all services provided describing in reasonable and understandable detail the Work completed during the previous month, the progress of the Work, and the requested payment in an amount proportionate to the Work completed. The District shall issue a warrant for payment of approved Work contained in the application within thirty (30) days after approval of the pay application, pursuant to the terms below:

a. In cases of single payment, the District shall make payment only after all appropriate releases are submitted.

b. In cases of multiple payments, the District shall retain monies as required by RCW 60.28 and pay the retainage as provided therein.

5. CHANGE IN THE WORK

Change in the Work, Project Cost, or Contract Time shall be incorporated into the Contract through the execution of Change Orders signed by the Contractor and District.

a. **Change Order Processing**. The District may at any time order additions, deletions, revisions, or other changes in the Work. The Contractor will prepare and submit a Change Order Proposal to the District for consideration that details changes to the Work, Project Cost or Contract Time. If the District approves the Change Order Proposal it shall be attached to a Change Order form signed first by the Contractor, then by the District.

b. **Changed or Unforeseen Conditions**. During the course of Work the Contractor may discover changed or unforeseen conditions not anticipated by either party. If changed or unforeseen conditions are discovered that might affect the Work, Project Cost, or Contract Time, the Contractor shall immediately inform the District on the day of discovery. If District determines Work must continue, the District will authorize a Field Authorization allowing the Contractor to continue with Work on a time and materials basis not to exceed an estimated amount agreed to onsite by the Contractor and District. The Contractor shall submit detailed labor, equipment, and material cost documentation to the District for review within five (5) business days of the event to the District. If approved by the District, the District will prepare a Change Order form attaching Field Authorization with backup documentation for Change Order Processing. Contractor agrees to 15% overhead and 6% profit charged on Field Authorization labor, equipment, and

material costs. Failure to provide Notice and cost documentation under the terms of this Contract constitutes a full and complete waiver of such claim. In no case, shall a claim for equitable adjustment be allowed if submitted after the Project has reached final acceptance by the District.

6. COMPLETION DEADLINE/LIQUIDATED DAMAGES

Contractor shall commence work under this Contract upon receipt of notice to proceed from the District. The Project must be completed no later than **60** calendar days after receipt of notice to proceed. If the Project is not completed by such date, then, because of the difficulty in computing the actual damages to the District arising from any delay in completing the Project Work, it is agreed by the parties that Contractor shall pay the District liquidated damages as computed below for each calendar day the Work remains incomplete after expiration of the specified completion date. The parties agree that such amount represents a reasonable forecast of the actual damages the District will suffer by failure of the Contractor to complete the Work within the agreed upon time. The execution of this Contract constitutes acknowledgement by the Contractor that the Contractor has ascertained and agrees that the District will actually suffer damages as computed by the following formula:

LD = (0.15*C)/T

Where: LD = liquidated damages per calendar day (rounded to nearest dollar)
C = original Contract Award Amount
T = original Contract Time in calendar days for achieving Substantial Completion

7. WARRANTY

Contractor warrants that all materials and equipment shall be new unless otherwise specified, of good quality, and free from defective workmanship and materials. Contractor further warrants that the Work shall be free from defects in workmanship and material, and shall transfer to the District all written warranties related to the Work performed and equipment installed. The foregoing Contractor's warranty shall remain in effect for one (1) year following final acceptance.

8. PREVAILING WAGES

The Contractor shall pay prevailing wages as required and shall comply with RCW 39.12 and RCW 49.28. Notice of intent to pay prevailing wages and prevailing wage rates for the Project must be posted for the benefit of workers. The Contractor shall submit a statement of intent to pay prevailing wages, approved by the industrial statistician of the Department of Labor and Industries, with its first (or only) pay request. At the completion of the Project, the Contractor and its subcontractors shall also submit Affidavits of Wages Paid to the Department of Labor and Industries for certification. Final payment on the Contract shall be withheld until the District receives certification from the Department of Labor and Industries that prevailing wage requirements have been satisfied.

9. BONDS

Contractor shall provide performance bond and payment bond for the faithful performance and payment of all its obligations under this Contract and in accordance with RCW 39.08.010. The performance bond shall remain in effect to guarantee the repair and replacement of defective equipment, materials, and workmanship and payment of damages sustained by the District on account of such defects, discovered within one (1) year after final acceptance by the District. In lieu of performance and payment bonds for Contracts up to $35,000, Contractor may authorize the District to retain 50% of the Contract amount for a period of thirty days after the date of final acceptance as provided for under RCW 39.08.010.

10. INDEMNIFICATION

Contractor and its subcontractors shall defend, indemnify, and hold harmless the District, its commissioners, officers, managers, employees, engineers, agents, and volunteers from and against any and all demands, claims, losses, injuries, damages, liabilities, suits, judgment, reasonable attorneys' fees and costs, and other expenses of any kind on account of, relating to, or arising out of Contractor's Work under this Contract, except to the extent such injuries or damages are caused by the negligence of the District. For the purposes of this indemnification, Contractor specifically and expressly waives any immunity granted under the Washington Industrial Insurance Act, Title 51 RCW. This waiver has been mutually negotiated and agreed to by the parties. If a court of competent jurisdiction determines that this contract is subject to RCW 4.24.115, Contractor's obligation to defend, indemnify, and hold harmless the District, its officers, employees, agents and volunteers shall be limited to the extent of the District's negligence. The provisions of this paragraph shall survive the expiration or termination of this Contract.

11. INSURANCE

Contractor shall obtain, and keep in force during the term of this Contract, insurance policies as follows:

a. **Commercial General Liability**. Limits no less than $1,000,000.00 combined single limit per occurrence and $2,000,000.00 aggregate for personal injury, bodily injury and property damage. Coverage shall be as broad as Insurance Services Office form number (CG 00 01) covering Commercial General Liability.

b. **Automobile Liability Insurance**. Limits no less than $1,000,000.00 combined single limit per accident for bodily injury and property damage. Coverage shall be as broad as Insurance Services Office form number (CA 00 01) covering Business Auto Coverage, symbol 1 "any auto"; or the combination of symbols 2, 8, and 9.

c. **Workers' Compensation**. Coverage shall be at least as broad as Workers' Compensation coverage, as required by the Industrial Insurance Act of the State of Washington, as well as any similar coverage required for this work by applicable Federal Law.

d. **Employer's Liability or "Washington Stop Gap".** Coverage shall be at least as broad as the protection provided by the Workers Compensation policy Part 2 (Employers Liability) or, in states with monopolistic state funds, the protection provided by the "Stop Gap" endorsement to the general liability policy.

e. The insurance policies shall specifically name the District, its elected or appointed officials, officers, employees, and volunteers as insureds with regard to damages and defense of claims arising from (1) activities performed by or on behalf of the Contractor; or (2) products and completed operations of the Contractor; or (3) premises owned, leased, or used by the Contractor.

f. The insurance policies (1) shall state that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability; (2) shall be primary insurance with regard to the District; and (3) shall state that the District will be given at least 45 days' prior written notice of any cancellation, suspension or material change in coverage.

g. Before commencing work and services, Contractor shall provide to the District a Certificate of Insurance evidencing the required insurance accompanied by endorsements as are necessary to comply with the requirements of this section. The District reserves the right to request and receive a certified copy of all required insurance policies.

h. Any payment of deductible or self-insured retention shall be the sole responsibility of Contractor.

12. JOB SAFETY/HOUSEKEEPING

All Work done shall be done in a manner that minimizes interruptions or inconvenience to the public and/or District staff. All Work shall be carried on with due regard for the safety of the public, and Contractor shall maintain strict compliance with the appropriate provisions relating to control of traffic and pedestrians through work areas as set forth in the Manual on Uniform Traffic and Control Devices (current edition) as adopted by the Washington State Department of Transportation. Property and streets adjacent to the Project site shall be kept free and clear at all times from accumulations of mud, dirt, gravel, rock, and other matter. Contractor will be responsible for daily and final clean up and disposal of refuse, waste and debris produced by its operation. Refuse shall not be permitted to accumulate to the extent that it interferes with free access to the Project site. Should the District determine Contractor is not fulfilling its obligations in this regard, the District reserves the right to take such action as may be necessary, and to charge Contractor with any costs that may be incurred in any remedial action.

13. COMPLIANCE WITH CODES AND REGULATIONS

Contractor is expected to comply with all applicable statutes in performing Project Work, including, but not limited to all state and local laws, regulations, codes and standards that are applicable at the time Contractor performs work.

14. PERMITS, TAXES, TEMPORARY FUNCTIONS

Contractor shall secure and pay for all permits, fees and licenses necessary for the performance of this Contract. Contractor shall pay any and all federal, state and municipal taxes, including sales taxes, if any, for which Contractor may be liable in carrying out this Contract. Contractor shall be responsible for all temporary functions associated with its work, including but not limited to, lighting, wiring, protection, hoisting, scaffolding, rigging, flagman, drinking water, sanitation, storage, ventilation and heat.

15. TERMINATION

If Contractor: (1) fails to provide a sufficient number of properly skilled workers or a sufficient quantity of suitable materials or adequate equipment; (2) fails to diligently prosecute work according to the Project schedule; (3) causes, by act or omission, stoppage, delay, or interference of the Work; (4) fails to correct or repair any damaged or defective Work or materials; (5) fails to comply with any provisions of this Contract; (6) becomes insolvent or adjudged bankrupt; or (7) fails to make prompt payment to lower tier subcontractors or suppliers, then the District may terminate this Contract upon two (2) business days written notice to the Contractor. If Contractor fails to cure the default within the two (2) day notice period, then Owner may terminate this Contract for default.

16. GENERAL PROVISIONS

a. **Notices**. Any notice or demand desired or required to be given under this Contract shall be in writing and deemed given when personally delivered, sent by facsimile machine, or deposited in the United States Mail (or with an express courier), postage prepaid, sent certified or registered mail, and addressed to the parties as set forth below or to such other address as either party shall have previously designated by such a notice:

District:	Contractor:
Attn: General Manager	Attn: _____
Lake Whatcom Water and Sewer District	_____
1220 Lakeway Drive	_____
Bellingham, WA 98229	_____
Phone: (360) 734-9224	Phone: _____
Fax: (360) 738-8250	Fax: _____

b. **Relationship Between Parties**. The Contractor is an independent Contractor with regard to performance of the details of the Work. The Contractor is responsible for its acts or omissions and acts or omissions of its agents, employees, servants, subcontractors, or otherwise during the performance of this Contract. Work in progress is subject to District inspection and review at any time.

c. **Entire Agreement**. This Contract and its attachments contain the entire understanding between the District and Contractor relating to the Project which is the subject of this Contract. This Contract merges all prior discussions, negotiations, letters of understanding or other promises whether oral or in writing. Subsequent modification or amendment of this Contract shall be in writing and signed by the parties to this Contract.

d. **Modification**. No modification of this Contract and no waiver of rights under this Contract shall be valid or binding on the parties unless the same is in writing.

e. **Waiver**. Waiver of any breach or default hereunder shall not constitute a continuing waiver or a waiver of any subsequent breach either of the same or of another provision of this Contract.

f. **Assignment**. Neither party shall assign, transfer or otherwise dispose of this Contract in whole or in part to any individual, firm or corporation without the prior written consent of the other party. Subject to the provisions of the preceding sentence, this Contract shall be binding upon and inure to the benefit of the respective successors and assigns of the parties hereto: This Contract is made only for the benefit of the District and the Contractor and successors in interest and no third party or person shall have any rights hereunder whether by agency or as a third party beneficiary.

g. **Severability**. If any term, covenant or condition of this Contract is held by a court of competent jurisdiction to be invalid, the remainder of this Contract shall remain in effect.

h. **Dispute Resolution**. If any dispute, controversy, or claim arises out of this Contract, the parties agree to first try to settle the dispute, controversy, or claim in non-binding mediation with the assistance of a recognized professional mediation service. The parties shall each designate a representative with full settlement authority who will participate in the mediation. The parties shall bear all expenses associated with the mediation equally, except for attorneys' fees. Any Claim subject to, but not resolved by, mediation shall be subject to a private arbitration which, unless the parties mutually agree otherwise, shall be held in

accordance with its Construction Industry Arbitration Rules in effect on the date of the Agreement; however, irrespective of the size of the dispute, the arbitration proceedings will be conducted by a single arbitrator. A demand for arbitration shall be made in writing, and delivered to the other party to the Contract. The party filing a notice of demand for arbitration must assert in the demand all Claims then known to that party on which arbitration is permitted to be demanded.

i. **Jurisdiction/Law**. This Contract shall be governed by and construed in accordance with the laws of the State of Washington. Any suit to enforce or relating to this Contract, including the enforcement of any arbitration award, shall be brought in Whatcom County Superior Court, Whatcom County, Washington.

j. **Attorneys' Fees**. In the event that any party commences litigation against the other party relating to the performance, enforcement or breach of this Contract, the prevailing party in such action shall be entitled to all costs, including attorneys' fees, expert witness fees and costs and any such fees or costs incurred on appeal.

_____
("CONTRACTOR")

Contractor Registration Number: _____

Unified Business Identifier (UBI #): _____

Employment Security Department Number: _____

State Excise Tax Registration Number: _____

_____
(Signature)

_____
(Printed Name and Title)

Dated: _____

Lake Whatcom Water and Sewer District
("DISTRICT")

_____
Justin Clary, General Manager

Dated: _____

Attachment A – Project Requirements
Small Works Contract #M1811

Attached Pages

Wilson Engineering Plans (9 sheets)
Whatcom County Shorelines Exemption and Conditions (4 pages)
WDFW Hydraulic Project Approval (6 pages)
Army Corps of Engineers Nation Wide Permits (49 pages)

I. SUMMARY OF WORK

The project will encase an exposed 8-inch diameter sewer force main in concrete that is located within a creek that discharges to Lake Whatcom; the intent is to protect the force main from damage and corrosion.

Project will cover and protect an exposed sewer force main in Agate Creek, and raise adjacent stream bed to facilitate fish passage. The surrounding streambed will be raised to allow for fish passage over the pipe via a new roughened channel bed. Equipment will be used to move and install rocks, cobbles and streambed sediment. The area around the pipe will be cleared using an open trench methods to clear enough area for 6 inches of concrete to be placed around pipe. Streambed will be filled to bring it to design grade.

II. PROJECT SPECIFICATIONS

1. General Requirements

1.1. All work and materials shall conform to the most current edition of the Standard Specifications for Road, Bridge and Municipal Construction (WSDOT) as prepared by Washington State Department of Transportation and the Washington State Chapter of the American Public Works Association, Lake Whatcom Water and Sewer District Design and Construction Standards, and the instructions and recommendations of the Manufacturer of the material concerned. In case of a conflict between the above standards, the more stringent shall apply. All work and materials shall be subject to the approval of the District Engineer.

1.2. All work must comply with the attached Whatcom County Shorelines Exemption and Conditions, Washington State Department of Fish and Wildlife Hydraulic Project Approval, Army Corps of Engineers Nation Wide Permits, and plans prepared by Wilson Engineering, LLC. In case of a conflict between the above permits and plans, the more stringent shall apply.

1.3. Contractor's access shall be limited to the boundaries of the Temporary Construction Easements (shown on Sheet C2.1 Overall Site/Existing Conditions).

1.4. Restore public and private property to equal or better conditions.

2. Payment

2.1. **Bid item 1 – Sewer Force Main Protection**. Protection of the sewer force main in accordance with the plans and permits. Includes all work and materials to complete the project and site restoration, except Bid Items #2, #3, & #4 which will be paid separately. Measurement and payment will be made lump sum.

2.2. **Bid Item 2 – Streambed Sediment.** Streambed Sediment per WSDOT 9-.3.11(1). Includes placement to the lines and grades shown on the plans and permits. Measurement and payment will be made per ton. Truck tickets required for documentation.

2.3. **Bid Item 3 – 10-inch Streambed Cobbles.** 10-inch Streambed Cobbles per WSDOT 9-.3.11(2). Includes placement to the lines and grades shown on the plans and permits. Measurement and payment will be made per ton. Truck tickets required as documentation.

2.4. **Bid Item 4 - Owner Directed Stream Flow Bypass**. At the Owner's option, and as directed by the Owner, Contractor shall provide an adequate a stream flow bypass system to meet the requirements of the plans and permits. The goal is to perform the work when there is no stream flow. However, if there is flow, the Owner may direct the Contractor to install a stream flow bypass system. Measurement and payment will be made lump sum. Payment will only be made for this item if the Owner directs the Contractor in writing to provide the system.

3. **Site Photos**

3.1. **Exposed Sewer Force Main**

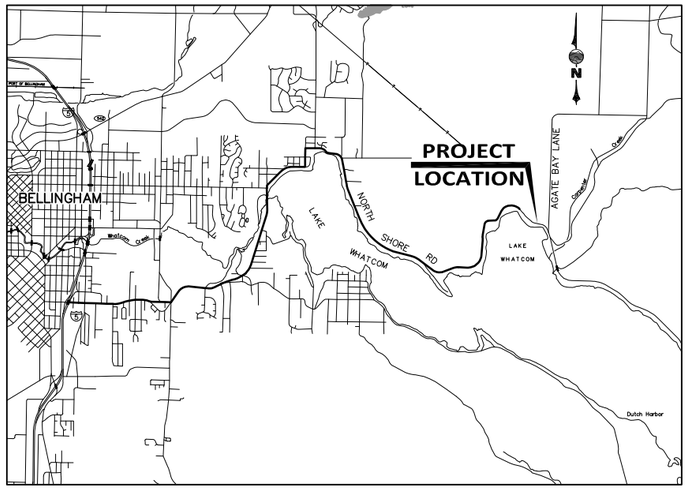
3.2. **Channel Near Sewer Force Main**

3.3. **Channel Above Sewer Force Main (equipment access point into channel)**

LAKE WHATCOM WATER & SEWER DISTRICT

NORTHSHORE EXPOSED FORCE MAIN

LOCATION MAP - NOT TO SCALE



SITE MAP - NOT TO SCALE

INDEX TO DRAWINGS

SURVEY NOTES

1. BASIS OF COORDINATES: FOUND "BLOEDEL" CITY OF BELLINGHAM MONUMENT IN SOCCER/BASEBALL FIELD, C.O.B. DESIGNATION #3035. THE FOLLOWING NAD83/98 COORDINATES WERE HELD FOR CITY OF BELLINGHAM DESIGNATION #3035:

NORTHING = 645,677.20 US SURVEY FT
EASTING = 1,257,632.67 US SURVEY FT

BASIS OF BEARINGS: HELD DERIVED INVERSE BETWEEN "BLOEDEL" AND THE CITY OF BELLINGHAM MONUMENT #4515 SAID BEARING BEING N 22° 42' 02" E.

2. BASIS OF ELEVATIONS: THE AFOREMENTIONED C.O.B. MONUMENT "BLOEDEL" HAVING AN ELEVATION OF 326.01' PER THE C.O.B. NAVD 88 BENCHMARK DATA SHEET.

3. THE HORIZONTAL DATUM FOR THIS PROJECT IS NAD83/ 98 WASHINGTON STATE (NORTH ZONE) PER CITY OF BELLINGHAM 2005 MODERNIZATION SURVEY. THE VERTICAL DATUM FOR THIS PROJECT IS NAVD88 PER THE CITY OF BELLINGHAM BENCHMARK DATA SHEETS. CONTOUR INTERVAL IS 1 FOOT.

4. THE PROJECT BENCHMARK IS A 1/2" REBAR WITH A RED PLASTIC CAP, #103, HAVING AN ELEVATION OF 321.62'.

5. ANGULAR AND LINEAR MEASUREMENTS WERE COLLECTED USING A COMBINATION OF GPS AND CONVENTIONAL METHODOLOGIES. PRIMARY CONTROL WAS COLLECTED USING TRIMBLE 5700 SURVEY-GRADE GPS RECEIVERS OPERATING IN NETWORKED RTK MODE. FROM GPS CONTROL, A TRIMBLE S-6 ROBOTIC TOTAL STATION WAS USED TO TIE SECONDARY CONTROL POINTS, COLLECT TOPOGRAPHIC DATA AND SET LOT CORNERS.

6. PROCEDURES USED IN THIS TOPOGRAPHIC SURVEY MEET OR EXCEED STANDARDS SET FORTH BY WAC 332-130-090.

CONTACT INFORMATION

CIVIL ENGINEER

WILSON ENGINEERING, LLC:

JENIFER RAMSEY, PE
jramseyr@wilsonengineering.com
360-733-6100

OWNER

LAKE WHATCOM WATER & SEWER DISTRICT:

BILL HUNTER, PE
bill.hunter@wwsd.org
360-734-9224
CELL: 360-296-4577

GENERAL NOTES

1. CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY, AND HOLD THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE ENGINEER.
2. IF THERE ARE ANY DISCREPANCIES BETWEEN DIMENSIONS IN DRAWING AND EXISTING CONDITIONS WHICH WILL AFFECT THE WORK, THE CONTRACTOR SHALL BRING SUCH DISCREPANCIES TO THE ATTENTION OF THE ENGINEER FOR ADJUSTMENT BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER FITTING OF ALL WORK AND FOR THE COORDINATION OF ALL TRADES, SUBCONTRACTORS, AND PERSONS ENGAGED UPON THIS CONTRACT.
3. CONTRACTOR SHALL BE RESPONSIBLE TO REPAIR OR REPLACE ANY EXISTING IMPROVEMENTS OR UNDERGROUND FACILITIES DAMAGED BY HIM, HIS SUBCONTRACTORS, OR HIS MATERIAL SUPPLIERS WITHIN 48 HOURS OF THE DAMAGE OCCURRENCE AND/OR AS REQUIRED BY THE CONSTRUCTION INSPECTOR.
4. EXISTING UTILITIES AND UNDERGROUND FACILITIES INDICATED ARE FOR INFORMATION ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH. THE ENGINEER ASSUMES NO RESPONSIBILITY THAT THE UTILITIES AND UNDERGROUND FACILITIES INDICATED WILL BE THE UTILITIES AND UNDERGROUND FACILITIES ENCOUNTERED.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATIONS AND ELEVATIONS OF THE EXISTING STORM DRAINS, SEWERS, AND WATER TO BE EXTENDED, CROSSED, OR CONNECTED TO PRIOR TO COMMENCING THE WORK. NOTIFY ENGINEER IF ACTUAL IS DIFFERENT FROM PLANS.
6. ALL TRENCHES AND EXCAVATIONS SHALL BE CONSTRUCTED IN STRICT COMPLIANCE WITH THE APPLICABLE SECTIONS OF WASHINGTON AND FEDERAL OSHA REQUIREMENTS AND OTHER APPLICABLE SAFETY ORDINANCES. CONTRACTOR SHALL BEAR FULL RESPONSIBILITY FOR TRENCH SHORING DESIGN AND INSTALLATION.
7. THE CONTRACTOR IS RESPONSIBLE FOR MATCHING EXISTING STREETS, SURROUNDING LANDSCAPE, AND OTHER IMPROVEMENTS WITH A SMOOTH TRANSITION IN PAVING, CURBS, GUTTERS, SIDEWALKS, GRADING, ETC, AND TO AVOID ANY ABRUPT OR APPARENT CHANGES IN GRADES OR CROSS SLOPES, LOW SPOTS, OR HAZARDOUS CONDITIONS.
8. CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR OBTAINING PERMITS FROM THE WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES FOR REMOVING AND REPLACING ALL SURVEY MONUMENTATION THAT MAY BE AFFECTED BY CONSTRUCTION ACTIVITY, PURSUANT TO WAC 332-120. APPLICATIONS MUST BE COMPLETED BY A REGISTERED LAND SURVEYOR. APPLICATIONS FOR PERMITS TO REMOVE MONUMENTS MAY BE OBTAINED FROM THE WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES (DNR), OR BY CONTACTING THEIR OFFICE BY TELEPHONE AT (206) 902-1190.

   WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES
   PUBLIC LAND SURVEY OFFICE
   1111 WASHINGTON STREET S.E.
   OLYMPIA, WASHINGTON 98504-7060

   UPON COMPLETION OF CONSTRUCTION, ALL MONUMENTS DISPLACED, REMOVED, OR DESTROYED SHALL BE REPLACED BY A REGISTERED LAND SURVEYOR, AT THE COST OF THE CONTRACTOR, PURSUANT TO THESE REGULATIONS. THE APPROPRIATE FORMS FOR REPLACEMENT OF SAID MONUMENTS SHALL BE COMPLETED AND FILED WITH DNR AT THE CONTRACTOR'S EXPENSE.
9. REPLACE ALL LANDSCAPING, FENCES, PAVEMENT, STRIPING, SIGNAGE, AND OTHER SURFACE FEATURES AFFECTED BY CONSTRUCTION IN KIND.

TRAFFIC CONTROL

1. CONTRACTOR IS RESPONSIBLE FOR TRAFFIC CONTROL AS NEEDED PER WSDOT STANDARD SPECIFICATIONS, SECTION 1-10. PROVIDE 1 WEEK NOTIFICATION (MINIMUM) TO WHATCOM COUNTY, UTILITIES AND EMERGENCY SERVICES PRIOR TO ANY CLOSURES AND OR DETOURS. SUBMIT TRAFFIC CONTROL PLAN AND SCHEDULE FOR APPROVAL 1 WEEK PRIOR TO BEGINNING WORK IF ROAD CLOSURES OR DETOURS ARE ANTICIPATED.

GENERAL GRADING NOTES

1. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR ALL SAFETY MEASURES REQUIRED TO SUPPORT UTILITY, STRUCTURES, AND OTHER EXCAVATIONS.
2. SOIL TESTING REQUIREMENTS (PROVIDED BY OWNER IF REQUIRED) ARE DESCRIBED IN THE WSDOT STANDARD SPECIFICATIONS.
3. CONTRACTOR IS RESPONSIBLE FOR DISPOSING OF ALL UNSUITABLE AND EXCESS SOIL, GRAVEL, AND HMA EXCAVATED FROM THE SITE IN CONFORMANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.
4. SPOT ELEVATIONS SHOWN ON THE PLANS ARE TO FINISHED GRADE UNLESS NOTED.
5. CONTRACTOR SHALL ASSURE POSITIVE DRAINAGE AWAY FOR ALL NATURAL AND PAVED AREAS AND SHALL GRADE ALL AREAS TO PRECLUDE PONDING OF WATER.
6. IF ANY EXISTING STRUCTURES TO REMAIN ARE DAMAGED DURING CONSTRUCTION, IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO REPAIR AND/OR REPLACE THE EXISTING STRUCTURE AS NECESSARY TO RETURN IT TO EXISTING CONDITIONS OR BETTER.

811 Call 811 two business days before you dig

CIVIL STRUCTURAL SURVEY

WILSON ENGINEERING

WILSONENGINEERING.COM

JENIFER ANN RAMSEY — 22830 — REGISTERED PROFESSIONAL ENGINEER — STATE OF WASHINGTON — July 2, 2019

DESIGNED BY	DRAWN BY	CHECKED BY
JAR	RDN	MMM

LAKE WHATCOM WATER & SEWER DISTRICT

BELLINGHAM WASHINGTON

NORTH SHORE EXPOSED FORCE MAIN

COVER SHEET

SHEET	DATE	JOB NUMBER
C0.1	JULY 2019	2018-016
PAGE	SCALE	
1 OF 9	AS SHOWN	

LEGEND & ABBREVIATIONS– SIZE & SCALE MAY VARY

EXISTING HATCH PATTERNS

	DESCRIPTION
	EXIST. CONCRETE
	EXIST. BUILDING
	EXIST. EARTH
	EXIST. GRAVEL
	EXIST. SAND

PROPOSED HATCH PATTERNS

	DESCRIPTION
	PROP. CONCRETE
	PROP. TOP COURSE GRAVEL
	PROP. GRAVEL
	PROP. SAND
	PROP. QUARRY SPALLS
	WETLAND HATCH

SURFACE FEATURES
EXISTING PLAN LINETYPES

	DESCRIPTION
	BRIDGE
	BUILDING LINE
	BUILDING COLUMN
	BUILDING OVERHANG
	BULKHEAD
	CONCRETE EDGE
	CREEK EDGE
	CROWN OF ROAD
	CURB
	DITCH CENTERLINE
	DECK
	DOCK
	EDGE OF SAWCUT
	EDGE OF PAVEMENT
X X	FENCE
	GATE
	GRADE
	GRAVEL
	GUARDRAIL
	JERSEY BARRIER
	LAKE/POND WATER EDGE
	LIP OF CURB
	MISC SURFACE FEATURE
	MISC TRAFFIC
	PLANTER
	PATH
	RAILROAD
	RAMP (WOOD)
	HANDRAIL
	RETAINING WALL
	ROAD STRIPING
	ROCKERY
	RIVERBANK/SHORELINE
THW THW	THALWAG LINE
	TOP OF BANK/SLOPE
	TOE OF BANK/SLOPE
	VEGETATION/SHRUB LINE
	WETLAND/SWAMP PERIMETER
	WETLAND BUFFER

SURFACE FEATURES
PROPOSED PLAN LINETYPES

	DESCRIPTION
	BRIDGE
	BUILDING LINE
	CONCRETE
	CURB
	DITCH CENTERLINE
	EDGE OF BIKE LANE
	EDGE OF PAVEMENT
X X	FENCE
	GATE
	GRAVEL
	GUARDRAIL
	JERSEY BARRIER
	LIP OF CURB
	REBAR
	RETAINING WALL
	ROCKERY
	ROAD STRIPING
	HANDRAIL
	EDGE OF SAWCUT

UTILITIES
EXISTING PLAN LINETYPES

	DESCRIPTION
TV TV	CABLE TELEVISION (AERIAL)
TV TV	CABLE TELEVISION (BURIED)
C	SURVEILLANCE CAMERA (BURIED
FO FO	FIBER OPTIC LINE (AERIAL)
FO FO	FIBER OPTIC LINE (BURIED)
OHT OHT	TELEPHONE (AERIAL)
T T	TELEPHONE (BURIED)
SC SC	TRAFFIC SIGNAL CONDUIT LINE
OHP OHP	POWER (AERIAL)
P P	POWER (BURIED)
UT UT	UTILITY (AERIAL)
UT UT	UTILITY (BURIED)
PDB PDB	POWER DUCT BANK (BURIED)
DF DF	DRAIN FIELD
S S	SANITARY SEWER
S S	APPROXIMATE SANITARY SEWER
FM FM	SANITARY SEWER (FORCE MAIN)
FM FM	APPROXIMATE SANITARY SEWER (FORCE MAIN)
SD SD	STORM DRAINAGE
SD SD	APPROXIMATE STORM DRAINAGE
	CULVERT (@ WIDTH)
	CULVERT
RW RW	RECLAIMED WATER
IRR IRR	IRRIGATION
W W	WATER
W W	APPROXIMATE WATER
8W 8W	8" WATER
OF OF	OVERFLOW
STE STE	STEAM
G G	GAS
	GAS TANK/STRUCTURE
O O	OIL
AIR AIR	AIR LINE
	BURIED UTILITY APPROX. EXTENTS
	MISC UTILITY (BURIED)

PROPOSED PLAN UTILITY LINETYPES
WATER

	DESCRIPTION
W W	WATER
8W 8W	8" WATER
IRR IRR	IRRIGATION
RW RW RW RW	RECLAIMED WATER
PW PW PW PW	POTABLE WATER
W W W W	WATER SERVICE
	WATER STRUCTURE
FDC FDC	FIRE DEPARTMENT CONNECTION
FP FP	FIRE PROTECTION LINE

SANITARY SEWER

	DESCRIPTION
S S	SEWER
8S 8S	8" SEWER
FM FM	FORCE MAIN
DF DF	DRAIN FIELD
S S S	SEWER SERVICE
	SEWER STRUCTURE

STORM DRAIN

	DESCRIPTION
D D	STORM DRAIN
SD SD	STORM DRAIN
	STORM DRAIN
D D D	STORM SERVICE
FD FD FD FD FD	FOOTING DRAIN
	STORM STRUCTURE

MISC. UTILITIES

	DESCRIPTION
G G	GAS
P P	POWER
T T	TELEPHONE/COMMUNICATIONS

EROSION CONTROL

	DESCRIPTION
TSD TSD	EROSION TRIANGULAR SILT DIKE
CB CB	EROSION CONTROL COMPOST BERM
	EROSION CONTROL MINOR CONTOUR
100	EROSION CONTROL MAJOR CONTOUR
OB OB	ORANGE BARRIER FENCE
SF SF	SILT FENCE
SW SW	STRAW WATTLE
> >	EROSION CONTROL FLOWLINE
SB	STRAW BALE
IP	INLET PROTECTION
CD	CHECK DAM

811 Call 811 two business days before you dig

SURVEY
PLAN LINETYPES

	DESCRIPTION
	CENTERLINE (EXISTING)
	CENTERLINE (CONSTRUCTION)
	CENTERLINE (PROPOSED)
	CONTOUR (EXISTING MINOR)
100	CONTOUR (EXISTING INDEX)
100	HYDRO CONTOUR (EXISTING INDEX)
	CONTOUR (PROPOSED INDEX)
	CONTOUR (PROPOSED MINOR)
	DONATION LAND CLAIM (EXIST.)
	EASEMENT (PROPOSED)
	EASEMENT (EXISTING)
	MEANDER LINE
OHW OHW	ORDINARY HIGH WATER LINE
MLW MLW	MEAN LOW LEVEL WATER LINE
	OWNERSHIP LINE
	PROPERTY LINE (RECORD OR ADJACENT)
	PROPERTY LINE
	QUARTER SECTION LINE
	RANGE/TOWNSHIP LINE
	RESERVATION/PARK/FOREST (EX)
	RIGHT–OF–WAY ℄ (EXISTING)
(RIGHT OF WAY & CONSTRUCTION PLANS)	RIGHT–OF–WAY (EXISTING)
(RIGHT OF WAY & CONSTRUCTION PLANS)	RIGHT–OF–WAY (EXISTING USED)
(RIGHT OF WAY PLANS)	RIGHT–OF–WAY (PROPOSED)
(RIGHT OF WAY PLANS) (RECORD OR ADJACENT)	RIGHT–OF–WAY (EX. RECORD)
(RIGHT OF WAY PLANS)	RIGHT–OF–WAY (LIMITED ACCESS)
	RIGHT–OF–WAY (LIMITED ACCESS)
	SECTION LINE
	SETBACK LINE (EXISTING)
	SIXTEENTH SECTION LINE
	STATE/COUNTY/CORPORATE LIMIT
	VACATED RIGHT–OF–WAY
	EASEMENT (RECORD)
	RIGHT–OF–WAY CENTER (RECORD)
	DONATION LAND CLAIM (RECORD)
	MEANDER LINE (RECORD)
	PARK LINE (RECORD)
	SECTION LINE (RECORD)
	QUARTER SECTION LINE (RECORD)
	SIXTEENTH SECTION LINE (RECORD)
	STATE LINE (RECORD)
	RANGE LINE (RECORD)

PROFILE LINETYPES

	DESCRIPTION
	PROFILE EX. GRND ℄
	PROFILE FINISH GRND ℄
	PROFILE GRID
	PROFILE VERTICAL GRID
	PROFILE EX. GROUND LEFT
	PROFILE EXISTING GROUND RIGHT
	FIBER OPTIC PROFILE (EXISTING)
	GAS PROFILE (EXISTING)
	POWER PROFILE (EXISTING)
	RAILROAD PROFILE (EXISTING)
	SANITARY PROFILE (EXISTING)
	SANITARY PROFILE (PROPOSED)
	STORM PROFILE (EXISTING)
	TELEPHONE PROFILE (EXISTING)
	STORM PROFILE (PROPOSED)
	TV PROFILE (EXISTING)
	UTILITY PROFILE (EXISTING)
	WATER PROFILE (EXISTING)
	WATER PROFILE (PROPOSED)

DEMOLITION

	DESCRIPTION
	SURFACE FEATURE OR UTILITY TO BE REMOVED
	SAWCUT
CLR CLR	CLEARING LIMIT
	TREE OR BUSH TO BE REMOVED

GRADING

	DESCRIPTION
GB GB GB	GRADE BREAK
CAT CAT CAT	CATCHLINE
Cut Cut	CUT LINE
Fill Fill	FILL LINE
or	SLOPE ARROWS

SECTION/DETAIL CALL–OUTS

B(A) / CX.XC(B) — **SECTION CALL–OUTS**: (A) REPRESENTS THE SECTION LABEL, (B) INDICATES THE SHEET ON WHICH THE SECTION APPEARS.

1(A) / CX.XC(B) — **DETAIL CALL–OUTS**: (A) REPRESENTS THE DETAIL LABEL, (B) INDICATES THE SHEET ON WHICH THE DETAIL APPEARS.

MISC. SYMBOLS

EXISTING	PROPOSED	DESCRIPTION
#	#	SOIL BORING
#	#	MONITORING WELL
		TEST WELL
#	#	TEST PIT
		EMBANKMENT
		MAIL BOX
		SIGN
		RIP RAP
		BOULDER
		SHRUB
		TREE (Conifer)*
		TREE (Deciduous)*
		STUMP–PLAN VIEW
		YARD LIGHT
		WELL
		PILE
		PILE (APPROXIMATE)
		ROCKERY
		WHEEL STOP
		SPLASH BLOCK
		GAS METER
		GAS VALVE
		PAD MOUNTED TRANSFORMER
P	P	POWER VAULT
		TRANSMISSION TOWER
		POWER METER
		GUY POLE
		UTILITY POLE
		UTILITY POLE ANCHOR
		TELE RISER
TV		CABLE RISER
		FIBER OPTIC RISER
		FIBER OPTIC MANHOLE
		TELEPHONE MANHOLE
T	T	TELEPHONE VAULT
		STEAM MANHOLE
		PARKING METER
		POST
P	P	PUMP

SANITARY SEWER SYMBOLS

EXISTING	PROPOSED	DESCRIPTION
		SAN. SEWER CLEAN OUT
		SAN. SEWER MANHOLE

STORM DRAIN SYMBOLS

EXISTING	PROPOSED	DESCRIPTION
		STORM DRAIN CB TYPE 1
		STORM DRAIN CB TYPE 2
		STORM DRAIN CB TYPE 2 W/CB LID
		STORM DRAIN WITH OVERFLOW GRATE
		STORM DRAIN CLEAN–OUT
DS	DS	STORM DOWNSPOUTS

PIPE CALL–OUT

36–SS (A) (B)

PIPE CALL–OUTS: (A) REPRESENTS THE PIPE SIZE IN INCHES, (B) INDICATES THE UTILITY TYPE.

SYMBOLS

°	=DEGREES
±	=PLUS/MINUS
ø	=DIAMETER
Δ	=DELTA
℄	=CENTERLINE
FL	=FLOWLINE
PL	=PROPERTY LINE

SPOT ELEVATIONS

190.00① TBC② — ①= ELEVATION
②= DESCRIPTION– SEE DEFINED ABBREVIATIONS ABOVE

DIRECTIONAL ABBREVIATIONS

N	=NORTH
NE	=NORTHEAST
E	=EAST
SE	=SOUTHEAST
S	=SOUTH
SW	=SOUTHWEST
W	=WEST
NW	=NORTHWEST

WATER SYMBOLS

EXISTING	PROPOSED	DESCRIPTION
		ARV VALVE
		GLOBE VALVE, FL
		BALL CHECK VALVE, FL
		BLOW–OFF VALVE
		SWING CHECK VALVE, FL
		BUTTERFLY VALVE, FL
		HOSE BIB/SPIGOT
		DOUBLE LEAF CHECK VALVE
		PLUG VALVE
		BALL VALVE
		FLOAT VALVE
		PINCH VALVE
		PRESSURE & VACUUM RELIEF VALVE
		VACUUM RELIEF VALVE
		PRESSURE RELIEF VALVE
		PRESSURE REGULATING VALVE (SELF CONTAINED)
		BACK PRESSURE REGULATING VALVE (SELF CONTAINED)
		IN–LINE SPRING LOADED RELIEF VALVE
		CAP/PLUG
		GUARD POST
		THRUST BLOCK
		WATER METER
		FIRE DEPARTMENT CONNECTION
		WATER VALVE
		FIRE HYDRANT
		WATER MANHOLE
PIV	PIV	POST INDICATOR VALVE
		11–1/4 BEND, MJ–FL
		22–1/2 BEND, MJ–FL
		45 BEND, MJ–FL
		90 BEND, MJ–FL
		FLXMJ ADAPTER
		COUPLER
		BLIND FLANGE
		GATE VALVE, FLxMJ
		GATE VALVE, MJ
		REDUCER, MJxFL
		REDUCER, MJ
		TEE, FL
		TEE, MJ
		TEE, MJxFL
		TEE, FLxMJ
		CROSS, FL
		CROSS, MJ

SURVEY SYMBOLS

	BRASS SURFACE MONUMENT
	CONCRETE MONUMENT
	FOUND REBAR
	SET REBAR
	MONUMENT IN CASE
	TRAVERSE POINT

SECTION SHEET LABELS

B(A) / CX.XC(B) — **SECTION SHEET LABELS**: (A) REPRESENTS THE SECTION LABEL, (B) INDICATES THE SHEET ON WHICH THE SECTION IS CALLED OUT.

1(A) / CX.XC(B) — **DETAIL SHEET LABELS**: (A) REPRESENTS THE DETAIL LABEL, (B) INDICATES THE SHEET(S) ON WHICH THE DETAIL IS CALLED OUT.

CX.XC (B)

ABBREVIATIONS

AB	=AS–BUILT (RECORD)
AL	=ALIGNMENT
ANC	=UTILITY POLE ANCHOR
APPROX	=APPROXIMATE
ASPH or AC	=ASPHALT
ASS'Y	=ASSEMBLY
ASTM	=AMERICAN SOCIETY FOR TESTING & MATERIALS
BLDG	=BUILDING
BMP	=BEST MANAGEMENT PRACTICE
BVCS	=BEGIN VERTICAL CURVE STATION
BVCE	=BEGIN VERTICAL CURVE ELEVATION
CB	=CATCH BASIN
CK	=CHECK VALVE
C/L, ℄	=CENTERLINE
CESCL	=CERTIFIED EROSION SEDIMENT CONTROL LEAD
COL	=COLUMN
CMP	=CORRUGATED METAL PIPE
C.O. or CO	=CLEAN OUT
CONC, C	=CONCRETE
COR	=CORNER
CRSI	=CONCRETE REINFORCING STEEL INSTITUTE
CPP	=CORRUGATED POLYETHYLENE PIPE
CSBC	=CRUSHED SURFACING BASE COURSE
CSTC	=CRUSHED SURFACING TOP COURSE
DCVA	=DOUBLE CHECK VALVE ASSEMBLY
DI	=DUCTILE IRON
DIAM	=DIAMETER
DO	=DISSOLVED OXYGEN
DR	=DIAMETER RATIO
DS	=DOWNSPOUT
EB	=EXPLORATION BORING
EFFL	=EFFLUENT
EG	=EXISTING GRADE
ELEV, EL	=ELEVATION
EOG	=EDGE OF GRAVEL
EOP	=EDGE OF PAVEMENT
EP	=EXPLORATION PIT
EXIST, EX	=EXISTING
EVCS	=END VERTICAL CURVE STATION
EVCE	=END VERTICAL CURVE ELEVATION
FDC	=FIRE DEPARTMENT CONNECTION
FF	=FINISH FLOOR
FG	=FINISH GRADE
FL	=FLOWLINE OR FLANGE (CONNECTION)
℄	=FLOWLINE
FLC	=FLOWLINE OF CURB
FM	=FORCEMAIN
FNC	=FENCE
FRP	=FIBERGLASS REINFORCED PIPE
GB	=GRADE BREAK
GMET	=GAS METER
GP	=GUY POLE
GPM	=GALLONS PER MINUTE
GRVL, G	=GRAVEL
GV	=GATE VALVE
HB	=HOSE BIB
HDG	=HOT–DIP GALVANIZED
HDPE	=HIGH DENSITY POLYETHYLENE
HSS	=HOLLOW STRUCTURAL SECTION
H:V	=HORIZONTAL:VERTICAL
HWL	=HIGH WATER LEVEL
HYD	=HYDRANT
IBC	=INTERNATIONAL BUILDING CODE
IE	=INVERT ELEVATION
INFO	=INFORMATION
INV	=INVERT
LF	=LINEAR FEET
LUM	=LUMINAIRE
LT	=LEFT
MAX	=MAXIMUM
MB	=MAIL BOX
MBR	=MEMBRANE BIO–REACTOR
MC	=MAINTENANCE CLEANING
MFEM	=MEMBRANE FILTRATION EQUIPMENT MANUFACTURER
MFR	=MANUFACTURER
MH	=MANHOLE
MIN	=MINIMUM
MISC	=MISCELLANEOUS
MJ	=MECHANICAL JOINT
MLSS	=MIXED LIQUOR SUSPENDED SOLIDS
MW	=MONITORING WELL
NPDES	=NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
O.C.	=ON CENTER
O.C.E.W	=ON CENTER EACH WAY
OD	=OUTSIDE DIAMETER
OHP	=OVERHEAD POWER
OHT	=OVERHEAD TELEPHONE
OSHA	=OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
PC	=POINT OF CURVATURE
PCC	=POINT OF CONTINUING CURVATURE
PE	=PLAIN END
PIV	=POST INDICATOR VALVE
P/L, PL	=PROPERTY LINE
PLC	=PROGRAMMABLE LOGIC CONTROLLER
PLTR	=PLANTER
POL	=POINT ON LINE
PROP	=PROPOSED
PS	=PUMP STATION
PSI	=POUNDS PER SQUARE INCH
PT	=POINT OF TANGENCY
PVC	=POLYVINYL CHLORIDE
PVI	=POINT OF VERTICAL INTERSECTION
PW	=POTABLE WATER
R	=RADIUS
RCK	=ROCK/BOULDER
RET	=RETAINING
REC	=RECORD
REINF	=REINFORCEMENT
REQ'D	=REQUIRED
RI	=RAPID INFILTRATION
RPBA	=REUSE PRESSURE BACKFLOW ASSEMBLY
RR	=RAILROAD
RT	=RIGHT
R/W or ROW	=RIGHT–OF–WAY
RW	=REUSE WATER
SCADA	=SUPERVISORY CONTROL AND DATA ACQUISITION
SCH	=SCHEDULE
SDCB	=STORM DRAIN CATCH BASIN
SD	=STORM DRAIN
SDMH	=STORM DRAIN MANHOLE
SFH	=SINGLE FAMILY HOUSING
SH	=SHRUB/BUSH
SN	=SIGN
SPD	=STANDARD PROCTOR DENSITY
SPK	=SPIKE
SS	=SANITARY SEWER
SSCO	=SANITARY SEWER CLEAN–OUT
SSMH	=SANITARY SEWER MANHOLE
STA	=STATION
STEP	=SEPTIC TANK EFFLUENT PUMP
S/W	=SIDEWALK
SYMM	=SYMMETRY/SYMMETRICAL
TBC	=TOP BACK OF CURB
TBD	=TO BE DETERMINED
TBM	=TEMPORARY BENCH MARK
T.O.W.	=TOP OF WALL
TYP	=TYPICAL
UP	=UTILITY POLE
VAC	=VACATED
VC	=VERTICAL CURVE
VCI	=VOLATILE CORROSION INHIBITOR
VEG	=VEGETATION
VFD	=VARIABLE FREQUENCY DRIVE
WA	=WATER
WAS	=WASTE ACTIVATED SLUDGE
WL	=WATERLINE
WM	=WATER METER
WS	=WATER SURFACE
WSDOT	=WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
WV	=WATER VALVE
WWTP	=WASTE WATER TREATMENT PLANT
YD	=YARD DRAIN
YL	=YARD LIGHT

CIVIL STRUCTURAL SURVEY

WILSON ENGINEERING

WILSONENGINEERING.COM

JENNIFER ANN RAMSEY — STATE OF WASHINGTON — 22000 — REGISTERED PROFESSIONAL ENGINEER — July 2, 2019

DESIGNED BY	DRAWN BY	CHECKED BY
JAR	RDN	MMM

LAKE WHATCOM WATER & SEWER DISTRICT

BELLINGHAM WASHINGTON

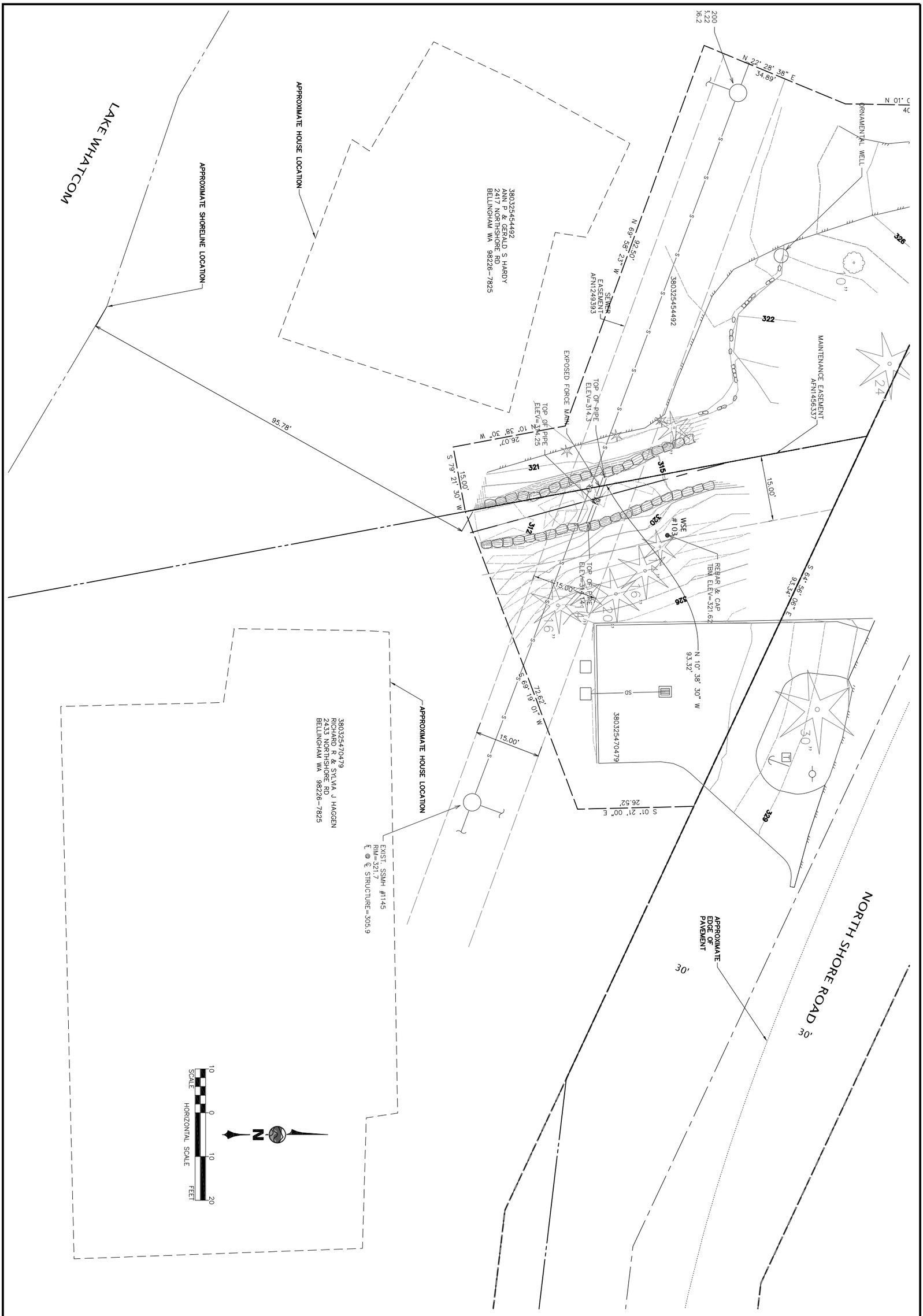
NORTH SHORE EXPOSED FORCE MAIN

LEGEND & ABBREVIATIONS

DATE	SCALE	JOB NUMBER
JULY 2019	AS SHOWN	2018–016

SHEET	PAGE
C0.2	2 OF 9

PLOT SETTINGS: BAKER–STE8–BW–MED–11X17.pc3, 11" x 17", Portrait, 1:2, WE APWA_UNSCREENED.ctb
O:\CAD\WILSON STANDARD LEGEND & ABBREVIATIONS SHEET\WILSON STANDARD LEGEND V2013\V2013_LEGEND & ABBREVIATIONS UPDATE.DWG – 1/14/2016 11:53 AM – Jeff Smith

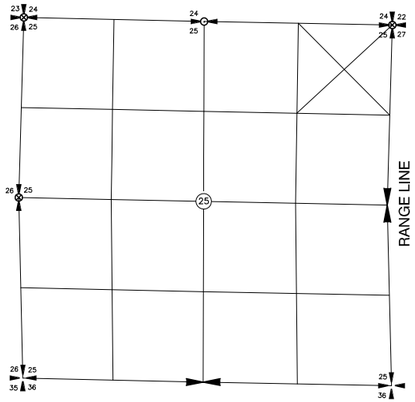


SHEET	DATE		DESIGNED BY		
C2.1	JULY 2019	LAKE WHATCOM WATER & SEWER DISTRICT	JAR	JENIFER ANN RAMSEY STATE OF WASHINGTON 23086 REGISTERED PROFESSIONAL ENGINEER July 2, 2019	WILSON ENGINEERING WILSONENGINEERING.COM CIVIL STRUCTURAL SURVEY
SCALE		BELLINGHAM WASHINGTON	DRAWN BY		
AS SHOWN		NORTH SHORE EXPOSED FORCE MAIN	RDN		
PAGE	JOB NUMBER	OVERALL SITE / EXISTING CONDITIONS	CHECKED BY		
3 OF 9	2018-016		MMM		

W.A.C. 332-130-145

COMPLIANCE SHEET

SECTIONAL INDEX DATA



NE QTR - NE QTR, SEC. 25 TWNSHP 38 NORTH, R 03 EAST, W.M.

NOTICE TO USER

EFFECTIVE JANUARY 13, 2019, ALL TOPOGRAPHIC MAPS PREPARED BY A LICENSED SURVEYOR IN THE STATE OF WASHINGTON, AND SUBJECT TO THE LICENSURE AND PRACTICE REQUIREMENTS ESTABLISHED BY THE WASHINGTON STATE BOARD OF REGISTRATION FOR ENGINEERS AND LAND SURVEYORS, MUST INCLUDE THE DESCRIPTIVE NOTES AND METADATA ENUMERATED UNDER W.A.C 332-130-145 AND ITS APPURTENANT SECTIONS OF 332-130. THIS EXHIBIT IS INTENDED TO ADDRESS THE STATUTORY REQUIREMENTS STIPULATED BY THIS W.A.C DIRECTIVE.

W.A.C. 332-130-145 REQUIRED DATA

THIS SURVEY WAS PREPARED UNDER THE DIRECT SUPERVISION OF:

J. THOMAS BREWSTER, WA PLS #44335
SURVEY MANAGER / PRINCIPAL
WILSON ENGINEERING LLC
805 DUPONT STREET, SUITE 7
BELLINGHAM, WA 98225
360-733-6100 (EXT. 231)
tbrewster@wilsonengineering.com

OR

PAUL J. DARROW, WA PLS #50697
SR. PROJECT SURVEYOR
WILSON ENGINEERING LLC
805 DUPONT STREET, SUITE 7
BELLINGHAM, WA 98225
360-733-6100 (EXT. 243)
pdarrow@wilsonengineering.com

1. BASIS OF ELEVATIONS: ELEVATION VALUES AND CONTOURS DEPICTED ON THIS SURVEY ARE BASED UPON HOLDING AS FIXED THE CITY OF BELLINGHAM MONUMENT "BLOEDEL" DESIGNATION, #3035 FROM REPEATED NETWORK ADJUSTED VRS OBSERVATIONS. ELEVATION=326.01 NAVD88.

2. PURPOSE OF SURVEY: THIS TOPOGRAPHIC SURVEY BASEMAP IS INTENDED TO BE USED FOR DESIGN PURPOSES. BOUNDARY AND RIGHT-OF-WAY LINES SHOWN ARE DERIVED FROM MAPS OF RECORD AND FOUND MONUMENTS BUT DO NOT PURPORT TO DEFINE OWNERSHIPS. THIS SURVEY WAS PERFORMED ON JANUARY 15 & 18, 2018 AND MAY 28, 2019. ALL MONUMENTS SHOWN HEREON WERE VISITED DURING THE COURSE OF THIS SURVEY UNLESS OTHERWISE NOTED.

3. SOURCE OF CONTOURS: THE 1-FOOT INTERVAL CONTOURS DEPICTED ON THIS SURVEY WERE DERIVED FROM DIRECT FIELD OBSERVATIONS USING A TRIMBLE S-6 TOTAL STATION

4. SITE BENCHMARKS: REFER TO THE ACCOMPANYING "CONTROL TABLE" FOR COORDINATES, ELEVATION, AND DESCRIPTION OF ON-SITE CONTROL SET PURSUANT TO THIS SURVEY.

5. ELEVATION AND/OR CONTOUR ACCURACY: IF CONTOURS HAVE BEEN DEPICTED ON THE FACE OF THIS SURVEY, IT IS ANTICIPATED THAT 90% OF ANY MEASURED ELEVATION VALUE, IF OBSERVED RELATIVE TO THE CONTROL POINTS SPECIFICALLY ENUMERATED IN THE ACCOMPANYING CONTROL TABLE, WILL BE, IN FACT, WITHIN ONE-HALF OF THE MINOR-CONTOUR INTERVAL DEPICTED HEREON. SPECIFIC ELEVATIONS DEPICTED HEREON, IF ANY, ARE EXPECTED TO BE WITHIN ONE INTEGRAL VALUE OF THE FINAL DEPICTED SIGNIFICANT FIGURE. THAT IS, 90% OF ELEVATIONS EXPRESSED TO THE TENTH-FOOT, SHOULD BE WITHIN 0.1 FEET OF THAT VALUE, IF OBSERVED RELATIVE TO THE SURVEY CONTROL SPECIFICALLY ENUMERATED IN THE ACCOMPANYING CONTROL TABLE. IF OFF-SITE CONTROL IS EMPLOYED, EVEN CONTROL PURPORTING TO BE ON THE SAME DATUM OR BASED ON THE SAME OFF-SITE BENCHMARK, THEN NO ABSOLUTE STATEMENT REGARDING THE ACCURACY OF THE DEPICTED POINTS CAN BE MADE, AND VALUES SO OBSERVED ARE OUTSIDE OF THIS SURVEY'S AUTHORITY OR INTEREST.

6. STATEMENT OF USE: AS NOTED ABOVE, IN NOTE #2, THIS SURVEY WAS PREPARED FOR THE SPECIFIC PURPOSE OF SEWER FORCE MAIN DESIGN. IN THE COURSE OF PREPARING THIS SURVEY, PURSUANT TO THIS PURPOSE, ANCILLARY DATA NECESSARY TO ACCOMPLISH THIS SURVEYS INTENDED PURPOSE MAY HAVE BEEN CAPTURED.

7. SOURCE OF CONTROLLING BOUNDARY INFORMATION: THE OWNERSHIP BOUNDARIES DEPICTED ON THIS SURVEY ARE BASED UPON SOME, OR ALL, OF THE DOCUMENTS ENUMERATED IN THE ACCOMPANYING "REFERENCE DOCUMENTS" AS THEREIN CHARACTERIZED.

8. SOURCE OF DEPICTED UTILITY INFORMATION: UTILITY LINES DEPICTED ON THIS SURVEY ARE BASED UPON PAINT MARKS SET BY OTHERS.

9. ACCURACY OF DEPICTED UTILITY INFORMATION: WILSON ENGINEERING DOES NOT PROVIDE FOR-HIRE UTILITY LOCATION AND/OR MARKING SERVICES, AND CAN NOT INDEPENDENTLY ASCERTAIN THE ACCURACY OF ANY DEPICTED UTILITY THAT WAS NOT EXPOSED AND OBSERVED IN THE COURSE OF THIS SURVEY.

10. STATEMENT OF LIMITATIONS REGARDING UTILITY-DEPICTION ACCURACY: (CLIENT) HAS BEEN NOTIFIED THAT WILSON CAN NOT, AND DOES NOT, GUARANTEE THE ACCURACY, AT ANY LEVEL, OF DEPICTED UTILITIES BASED ON THIRD-PARTY PAINT MARKS OR RECORD INFORMATION.

CONTROL NOTES

HORIZONTAL DATUM:
NAD 83(98)
BASIS OF COORDINATES: COORDINATION AND MENSURATION ARE LOCAL GROUND VALUES, BASED UPON HOLDING THE PUBLISHED CITY OF BELLINGHAM MONUMENT "BLOEDEL", DESIGNATION #3035, PER THE CITY DATA SHEETS

NORTHING = 645,677.20 USFT
EASTING = 1,257,632.67 USFT

BASIS OF BEARINGS: BEARINGS ARE BASED UPON HOLDING THE PUBLISHED POSITIONS PER THE CITY DATA SHEETS OF THE AFOREMENTIONED CITY OF BELLINGHAM MONUMENT DESIGNATION #3035 AND CITY OF BELLINGHAM MONUMENT DESIGNATION #4515.

THE DERIVED INVERSE BETWEEN SAID MONUMENTS # 3035AND # 4515 IS NORTH 22° 42' 02" EAST, AT A DISTANCE OF **4,575.87 USFT**. THE PUBLISHED POSITION FOR MONUMENT # 4515 IS:

NORTHING = 649,898.60 USFT
EASTING = 1,259,398.56 USFT

VERTICAL DATUM:
NAVD 88 PER THE CITY OF BELLINGHAM DATA SHEETS

BASIS OF ELEVATIONS: ELEVATIONS ARE NAVD88 VALUES, BASED UPON HOLDING THE PUBLISHED ELEVATION FOR "BLOEDEL, BEING AN ENCASED BRASS DISK SET IN CONCRETE IN A SPORTS FIELD IN BLOEDEL DONOVAN PARK. SAID MONUMENT HAS THE FOLLOWING PUBLISHED NAVD88 ELEVATION:
ELEVATION = 326.01 FEET

ON-SITE SURVEY CONTROL TABLE

POINT #	NORTHING	EASTING	ELEV.	DESCRIPTION
100	644967.33	1272832.90	323.41	FOUND MAG/WASHER
101	644863.34	1273015.52	319.75	FOUND 1/2" REBAR/CAP
102	645056.53	1272330.83	329.78	SET MAG/WASHER
103	645025.12	1272257.63	321.62	SET 1/2" REBAR/CAP

SURVEYOR'S NOTES

1. THIS SURVEY WAS PERFORMED FOR THE PURPOSE OF SEWER FORCE MAIN DESIGN.
2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT, AND WILSON CANNOT, AND DOES NOT, GUARANTEE THAT ALL EXTANT INTERESTS-- WHICH MIGHT HAVE BEEN REVEALED BY A CURRENT TITLE REPORT-- ARE HEREON DEPICTED.
3. UTILITY LOCATIONS DEPICTED HEREON ARE BASED UPON OBSERVATIONS OF PAINTED MARKINGS SET BY OTHERS, AND WILSON CAN NOT AND DOES NOT GUARANTEE THEIR ACCURACY RELATIVE TO THE PURPORTED FACILITIES .
4. ANGULAR AND LINEAR MEASUREMENTS WERE COLLECTED USING A COMBINATION OF GPS AND CONVENTIONAL METHODOLOGIES. PRIMARY CONTROL WAS COLLECTED USING TRIMBLE 5700 SURVEY-GRADE GPS RECEIVERS OPERATING IN NETWORKED RTK MODE. FROM GPS CONTROL, A TRIMBLE S-6 ROBOTIC TOTAL STATION WAS USED TO TIE SECONDARY CONTROL POINTS, COLLECT TOPOGRAPHIC DATA AND SET LOT CORNERS.
5. PROCEDURES USED IN THIS SURVEY MEET OR EXCEED STANDARDS SET FORTH BY WAC 332-130-090. CONTOUR POSITIONAL ACCURACY MEETS OR EXCEEDS NSPS "MODEL STANDARDS FOR TOPOGRAPHIC SURVEYS"(SECTION E, APPROVED 3/12/02)..

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR IN THE STATE OF WASHINGTON, THAT THIS MAP IS BASED ON AN ACTUAL FIELD SURVEY DONE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL DATA SHOWN HEREON ACTUALLY EXISTS IN THE LOCATIONS SHOWN AT THE TIME OF THIS SURVEY. THIS EXISTING CONDITIONS MAP WAS DONE AT THE REQUEST OF LAKE WHATCOM WATER AND SEWER DISTRICT IN 2018 & 2019.

PAUL JONATHAN DARROW, P.L.S. NO. 50697 DATE 7/1/2019

REFERENCE DOCUMENTS

RECORD OF SURVEY FOR DEREK WATT, A.F.N. 2090703193
DAN ROBBINS SHORT PLAT, PLATS VOL. 9, PG. 36
WHATCOM COUNTY PUBLIC WORKS SURVEY, A.F.N. 2030902432
HICKS RECORD OF SURVEY, A.F.N. 2001001430

ABBREVIATIONS USED

AF	=	AUDITOR'S FILE
AFN	=	AUDITOR'S FILE NUMBER
ASM	=	ALUMINUM SURFACE MONUMENT
℄	=	CENTERLINE
CONC	=	CONCRETE
CPP	=	CORRUGATED POLYETHYLENE PIPE
DLC	=	DONATION LAND CLAIM
E	=	EAST
ELEV	=	ELEVATION
FND	=	FOUND
INT	=	INTERSECTION
INV	=	INVERT
L	=	LENGTH
MON	=	MONUMENT
N	=	NORTH
NE	=	NORTHEAST
NW	=	NORTHWEST
R	=	RADIUS
R/W	=	RIGHT-OF-WAY
S	=	SOUTH
SE	=	SOUTHEAST
SW	=	SOUTHWEST
TYP	=	TYPICAL
W	=	WEST
WAC	=	WASHINGTON ADMINISTRATIVE CODE
WSE	=	WILSON SURVEY/ENGINEERING

811 Call 811 two business days before you dig

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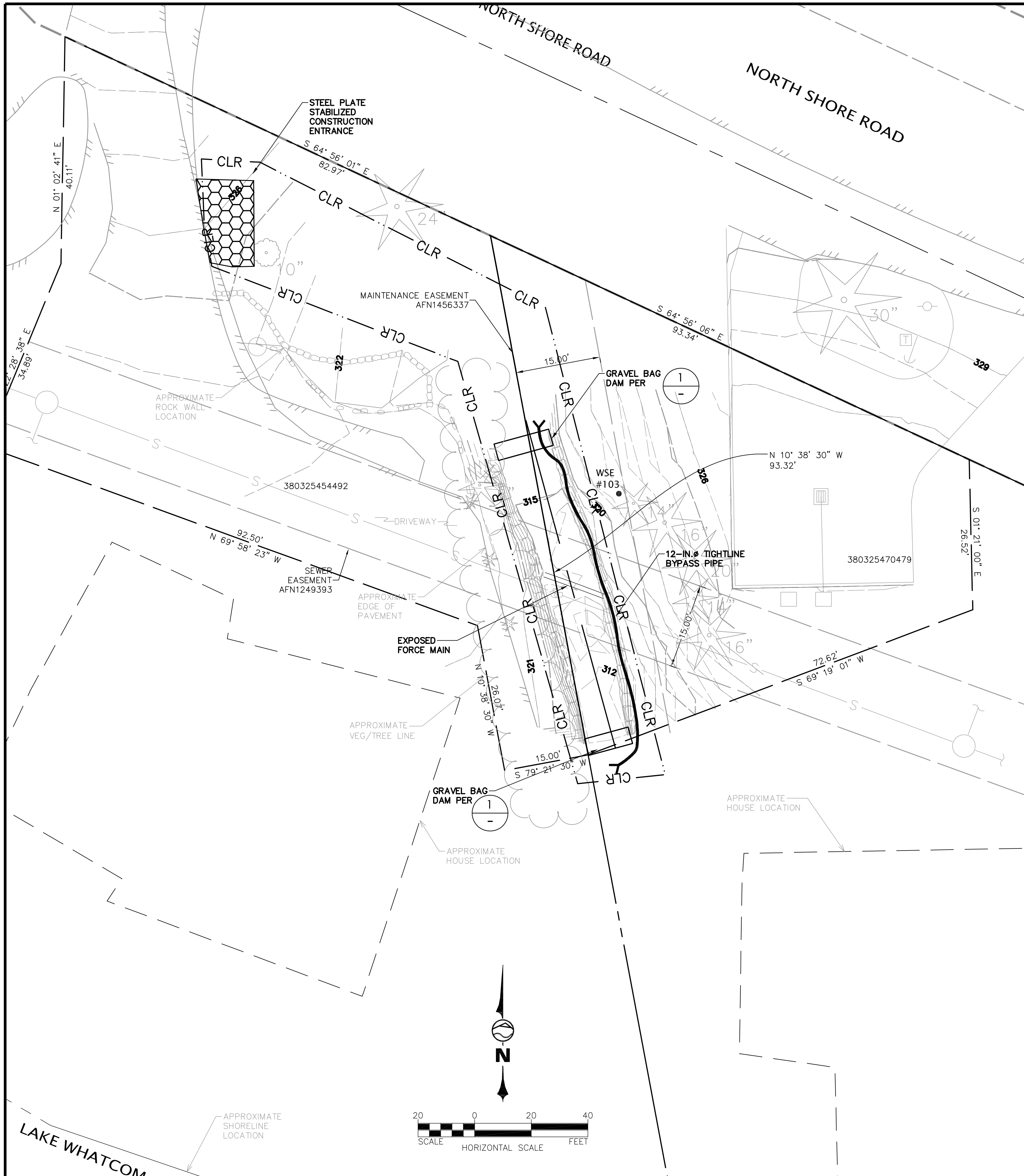
LAKE WHATCOM WATER & SEWER DISTRICT
BELLINGHAM WASHINGTON
NORTH SHORE EXPOSED FORCE MAIN
W.A.C. 332-130-145 COMPLIANCE SHEET

DATE JULY 2019
SCALE AS SHOWN
JOB NUMBER 2018-016

SHEET C2.2
PAGE 4 OF 9



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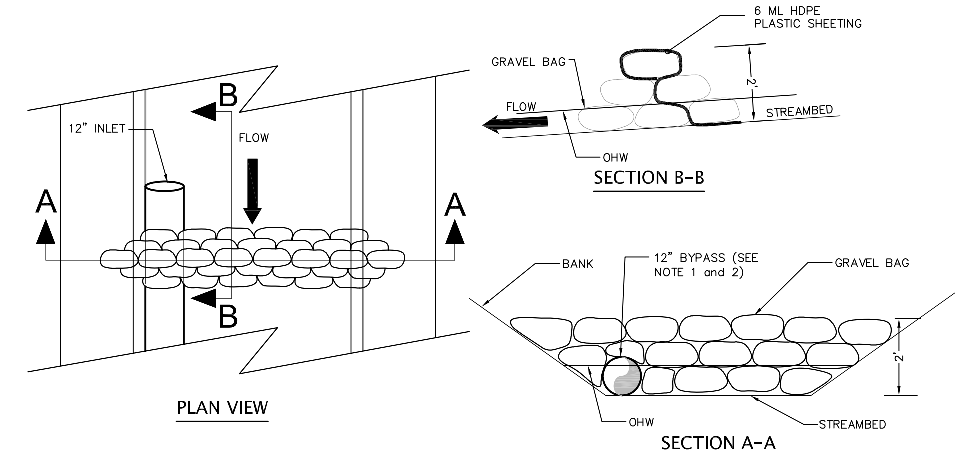

NOTES:

1. SEAL PLASTIC AROUND PIPE WITH PIPE CLAMP AND NEOPRENE GASKET.
2. PIPE SLOPE EQUALS 4% MIN.
3. CONTRACTOR TO SUBMIT DETAILED BYPASS PLAN TO ENGINEER FOR APPROVAL.
4. NOTE THAT STREAM HAS VERY LOW FLOWS IN LATE SUMMER.

1 STREAM DIVERSION – GRAVEL BAG DAM DETAILS

NOT TO SCALE

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JENNIFER ANN RAMSEY — REGISTERED PROFESSIONAL ENGINEER — STATE OF WASHINGTON
July 1, 2019

DESIGNED BY JAR
DRAWN BY RDN
CHECKED BY MMM

LAKE WHATCOM WATER & SEWER DISTRICT

BELLINGHAM WASHINGTON

NORTH SHORE EXPOSED FORCE MAIN

TESC PLAN & DETAILS

DATE JULY 2019
SCALE AS SHOWN
JOB NUMBER 2018-016

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PAGE 5 OF 9

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STANDARD NOTES

Approval of this erosion/sedimentation control (ESC) plan does not constitute an approval of permanent road or drainage design (e.g. size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).

The implementation of these ESC plans and the construction, maintenance, replacement, and upgrading of these ESC facilities is the responsibility of the applicant/contractor until all construction is completed and approved and vegetation/landscaping is established.

The boundaries of the clearing limits shown on this plan shall be clearly flagged in the field prior to construction. during the construction period, no disturbance beyond the flagged clearing limits shall be permitted. The flagging shall be maintained by the applicant/contractor for the duration of construction.

The ESC facilities shown on this plan must be constructed in conjunction with all clearing and grading activities, and in such a manner as to insure that sediment and sediment laden water do not enter the drainage system, roadways, or violate applicable water standards.

The ESC facilities shown on this plan are the minimum requirements for anticipated site conditions. During the construction period, these ESC facilities shall be upgraded as needed for unexpected storm events and to ensure that sediment and sediment laden water do not leave the site.

The ESC facilities shall be inspected daily by the applicant/contractor and maintained as necessary to ensure their continued functioning.

The ESC facilities on inactive sites shall be inspected and maintained a minimum of once a month or within the 48 hours following a major storm event.

At no time shall more than one foot of sediment be allowed to accumulate within a trapped catch basin. All catch basins and conveyance lines shall be cleaned prior to paving. The cleaning operation shall not flush sediment laden water into the downstream system.

Since full stabilized construction entrances will not be practical, regular sweeping will need to occur for the duration of the project. Additional measures may be required to insure that all paved areas are kept clean for the duration of the project.

TEMPORARY EROSION AND SEDIMENT CONTROL NARRATIVE

1. CONSTRUCTION STORMWATER POLLUTION PREVENTION 12 ELEMENTS.

ELEMENT 1–MARK CLEARING LIMITS. Buffer Zones (BMP C102) shall be established prior to construction around creek and drainage swales. Construction limits will be clearly defined by fencing, taping, and/or compost berms. Clearing limits shall be installed prior to construction to protect and mark the Buffer Zones.

ELEMENT 2–ESTABLISH CONSTRUCTION ACCESS. All public roads will be cleaned thoroughly at the end of each day, or more frequently during wet weather, if necessary. Sediment shall be removed from roads by shoveling or pickup sweeping and shall be transported to a controlled sediment disposal area. Street washing will be allowed only after sediment is removed in this manner. Street wash water shall be controlled to prevent from discharging into stormwater drain systems and systems tributary to State surface waters. All discharge of stormwater to vegetated areas shall be pre–approved by Whatcom County prior to discharge.

ELEMENT 3–CONTROL FLOW RATES. Downstream flow rates will not increase significantly during construction as there will not be a significant change in quantity of impervious surfaces. The site is located within a creek channel that is dry during summer months. No concentrated runoff will be discharged directly from the site without first being intercepted by some sediment control. Stormwater retention/detention facilities are not part of this project

ELEMENT 4–INSTALL SEDIMENT CONTROLS. Existing slopes range from 1 to 10 percent throughout the project site. No significant change to the surface topography is proposed for this project. Existing drainage patterns will be maintained. Sediment controls will be installed downstream of all disturbed areas to treat all runoff from the site.

ELEMENT 5–STABILIZE SOILS. From October 1 through April 30, no soils shall remain exposed and unworked for more than 2 days. From May 1 to September 30, no soils shall remain exposed and unworked for more than 7 days. This stabilization requirement applies to all soils on site, whether at final grade or not. Soils shall be stabilized at the end of the shift before a holiday or weekend if needed based on the weather forecast. Stabilization methods include: Temporary or Permanent Seeding (BMP C120), Mulching (BMP C121), and Surface Roughening (BMP C130). Stockpiles shall be covered and exposed soils shall be covered with straw, mulch or other acceptable methods. If construction takes place during the summer months, dust control measures will be implemented. After construction, exposed, unpaved surfaces disturbed by construction activities will be hydro–seeded or mulched

ELEMENT 6–PROTECT SLOPES. Any disturbed upland slopes shall be protected by Mulching (BMP C121), netting, and/or Permanent Seeding (BMP C120).

Divert upslope drainage and run–on waters from off–site with interceptors at top of slope or bank. Off–site stormwater should be handled separately from stormwater generated on the site. Diversion of off–site stormwater around the site may be a viable option. Diverted flows shall be redirected to the natural drainage location at or before the property boundary.

As practical, excavated material should be placed on the uphill side of trenches, consistent with safety and space considerations. Safety remains the responsibility of the contractor.

ELEMENT 7–PROTECT DRAIN INLETS. There are no drain inlets within the project limits that need to be protected.

ELEMENT 8–STABILIZE CHANNELS AND OUTLETS. No channels exist beyond those under construction which have permanent erosion control BMPs to be installed.

ELEMENT 9–CONTROL POLLUTANTS. All pollutants, including waste materials and demolition debris, that occur on site during construction shall be handled and disposed of in a manner that does not cause contamination of stormwater. Cover, containment, and protection from vandalism shall be provided for all chemicals, liquid products, petroleum products, and non–inert wastes present on the site.

On–site maintenance and repair of heavy equipment and vehicles involving oil changes, hydraulic system drain down, solvent and de–greasing cleaning operations, fuel tank drain down and removal, and other activities which may result in discharge or spillage of pollutants to the ground or into stormwater runoff must be conducted using spill prevention measures, such as drip pans. Contaminated surfaces shall be cleaned immediately following any discharge or spill incident. Emergency repairs may be performed on–site using temporary plastic placed beneath and, if raining, over the vehicle. Apply fertilizers and pesticides in accordance with manufacturer's instructions to prevent stormwater runoff contamination. Any materials to be used on site that contain phosphorus must be pre–approved by the Engineer prior to use.

Management of pH–modifying sources shall prevent contamination of runoff and stormwater collected on the site. These sources include, but are not limited to, bulk cement, cement kiln dust, fly ash, new concrete washing and curing waters, waste streams generated from concrete grinding and sawing, exposed aggregate processes, and concrete pumping and mixer washout waters. Concrete work that has not cured will be covered during rainfall to prevent increased stormwater pH as necessary to prevent violations of water quality standards.

ELEMENT 10–CONTROL DEWATERING. Project shall have a temporary bypass pipe installed as indicated on plan to divert clean water around work area. The following options will be implemented for dewatering as necessary. Clean, non–turbid de–watering water, such as well–point ground water, will be discharged to the creek downstream of the work area. Turbid dewatering water will be discharged to a settling tank or filter to remove turbidity prior to being discharged to the creek.

ELEMENT 11–MAINTAIN BMPs. Temporary and permanent erosion and sediment control BMPs shall be maintained and repaired as needed to assure continued performance of their intended function. Sediment control BMPs shall be inspected weekly and within 24 hours after a runoff producing storm event during the dry season and daily during the wet season. Temporary erosion and sediment control BMPs shall be removed within 30 days after final site stabilization is achieved or after the temporary BMPs are no longer needed. Trapped sediment shall be removed and disposed of properly.

Sediment control BMPs shall be inspected weekly or after a runoff–producing storm event during the dry season and daily during the wet season.

ELEMENT 12–MANAGE THE PROJECT. The Contractor is solely responsible for providing and maintaining these and such additional BMPs, as may be required to prevent erosion, control sediment, and prevent water pollution.

Phasing of Construction – Phasing of work to be considered where feasible in order to prevent, to the maximum extent practicable, the transport of sediment from the site during construction. Revegetation of exposed areas and maintenance of that vegetation shall be an integral part of the clearing activities for any phase.

When establishing permitted clearing and grading areas, consideration should be given to minimizing removal of existing trees and minimizing disturbance/compaction of native soils except as needed for building purposes. Permitted clearing and grading areas and any other areas required to preserve critical or sensitive areas, buffers, native growth protection easements, or tree retention areas, shall be delineated on the site plans and the development site.

Whenever inspection and/or monitoring reveals that the BMPs identified in the Construction SWPPP are inadequate, due to the actual discharge of or potential to discharge a significant amount of any pollutant, the SWPPP shall be modified, as appropriate, in a timely manner.

Maintenance of the Construction SWPPP – The Construction SWPPP shall be retained on–site. The Construction SWPPP shall be modified whenever there is a significant change in the design, construction, operation, or maintenance of any BMP

2. PROJECT DESCRIPTION

a. TOTAL PROJECT AREA = 2400 SF.

b. TOTAL PROPOSED IMPERVIOUS AREA. 0.00 acres

c. TOTAL PROPOSED AREA TO BE DISTURBED = 500 SF.

d. TOTAL VOLUME OF PROPOSED CUT/FILL. Cut = 33 CY, Fill = 0.5 CY. Volumes are for TESC narrative only and are not intended for bidding or take–off purposes.

3. EXISTING SITE CONDITIONS

a. DESCRIPTION OF EXISTING TOPOGRAPHY. The exposed pipe is located at the bottom of the creek channel. The channel slope down gradient from the exposed pipe is 10%.

b. DESCRIPTION OF EXISTING VEGETATION. Both landscaping and native vegetation cover the slope. A few trees are also present.

c. DESCRIPTION OF EXISTING DRAINAGE.

4. ADJACENT AREAS

a. DESCRIPTION OF ADJACENT AREAS WHICH MAY BE AFFECTED BY SITE DISTURBANCE:

i. STREAMS. The pipe lies within Agate Bay Creek.

ii. LAKES. Lake Whatcom is located 150 feet downstream from the pipe.

iii. WETLANDS. The pipe is not within a wetland buffer.

iv. RESIDENTIAL AREAS. The culvert is located in a neighborhood of developed lots.

v. ROADS. The pipe is located near North Shore Drive, halfway between Sunny Cove Court and Agate Bay Lane.

vi. OTHER. North Shore Road is a Whatcom County road.

b. DESCRIPTION OF THE DOWNSTREAM DRAINAGE PATH LEADING FROM THE SITE TO THE RECEIVING BODY OF WATER (MINIMUM DISTANCE OF 400 YARDS). The pipe is located approximately 150 feet upstream of Lake Whatcom.

5. CRITICAL AREAS

a. DESCRIPTION OF CRITICAL AREAS THAT ARE ON OR ADJACENT TO THE SITE. Pipe is located in a stream bed that discharges to Lake Whatcom.

b. DESCRIPTION OF SPECIAL REQUIREMENTS FOR WORKING IN OR NEAR CRITICAL AREAS. Install diversion dams and divert offsite stormwater around construction site.

6. DESCRIPTION OF ONSITE SOILS

Soils range from Type B well drained soils such as Squalicum Gravelly Loam to type C moderately drained soils such as Nati Loam.

7. EROSION PROBLEM AREAS. Pipe is being scoured and is now exposed by storm flow.

8. CONSTRUCTION PHASING.

a. CONSTRUCTION SEQUENCE. The construction sequence will generally be as follows: install erosion prevention facilities (compost berms, diversion dams, inlet protection); install pipe protection. Install aggregate to facilitate fish passage over pipe. Mulch or hydroseed disturbed upland areas as applicable.

b. CONSTRUCTION PHASING. N/A

9. CONSTRUCTION SCHEDULE

a. PROVIDE A PROPOSED CONSTRUCTION SCHEDULE. Construction activities will occur within the Lake Whatcom watershed land disturbance window of June 1 to September 30, 2017.

b. WET SEASON CONSTRUCTION ACTIVITIES

i. PROPOSED WET SEASON CONSTRUCTION ACTIVITIES. No construction activities are planned during the wet season.

ii. PROPOSED WET SEASON CONSTRUCTION RESTRAINTS FOR ENVIRONMENTALLY SENSITIVE/CRITICAL AREAS. N/A

10. FINANCIAL/OWNERSHIP RESPONSIBILITY

a. IDENTIFY THE PROPERTY OWNER RESPONSIBLE FOR THE INITIATION OF BONDS AND/OR OTHER FINANCIAL SECURITIES. Lake Whatcom Water & Sewer District

b. DESCRIBE BONDS AND/OR OTHER EVIDENCE OF FINANCIAL RESPONSIBILITY FOR LIABILITY ASSOCIATED WITH EROSION AND SEDIMENTATION IMPACTS. No bonds or other evidence of financial responsibility are known to be required for this project.

11. ENGINEERING CALCULATIONS

a. SEDIMENT PONDS/TRAPS. None used.

b. DIVERSIONS. None used.

c. WATERWAYS. None used.

d. RUNOFF/STORMWATER DETENTION CALCULATIONS. None needed.

12. SWPPP CONTACT. Questions or concerns regarding the design, installation, or function of erosion control BMPs should be directed to: Lake Whatcom Water and Sewer District, 1220 Lakeway Dr., Bellingham, WA 98229, (360)734–9224

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LAKE WHATCOM WATER & SEWER DISTRICT
BELLINGHAM WASHINGTON
NORTH SHORE EXPOSED FORCE MAIN
TESC NOTES

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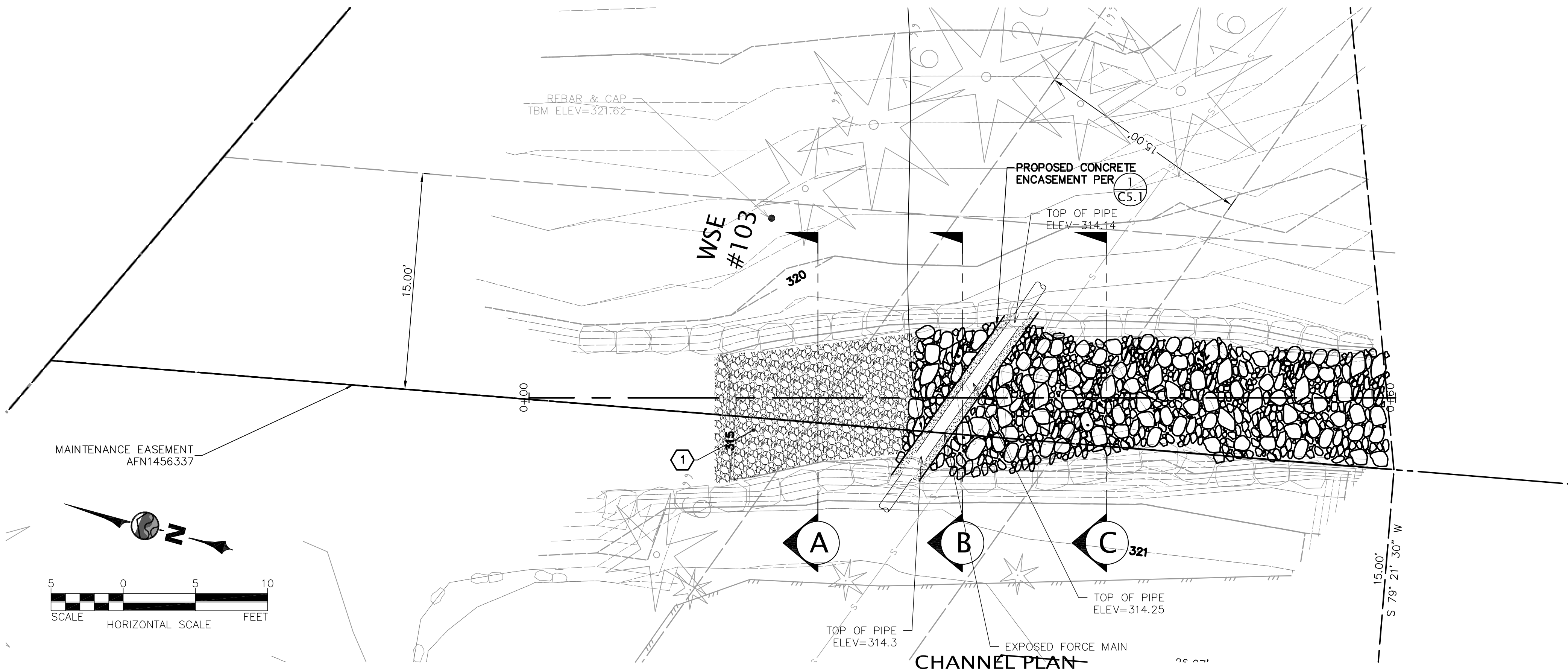
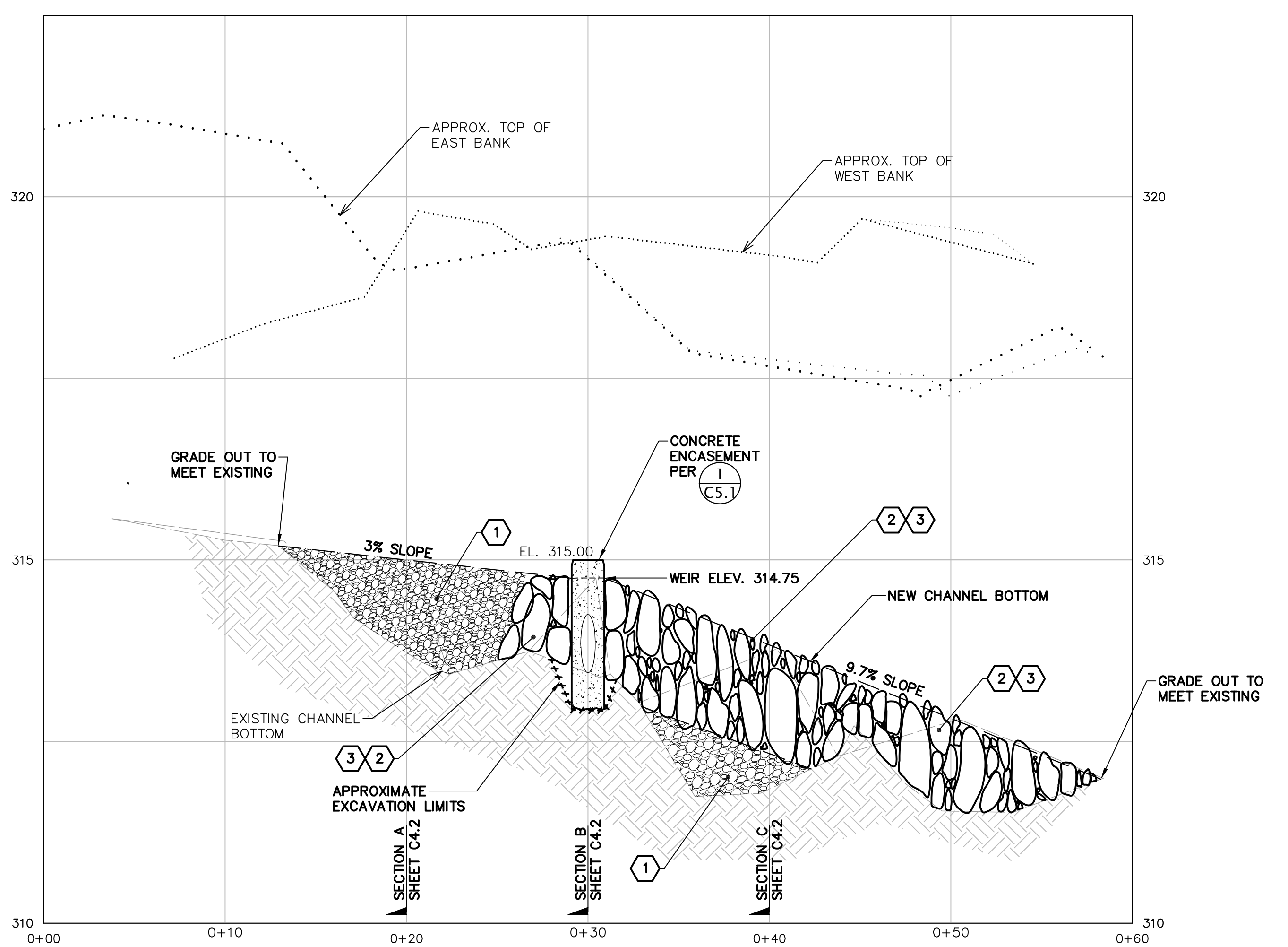


CHANNEL PLAN



CHANNEL PROFILE (CENTER)

KEYED NOTES:

(1) = STREAMBED SEDIMENT PER WSDOT 9-03.11(1)

(2) = 10-IN. STREAMBED COBBLES PER WSDOT 9-03.11(2); MINIMUM 14 INCH DEPTH

(3) = CHINKING PER WSDOT 9-03.11(1); PLACE IN BETWEEN COBBLES

CONSTRUCTION NOTES:

1. CONSTRUCTION OF THE STREAM CHANNEL SHALL CONSIST OF EXCAVATION, EMBANKMENT CONSTRUCTION, PLACE OF STREAMBANK AND STREAMBED ROCK STABILIZATION, SOIL INSTALLATION, COMPACTION AND FINISH GRADING. FINISH GRADE OF THE STREAM CHANNEL SHALL BE AS SHOWN ON THE DRAWNGS AND/OR AS STAKED IN THE FIELD.
2. THE LIMITS OF STREAM CHANNEL GRADING WILL BE MARKED AND STAKED BY THE DISTRICT PRIOR TO COMMENCEMENT OF EXCAVATION BY THE CONTRACTOR. THE CONTRACTOR SHALL PRESERVE THE INTEGRITY OF THE STAKING DURING CONSTRUCTION.
3. THE CONTRACTOR SHALL EXCAVATE THE STREAM CHANNEL AROUND THE SEWER PIPE NEEDED TO CONSTRUCT THE CONCRETE ENCASEMENT PER THE PLANS AND ACHIEVE THE FINAL ELEVATION.
4. SHOULD GRADING CONFLICT WITH EXISTING SITE CONDITIONS, CONSULT WITH THE ENGINEER PRIOR TO PROCEEDING WITH THE WORK.
5. THE SLOPES SHALL BE GRADED IN A UNIFORM MANNER PER THE PLANS OR AS DIRECTED BY THE ENGINEER. ROUNDING SHALL BE DONE AT ABRUPT CHANGES IN SURFACES. FEATHER GRADES GRADUALLY TO MEET EXISTING CONTOURS. MINOR ADJUSTMENTS TO THE CHANNEL ELEVATION GRADING AND CONTOURING SHOWN IS ANTICIPATED TO MEET SITE CONDITIONS AND TO PROVIDE FOR THE INTENT OF GRADING.
6. HAND GRADING AND FINAL REFINEMENT OF CHANNEL AND LANDSCAPE AREAS SHALL BE AS DIRECTED BY THE ENGINEER. THE ENGINEER SHALL HAVE FINAL APPROVAL OF ALL GRADING AND CONTOURING.

NO.	REVISIONS	BY	DATE

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LAKE WHATCOM WATER & SEWER DISTRICT
BELLINGHAM, WASHINGTON
NORTH SHORE EXPOSED FORCE MAIN
DESIGN SITE PLAN & PROFILE

DATE JULY 2019 | SCALE AS SHOWN | JOB NUMBER 2018-016

SHEET C4.1
PAGE 7 OF 9

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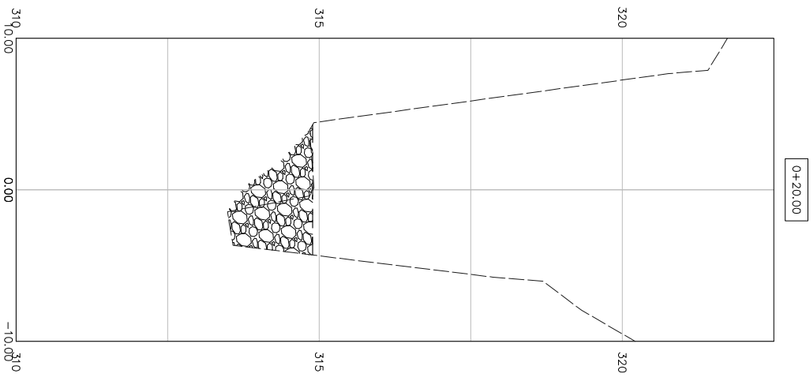
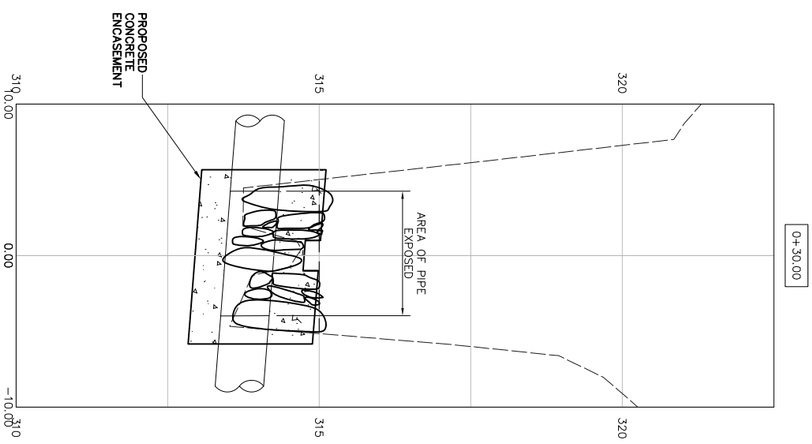
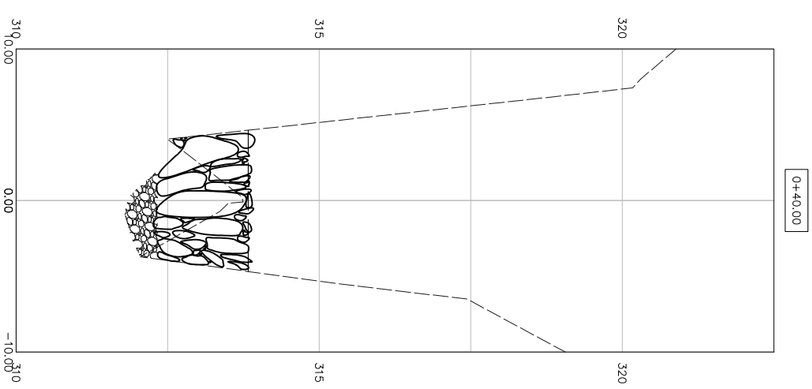
SECTION A – STA 0+20

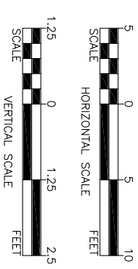


SECTION B – STA 0+30



SECTION C – STA 0+40





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8 OF 9	AS SHOWN	NORTH SHORE EXPOSED FORCE MAIN SECTIONS	RDN
	JOB NUMBER		CHECKED BY
	2018-016		MMM

JENNIFER ANN RAMSEY — STATE OF WASHINGTON — 23086 — REGISTERED PROFESSIONAL ENGINEER
July 1, 2019

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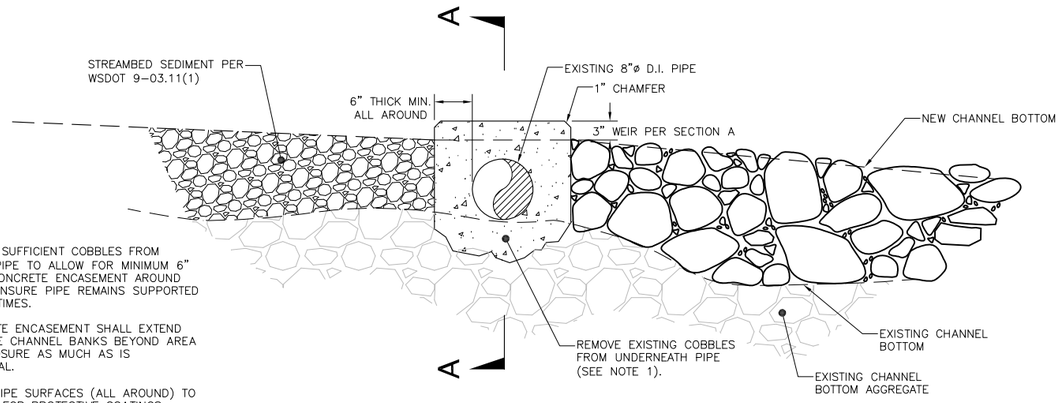


NOTES:

1. REMOVE SUFFICIENT COBBLES FROM UNDER PIPE TO ALLOW FOR MINIMUM 6" THICK CONCRETE ENCASEMENT AROUND PIPE. ENSURE PIPE REMAINS SUPPORTED AT ALL TIMES.
2. CONCRETE ENCASEMENT SHALL EXTEND INTO THE CHANNEL BANKS BEYOND AREA OF EXPOSURE AS MUCH AS IS PRACTICAL.
3. CLEAN PIPE SURFACES (ALL AROUND) TO SOCIETY FOR PROTECTIVE COATINGS SSPC-SP3 POWER TOOL CLEANING STANDARDS.
4. CONCRETE FOR ENCASEMENT SHALL HAVE THE FOLLOWING PROPERTIES:

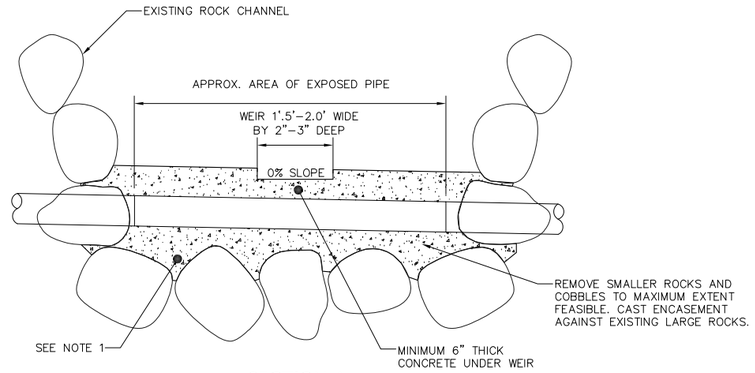
   COMPRESSIVE STRENGTH= 3,000 psi
   MAX AGGREGATE SIZE= 3/4"
   WATER TO CEMENT RATION= 0.40 MAX

   INCLUDE 2% FIBRILLATED POLYPROPYLENE FIBERS BY VOLUME.

   INCLUDE DRY WATER PROOFING ADMIXTURE AT THE RATE OF 2% OF WEIGHT OF CEMENTITIOUS MATERIALS.

   MEET ASTM D4068 ANNEX A2.

   CONTRACTOR SHALL SUBMIT MIX DESIGN TO ENGINEER FOR APPROVAL.



SECTION A

1
C4.1

CONCRETE ENCASEMENT OF EXPOSED FORCE MAIN

NOT TO SCALE

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JENNIFER ANN RAMSEY — 23088 — REGISTERED PROFESSIONAL ENGINEER — STATE OF WASHINGTON — July 2, 2019

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LAKE WHATCOM WATER & SEWER DISTRICT

BELLINGHAM WASHINGTON

NORTH SHORE EXPOSED FORCE MAIN

DETAILS

WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICES
5280 Northwest Drive, Suite B
Bellingham, WA 98226

Mark Personius, AICP
Director

EXEMPTION FROM THE SHORELINE MANAGEMENT PROGRAM SUBSTANTIAL DEVELOPMENT PERMIT REQUIREMENT

SHX2019-00050

Applicant:	Lake Whatcom Water and Sewer District Attn: Justin Clary 1220 Lakeway Dr. Bellingham, WA 98229
Project Description:	The project will encase an exposed 8-inch diameter sewer force main in concrete that is located within a creek that discharges to Lake Whatcom; the intent is to protect the force main from damage and corrosion.
Project Location(s):	2417 North Shore Dr. Section 25, Township 38 North, Range 03 East W.M.
Parcel Number:	380325454492, 380325470479
Water Body:	Lake Whatcom
Shoreline Designation:	Shoreline Residential
SEPA:	**DNS issued by applicant acting as lead agency on May 3, 2019**

Whatcom County Shoreline Management Program (SMP), Title 23, Section 23.60.022.B allows for the maintenance and repair of lawfully established structures without the need for a Shoreline Substantial Development Permit if done to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair causes substantial adverse effects to the shoreline resource or environment. Such repair can be in the form of complete replacement where such replacement is the common method of repair for the type of structure or development and the replacement structure is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to the shoreline resources or the environment.

Whatcom County has determined that the proposal is consistent with the above-referenced exemption and qualifies for review without the need to obtain a shoreline substantial development permit.

According to WCC 23.60.021.A, an exemption from the substantial development permit process is not an exemption from compliance with the State of Washington Shoreline Management Act (SMA) or the SMP, or from any other regulatory requirements.

The proposed project is consistent with the applicable policies and regulations of the SMP subject to the conditions attached to this exemption approval.

Note that obtaining a shoreline statement of exemption for a development or use does not excuse the applicant from complying with any other State, regional, or Federal statutes or regulations applicable to such development or use.

The requested Shoreline statement of exemption is approved subject to the attached conditions. Note that pursuant to Section 23.60.15, the applicant or any opponent of this determination may appeal this administrative permit decision to the office of the Hearing Examiner. The application for appeal from the Shoreline Administrator's decision may be obtained at the Planning and Development Services Office. Such an appeal shall be filed within twenty (20) calendar days of this determination.

Official: Andrew Hicks
Title: Shoreline Program Administrator

Date: June 28, 2019

CONDITIONS ASSOCIATED WITH SHX2019-00050

1. *The proposed work shall be consistent with the scope of the application materials provided reviewed by staff and consistent with the site plan stamped "Shoreline Approved" on June 28, 2019. Any changes will require additional review by the Whatcom County Shoreline Administrator.*

2. *Issuance of this shoreline permit does not release the applicant from any other Local, State, regional or Federal statutes or regulations applicable to the proposed development.*

3. *The crossing shall minimize the interruption of natural processes such as channel migration, the downstream movement of wood and gravel, and all fish and wildlife movement.*

4. *Debris from construction shall be disposed of at an approved facility.*

5. *The project shall comply with State hydraulic project approval (HPA) requirements and conditions and a copy of the HPA shall be submitted to Whatcom County Planning and Development Services prior to commencing work.*

6. *Any change in the project shall require additional review by the Shorelines Administrator.*

7. *Washington State Department of Ecology Water Quality Standards shall be maintained.*

8. *The project shall not result in significant degradation of ground or surface waters and shall be completed during periods of dry weather.*

9. *Erosion control measures shall be employed to ensure that no water quality issues occur.*

10. *Construction Best Management Practices shall be used, as necessary, to address any construction related impacts to the adjacent waters and/or floodplain area.*

11. *Should archaeological resources (e.g. shell midden, faunal remains, stone tools) be observed during project activities, all work in the immediate vicinity should stop, and the area should be secured. The Washington State Department of Archaeology and Historic Preservation (Gretchen Kaehler, Local Government Archaeologist 360-586-3088) and the Lummi Nation Tribal Historic Preservation Office (Lena Tso, THPO 360-312-2257; Tamela Smart, Deputy THPO 360-312-2253) should be contacted immediately in order to help assess the situation and to determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources is required.*

12. *If ground disturbing activities encounter human skeletal remains during the course of construction, then all activity will cease that may cause further disturbance to those remains. The area of the find will be secured and protected from further disturbance. The finding of human skeletal remains will be reported to the county medical examiner/coroner and local law enforcement in the most expeditious manner possible. The remains will not be touched, moved, or further disturbed. The county medical examiner/coroner will assume jurisdiction over the human skeletal remains and make a determination of whether those remains are forensic or non-forensic. If the county medical examiner/coroner determines the remains are non-forensic, then they will report that finding to the Department of Archaeology and Historic Preservation (DAHP) who will then take jurisdiction over the remains. The DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will make a determination of whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the affected tribes. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.*

13. *Construction shall be commenced within two (2) years of the effective date of this shoreline exemption, as defined by 23.60.190(A)(3), and shall be completed in five (5) years. The Shoreline Administrator may grant a single extension for a period of not more than one (1) year based on a showing of good cause. Such request must be filed with the Shoreline Administrator before the expiration date described above.*

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, SEATTLE DISTRICT
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

June 3, 2019

Regulatory Branch

Lake Whatcom Water and Sewer District
Mr. Justin Clary
1220 Lakeway Drive
Bellingham, Washington 98229

Reference: NWS-2018-457
Lake Whatcom Water
and Sewer District

Dear Mr. Clary:

We have reviewed your application to excavate and place fill in Agate Creek near Bellingham, Whatcom County, Washington. The work would facilitate protection of an existing pipeline and restoration of stream habitat. Based on the information you provided to us, Nationwide Permit (NWP) 12, Utility Line Activities, and NWP 27, Aquatic Habitat Restoration, Establishment, and Enhancement Activities (both in Federal Register January 6, 2017, Vol. 82, No. 4), authorizes your proposal as depicted on the enclosed drawings dated April 26, 2019. In order for this authorization to be valid, you must ensure the work is performed in accordance with the enclosed *NWP 12 and 27, Terms and Conditions* and the following special conditions:

a. The permittee must install and maintain sediment and erosion controls during construction at the site until all disturbed stream channel areas have been stabilized.

b. The permittee must ensure that all concrete is contained until completely cured.

We have reviewed your project pursuant to the requirements of the Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act and the National Historic Preservation Act. We have determined this project complies with the requirements of these laws provided you comply with all of the permit general and special conditions.

The authorized work complies with the Washington State Department of Ecology's (Ecology) Coastal Zone Management Act requirements for this NWP. No further coordination with Ecology is required.

You have not requested a jurisdictional determination for this proposed project. If you believe the U.S. Army Corps of Engineers does not have jurisdiction over all or portions of your project you may request a preliminary or approved jurisdictional determination (JD). If one is requested, please be aware that we may require the submittal of additional information to complete the JD and work authorized in this letter may not occur until the JD has been completed.

Our verification of this NWP authorization is valid until March 18, 2022, unless the NWP is modified, reissued, or revoked prior to that date. If the authorized work has not been completed by that date and you have commenced or are under contract to commence this activity before March 18, 2022, you will have until March 18, 2023, to complete the activity under the enclosed terms and conditions of this NWP. Failure to comply with all terms and conditions of this NWP verification invalidates this authorization and could result in a violation of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. You must also obtain all local, State, and other Federal permits that apply to this project.

You are cautioned that any change in project location or plans will require that you submit a copy of the revised plans to this office and obtain our approval before you begin work. Upon completing the authorized work, you must fill out and return the enclosed *Certificate of Compliance with Department of the Army Permit*.

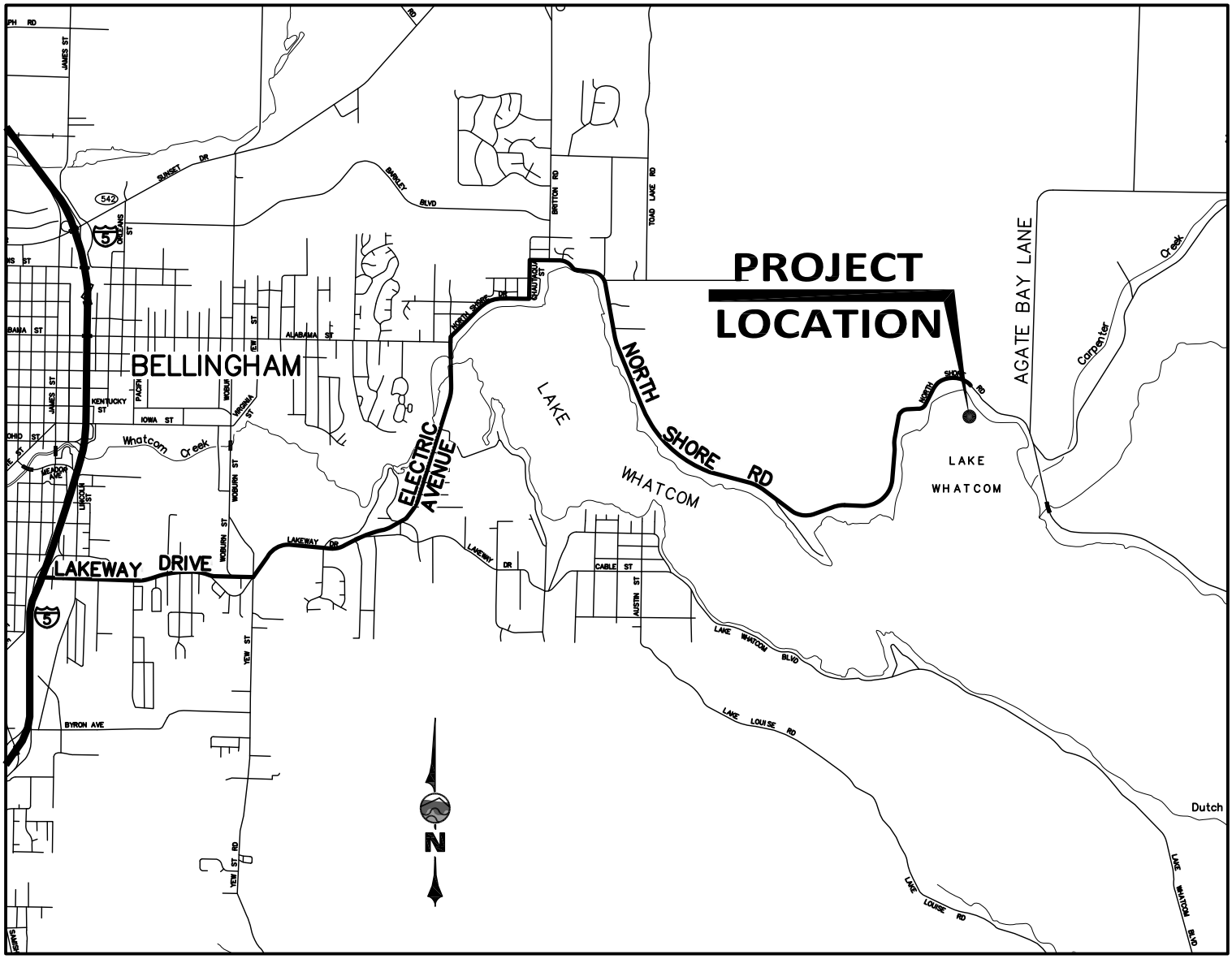
Thank you for your cooperation during the permitting process. We are interested in your experience with our Regulatory Program and encourage you to complete a customer service survey. These documents and information about our program are available on our website at www.nws.usace.army.mil, select "Regulatory Branch, Permit Information" and then "Contact Us."

A copy of this letter with enclosures will be furnished to Ms. Melanie Mankamyer of Wilson Engineering, LLC at 805 Dupont Street, Suite 7, Bellingham, Washington 98225. If you have any questions, please contact me at randel.j.perry@usace.army.mil or at (360) 734-3156.

Sincerely,

Randel Perry, Project Manager
Regulatory Branch

Enclosures



REFERENCE: NWS-2019-457

APPLICANT: LAKE WHATCOM WATER & SEWER DISTRICT

ADJACENT PROPERTY OWNERS: SEE FIGURE 2.

LOCATION: 2417 NORTHSHORE ROAD

LAT/LONG: 48.7584 N LAT
−122.3590 W LONG

PAGE: 1 OF 4 DATE: 4−26−19

PROPOSED PROJECT: COVER & PROTECT NS EXPOSED SEWER FORCE MAIN

IN: AGATE CREEK
NEAR/AT: BELLINGHAM
COUNTY: WHATCOM
STATE: WA

WILSON ENGINEERING
WILSONENGINEERING.COM

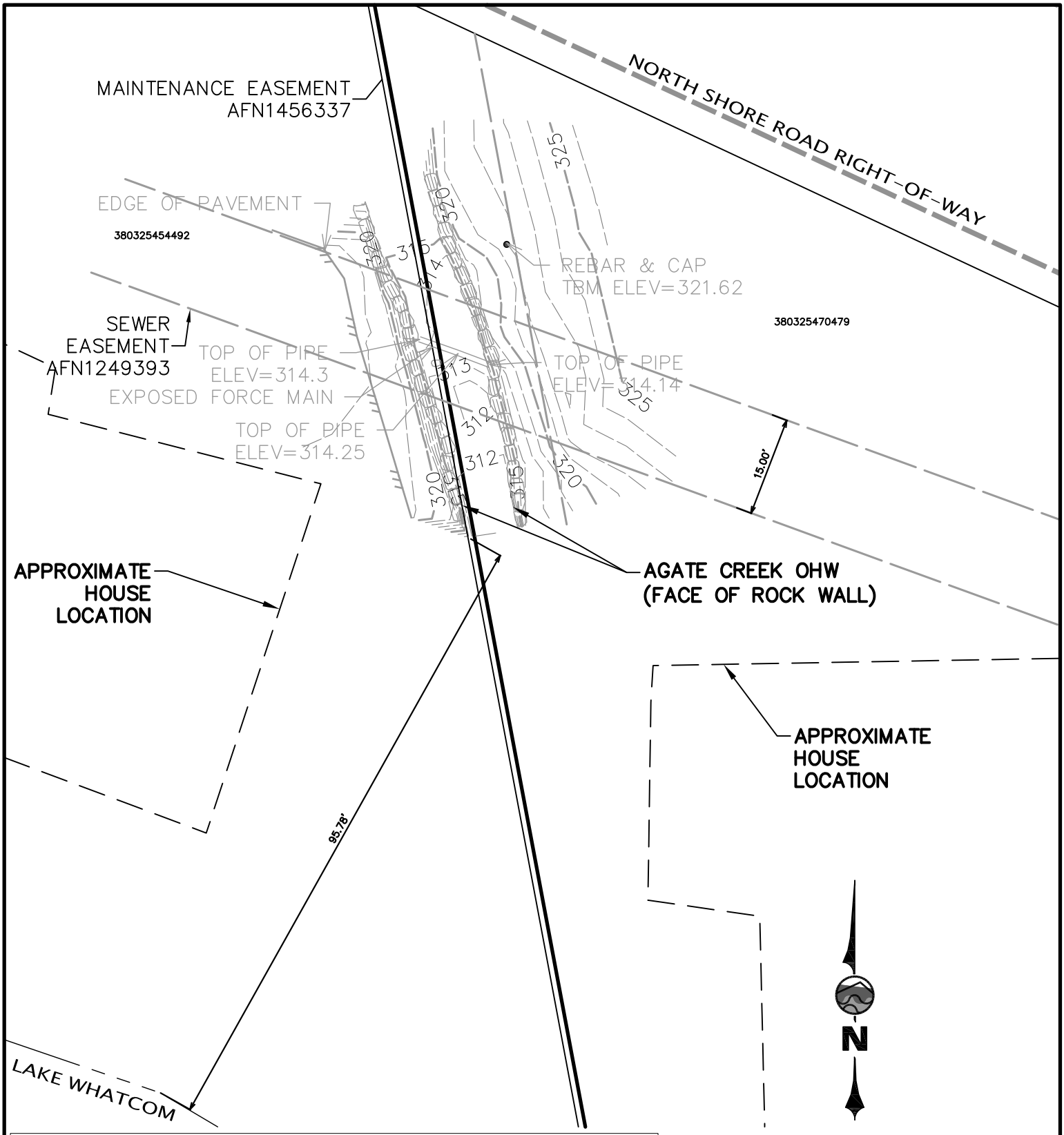
CIVIL
STRUCTURAL
SURVEY

LAKE WHATCOM WATER & SEWER DISTRICT

BELLINGHAM WASHINGTON

NS EXPOSED SEWER FORCE MAIN
VICINITY MAP

DATE: APRIL, 2019
SCALE: AS SHOWN
JOB NO.: 2018-016
SHEET: F1
OF: F4



REFERENCE NUMBER: NWS-2019-457
APPLICANT NAME: LAKE WHATCOM WATER & SEWER DISTRICT
PROPOSED PROJECT: COVER & PROTECT NS EXPOSED SEWER FORCE MAIN
LOCATION: 2417 NORTHSHORE ROAD
SHEET: 2 OF 4 DATE: 4-26-19

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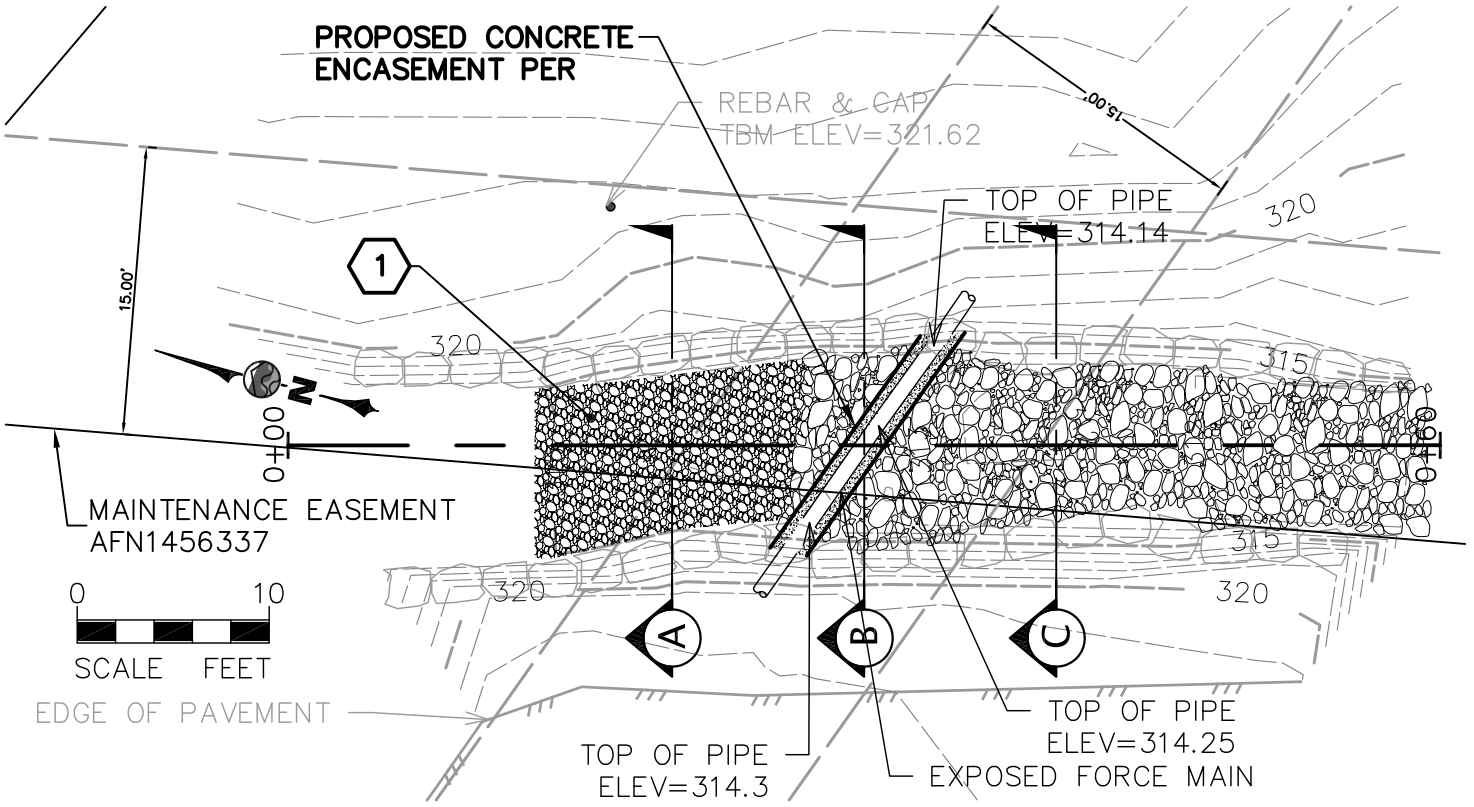
CIVIL
STRUCTURAL
SURVEY

LAKE WHATCOM WATER & SEWER DISTRICT
BELLINGHAM WASHINGTON

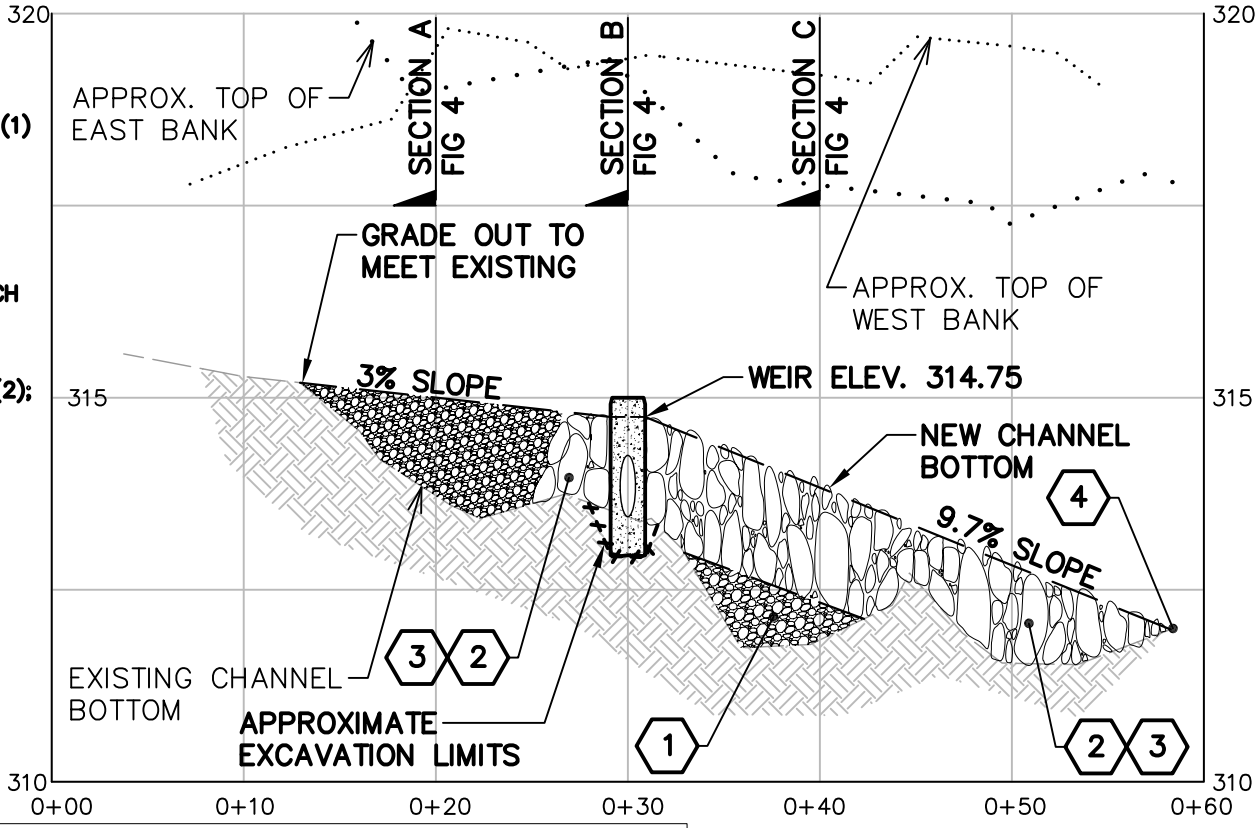
NS EXPOSED SEWER FORCE MAIN
EXISTING CONDITIONS

DATE APRIL, 2019
SCALE AS SHOWN
JOB NO. 2018-016
SHEET F2
OF F4



KEYED NOTES:

1. STREAMBED SEDIMENT PER WSDOT 9-03.11(1)
2. 10-IN. STREAMBED COBBLES PER WSDOT 9-03.11(2); MINIMUM 14 INCH DEPTH
3. CHINKING PER WSDOT 9-03.9(2); PLACE IN BETWEEN COBBLES
4. GRADE OUT TO MEET EXISTING



REFERENCE NUMBER: NWS-2019-457
APPLICANT NAME: LAKE WHATCOM WATER & SEWER DISTRICT
PROPOSED PROJECT: COVER & PROTECT NS EXPOSED SEWER FORCE MAIN
LOCATION: 2417 NORTHSHORE ROAD
SHEET: 3 OF 4 DATE: 4-26-19

0 10 SCALE FEET HORIZONTAL

0 2.5 SCALE FEET VERTICAL

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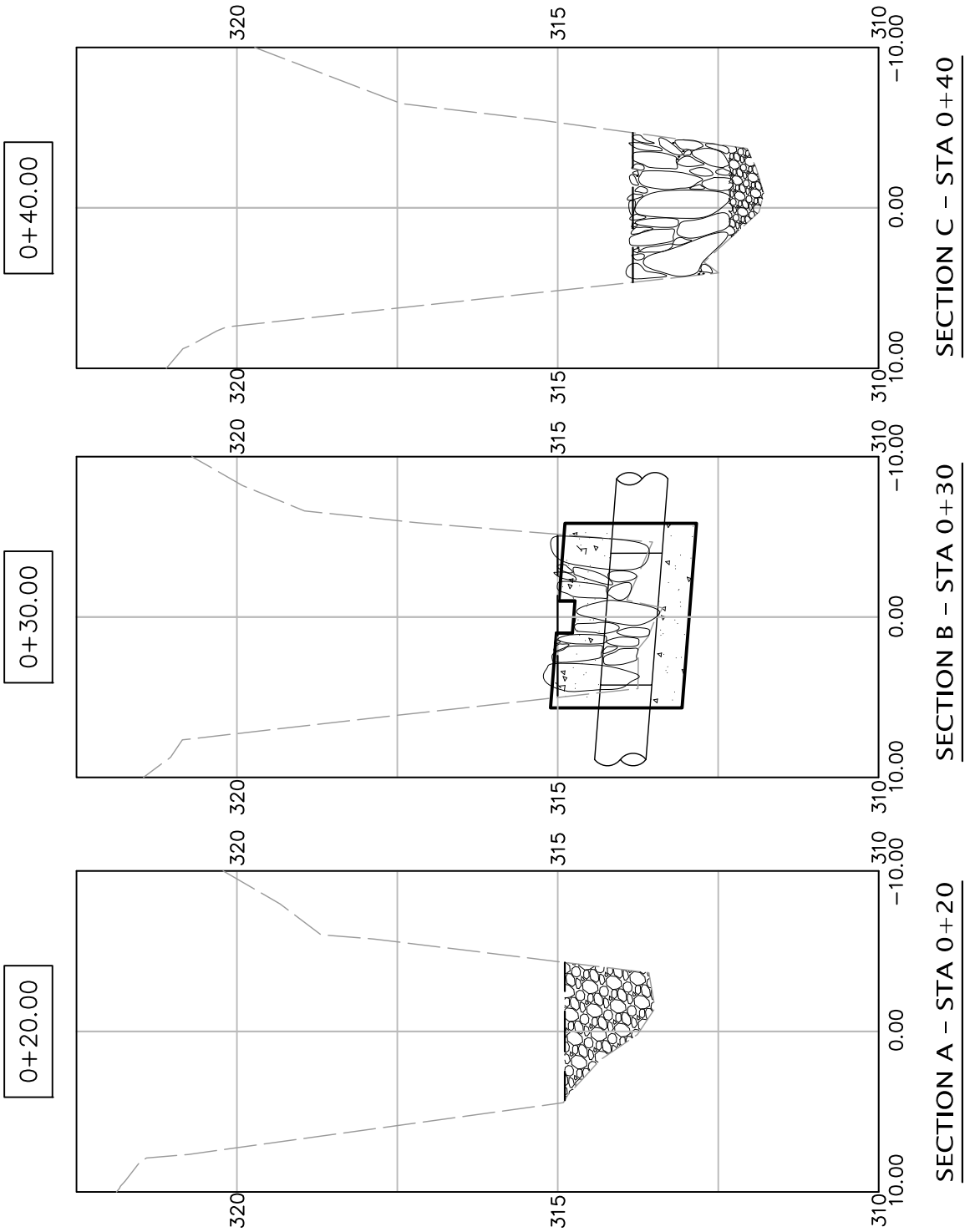
CIVIL
STRUCTURAL
SURVEY

LAKE WHATCOM WATER & SEWER DISTRICT
BELLINGHAM WASHINGTON

NS EXPOSED SEWER FORCE MAIN
PROPOSED CONDITIONS

DATE APRIL, 2019
SCALE AS SHOWN
JOB NO. 2018-016
SHEET F3
OF F4



REFERENCE NUMBER: NWS-2019-457
APPLICANT NAME: LAKE WHATCOM WATER & SEWER DISTRICT
PROPOSED PROJECT: COVER & PROTECT NS EXPOSED SEWER FORCE MAIN
LOCATION: 2417 NORTHSHORE ROAD
SHEET: 4 OF 4 DATE: 4–26–19

0 10
SCALE FEET
HORIZONTAL

0 2.5
SCALE FEET
VERTICAL

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CIVIL
STRUCTURAL
SURVEY

LAKE WHATCOM WATER & SEWER DISTRICT
BELLINGHAM WASHINGTON

NS EXPOSED SEWER FORCE MAIN
TYPICAL CROSS SECTIONS

DATE APRIL, 2019
SCALE AS SHOWN
JOB NO. 2018-016
SHEET F4
OF F4

US Army Corps of Engineers ®
Seattle District

CERTIFICATE OF COMPLIANCE WITH DEPARTMENT OF THE ARMY PERMIT

Permit Number: NWS-2019-457

Name of Permittee: Lake Whatcom Water and Sewer District

Date of Issuance: June 3, 2019

Upon completion of the activity authorized by this permit, please check the applicable boxes below, date and sign this certification, and return it to the following address:

Department of the Army
U.S. Army Corps of Engineers
Seattle District, Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the terms and conditions of your authorization, your permit may be subject to suspension, modification, or revocation.

☐	The work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of this permit. Date work complete: _____
	☐ Photographs and as-built drawings of the authorized work (OPTIONAL, unless required as a Special Condition of the permit).

☐	If applicable, the mitigation required (e.g., construction and plantings) in the above-referenced permit has been completed in accordance with the terms and conditions of this permit (not including future monitoring). Date work complete: _____
	☐ Photographs and as-built drawings of the mitigation (OPTIONAL, unless required as a Special Condition of the permit).

Printed Name: _____

Signature: _____

Date: _____

US Army Corps of Engineers
Seattle District

NATIONWIDE PERMIT 12
Terms and Conditions

Effective Date: March 19, 2017

In addition to any special condition that may be required on a case-by-case basis by the District Engineer, the following terms and conditions must be met, as applicable, for a Nationwide Permit (NWP) authorization to be valid in Washington State.

A. DESCRIPTION OF AUTHORIZED ACTIVITIES

12. Utility Line Activities. Activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

Utility lines: This NWP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of utility lines, including outfall and intake structures. There must be no change in pre-construction contours of waters of the United States. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and internet, radio, and television communication. The term "utility line" does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area. Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

Utility line substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with a power line or utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for overhead utility line towers, poles, and anchors: This NWP authorizes the construction or maintenance of foundations for overhead utility line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (See 33 CFR part 322). Overhead utility lines constructed over section 10 waters and utility lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit. This NWP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this NWP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines. This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the utility line activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate. Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if any of the following criteria are met: (1) the activity involves mechanized land clearing in a forested wetland for the utility line right-of-way; (2) a section 10 permit is required; (3) the utility line in waters of the United States, excluding overhead lines, exceeds 500 feet; (4) the utility line is placed within a jurisdictional area (i.e., water of the United States), and it runs parallel to or along a stream bed that is within that jurisdictional area; (5) discharges that result in the loss of greater than 1/10-acre of waters of the United States; (6) permanent access roads are constructed above grade in waters of the United States for a distance of more than 500 feet; or (7) permanent access roads are constructed in waters of the United States with impervious materials. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: Where the utility line is constructed or installed in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, a copy of the NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the utility line to protect navigation. Note 2: For utility line activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Utility line activities must

comply with 33 CFR 330.6(d). Note 3: Utility lines consisting of aerial electric power transmission lines crossing navigable waters of the United States (which are defined at 33 CFR part 329) must comply with the applicable minimum clearances specified in 33 CFR 322.5(i). Note 4: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work, in accordance with the requirements for temporary fills. Note 5: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit (see NWP 15). Note 6: This NWP authorizes utility line maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures. Note 7: For overhead utility lines authorized by this NWP, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities. Note 8: For NWP 12 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

B. CORPS NATIONAL GENERAL CONDITIONS FOR ALL NWPs

To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation. (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States. (c) The permittee understands and agrees that, if future operations by the United States 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 Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. (b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status. (c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: http://www.rivers.gov/.

17. Tribal Rights. No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur. (b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA. (c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species or critical

habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps. (d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs. (e) Authorization of an activity by an NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. (f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required. (g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.nmfs.noaa.gov/pr/species/esa/ respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. (b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106. (c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of

historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. (d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps. (e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment. (a) Discharges of dredged or fill material into

waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. (b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal: (a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site). (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal. (c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. (d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)). (e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses. (f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation. (2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no

more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)). (3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation. (4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). (5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided. (6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs. (h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management. (i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency

concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature: "When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

_____

(Transferee)

_____

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include: (a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions; (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and (c) The signature of the permittee certifying the completion of the activity and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by

NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

(4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches

should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals. (d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal. (2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve

discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes. (3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5. (4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act. (5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

District Engineer's Decision: 1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the individual crossings of waters of the United States to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects. For those NWPs that have a waivable 300 linear foot limit for losses of intermittent and ephemeral stream bed and a 1/2-acre limit (i.e., NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52), the loss of intermittent and ephemeral stream bed, plus any other losses of jurisdictional waters and wetlands, cannot exceed 1/2-acre. 2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource

functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns. 3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters (e.g., streams). The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer. 4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31, or to evaluate PCNs for activities authorized by NWPs 21, 49, and 50), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

Further Information: 1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP. 2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law. 3. NWPs do not grant any property rights or exclusive privileges. 4. NWPs do not authorize any injury to the property or rights of others. 5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

C. CORPS SEATTLE DISTRICT REGIONAL GENERAL CONDITIONS: The following conditions apply to all NWPs for the Seattle District in Washington State, unless specified.

1. Project Drawings: Drawings must be submitted with pre-construction notification (PCN). Drawings must provide a clear understanding of the proposed project, and how waters of the U.S. will be affected. Drawings must be originals and not reduced copies of large-scale plans. Engineering drawings are not required. Existing and proposed site conditions (manmade and landscape features) must be drawn to scale.

2. Aquatic Resources Requiring Special Protection: Activities resulting in a loss of waters of the United States in mature forested wetlands, bogs and peatlands, aspen-dominated wetlands, alkali wetlands, vernal pools, camas prairie wetlands, estuarine wetlands, wetlands in coastal lagoons, and wetlands in dunal systems along the Washington coast cannot be authorized by a NWP, except by the following NWPs:

NWP 3 – Maintenance
NWP 20 – Response Operations for Oil and Hazardous Substances
NWP 32 – Completed Enforcement Actions
NWP 38 – Cleanup of Hazardous and Toxic Waste

In order to use one of the above-referenced NWPs in any of the aquatic resources requiring special protection, prospective permittees must submit a PCN to the Corps of Engineers (see NWP general condition 32) and obtain written authorization before commencing work.

3. New Bank Stabilization in Tidal Waters of Puget Sound: Activities involving new bank stabilization in tidal waters in Water Resource Inventory Areas (WRIAs)
8, 9, 10, 11 and 12 (within the areas identified on Figures 1a through 1e on Corps website) cannot be authorized by NWP.

4. Commencement Bay: The following NWPs may not be used to authorize activities located in the Commencement Bay Study Area (see Figure 2 on Corps website):

NWP 12 – Utility Line Activities (substations)
NWP 13 – Bank Stabilization
NWP 14 – Linear Transportation Projects
NWP 23 – Approved Categorical Exclusions
NWP 29 – Residential Developments
NWP 39 – Commercial and Institutional Developments
NWP 40 – Agricultural Activities
NWP 41 – Reshaping Existing Drainage Ditches
NWP 42 – Recreational Facilities
NWP 43 – Stormwater and Wastewater Management Facilities

5. Bank Stabilization: All projects including new or maintenance bank stabilization activities require PCN to the Corps of Engineers (see NWP general condition 32). For new bank stabilization projects only, the following must be submitted to the Corps of Engineers:

a. The cause of the erosion and the distance of any existing structures from the area(s) being stabilized.
b. The type and length of existing bank stabilization within 300 feet of the proposed project.
c. A description of current conditions and expected post-project conditions in the waterbody.
d. A statement describing how the project incorporates elements avoiding and minimizing adverse environmental effects to the aquatic environment and nearshore riparian area, including vegetation impacts in the waterbody.

In addition to a. through d., the results from any relevant geotechnical investigations can be submitted with the PCN if it describes current or expected conditions in the waterbody.

6. Crossings of Waters of the United States: Any project including installing, replacing, or modifying crossings of waters of the United States, such as culverts or bridges, requires submittal of a PCN to the Corps of Engineers (see NWP general condition 32). If a culvert is proposed to cross waters of the U.S. where salmonid species are present or could be present, the project must apply the stream simulation design method from the Washington Department of Fish and Wildlife located in the *Water Crossing Design Guidelines* (2013), or a design method which provides passage at all life stages at all flows where the salmonid species would naturally seek passage. If the stream simulation design method is not applied for a culvert where salmonid species are present or could be present, the project proponent must provide a rationale in the PCN sufficient to establish one of the following:

a. The existence of extraordinary site conditions.
b. How the proposed design will provide equivalent or better fish passage and fisheries habitat benefits than the stream simulation design method.

If a culvert is proposed to cross waters of the U.S. where salmonid species are present or could be present, project proponents must provide a monitoring plan with the PCN that specifies how the proposed culvert will be assessed over a five-year period from the time of construction completion to ensure its effectiveness in providing passage at all life stages at all flows where the salmonid species would naturally seek passage. Culverts installed under emergency authorization that do not meet the above design criteria will be required to meet the above design criteria to receive an after-the-fact nationwide permit verification.

7. Stream Loss: A PCN is required for all activities that result in the loss of any linear feet of stream beds. No activity shall result in the loss of any linear feet of perennial stream beds or the loss of greater than 300 linear feet of intermittent and/or ephemeral stream beds. A stream may be rerouted if it is designed in a manner that maintains or restores hydrologic, ecologic, and geomorphic stream processes, provided there is not a reduction in the linear feet of stream bed. Streams include brooks, creeks, rivers, and historical waters of the U.S. that have been channelized into ditches. This condition does not apply to ditches constructed in uplands. Stream loss restrictions may be waived by the district engineer on a case-by-case basis provided the activities result in net increases of aquatic resource functions and services.

8. Mitigation: Pre-construction notification is required for any project that will result in permanent wetland losses that exceed 1,000 square feet. In addition to the requirements of General Condition 23 (Mitigation), compensatory mitigation at a minimum one-to-one ratio will be required for all permanent wetland losses that exceed 1,000 square feet. When a PCN is required for wetland losses less than 1,000 square feet, the Corps of Engineers may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation for impacts to marine waters, lakes, and streams will be determined on a case-by-case basis. If temporary impacts to waters of the U.S. exceed six months, the Corps of Engineers may require compensatory mitigation for temporal effects.

9. Magnuson-Stevens Fishery Conservation and Management Act – Essential Fish Habitat
Essential Fish Habitat (EFH) is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. If EFH may be adversely affected by a proposed activity, the prospective permittee must provide a written EFH assessment with an analysis of the effects of the proposed action on EFH. The assessment must identify the type(s) of essential fish habitat (i.e., Pacific salmon, groundfish, and/or coastal-pelagic species) that may be affected. If the Corps of Engineers determines the project will adversely affect EFH, consultation with NOAA Fisheries will be required. Federal agencies should follow their own procedures for complying with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act. If PCN is required for the proposed activity, Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

10. Forage Fish: For projects in forage fish spawning habitat, in-water work must occur within designated forage fish work windows, or when forage fish are not spawning. If working outside of a designated work window, or if forage fish work windows are closed year round, work may occur if the work window restriction is released for a period of time after a forage fish spawning survey has been conducted by a biologist approved by the Washington State Department of Fish and Wildlife (WDFW). Forage fish species with designated in-water work windows include Pacific sand lance (*Ammodytes hexapterus*), Pacific herring (*Clupea pallasi*), and surf smelt (*Hypomesus pretiosus*). This RGC does not apply to NWP 48, *Commercial Shellfish Aquaculture Activities*. Please see specific regional conditions for NWP 48.

11. Notification of Permit Requirements: The permittee must provide a copy of the nationwide permit authorization letter, conditions, and permit drawings to all contractors and any other parties performing the authorized work prior to the commencement of any work in waters of the U.S. The permittee must ensure all appropriate contractors and any other parties performing the authorized work at the project site have read and understand relevant NWP conditions as well as plans, approvals, and documents referenced in the NWP letter. A copy of these documents must be maintained onsite throughout the duration of construction.

12. Construction Boundaries: Permittees must clearly mark all construction area boundaries before beginning work on projects that involve grading or placement of fill. Boundary markers and/or construction fencing must be maintained and clearly visible for the duration of construction. Permittees should avoid and minimize removal of native vegetation (including submerged aquatic vegetation) to the maximum extent possible.

13. Temporary Impacts and Site Restoration

a. Temporary impacts to waters of the U.S. must not exceed six months unless the prospective permittee requests and receives a waiver by the district engineer. Temporary impacts to waters of the U.S. must be identified in the PCN.
b. No more than 1/2 acre of waters of the U.S. may be temporarily filled unless the prospective permittee requests and receives a waiver from the district engineer (temporary fills do not affect specified limits for loss of waters associated with specific nationwide permits).
c. Native soils removed from waters of the U.S. for project construction should be stockpiled and used for site restoration. Restoration of temporarily disturbed areas must include returning the area to pre-project ground surface contours. If native soil is not available from the project site for restoration, suitable clean soil of the same textural class may be used. Other soils may be used only if identified in the PCN.
d. The permittee must revegetate disturbed areas with native plant species sufficient in number, spacing, and diversity to restore affected functions. A maintenance and monitoring plan commensurate with the impacts, may be required. Revegetation must begin as soon as site conditions allow within the same growing season as the disturbance unless the schedule is approved by the Corps of Engineers. Native plants removed from waters of the U.S. for project construction should be stockpiled and used for revegetation when feasible. Temporary Erosion and Sediment Control measures must be removed as soon as the area has established vegetation sufficient to control erosion and sediment.
e. If the Corps determines the project will result in temporary impacts of submerged aquatic vegetation (SAV) that are more than minimal, a monitoring plan must be submitted. If recovery is not achieved by the end of the monitoring period, contingencies must be implemented, and additional monitoring will be required.

This RGC does not apply to NWP 48, *Commercial Shellfish Aquaculture Activities*. Please see specific regional conditions for NWP 48.

D. CORPS REGIONAL SPECIFIC CONDITIONS FOR THIS NWPS:

1. Pre-construction notification (PCN) must be submitted to the district engineer (see NWP general condition 32) if the activity involves mechanized land clearing in a forested wetland for the construction of a substation and/or access roads.

2. A PCN must be submitted to the district engineer (see NWP general condition 32) if the utility line exceeds 300 linear feet in waters of the U.S. for each single and complete project.

3. For projects subject to PCN, the PCN must include drawings and/or a description of the measures that will be used to prevent permanent drainage of adjacent areas by the backfilled trench and/or along the buried utility line.

E. ECOLOGY 401 CERTIFICATION: GENERAL CONDITIONS

In addition to all the Corps National and Seattle Districts' Regional permit conditions, the following State General Section 401 Water Quality Certification (Section 401) conditions apply to all Nationwide Permits whether **certified** or **partially certified** in the State of Washington.

1. **For in-water construction activities**. Ecology Section 401 review is required for projects or activities authorized under NWPs that will cause, or may be likely to cause or contribute to an exceedance of a State water quality standard (Chapter 173-201A WAC) or sediment management standard (Chapter 173-204 WAC). State water quality standards and sediment management standards are available on Ecology's website. Note: In-water activities include any activity within a wetland and/or activities below the ordinary high water mark (OHWM).

2. **Projects or Activities Discharging to Impaired Waters**. Ecology Section 401 review is required for projects or activities authorized under NWPs if the project or activity will occur in a 303(d) listed segment of a waterbody or upstream of a listed segment and may result in further exceedances of the specific listed parameter. To determine if your project or activity is in a 303(d) listed segment of a waterbody, visit Ecology's Water Quality Assessment webpage for maps and search tools.

3. **Application**. For projects or activities that will require Ecology Section 401 review, applicants must provide Ecology with a Joint Aquatic Resources Permit Application (JARPA) along with the documentation provided to the Corps, as described in National General Condition 32, Pre-Construction Notification, including, when applicable: (a) A description of the project, including site plans, project purpose, direct and indirect adverse environmental effects the project would cause, best management practices (BMPs), and any other Department of the Army or federal agency permits used or intended to be used to authorize any part of the proposed project or any related activity. (b) Drawings indicating the Ordinary High Water Mark (OHWM), delineation of special aquatic sites and other waters of the state. Wetland delineations must be prepared in accordance with the current method required by the Corps and shall include Ecology's Wetland Rating form. Wetland rating forms are subject to review and verification by Ecology staff. Guidance for determining the OHWM is available on Ecology's website. (c) A statement describing how the mitigation requirement will be satisfied. A conceptual or detailed mitigation or restoration plan may be submitted. See State General Condition 5 for details on mitigation requirements. (d) Other applicable requirements of Corps Nationwide Permit General Condition 32, Corps Regional Conditions, or notification conditions of the applicable NWP. (e) Within 180 calendar days from receipt of applicable documents noted above **and** a copy of the final authorization letter from the Corps providing coverage for a proposed project or activity under the NWP Program Ecology will provide the applicant notice of whether an individual Section 401 will be required for the project. If Ecology fails to act within a year after receipt of **both** of these documents, Section 401 is presumed waived.

4. **Aquatic resources requiring special protection**. Certain aquatic resources are unique, difficult-to-replace components of the aquatic environment in Washington State. Activities that would affect these resources must be avoided to the greatest extent possible. Compensating for adverse impacts to high value aquatic resources is typically difficult, prohibitively expensive, and may not be possible in some landscape settings. Ecology Section 401 review is required for activities in or affecting the following aquatic resources (and not prohibited by Seattle District Regional General Condition): (a) Wetlands with special characteristics (as defined in the Washington State Wetland Rating Systems for western and eastern Washington, Ecology Publications #14-06-029 and #14-06-030):

- Estuarine wetlands.
- Wetlands of High Conservation Value.
- Bogs.
- Old-growth and mature forested wetlands.
- Wetlands in coastal lagoons.
- Interdunal wetlands.
- Vernal pools.
- Alkali wetlands.

(b) Fens, aspen-dominated wetlands, camas prairie wetlands. (c) Marine water with eelgrass (*Zostera marina*) beds (except for NWP 48). (d) Category I wetlands. (e) Category II wetlands with a habitat score ≥ 8 points. This State General Condition does not apply to the following Nationwide Permits: NWP 20 – *Response Operations for Oil and Hazardous Substances*, NWP 32 – *Completed Enforcement Actions*

5. Mitigation. Applicants are required to show that they have followed the mitigation sequence and have first avoided and minimized impacts to aquatic resources wherever practicable. For projects requiring Ecology Section 401 review with unavoidable impacts to aquatics resources, adequate compensatory mitigation must be provided.

(a) Wetland mitigation plans submitted for Ecology review and approval shall be based on the most current guidance provided in Wetland Mitigation in Washington State, Parts 1 and 2 (available on Ecology's website) and shall, at a minimum, include the following:

i. A description of the measures taken to avoid and minimize impacts to wetlands and other waters of the U.S.
ii. The nature of the proposed impacts (i.e., acreage of wetlands and functions lost or degraded).
iii. The rationale for the mitigation site that was selected.
iv. The goals and objectives of the compensatory mitigation project.
v. How the mitigation project will be accomplished, including construction sequencing, best management practices to protect water quality, proposed performance standards for measuring success and the proposed buffer widths.
vi. How it will be maintained and monitored to assess progress towards goals and objectives. Monitoring will generally be required for a minimum of five years. For forested and scrub-shrub wetlands, 10 years of monitoring will often be necessary.
vii. How the compensatory mitigation site will be legally protected for the long term.

Refer to Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans (Ecology Publication #06-06-011b) and Selecting Wetland Mitigation Sites Using a Watershed Approach (Ecology Publications #09-06-032 (Western Washington) and #10-06-007 (Eastern Washington)) for guidance on selecting suitable mitigation sites and developing mitigation plans. Ecology encourages the use of alternative mitigation approaches, including credit/debit methodology, advance mitigation, and other programmatic approach such as mitigation banks and in-lieu fee programs. If you are interested in proposing use of an alternative mitigation approach, consult with the appropriate Ecology regional staff person. Information on alternative mitigation approaches is available on Ecology's website.

(b) Mitigation for other aquatic resource impacts will be determined on a case-by-case basis.

6. Temporary Fills. Ecology Section 401 review is required for any project or activity with temporary fill in wetlands or other waters of the state for more than 90 days, unless the applicant has received written approval from Ecology. Note: This State General Condition does not apply to projects or activities authorized under NWP 33, *Temporary Construction, Access, and Dewatering*

7. Stormwater pollution prevention: All projects that involve land disturbance or impervious surfaces must implement stormwater pollution prevention or control measures to avoid discharge of pollutants in stormwater runoff to waters of the State.

(a) For land disturbances during construction, the applicant must obtain and implement permits (e.g., Construction Stormwater General Permit) where required and follow Ecology's current stormwater manual.

(b) Following construction, prevention or treatment of on-going stormwater runoff from impervious surfaces shall be provided.

Ecology's Stormwater Management and Design Manuals and stormwater permit information are available on Ecology's website.

8. State Section 401 Review for PCNs not receiving 45-day response from the Seattle District. In the event the Seattle District Corps does not issue a NWP authorization letter within 45 calendar days of receipt of a **complete** pre-construction notification, the applicant must contact Ecology for Section 401 review prior to commencing work.

F. ECOLOGY 401 CERTIFICATION: SPECIFIC CONDITIONS FOR THIS NWP:

Certified subject to conditions. Ecology Section 401 review is required for projects or activities authorized under this NWP if:

1. The project or activity impacts more than 1/3 acre of waters of the state.

2. The project or activity is in or adjoining a known contaminated or cleanup site.

3. The project or activity requires a Federal Energy Regulatory Commission (FERC) license.

G. COASTAL ZONE MANAGEMENT CONSISTENCY RESPONSE FOR THIS NWP: General

Conditions: For Non-Federal Permittees

1. Necessary Data and Information. A Coastal Zone Management Program "Certification of Consistency" form is required for projects located within a coastal county. "Certification of Consistency" forms are available on Ecology's website. The form shall include a description of the proposed project or activity and evidence of compliance with the applicable enforceable policies of the Washington Coastal Zone Management Program (CZMP). Also, a map of the site location is required.

2. Timing. Within 6 months from receipt of the necessary data and information, Ecology will provide a federal consistency determination for the proposed project or activity. If Ecology fails to act within the 6 month period, concurrence with the CZMP is presumed.

General Conditions: For Federal Permittees (Agencies)

1. Necessary Data and Information. Federal agencies shall submit the determination, information, and analysis required by 15 CFR 930.39 to obtain a federal consistency determination.

2. Timing. Within 60 days from receipt of the necessary data and information, Ecology will provide a federal consistency determination for the proposed project or activity. If Ecology fails to act within the 60 day period, concurrence with the CZMP is presumed.

Response: Ecology concurs that this NWP is consistent with the CZMP, subject to the following condition: An individual Coastal Zone Management Consistency Determination is required for project or activities under this NWP if State Section 401 review is required.

US Army Corps of Engineers
Seattle District

NATIONWIDE PERMIT 27
Terms and Conditions

Effective Date: March 19, 2017

In addition to any special condition that may be required on a case-by-case basis by the District Engineer, the following terms and conditions must be met, as applicable, for a Nationwide Permit (NWP) authorization to be valid in Washington State.

A. DESCRIPTION OF AUTHORIZED ACTIVITIES

27. Aquatic Habitat Restoration, Enhancement, and Establishment Activities. Activities in waters of the United States associated with the restoration, enhancement, and establishment of tidal and non-tidal wetlands and riparian areas, the restoration and enhancement of non-tidal streams and other non-tidal open waters, and the rehabilitation or enhancement of tidal streams, tidal wetlands, and tidal open waters, provided those activities result in net increases in aquatic resource functions and services.

To be authorized by this NWP, the aquatic habitat restoration, enhancement, or establishment activity must be planned, designed, and implemented so that it results in aquatic habitat that resembles an ecological reference. An ecological reference may be based on the characteristics of an intact aquatic habitat or riparian area of the same type that exists in the region. An ecological reference may be based on a conceptual model developed from regional ecological knowledge of the target aquatic habitat type or riparian area.

To the extent that a Corps permit is required, activities authorized by this NWP include, but are not limited to: the removal of accumulated sediments; the installation, removal, and maintenance of small water control structures, dikes, and berms, as well as discharges of dredged or fill material to restore appropriate stream channel configurations after small water control structures, dikes, and berms, are removed; the installation of current deflectors; the enhancement, rehabilitation, or re-establishment of riffle and pool stream structure; the placement of in-stream habitat structures; modifications of the stream bed and/or banks to enhance, rehabilitate, or re-establish stream meanders; the removal of stream barriers, such as undersized culverts, fords, and grade control structures; the backfilling of artificial channels; the removal of existing drainage structures, such as drain tiles, and the filling, blocking, or reshaping of drainage ditches to restore wetland hydrology; the installation of structures or fills necessary to restore or enhance wetland or stream hydrology; the construction of small nesting islands; the construction of open water areas; the construction of oyster habitat over unvegetated bottom in tidal waters; shellfish seeding; activities needed to reestablish vegetation, including plowing or discing for seed bed preparation and the planting of appropriate wetland species; re-establishment of submerged aquatic vegetation in areas where those plant communities previously existed; re-establishment of tidal wetlands in tidal waters where those wetlands previously existed; mechanized land clearing to remove non-native invasive, exotic, or nuisance vegetation; and other related activities. Only native plant species should be planted at the site.

This NWP authorizes the relocation of non-tidal waters, including non-tidal wetlands and streams, on the project site provided there are net increases in aquatic resource functions and services. Except for the relocation of non-tidal waters on the project site, this NWP does not authorize the conversion of a stream or natural wetlands to another aquatic habitat type (e.g., the conversion of a stream to wetland or vice versa) or uplands. Changes in wetland plant communities that occur when wetland hydrology is more fully restored during wetland rehabilitation activities are not considered a conversion to another aquatic habitat type. This NWP does not authorize stream channelization. This NWP does not authorize the relocation of tidal waters or the conversion of tidal waters, including tidal wetlands, to other aquatic uses, such as the conversion of tidal wetlands into open water impoundments. Compensatory mitigation is not required for activities authorized by this NWP since these activities must result in net increases in aquatic resource functions and services.

Reversion. For enhancement, restoration, and establishment activities conducted: (1) In accordance with the terms and conditions of a binding stream or wetland enhancement or restoration agreement, or a wetland establishment agreement, between the landowner and the U.S. Fish and Wildlife Service (FWS), the Natural Resources Conservation Service (NRCS), the Farm Service Agency (FSA), the National Marine Fisheries Service (NMFS), the National Ocean Service (NOS), U.S. Forest Service (USFS), or their designated state cooperating agencies; (2) as voluntary wetland restoration, enhancement, and establishment actions documented by the NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards; or (3) on reclaimed surface coal mine lands, in accordance with a Surface Mining Control and Reclamation Act permit issued by the Office of Surface Mining Reclamation and Enforcement (OSMRE) or the applicable state agency, this NWP also authorizes any future discharge of dredged or fill material associated with the reversion of the area to its documented prior condition and use (i.e., prior to the restoration, enhancement, or establishment activities). The reversion must occur within five years after expiration of a limited term wetland restoration or establishment agreement or permit, and is authorized in these circumstances even if the discharge occurs after this NWP expires. The five-year reversion limit does not apply to agreements without time limits reached between the landowner and the FWS, NRCS, FSA, NMFS, NOS, USFS, or an appropriate state cooperating agency. This NWP also authorizes discharges of dredged or fill material in waters of the United States for the reversion of wetlands that were restored, enhanced, or established on prior-converted cropland or on uplands, in accordance with a binding agreement between the landowner and NRCS, FSA, FWS, or their designated state cooperating agencies (even though the restoration, enhancement, or establishment activity did not require a section 404 permit). The prior condition will be documented in the original agreement or permit, and the determination of return to prior conditions will be made by the Federal agency or appropriate state agency executing the agreement or permit. Before conducting any reversion activity the permittee or the appropriate Federal or state agency must notify the district engineer and include the documentation of the prior condition. Once an area has reverted to its prior physical condition, it will be subject to whatever the Corps Regulatory requirements are applicable to that type of land at the time. The requirement that the activity results in a net increase in aquatic resource functions and services does not apply to reversion activities meeting the above conditions. Except for the activities described above, this NWP does not authorize any future discharge of dredged or fill material associated with the reversion of the area to its prior condition. In such cases a separate permit would be required for any reversion.

Reporting. For those activities that do not require pre-construction notification, the permittee must submit to the district engineer a copy of: (1) The binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement, or a project description, including project plans and location map; (2) the NRCS or USDA Technical Service Provider documentation for the voluntary stream enhancement or restoration action or wetland restoration, enhancement, or establishment action; or (3) the SMCRA permit issued by OSMRE or the applicable state agency. The report must also include information on baseline ecological conditions on the project site, such as a delineation of wetlands, streams, and/or other aquatic habitats. These documents must be submitted to the district

engineer at least 30 days prior to commencing activities in waters of the United States authorized by this NWP.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing any activity (see general condition 32), except for the following activities: (1) Activities conducted on non-Federal public lands and private lands, in accordance with the terms and conditions of a binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement between the landowner and the FWS, NRCS, FSA, NMFS, NOS, USFS or their designated state cooperating agencies; (2) Voluntary stream or wetland restoration or enhancement action, or wetland establishment action, documented by the NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards; or (3) The reclamation of surface coal mine lands, in accordance with an SMCRA permit issued by the OSMRE or the applicable state agency. However, the permittee must submit a copy of the appropriate documentation to the district engineer to fulfill the reporting requirement. (Authorities: Sections 10 and 404) Note: This NWP can be used to authorize compensatory mitigation projects, including mitigation banks and in-lieu fee projects. However, this NWP does not authorize the reversion of an area used for a compensatory mitigation project to its prior condition, since compensatory mitigation is generally intended to be permanent.

B. CORPS NATIONAL GENERAL CONDITIONS FOR ALL NWPs

To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation. (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States. (c) The permittee understands and agrees that, if future operations by the United States 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 Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible

inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. (b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status. (c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: http://www.rivers.gov/.

17. Tribal Rights. No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur. (b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA. (c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps. (d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs. (e) Authorization of an activity by an NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take"

provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.
(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required. (g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.nmfs.noaa.gov/pr/species/esa/ respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. (b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106. (c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out

appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. (d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps. (e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment. (a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. (b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district

engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal: (a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site). (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal. (c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. (d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)). (e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses. (f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation. (2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)). (3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation. (4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting

a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). (5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided. (6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs. (h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management. (i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature: "When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

_____

(Transferee)

_____

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include: (a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions; (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and (c) The signature of the permittee certifying the completion of the activity and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as

possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

(4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals. (d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal. (2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes. (3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or

other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.
(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act. (5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

District Engineer's Decision: 1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the individual crossings of waters of the United States to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects. For those NWPs that have a waivable 300 linear foot limit for losses of intermittent and ephemeral stream bed and a 1/2-acre limit (i.e., NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52), the loss of intermittent and ephemeral stream bed, plus any other losses of jurisdictional waters and wetlands, cannot exceed 1/2-acre. 2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method

may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns. 3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters (e.g., streams). The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer. 4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31, or to evaluate PCNs for activities authorized by NWPs 21, 49, and 50), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

Further Information: 1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP. 2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law. 3. NWPs do not grant any property rights or exclusive privileges. 4. NWPs do not authorize any injury to the property or rights of others. 5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).
C. CORPS SEATTLE DISTRICT REGIONAL GENERAL CONDITIONS: The following conditions apply to all NWPs for the Seattle District in Washington State, unless specified.

1. Project Drawings: Drawings must be submitted with pre-construction notification (PCN). Drawings must provide a clear understanding of the proposed project, and how waters of the U.S. will be affected. Drawings must be originals and not reduced copies of large-scale plans. Engineering drawings are not required. Existing and proposed site conditions (manmade and landscape features) must be drawn to scale.

2. Aquatic Resources Requiring Special Protection: Activities resulting in a loss of waters of the United States in mature forested wetlands, bogs and peatlands, aspen-dominated wetlands, alkali wetlands, vernal pools, camas prairie wetlands, estuarine wetlands, wetlands in coastal lagoons, and wetlands in dunal systems along the Washington coast cannot be authorized by a NWP, except by the following NWPs:

NWP 3 – Maintenance
NWP 20 – Response Operations for Oil and Hazardous Substances
NWP 32 – Completed Enforcement Actions
NWP 38 – Cleanup of Hazardous and Toxic Waste

In order to use one of the above-referenced NWPs in any of the aquatic resources requiring special protection, prospective permittees must submit a PCN to the Corps of Engineers (see NWP general condition 32) and obtain written authorization before commencing work.

3. New Bank Stabilization in Tidal Waters of Puget Sound: Activities involving new bank stabilization in tidal waters in Water Resource Inventory Areas (WRIAs)
8, 9, 10, 11 and 12 (within the areas identified on Figures 1a through 1e on Corps website) cannot be authorized by NWP.

4. Commencement Bay: The following NWPs may not be used to authorize activities located in the Commencement Bay Study Area (see Figure 2 on Corps website):

NWP 12 – Utility Line Activities (substations)
NWP 13 – Bank Stabilization
NWP 14 – Linear Transportation Projects
NWP 23 – Approved Categorical Exclusions
NWP 29 – Residential Developments
NWP 39 – Commercial and Institutional Developments
NWP 40 – Agricultural Activities
NWP 41 – Reshaping Existing Drainage Ditches
NWP 42 – Recreational Facilities
NWP 43 – Stormwater and Wastewater Management Facilities

5. Bank Stabilization: All projects including new or maintenance bank stabilization activities require PCN to the Corps of Engineers (see NWP general condition 32). For new bank stabilization projects only, the following must be submitted to the Corps of Engineers:

a. The cause of the erosion and the distance of any existing structures from the area(s) being stabilized.
b. The type and length of existing bank stabilization within 300 feet of the proposed project.
c. A description of current conditions and expected post-project conditions in the waterbody.
d. A statement describing how the project incorporates elements avoiding and minimizing adverse environmental effects to the aquatic environment and nearshore riparian area, including vegetation impacts in the waterbody.

In addition to a. through d., the results from any relevant geotechnical investigations can be submitted with the PCN if it describes current or expected conditions in the waterbody.

6. Crossings of Waters of the United States: Any project including installing, replacing, or modifying crossings of waters of the United States, such as culverts or bridges, requires submittal of a PCN to the

Corps of Engineers (see NWP general condition 32). If a culvert is proposed to cross waters of the U.S. where salmonid species are present or could be present, the project must apply the stream simulation design method from the Washington Department of Fish and Wildlife located in the *Water Crossing Design Guidelines* (2013), or a design method which provides passage at all life stages at all flows where the salmonid species would naturally seek passage. If the stream simulation design method is not applied for a culvert where salmonid species are present or could be present, the project proponent must provide a rationale in the PCN sufficient to establish one of the following:

a. The existence of extraordinary site conditions.
b. How the proposed design will provide equivalent or better fish passage and fisheries habitat benefits than the stream simulation design method.

If a culvert is proposed to cross waters of the U.S. where salmonid species are present or could be present, project proponents must provide a monitoring plan with the PCN that specifies how the proposed culvert will be assessed over a five-year period from the time of construction completion to ensure its effectiveness in providing passage at all life stages at all flows where the salmonid species would naturally seek passage. Culverts installed under emergency authorization that do not meet the above design criteria will be required to meet the above design criteria to receive an after-the-fact nationwide permit verification.

7. Stream Loss: A PCN is required for all activities that result in the loss of any linear feet of stream beds. No activity shall result in the loss of any linear feet of perennial stream beds or the loss of greater than 300 linear feet of intermittent and/or ephemeral stream beds. A stream may be rerouted if it is designed in a manner that maintains or restores hydrologic, ecologic, and geomorphic stream processes, provided there is not a reduction in the linear feet of stream bed. Streams include brooks, creeks, rivers, and historical waters of the U.S. that have been channelized into ditches. This condition does not apply to ditches constructed in uplands. Stream loss restrictions may be waived by the district engineer on a case-by-case basis provided the activities result in net increases of aquatic resource functions and services.

8. Mitigation: Pre-construction notification is required for any project that will result in permanent wetland losses that exceed 1,000 square feet. In addition to the requirements of General Condition 23 (Mitigation), compensatory mitigation at a minimum one-to-one ratio will be required for all permanent wetland losses that exceed 1,000 square feet. When a PCN is required for wetland losses less than 1,000 square feet, the Corps of Engineers may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation for impacts to marine waters, lakes, and streams will be determined on a case-by-case basis. If temporary impacts to waters of the U.S. exceed six months, the Corps of Engineers may require compensatory mitigation for temporal effects.

9. Magnuson-Stevens Fishery Conservation and Management Act – Essential Fish Habitat
Essential Fish Habitat (EFH) is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. If EFH may be adversely affected by a proposed activity, the prospective permittee must provide a written EFH assessment with an analysis of the effects of the proposed action on EFH. The assessment must identify the type(s) of essential fish habitat (i.e., Pacific salmon, groundfish, and/or coastal-pelagic species) that may be affected. If the Corps of Engineers determines the project will adversely affect EFH, consultation with NOAA Fisheries will be required. Federal agencies should follow their own procedures for complying with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act. If PCN is required for the proposed activity, Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

10. Forage Fish: For projects in forage fish spawning habitat, in-water work must occur within designated forage fish work windows, or when forage fish are not spawning. If working outside of a designated work window, or if forage fish work windows are closed year round, work may occur if the

work window restriction is released for a period of time after a forage fish spawning survey has been conducted by a biologist approved by the Washington State Department of Fish and Wildlife (WDFW). Forage fish species with designated in-water work windows include Pacific sand lance (*Ammodytes hexapterus*), Pacific herring (*Clupea pallasi*), and surf smelt (*Hypomesus pretiosus*). This RGC does not apply to NWP 48, *Commercial Shellfish Aquaculture Activities*. Please see specific regional conditions for NWP 48.

11. Notification of Permit Requirements: The permittee must provide a copy of the nationwide permit authorization letter, conditions, and permit drawings to all contractors and any other parties performing the authorized work prior to the commencement of any work in waters of the U.S. The permittee must ensure all appropriate contractors and any other parties performing the authorized work at the project site have read and understand relevant NWP conditions as well as plans, approvals, and documents referenced in the NWP letter. A copy of these documents must be maintained onsite throughout the duration of construction.

12. Construction Boundaries: Permittees must clearly mark all construction area boundaries before beginning work on projects that involve grading or placement of fill. Boundary markers and/or construction fencing must be maintained and clearly visible for the duration of construction. Permittees should avoid and minimize removal of native vegetation (including submerged aquatic vegetation) to the maximum extent possible.

13. Temporary Impacts and Site Restoration

a. Temporary impacts to waters of the U.S. must not exceed six months unless the prospective permittee requests and receives a waiver by the district engineer. Temporary impacts to waters of the U.S. must be identified in the PCN.
b. No more than 1/2 acre of waters of the U.S. may be temporarily filled unless the prospective permittee requests and receives a waiver from the district engineer (temporary fills do not affect specified limits for loss of waters associated with specific nationwide permits).
c. Native soils removed from waters of the U.S. for project construction should be stockpiled and used for site restoration. Restoration of temporarily disturbed areas must include returning the area to pre-project ground surface contours. If native soil is not available from the project site for restoration, suitable clean soil of the same textural class may be used. Other soils may be used only if identified in the PCN.
d. The permittee must revegetate disturbed areas with native plant species sufficient in number, spacing, and diversity to restore affected functions. A maintenance and monitoring plan commensurate with the impacts, may be required. Revegetation must begin as soon as site conditions allow within the same growing season as the disturbance unless the schedule is approved by the Corps of Engineers. Native plants removed from waters of the U.S. for project construction should be stockpiled and used for revegetation when feasible. Temporary Erosion and Sediment Control measures must be removed as soon as the area has established vegetation sufficient to control erosion and sediment.
e. If the Corps determines the project will result in temporary impacts of submerged aquatic vegetation (SAV) that are more than minimal, a monitoring plan must be submitted. If recovery is not achieved by the end of the monitoring period, contingencies must be implemented, and additional monitoring will be required.

This RGC does not apply to NWP 48, *Commercial Shellfish Aquaculture Activities*. Please see specific regional conditions for NWP 48.

D. CORPS REGIONAL SPECIFIC CONDITIONS FOR THIS NWPS:

1. A pre-construction notification (PCN) must be submitted to the district engineer (see NWP general condition 32) for any proposed project located in a Department of the Army permit compensatory mitigation site, Comprehensive Environmental Response, Compensation and Liability Act (Superfund)

site, Resource Conservation and Recovery Act hazardous waste clean-up site, Washington State Department of Ecology compensatory mitigation site, or Washington State Model Toxics Control Act clean-up site.

2. For projects subject to PCN, if there is a loss of waters of the U.S., the project proponent must explain in the PCN why the loss is necessary and show how it would be fully offset by the beneficial elements of the project.

3. The PCN must contain a description of pre-project site conditions (including photographs), aquatic functions the site provides, and benefits anticipated from project construction.

4. The project proponent must include maintenance and monitoring plans with the PCN.

5. Restoration projects involving shellfish seeding must use shellfish native to the watershed.

E. ECOLOGY 401 CERTIFICATION: GENERAL CONDITIONS

In addition to all the Corps National and Seattle Districts' Regional permit conditions, the following State General Section 401 Water Quality Certification (Section 401) conditions apply to all Nationwide Permits whether **certified** or **partially certified** in the State of Washington.

1. **For in-water construction activities**. Ecology Section 401 review is required for projects or activities authorized under NWPs that will cause, or may be likely to cause or contribute to an exceedance of a State water quality standard (Chapter 173-201A WAC) or sediment management standard (Chapter 173-204 WAC). State water quality standards and sediment management standards are available on Ecology's website. Note: In-water activities include any activity within a wetland and/or activities below the ordinary high water mark (OHWM).

2. **Projects or Activities Discharging to Impaired Waters**. Ecology Section 401 review is required for projects or activities authorized under NWPs if the project or activity will occur in a 303(d) listed segment of a waterbody or upstream of a listed segment and may result in further exceedances of the specific listed parameter. To determine if your project or activity is in a 303(d) listed segment of a waterbody, visit Ecology's Water Quality Assessment webpage for maps and search tools.

3. **Application**. For projects or activities that will require Ecology Section 401 review, applicants must provide Ecology with a Joint Aquatic Resources Permit Application (JARPA) along with the documentation provided to the Corps, as described in National General Condition 32, Pre-Construction Notification, including, when applicable: (a) A description of the project, including site plans, project purpose, direct and indirect adverse environmental effects the project would cause, best management practices (BMPs), and any other Department of the Army or federal agency permits used or intended to be used to authorize any part of the proposed project or any related activity. (b) Drawings indicating the Ordinary High Water Mark (OHWM), delineation of special aquatic sites and other waters of the state. Wetland delineations must be prepared in accordance with the current method required by the Corps and shall include Ecology's Wetland Rating form. Wetland rating forms are subject to review and verification by Ecology staff. Guidance for determining the OHWM is available on Ecology's website. (c) A statement describing how the mitigation requirement will be satisfied. A conceptual or detailed mitigation or restoration plan may be submitted. See State General Condition 5 for details on mitigation requirements. (d) Other applicable requirements of Corps Nationwide Permit General Condition 32, Corps Regional Conditions, or notification conditions of the applicable NWP. (e) Within 180 calendar days from receipt of applicable documents noted above **and** a copy of the final authorization letter from the Corps providing coverage for a proposed project or activity under the NWP Program Ecology will provide the applicant notice of whether an individual Section 401 will be required for the project. If

Ecology fails to act within a year after receipt of **both** of these documents, Section 401 is presumed waived.

4. **Aquatic resources requiring special protection**. Certain aquatic resources are unique, difficult-to-replace components of the aquatic environment in Washington State. Activities that would affect these resources must be avoided to the greatest extent possible. Compensating for adverse impacts to high value aquatic resources is typically difficult, prohibitively expensive, and may not be possible in some landscape settings. Ecology Section 401 review is required for activities in or affecting the following aquatic resources (and not prohibited by Seattle District Regional General Condition): (a) Wetlands with special characteristics (as defined in the Washington State Wetland Rating Systems for western and eastern Washington, Ecology Publications #14-06-029 and #14-06-030):

- Estuarine wetlands.
- Wetlands of High Conservation Value.
- Bogs.
- Old-growth and mature forested wetlands.
- Wetlands in coastal lagoons.
- Interdunal wetlands.
- Vernal pools.
- Alkali wetlands.

(b) Fens, aspen-dominated wetlands, camas prairie wetlands. (c) Marine water with eelgrass (*Zostera marina*) beds (except for NWP 48). (d) Category I wetlands. (e) Category II wetlands with a habitat score ≥ 8 points. This State General Condition does not apply to the following Nationwide Permits: NWP 20 – *Response Operations for Oil and Hazardous Substances,* NWP 32 – *Completed Enforcement Actions*

5. Mitigation. Applicants are required to show that they have followed the mitigation sequence and have first avoided and minimized impacts to aquatic resources wherever practicable. For projects requiring Ecology Section 401 review with unavoidable impacts to aquatics resources, adequate compensatory mitigation must be provided.

(a) Wetland mitigation plans submitted for Ecology review and approval shall be based on the most current guidance provided in Wetland Mitigation in Washington State, Parts 1 and 2 (available on Ecology's website) and shall, at a minimum, include the following:

i. A description of the measures taken to avoid and minimize impacts to wetlands and other waters of the U.S.

ii. The nature of the proposed impacts (i.e., acreage of wetlands and functions lost or degraded).

iii. The rationale for the mitigation site that was selected.

iv. The goals and objectives of the compensatory mitigation project.

v. How the mitigation project will be accomplished, including construction sequencing, best management practices to protect water quality, proposed performance standards for measuring success and the proposed buffer widths.

vi. How it will be maintained and monitored to assess progress towards goals and objectives. Monitoring will generally be required for a minimum of five years. For forested and scrub-shrub wetlands, 10 years of monitoring will often be necessary.

vii. How the compensatory mitigation site will be legally protected for the long term.

Refer to Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans (Ecology Publication #06-06-011b) and Selecting Wetland Mitigation Sites Using a Watershed Approach (Ecology Publications #09-06-032 (Western Washington) and #10-06-007 (Eastern Washington)) for guidance on selecting suitable mitigation sites and developing mitigation plans. Ecology encourages the use of alternative mitigation approaches, including credit/debit methodology, advance mitigation, and other programmatic approach such as mitigation banks and in-lieu fee programs. If you are interested in proposing use of an alternative mitigation approach, consult with the appropriate Ecology regional staff person. Information on alternative mitigation approaches is available on Ecology's website.

(b) Mitigation for other aquatic resource impacts will be determined on a case-by-case basis.

6. Temporary Fills. Ecology Section 401 review is required for any project or activity with temporary fill in wetlands or other waters of the state for more than 90 days, unless the applicant has received written approval from Ecology. Note: This State General Condition does not apply to projects or activities authorized under NWP 33, *Temporary Construction, Access, and Dewatering*

7. Stormwater pollution prevention: All projects that involve land disturbance or impervious surfaces must implement stormwater pollution prevention or control measures to avoid discharge of pollutants in stormwater runoff to waters of the State.

(a) For land disturbances during construction, the applicant must obtain and implement permits (e.g., Construction Stormwater General Permit) where required and follow Ecology's current stormwater manual.

(b) Following construction, prevention or treatment of on-going stormwater runoff from impervious surfaces shall be provided.

Ecology's Stormwater Management and Design Manuals and stormwater permit information are available on Ecology's website.

8. State Section 401 Review for PCNs not receiving 45-day response from the Seattle District. In the event the Seattle District Corps does not issue a NWP authorization letter within 45 calendar days of receipt of a **complete** pre-construction notification, the applicant must contact Ecology for Section 401 review prior to commencing work.

F. ECOLOGY 401 CERTIFICATION: SPECIFIC CONDITIONS FOR THIS NWP:

Certified subject to conditions. Ecology Section 401 review is required for projects or activities authorized under this NWP if:

1. The project or activity involves fill in tidal waters.

2. The project or activity affects ½ acre or more of wetlands.

3. The project or activity is a mitigation bank or an advanced mitigation site.

The project or activity is in or adjoining a known contaminated or cleanup site.

G. COASTAL ZONE MANAGEMENT CONSISTENCY RESPONSE FOR THIS NWP:

General Conditions: For Non-Federal Permittees

1. Necessary Data and Information. A Coastal Zone Management Program "Certification of Consistency" form is required for projects located within a coastal county. "Certification of Consistency" forms are available on Ecology's website. The form shall include a description of the proposed project or activity and evidence of compliance with the applicable enforceable policies of the Washington Coastal Zone Management Program (CZMP). Also, a map of the site location is required.

2. Timing. Within 6 months from receipt of the necessary data and information, Ecology will provide a federal consistency determination for the proposed project or activity. If Ecology fails to act within the 6 month period, concurrence with the CZMP is presumed.

General Conditions: For Federal Permittees (Agencies)

1. Necessary Data and Information. Federal agencies shall submit the determination, information, and analysis required by 15 CFR 930.39 to obtain a federal consistency determination.

2. Timing. Within 60 days from receipt of the necessary data and information, Ecology will provide a federal consistency determination for the proposed project or activity. If Ecology fails to act within the 60 day period, concurrence with the CZMP is presumed.

Response: Ecology concurs that this NWP is consistent with the CZMP, subject to the following condition: An individual Coastal Zone Management Consistency Determination is required for project or activities under this NWP if State Section 401 review is required.

HYDRAULIC PROJECT APPROVAL

Washington Department of
Fish & Wildlife
PO Box 43234
Olympia, WA 98504-3234
(360) 902-2200

Issued Date: June 19, 2019
Project End Date: June 18, 2024

Permit Number: 2019-4-360+01
FPA/Public Notice Number: N/A
Application ID: 18156

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
Lake Whatcom Water and Sewer District	Wilson Engineering
ATTENTION: Justin Clary	ATTENTION: Jenifer Ramsey
1220 Lakeway Drive	805 Dupont St, Suite 7
Bellingham, WA 98229	Bellingham, WA 98225-3128

Project Name: Northshore Exposed Force Main

Project Description: Project will cover and protect an exposed sewer force main in Agate Creek, and raise adjacent stream bed to facilitate fish passage. An 8-inch sewer main that is currently exposed in the creek bed will be encased in concrete to protect it. The surrounding streambed will be raised to allow for fish passage over the pipe via a new roughened channel bed. Equipment will be used to move and install rocks, cobbles and streambed sediment. The area around the pipe will be using an open trench methods to clear enough area for 6 inches of concrete to be placed around pipe. Streambed will be fill to bring it to design grade.

PROVISIONS

1. TIMING LIMITATION: You may begin the project on June 19, 2019, and you must complete the project by June 18, 2024, provided all work below the Ordinary High Water Mark is conducted during the period June 15 to October 15 for any year this permit covers.

2. APPROVED PLANS: You must accomplish the work per plans and specifications submitted with the application and approved by the Washington Department of Fish and Wildlife, entitled Standard Application, dated May 14, 2019, and attached E-mail entitled, 'RE:Agate Creek', received on June 6, 2019, except as modified by this Hydraulic Project Approval. You must have a copy of these plans available on site during all phases of the project construction.

3. INVASIVE SPECIES CONTROL: Follow Level 1 Decontamination protocol for low risk locations. Thoroughly remove visible dirt and organic debris from all equipment and gear (including drive mechanisms, wheels, tires, tracks, buckets and undercarriage) before arriving and leaving the job site to prevent the transport and introduction of invasive species. Properly dispose of any water and chemicals used to clean gear and equipment. For contaminated or high risk sites please refer to the Level 2 Decontamination protocol. You can find this and additional information in the Washington Department of Fish and Wildlife's "Invasive Species Management Protocols", available online at https://wdfw.wa.gov/species-habitats/invasive/prevention.

4. NOTIFICATION: You, your agent, or contractor must contact the Washington Department of Fish and Wildlife by e-mail at HPAapplications@dfw.wa.gov; mail to Post Office Box 43234, Olympia, Washington 98504-3234; or fax to (360) 902-2946 at least three business days before starting work. The notification must include the permittee's name, project location, starting date, and the Hydraulic Project Approval permit number.

5. FISH KILL/ WATER QUALITY PROBLEM NOTIFICATION: If a fish kill occurs or fish are observed in distress at the job site, immediately stop all activities causing harm. Immediately notify the Washington Department of Fish and Wildlife of the problem. If the likely cause of the fish kill or fish distress is related to water quality, also notify the Washington Military Department Emergency Management Division at 1-800-258-5990. Activities related to the fish kill or fish distress must not resume until the Washington Department of Fish and Wildlife gives approval. The Washington Department of Fish and Wildlife may require additional measures to mitigate impacts.

STAGING, JOB SITE ACCESS, AND EQUIPMENT

6. Establish staging areas (used for equipment storage, vehicle storage, fueling, servicing, and hazardous material storage) in a location and manner that will prevent contaminants such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.

7. Design and locate new temporary access roads to prevent erosion and sediment delivery to waters of the state.

8. Limit the removal of native bankline vegetation to the minimum amount needed to construct the project.

9. Retain all natural habitat features on the bed or banks including large woody material and boulders. You may move these natural habitat features during construction but you must place them near the preproject location before leaving the job site.

10. Remove soil or debris from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment prior to operating the equipment waterward of the ordinary high water line.

11. Equipment must enter the creek in a manner that does the least damage to the bed, streambank and streambank vegetation. If needed, you must place planks, matting or other suitable clean temporary material on the bank when driving equipment into and out of the channel to prevent damage.

12. If wet or muddy conditions exist, in or near a riparian zone or wetland area, use equipment that reduces ground pressure.

13. Check equipment daily for leaks and complete any required repairs in an upland location before using the equipment in or near the water.

14. Use environmentally acceptable lubricants composed of biodegradable base oils such as vegetable oils, synthetic esters, and polyalkylene glycols in equipment operated in or near the water.

CONSTRUCTION-RELATED SEDIMENT, EROSION AND POLLUTION CONTAINMENT

15. Work in the dry watercourse (when no natural flow is occurring in the channel, or when flow is diverted around the job site). Have a dewatering plan and equipment to divert water that might appear due to high groundwater or a storm.

16. Route construction water (wastewater) from the project to an upland area above the limits of anticipated floodwater. Remove fine sediment and other contaminants before discharging the construction water to waters of the state.

17. Protect all disturbed areas from erosion. Maintain erosion and sediment control until all work and cleanup of the job site is complete.

18. All erosion control materials that will remain onsite must be composed of 100% biodegradable materials.

19. Straw used for erosion and sediment control, must be certified free of noxious weeds and their seeds.

20. Stop all hydraulic project activities except those needed to control erosion and siltation, if flow or precipitation conditions arise that will result in erosion or siltation of waters of the state.

21. Prevent project contaminants, such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials, from entering or leaching into waters of the state.

22. To prevent leaching, construct forms to contain any wet concrete. Do no allow wet concrete to come into contact with stream water. Place impervious material over wet concrete as a safety precaution. Forms and impervious materials must remain in place until the concrete is cured.

23. Deposit waste material from the project, such as construction debris, silt, excess dirt, or overburden, in an upland area above the limits of anticipated floodwater.

24. Deposit all trash from the project at an appropriate upland disposal location.

WORK WITHIN THE CHANNEL

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25. The post-project channel must incorporate habitat components, bed materials, channel morphology, and native or other approved vegetation to provide equal or better habitat compared to that which previously existed in the old channel.

26. Create a sinuous low-flow channel and a high-flow bench on both sides of the channel.

27. Place a minimum of 30% streambed sediment into the substrate mix.

28. The roughened channel must be monitored to ensure that fish passage is not hindered. Monitor fish passage performance/accessibility at high, moderate and low flows every year. If passage problems develop, notify WDFW at hpaapplications@dfw.wa.gov, and the passage problem must be corrected as soon as possible. Submit report annually to hpaapplications@dfw.wa.gov every year for five years, referencing the permit number. The report must include the dates the roughened channel was observed, conditions such as presence of surface water flow, and accessibility for fish (whether or not there are hydraulic jumps higher than 0.8 ft., etc.) within the reach that extends approximately 30 feet upstream and downstream of the project site.

29. As long as there is a continuous thread of flow between upstream of and downstream of the roughened channel, the channel must allow fish passage. If fish cannot pass through the channel during flows that are continuous, this must be reported to the Area Habitat Biologist, and the problem must be corrected as soon as possible.

DEMOBILIZATION AND CLEANUP

30. Do not relocate removed or replaced structures within waters of the state. Remove and dispose of these structures in an upland area above the limits of anticipated floodwater.

31. Upon completion of the project, restore the disturbed bed, banks, and riparian zone to preproject or improved condition to the extent possible.

32. To prevent fish from stranding, backfill trenches, depressions, and holes in the bed that may entrain fish during high or low water, or wave action.

33. Seed areas disturbed by construction activities with a native seed mix suitable for the site that has at least one quick-establishing plant species.

34. Remove temporary erosion and sediment control methods after job site is stabilized or within three months of project completion, whichever is sooner.

LOCATION #1:	Site Name: North Shore Drive 2417 and 2433 North Shore Drive, Bellingham, WA 98229					
WORK START:	June 19, 2019			WORK END:	September 30, 2019	
WRIA		Waterbody:			Tributary to:	
01 - Nooksack		Lake Whatcom			Whatcom Creek	
1/4 SEC:	Section:	Township:	Range:	Latitude:	Longitude:	County:
NE 1/4	25	38 N	03 E	48.7584	-122.3590	Whatcom
Location #1 Driving Directions						
Halfway between Sunny Cove Court and Agate Bay Lane on Northshore Drive (lake side of road)						

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APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW. Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person (s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.

The person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this Hydraulic Project Approval.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day and/or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All Hydraulic Project Approvals issued under RCW 77.55.021 are subject to additional restrictions, conditions, or revocation if the Department of Fish and Wildlife determines that changed conditions require such action. The person(s) to whom this Hydraulic Project Approval is issued has the right to appeal those decisions. Procedures for filing appeals are listed below.

MINOR MODIFICATIONS TO THIS HPA: You may request approval of minor modifications to the required work timing or to the plans and specifications approved in this HPA unless this is a General HPA. If this is a General HPA you must use the Major Modification process described below. Any approved minor modification will require issuance of a letter documenting the approval. A minor modification to the required work timing means any change to the work start or end dates of the current work season to enable project or work phase completion. Minor modifications will be approved only if spawning or incubating fish are not present within the vicinity of the project. You may request subsequent minor modifications to the required work timing. A minor modification of the plans and specifications means any changes in the materials, characteristics or construction of your project that does not alter the project's impact to fish life or habitat and does not require a change in the provisions of the HPA to mitigate the impacts of the modification. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a minor modification through APPS. A link to APPS is at http://wdfw.wa.gov/licensing/hpa/. If you did not use APPS you must submit a written request that clearly indicates you are seeking a minor modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234, or by email to HPAapplications@dfw.wa.gov. You should allow up to 45 days for the department to process your request.

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MAJOR MODIFICATIONS TO THIS HPA: You may request approval of major modifications to any aspect of your HPA. Any approved change other than a minor modification to your HPA will require issuance of a new HPA. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a major modification through APPS. A link to APPS is at http://wdfw.wa.gov/licensing/hpa/. If you did not use APPS you must submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send your written request by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. You may email your request for a major modification to HPAapplications@dfw.wa.gov. You should allow up to 45 days for the department to process your request.

APPEALS INFORMATION

If you wish to appeal the issuance, denial, conditioning, or modification of a Hydraulic Project Approval (HPA), Washington Department of Fish and Wildlife (WDFW) recommends that you first contact the department employee who issued or denied the HPA to discuss your concerns. Such a discussion may resolve your concerns without the need for further appeal action. If you proceed with an appeal, you may request an informal or formal appeal. WDFW encourages you to take advantage of the informal appeal process before initiating a formal appeal. The informal appeal process includes a review by department management of the HPA or denial and often resolves issues faster and with less legal complexity than the formal appeal process. If the informal appeal process does not resolve your concerns, you may advance your appeal to the formal process. You may contact the HPA Appeals Coordinator at (360) 902-2534 for more information.

A. INFORMAL APPEALS: WAC 220-660-460 is the rule describing how to request an informal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete informal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request an informal appeal of that action. You must send your request to WDFW by mail to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. WDFW must receive your request within 30 days from the date you receive notice of the decision. If you agree, and you applied for the HPA, resolution of the appeal may be facilitated through an informal conference with the WDFW employee responsible for the decision and a supervisor. If a resolution is not reached through the informal conference, or you are not the person who applied for the HPA, the HPA Appeals Coordinator or designee may conduct an informal hearing or review and recommend a decision to the Director or designee. If you are not satisfied with the results of the informal appeal, you may file a request for a formal appeal.

B. FORMAL APPEALS: WAC 220-660-470 is the rule describing how to request a formal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete formal appeal procedures. The following information summarizes that rule.

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A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request a formal appeal of that action. You must send your request for a formal appeal to the clerk of the Pollution Control Hearings Boards and serve a copy on WDFW within 30 days from the date you receive notice of the decision. You may serve WDFW by mail to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, you may request a formal appeal within 30 days from the date you receive the Director's or designee's written decision in response to the informal appeal.

C. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS: If there is no timely request for an appeal, the WDFW action shall be final and unappealable.

Habitat Biologist	Wendy.Cole@dfw.wa.gov	Wendy Cole	for Director
Wendy Cole	360-466-4345, Ext:272		WDFW