



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, PORTLAND DISTRICT
P.O. BOX 2946
PORTLAND, OREGON 97208-2946

September 21, 2016

Regulatory Branch
Corps No.: NWP-2016-405

Mr. Blake Lattenmaier
City of Garibaldi
107 Sixth Street
Garibaldi, Oregon 97118
Email: blake@ci.garibaldi.or.us

Dear Mr. Lattenmaier:

The U.S. Army Corps of Engineers (Corps) received City of Garibaldi's request for Department of the Army authorization to replace a culvert with a bridge. The project is located in Hobson Creek near Garibaldi, Tillamook County, Oregon. The site is located at latitude 45.56312° and longitude -123.89931°.

The project places 72 cubic yards in 968 square feet below the Ordinary High Water (OHW) of Hobson Creek to replace an existing undersized culvert with a bridge. The project is designed to improve fish passage and minimize flood risk.

Hobson Creek will be restored alongside the existing piped location. Approximately 88 lineal feet of stream will be excavated and lined with 12- to 18-inch rock and topped with stream simulation material. A new bridge measuring 28-foot by 28-foot will be constructed over the new channel. The bridge supports will be protected with 3/4-inch minus rock. The existing culvert will be removed and disposed in upland. The project is shown on the enclosed drawings (Enclosure 1).

This letter verifies your project is authorized under the terms and limitations of Nationwide Permit (NWP) No. 14 (Linear Transportation Projects). Your activities must be conducted in accordance with the conditions found in the Portland District NWP Regional Conditions (Enclosure 2) and the NWP General Conditions (Enclosure 3). You must also comply with the Oregon Department of Environmental Quality (DEQ) Water Quality Certification Conditions (Enclosure 4), Oregon Department of Land Conservation and Development (DLCD) Coastal Zone Management Concurrence Conditions (Enclosure 5), and the project specific conditions lettered (a) through (f) below. **Failure to comply with any of the listed conditions could result in the Corps initiating an enforcement action.**

a. Prior to starting the authorized activities, you shall notify the U.S. Army Corps of Engineers, Portland District, Regulatory Branch that the work has started. Notification shall be provided by telephone at (503) 808-4383 or sent by e-mail to cenwp.notify@usace.army.mil and the email subject line shall include: Corps No. NWP-2016-405 and Tillamook County.

b. Permittee shall have a Qualified Professional Archeologist meeting the requirements of 36 Code of Federal Regulations Part 61 Appendix A present to monitor for archeological objects during all portions of the project-related earthmoving disturbances.

c. Permittee shall implement the Inadvertent Discovery Plan (Enclosure 6) and immediately notify the U.S. Army Corps of Engineers, Portland District, Regulatory Branch and State Historic Preservation Office if at any time during the course of the authorized work, human remains or cultural resources are discovered and keep the Corps notified of the status of the consultation if required.

d. Within 90 days of completing earthmoving disturbances, the permittee shall submit a brief monitoring report (one paper copy and one CD) prepared by the professional archeologist(s) that performed the monitoring to the address on the permit letterhead that describes the monitoring activities. The monitoring report shall include the following components: the permit number; name(s) and qualification(s) of archeologist(s) that did the monitoring; topographic and aerial map showing area monitored; dates of monitoring; description of activities monitored to include depth; description of cultural material identified or lack thereof; and photos of the monitoring activities.

e. Permittee shall notify the Confederated Tribes of the Grand Ronde one week prior to start of construction. Contact Mr. Briece Edwards at 503-879-2084.

f. Permittee shall take the necessary precautions to prevent any petroleum products, chemicals, or deleterious or toxic materials from entering waterways during construction to prevent the introduction of contaminants or pollutants into the aquatic ecosystem.

We direct your attention to NWP Regional Condition 16 (Enclosure 2) and General Condition 29 (Enclosure 3) requires the transfer of this permit if the property is sold, and NWP General Condition 30 requires you to submit a signed certificate when the work is completed. A "Compliance Certification" is provided (Enclosure 7).

We have prepared a Preliminary Jurisdictional Determination (JD), which is a written indication that wetlands and waterways within your project area may be waters of the United States (Enclosure 8). Such waters have been treated as jurisdictional waters of the United States for purposes of computation of impacts and compensatory mitigation requirements. If you concur with the findings of the Preliminary JD, please sign it and return it to the letterhead address within two weeks. If you believe the Preliminary JD is inaccurate, an Approved JD may be requested, which is an official determination regarding the presence or absence of waters of the United States. The enclosed *Notification of Administrative Appeal Options and Process and Request for*

Appeal describes options regarding Preliminary and Approved JDs (Enclosure 9). If you will like an Approved JD, one must be requested prior to starting work within waters of the United States. Once work within waters of the United States has been started, the opportunity to request an Approved JD will no longer be available.

This authorization does not obviate the need to obtain other permits where required. Permits, such as those required from the Oregon Department of State Lands (ODSL) under Oregon's Removal /Fill Law, must also be obtained before work begins. The DEQ water quality certification conditions (Enclosure 4) require you to obtain DEQ approval of your stormwater management plan prior to initiating construction. Please contact the 401 Water Quality Certification Coordinator, Oregon Department of Environmental Quality, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon, 97201-4987, by telephone at (503) 229-6030, or visit <http://www.deq.state.or.us/wq/sec401cert/removalfill.htm>.

The nationwide permits expire on March 18, 2017. This verification is valid until March 18, 2017 unless the NWP is modified or revoked prior to that date. If you commence or are under contract to commence this activity before the date the NWP expires, is modified, or revoked, you will have 12 months from the date of the expiration, modification, or revocation to complete the activity under the present terms and conditions of the current NWP.

We would like to hear about your experience working with the Portland District, Regulatory Branch. Please complete a customer service survey form at the following address: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

If you have any questions regarding this NWP verification, please contact Mr. Brad Johnson at the letterhead address, by telephone at (503) 808-4383, or e-mail: Brad.A.Johnson2@usace.army.mil.

FOR THE COMMANDER, JOSE L. AGUILAR, COLONEL, CORPS OF ENGINEERS,
DISTRICT COMMANDER:

For Shawn H. Zinszer
Chief, Regulatory Branch

Enclosures

cc:

Oregon Department of State Lands (DeBlasi)
Oregon Department of Environmental Quality (Nayar)
Oregon Department of Land Conservation and Development (Snow)

Corps ID No: NWP-2016-405

REQUEST FOR PERMIT TRANSFER PER GENERAL CONDITION 29

When the structures or work verified by this nationwide are still in existence at the time the property is transferred, and/or a new party obtains this permit verification, the terms and conditions of this permit will continue to be binding on the new permittee. The new permittee should sign and date below to accept the liabilities associated with complying with the terms and conditions of this permit verification, and to validate its transfer.

PERMIT TRANSFEREE:

Signature DATE

Name (Please print)

Street Address

City, State, and Zip Code

NEW OWNER (if applicable):

Signature DATE

Name (Please print)

Street Address

City, State, and Zip Code

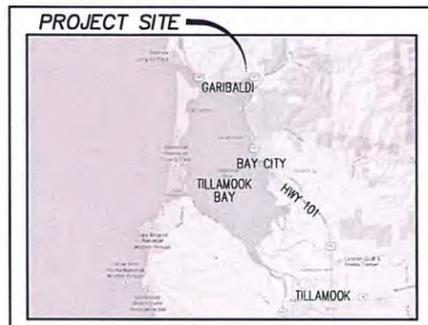
CITY OF GARIBALDI

GARIBALDI, OREGON

ARIZONA WAY BRIDGE CONSTRUCTION PROJECT

AUGUST 2016

LOCATION MAP



N.T.S.

SHEET INDEX

SHEET	DESCRIPTION
1	TITLE SHEET
2	GRADING/EROSION CONTROL/PLANTING PLAN
3	BRIDGE & STREET PLAN
4	SANITARY SEWER PLAN
5	WATER PLAN
6	CONSTRUCTION DETAILS
7	CONSTRUCTION DETAILS
8	BRIDGE SPECIFICATIONS

VICINITY MAP



N.T.S.

LEGEND

- SS — PROBABLE LOCATION OF SEWER LINE, SIZE INDICATED
- W — PROBABLE LOCATION OF WATER LINE, SIZE INDICATED
- SEWER MAN HOLE
- WATER VALVE BOX
- WATER METER BOX
- FIRE HYDRANT
- UTILITY POLE
- SIGN
- STORM DRAIN MANHOLE
- TELEPHONE PEDESTAL

UTILITY CONTACTS

TILLAMOOK PEOPLE'S UTILITY DISTRICT
 1115 PACIFIC
 TILLAMOOK, OR 97141
 PHONE (503) 842-2535

CHARTER COMMUNICATIONS
 PHONE (866) 731-1479

CITY OF GARIBALDI
 P.O. BOX 708
 GARIBALDI, OREGON 97118
 PHONE (503) 322-0217
 CONTACT: MARTIN MCCORMICK

CHARTER CABLE
 PHONE (800) 936-1479

CENTURY LINK
 PHONE (866) 6969



POTENTIAL UNDERGROUND
 FACILITY OWNERS
 "ONE CALL"
 UTILITY NOTIFICATION CENTER
 503-232-1987

CITY ENGINEER/SURVEYOR

CITY OF GARIBALDI
 P.O. BOX 708
 GARIBALDI, OREGON 97118
 PHONE (503) 322-3327
 CONTACT: BLAKE LETTENMAIER, PE, PLS

GENERAL NOTES

- BRIDGE DESIGN SHALL BE SUBMITTED TO THE CITY AND APPROVED BY THE CITY PRIOR TO CONSTRUCTION.
- ON-SITE CONSTRUCTION SHALL NOT COMMENCE UNTILL ALL APPROPRIATE INSURANCE CERTIFICATES AND BONDS HAVE BEEN PROVIDED AND APPROVED.
- OWNER SHALL ARRANGE FOR THE INSTALLATION OF ALL FRANCHISED UTILITIES.
- CONTRACTOR SHALL NOT CAUSE NATURAL STORM OR STREAM WATER FLOW TO BE BLOCKED AND/OR IMPOUNDED ON ADJACENT PROPERTY.

CONSTRUCTION NOTES

A. GENERAL

- ALL PUBLIC IMPROVEMENTS SHALL BE CONSTRUCTED PER THE APPLICABLE SECTIONS OF THE CITY OF GARIBALDI CONSTRUCTION SPECIFICATIONS.
- THE CONTRACTOR SHALL PERFORM ALL THE WORK SHOWN ON THE DRAWINGS AND ALL INCIDENTAL WORK NECESSARY TO COMPLETE THE PROJECT IN AN ACCEPTABLE MANNER. ALL INCIDENTAL WORK SHALL BE INCLUDED IN THE PRICE BID FOR THE ITEMS OF WORK LISTED IN THE PROPOSAL. ANY ITEM NOT LISTED IN THE PROPOSAL IS CONSIDERED INCIDENTAL.
- THE CONTRACTOR AND/OR SUB-CONTRACTORS SHALL HAVE A MINIMUM OF ONE (1) SET OF APPROVED CONSTRUCTION PLANS ON THE JOB SITE AT ALL TIMES DURING CONSTRUCTION PHASES.
- ALL MATERIAL SUPPLIER(S) SHALL SUBMIT TO THE ENGINEER PROOF OF MATERIAL(S) TESTED IN ACCORDANCE WITH THE SPECIFICATIONS. BY ACCEPTANCE OF THE CONTRACT WITH THE OWNER, THE CONTRACTOR CERTIFIES THAT ALL MATERIALS DELIVERED TO THE JOB SITE OR INCORPORATED INTO THE WORK WILL MEET OR EXCEED SPECIFICATIONS. ANY MATERIAL NOT CONFORMING SHALL BE REMOVED AT NO ADDITIONAL COST TO THE OWNER.
- CONTRACTOR SHALL VERIFY LOCATION OF ALL UTILITIES PRIOR TO BEGINNING CONSTRUCTION AND NOTIFY THE ENGINEER OF ANY SIGNIFICANT DISCREPANCIES. UTILITIES HAVE BEEN LOCATED FROM AVAILABLE RECORDS AND MAY NOT BE AS SHOWN HEREON. CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES AT LEAST 48 HOURS PRIOR TO BEGINNING EXCAVATION.
- THE CONTRACTORS SHALL COORDINATE ALL REQUIRED TESTS WITH THE CITY OF GARIBALDI. TEST RESULTS SHALL BE SENT TO THE CITY ENGINEER.

B. SITE PREPARATION, BACKFILL, AND GRADING

- ALL TREES, BRUSH, STUMPS, AND DEBRIS WITHIN LIMITS OF THE WORK AREAS TO BE GRADED SHALL BE REMOVED AND DISPOSED OF BY THE CONTRACTOR UNLESS OTHERWISE NOTED ON THE PLANS. DISPOSE OF IN THE DESIGNATED WASTE AREA.
 - ALL EXCAVATIONS ENCOUNTERING TOPSOIL, ROOTS AND/OR ANY OTHER DELETERIOUS MATERIALS SHALL BE PLACED IN THE DESIGNATED WASTE AREA.
 - ALL BACKFILL SHALL BE GRANULAR, CONCRETE AND/OR ASPHALTIC MATERIAL AS SPECIFIED IN THE PLANS AND SPECIFICATIONS.
- #### C. SURFACE AND SUBSURFACE DRAINAGE
- THE PROJECT CITY ENGINEER SHALL BE CONTACTED IMMEDIATELY IF SEEPS OR GROUNDWATER ZONES ARE ENCOUNTERED.
- #### D. UTILITIES
- ALL PRIVATE UTILITY INSTALLATION SHALL CONFORM TO THE APPLICABLE PORTIONS OF THE CURRENT UNIFORM PLUMBING SPECIALTY CODE, INCLUDING OREGON AMENDMENTS.
 - ALL NONMETALLIC PIPING SHALL HAVE AN ELECTRICALLY CONDUCTIVE TRACER WRE (12 GAUGE, INSULATED COPPER, OR HEAVIER, IN APPROVED BLUE) INSTALLED IN THE TRENCH FOR LOCATING PIPE IN THE FUTURE, PER UNIFORM BUILDING CODE.
 - ALL TRENCH BACKFILL SHALL BE COMPACTED CRUSHED ROCK COMPACTED IN 8" LIFTS TO 95% RELATIVE MAXIMUM DENSITY PER ASTM D 698.
 - CONTRACTOR TO NOTIFY THE CITY ENGINEER AT LEAST 48 HOURS PRIOR TO STARTING WORK.

E. APPROVALS

- ANY CHANGES TO THESE PLANS MUST BE APPROVED BY THE CITY ENGINEER PRIOR TO IMPLEMENTATION.
- CONTRACTOR SHALL WITNESS EVIDENCE OF JOINT CORP/DSL AND ODF&W PERMITS BEFORE WORKING.

NOTES:

- CITY WILL PROVIDE ALL CONSTRUCTION SURVEYING.
- CONTRACTOR SHALL PUMP/DIVERT CREEK WATER AROUND NEW STREAMBED WORK AREA.
- CONTRACTOR SHALL CONSTRUCT TEMPORARY ACCESS/EGRESS FOR ARIZONA WAY BEFORE BLOCKING THE NORMAL ACCESS.



EXPIRES: 12/31/16



CITY OF GARIBALDI
 ARIZONA WAY BRIDGE CONSTRUCTION PROJECT
 TITLE SHEET

OREGON

FILE NAME:
BRIDGE-SHEET-1.DWG

PROJECT NO.
2016-100

GARIBALDI/TILLAMOOK

SCALE:
N.T.S.

DESIGNED BY: BRL
 DRAWN BY: BRL
 CHECKED BY: MFM
 APPROVED BY: JWO

SHEET
1 / 8

Enclosure 1

SECTIONS, TOWNSHIP, RANGE: 22BA-1N-10W
 NWP-2016-405

SECTIONS, TOWNSHIP, RANGE: 22BA-1N-10W

NWP-2016-405

WITHIN 3' OF THE TOP OF 95 LINEAL FEET OF STREAM BANK

PLANT (1) *Mimulus guttatus* - Seep Monkeyflower
1/2 GAL PLANTS IN EACH QUADRANT
OF STREAM BANK and

PLANT (1) *Oemleria cerasiformis* - Indian Plum, Oso Berry
1/2 GAL PLANTS IN EACH QUADRANT
OF STREAM BANK and

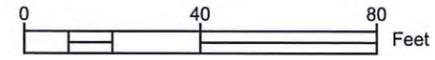
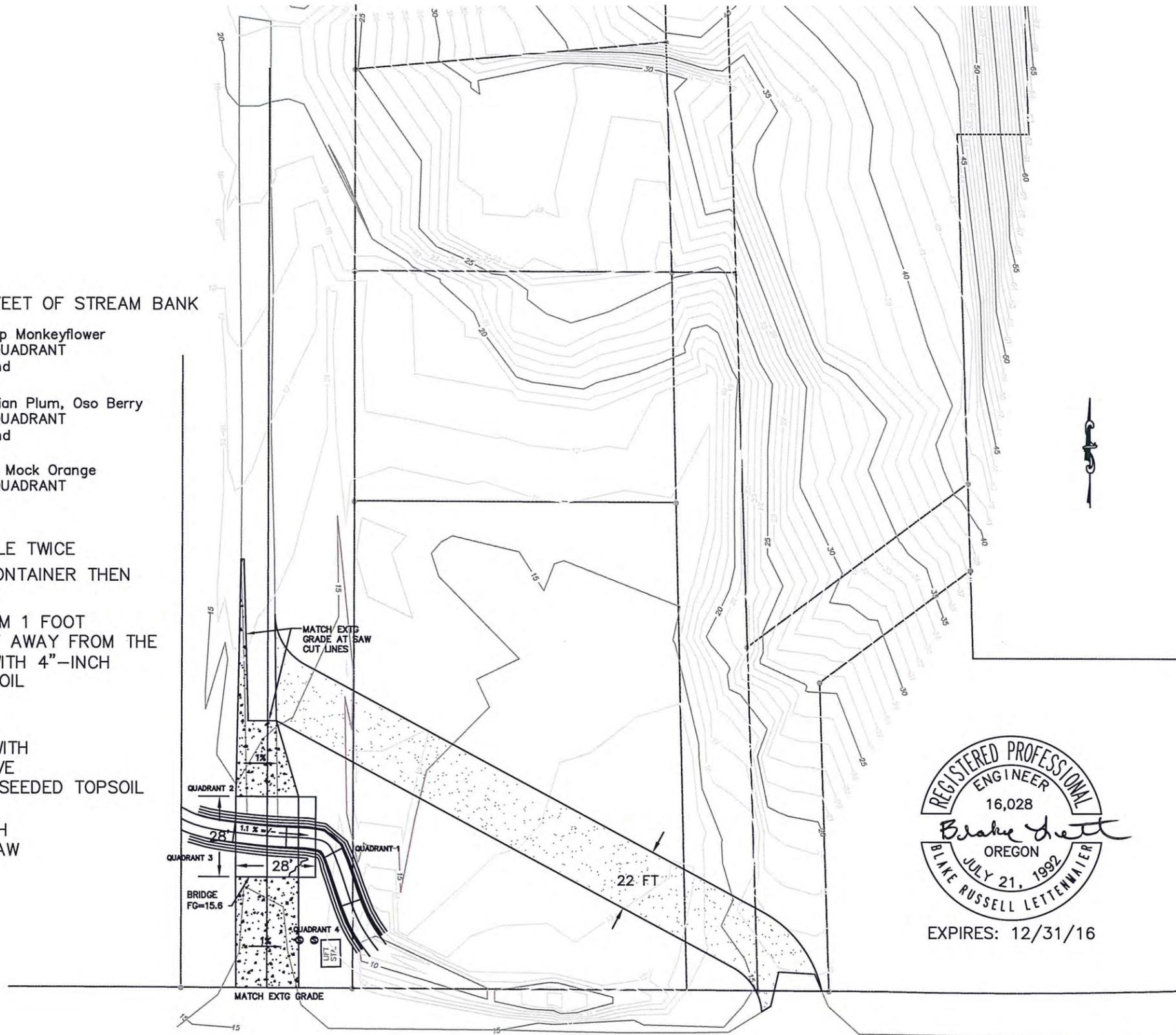
PLANT (1) *Philadelphus lewisii* - Mock Orange
1/2 GAL PLANTS IN EACH QUADRANT
OF STREAM BANK

IN POTTING SOIL IN HOLE TWICE
THE SIZE OF THE PLANT'S CONTAINER THEN

COVER ALL SURFACES FROM 1 FOOT
ABOVE THE STEAM BED TO 3 FEET AWAY FROM THE
TOP OF THE STREAM BANK WITH 4"-INCH
THICKNESS OF TOPSOIL
THEN

SEED ALL TOPSOIL WITH
WEED-FREE NATIVE
SPEICES GRASS AND COMPACT SEEDED TOPSOIL

THEN COVER WITH
WEED-FREE STRAW
MULCH.



CITY OF GARIBALDI
ARIZONA WAY BRIDGE CONSTRUCTION PROJECT
GRADING/EROSION CONTROL/PLANTING PLAN
 GARIBALDI/TILLAMOOK OREGON

PROJECT NO. 2016-100
 FILE NAME: BRIDGE-SHEET-1.DWG

SCALE: 1"=40'

DESIGNED BY: BRL
 DRAWN BY: BRL
 CHECKED BY: MFM
 APPROVED BY: JWO

SHEET 2 / 8

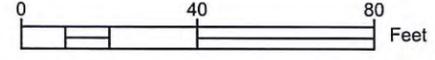
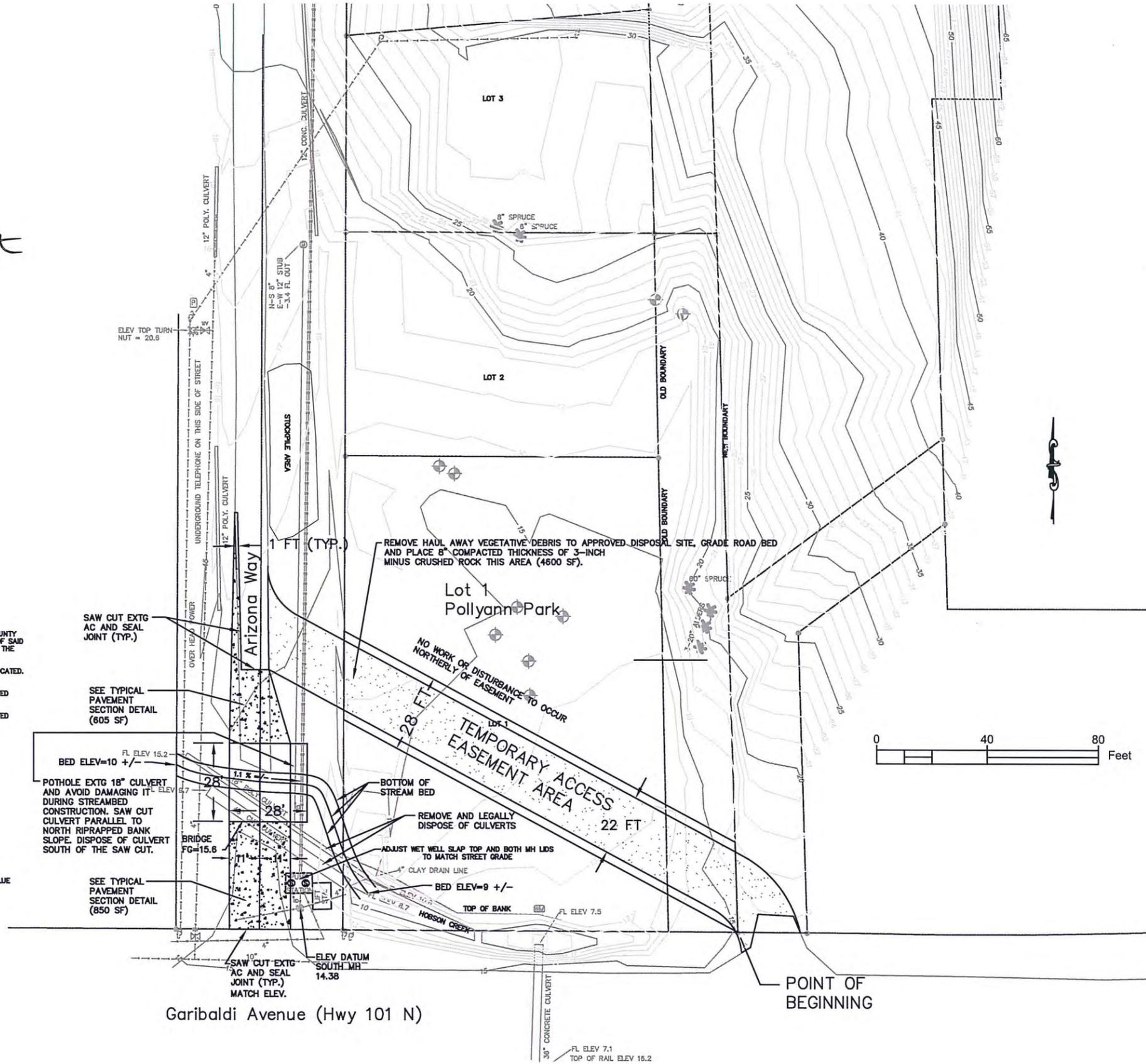
Enclosure 1



EXPIRES: 12/31/16

NOTES

- THIS IS A TOPOGRAPHIC MAP OF LOTS 1 AND 2, POLLYANN PARK, TILLAMOOK COUNTY PLAT RECORDS. SEE MAP C-361, TILLAMOOK COUNTY SURVEYORS OFFICE AND A STRIP OF VARYING WIDTH TO THE EAST OF SAID LOTS AS SHOWN HEREON. THE PURPOSE OF THIS MAP IS TO SHOW THE TOPOGRAPHIC FEATURES IN RELATION TO THE BOUNDARIES.
- ELEVATIONS ARE IN NGVD 29. NO UNDERGROUND UTILITIES WERE LOCATED. ONLY ABOVEGROUND UTILITIES WERE LOCATED.
- PROBABLE LOCATION OF SEWER LINE, SIZE INDICATED
 - PROBABLE LOCATION OF WATER LINE, SIZE INDICATED
 - ⊗ SEWER MAN HOLE
 - ⊗ WATER VALVE BOX
 - ⊗ WATER METER BOX
 - ⊗ FIRE HYDRANT
 - ⊗ UTILITY POLE
 - ⊗ SIGN
 - ⊗ STORM DRAIN MANHOLE
 - ⊗ TREE, SIZE AND TYPE NOTED
 - ⊗ TELEPHONE PEDESTAL
 - WETLAND FLAGS NUMBER, COLOR (ORANGE [OR] BLUE [BL] PINK [PK]), AND ELEVATION NOTED
 - ⊗ TEST PITS



**CITY OF GARIBALDI
ARIZONA WAY BRIDGE CONSTRUCTION PROJECT
BRIDGE & STREET PLAN**

OREGON

FILE NAME:
BRIDGE-SHEET-1.DWG

PROJECT NO.
2016-100

SCALE:
1"=40'

PLOT DATE: 8-1-2016

DESIGNED BY: BRL
DRAWN BY: BRL
CHECKED BY: MFM
APPROVED BY: JWO

SHEET
3 / 8

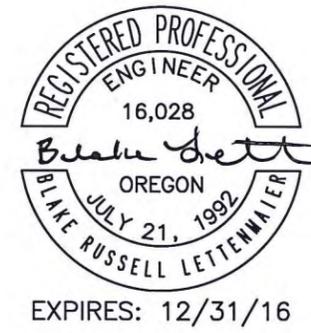
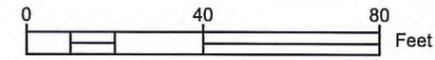
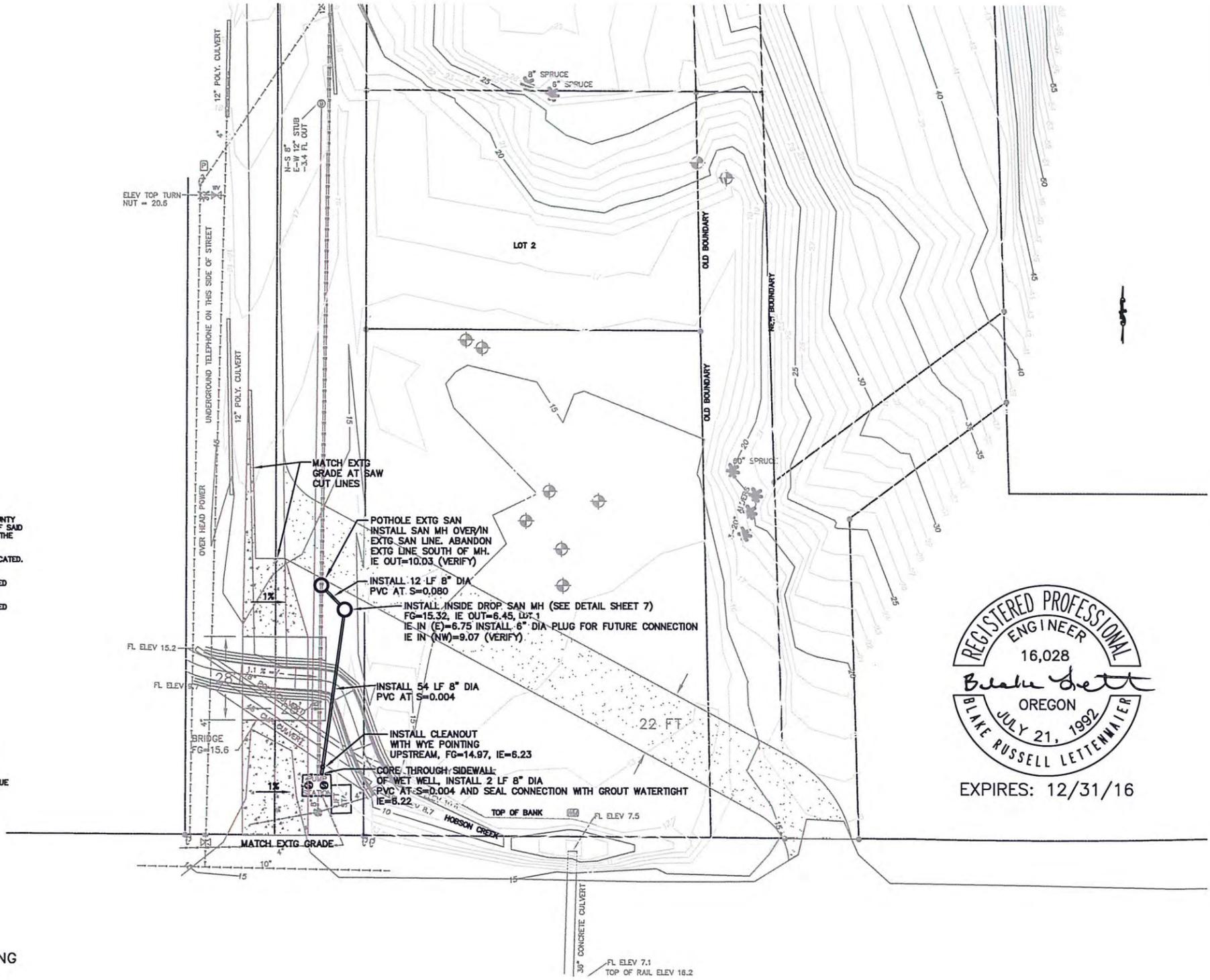
LAST EDIT: BRL

SECTIONS, TOWNSHIP, RANGE: 22BA-1N-10W

ALL GRANULAR BACKFILL AND BEDDING

NOTES

- THIS IS A TOPOGRAPHIC MAP OF LOTS 1 AND 2, POLLYANN PARK, TILLAMOOK COUNTY PLAT RECORDS, SEE MAP C-381, TILLAMOOK COUNTY SURVEYORS OFFICE AND A STRIP OF VARYING WIDTH TO THE EAST OF SAID LOTS AS SHOWN HEREON. THE PURPOSE OF THIS MAP IS TO SHOW THE TOPOGRAPHIC FEATURES IN RELATION TO THE BOUNDARIES.
- ELEVATIONS ARE IN NGVD 29. NO UNDERGROUND UTILITIES WERE LOCATED. ONLY ABOVEGROUND UTILITIES WERE LOCATED.
- PROBABLE LOCATION OF SEWER LINE, SIZE INDICATED
 - PROBABLE LOCATION OF WATER LINE, SIZE INDICATED
 - ⊗ SEWER MAN HOLE
 - ⊗ WATER VALVE BOX
 - ⊗ WATER METER BOX
 - ⊗ FIRE HYDRANT
 - ⊗ UTILITY POLE
 - ⊗ SIGN
 - ⊗ STORM DRAIN MANHOLE
 - ⊗ TREE, SIZE AND TYPE NOTED
 - ⊗ TELEPHONE PEDESTAL
 - WETLAND FLAGS NUMBER, COLOR (ORANGE [OR] BLUE [BL] PINK [PK]), AND ELEVATION NOTED
 - ⊗ TEST PITS



CITY OF GARIBALDI
ARIZONA WAY BRIDGE CONSTRUCTION PROJECT
SANITARY SEWER PLAN

GARIBALDI/TILLAMOOK

OREGON

PROJECT NO. 2016-100

FILE NAME: BRIDGE-SHEET-1.DWG

SCALE: 1"=40'

DESIGNED BY: BRL
 DRAWN BY: BRL
 CHECKED BY: MFM
 APPROVED BY: JWO

SHEET 4 / 8

PLOT DATE: 8-1-2016

LAST EDIT: BRL

SECTIONS, TOWNSHIP, RANGE: 22BA-1N-10W

NOTES

THIS IS A TOPOGRAPHIC MAP OF LOTS 1 AND 2, POLLYANN PARK, TILLAMOOK COUNTY PLAT RECORDS, SEE MAP C-361, TILLAMOOK COUNTY SURVEYORS OFFICE AND A STRIP OF VARYING WIDTH TO THE EAST OF SAID LOTS AS SHOWN HEREON. THE PURPOSE OF THIS MAP IS TO SHOW THE TOPOGRAPHIC FEATURES IN RELATION TO THE BOUNDARIES.

ELEVATIONS ARE IN NGVD 29. NO UNDERGROUND UTILITIES WERE LOCATED. ONLY ABOVEGROUND UTILITIES WERE LOCATED.

----- PROBABLE LOCATION OF SEWER LINE, SIZE INDICATED

----- PROBABLE LOCATION OF WATER LINE, SIZE INDICATED

- SEWER MAN HOLE
- WATER VALVE BOX
- WATER METER BOX
- FIRE HYDRANT
- UTILITY POLE
- SIGN
- STORM DRAIN MANHOLE
- TREE, SIZE AND TYPE NOTED
- TELEPHONE PEDESTAL
- WETLAND FLAGS NUMBER, COLOR (ORANGE {OR} BLUE {BL} PINK {PK}). AND ELEVATION NOTED
- TEST PITS

POTHOLE EXTG PIPE TO VERIFY ELEVS

IE= 9.2 (VERIFY) RESTRAINED MECH COUPLING, SPOOL W/ 1 FLANGE, FLxFL 45, FLxFL SPOOL, FLxFL 45

FL ELEV 15.2

IE=6.2 (VERIFY) 20 LF CL 52 4" DI PIPE

FL ELEV 9.7

IE= 9.2 (VERIFY) RESTRAINED MECH COUPLING, SPOOL W/ 1 FLANGE, FLxFL 45, FLxFL SPOOL, FLxFL 45

ALL GRAUNULAR BEDDING AND BACKFILL LEGALLY DISPOSE OF REPLACED PVC PIPE.

BRIDGE FG-15.6



4" CLAY DRAIN LINE

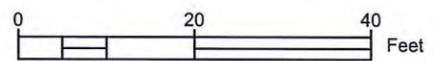
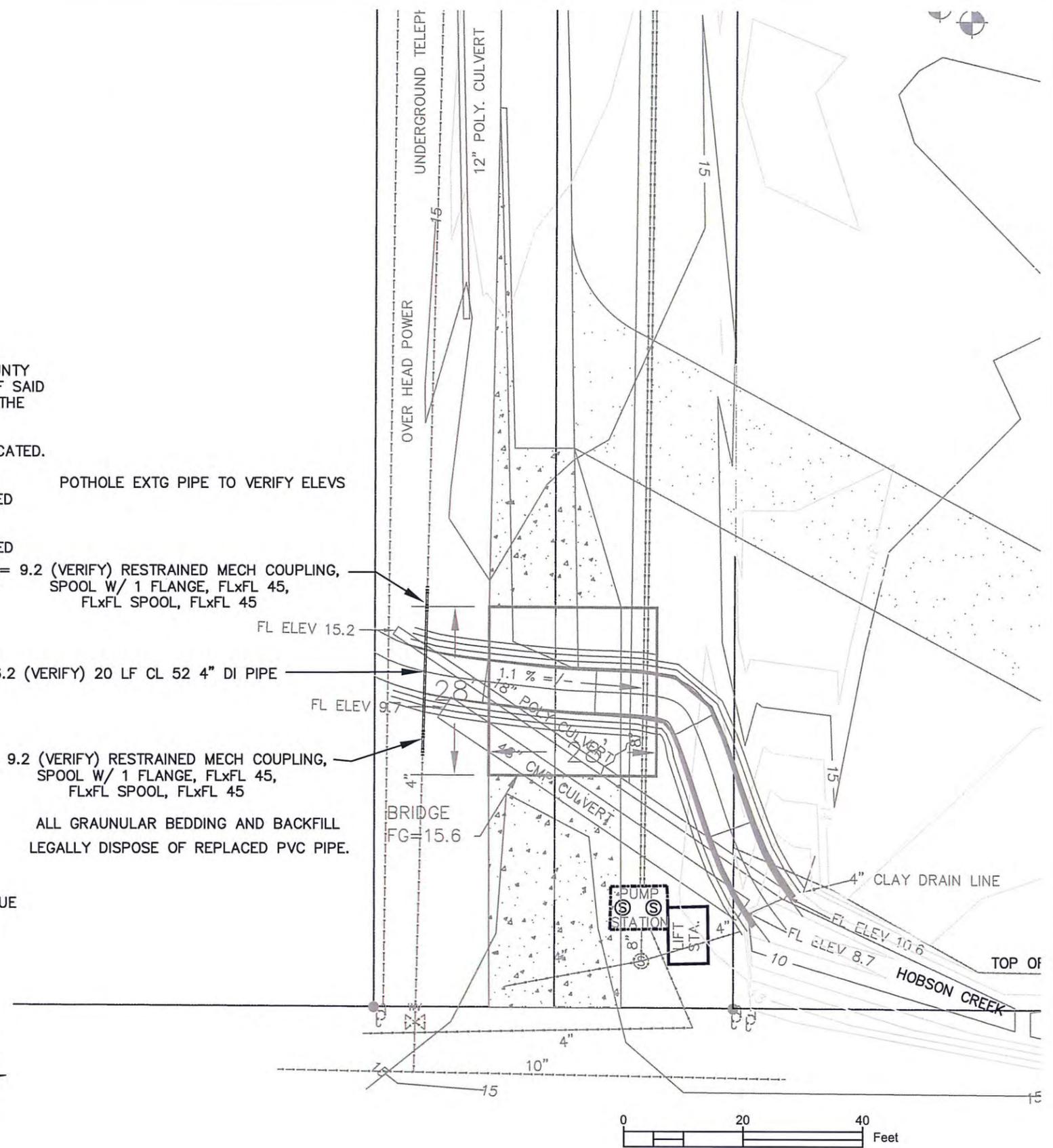
FL ELEV 10.6

FL ELEV 8.7

TOP OF HOBSON CREEK



EXPIRES: 12/31/16



CITY OF GARIBALDI
Oregon's Authentic Fishing Village

ARIZONA WAY BRIDGE CONSTRUCTION PROJECT

WATER PLAN

GARIBALDI/TILLAMOOK

PROJECT NO. 2016-100

SCALE: 1"=20'

OREGON

FILE NAME: BRIDGE-SHEET-1.DWG

DESIGNED BY: BRL

DRAWN BY: BRL

CHECKED BY: MFM

APPROVED BY: JWO

SHEET 5

5/8

PLOT DATE: 8-1-2016
LAST EDIT: BRL

**CITY OF GARIBALDI
ARIZONA WAY BRIDGE CONSTRUCTION PROJECT
CONSTRUCTION DETAILS**

OREGON

FILE NAME:
BRIDGE-SHEET-1.DWG

PROJECT NO.
2016-100

GARIBALDI/TILLAMOOK

SCALE:
N.T.S.

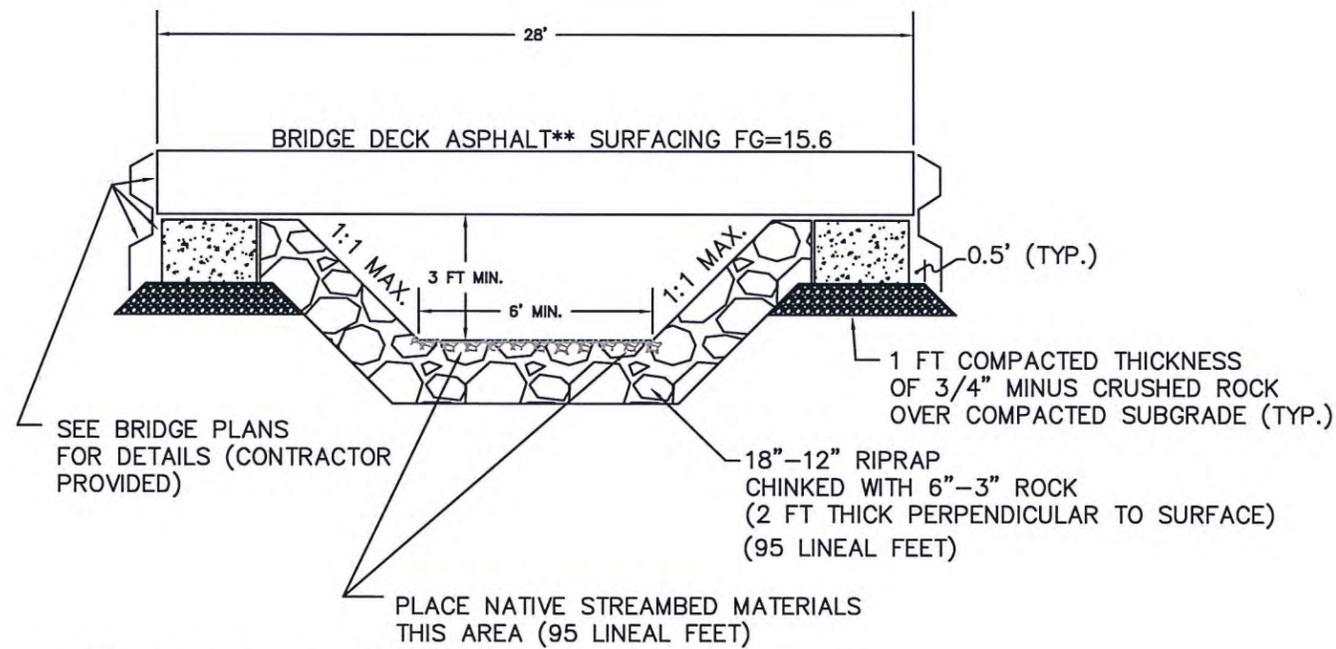
DESIGNED BY: BRL
DRAWN BY: BRL
CHECKED BY: MFM
APPROVED BY: JWO

SHEET 6 / 8

PLOT DATE: 8-5-2016

LAST EDIT: BRL

PLACE AND COMPACT CLASS C ASPHALT** CONCRETE IN THE DECK CORRUGATIONS AND TO 3-INCHES ABOVE THE TOP OF THE CORRUGATIONS.



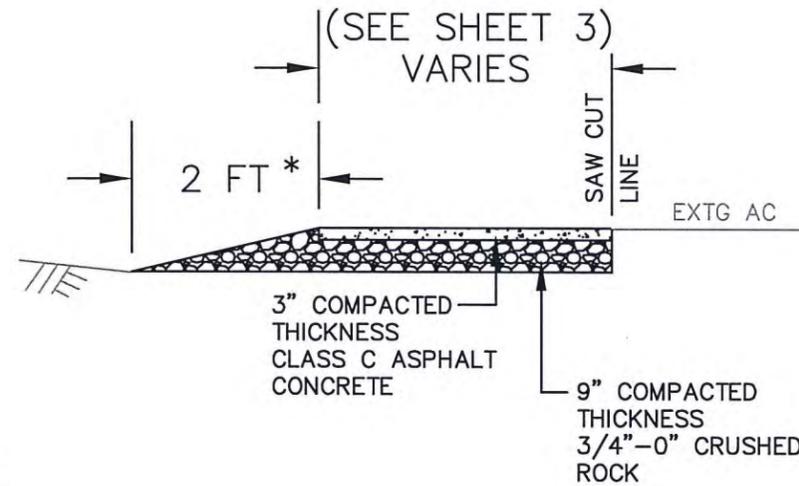
** IF CORRUGATED STEEL DECK IS USED

SCHEMATIC BRIDGE PROFILE AND STREAM CROSS-SECTION

NTS

* PLACE ADDITIONAL SHOULDER ROCK NEAR SW CORNER OF BRIDGE TO PROVIDE REASONABLE PARKING FOR RESIDENCE AS EXISTED PRIOR TO CONSTRUCTION

REMOVE ALL EXISTING ASPHALT CONCRETE UNDER WHERE NEW ASPHALT IS TO BE PLACED AND BREAK IN TO PIECES SMALLER THAN 8-INCHES AND STOCKPILE IN RIGHT-OF-WAY ADJACENT TO SITE



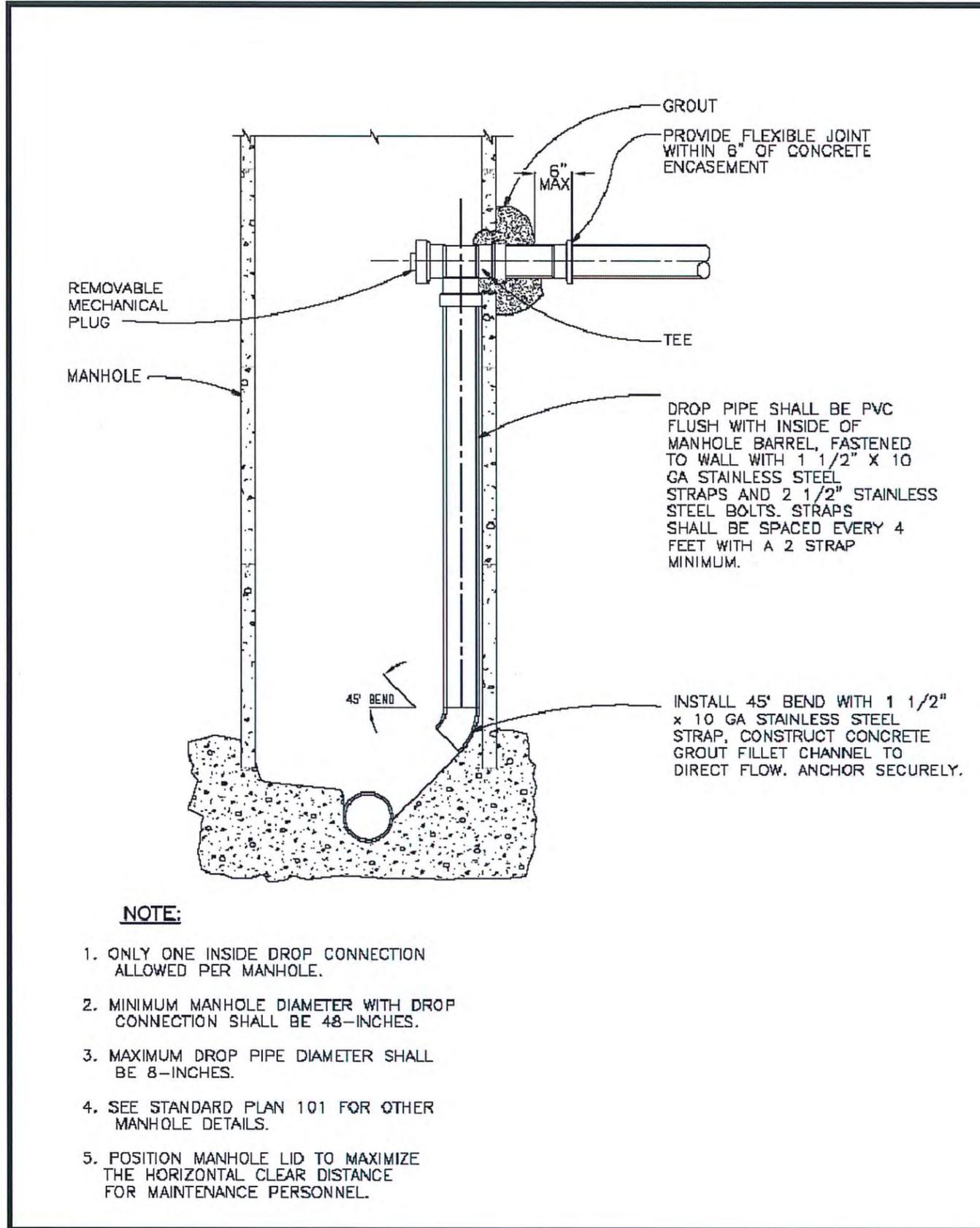
TYPICAL PAVEMENT SECTION

NTS



EXPIRES: 12/31/16

SECTIONS, TOWNSHIP, RANGE: 22BA-1N-10W



NOTE:

1. ONLY ONE INSIDE DROP CONNECTION ALLOWED PER MANHOLE.
2. MINIMUM MANHOLE DIAMETER WITH DROP CONNECTION SHALL BE 48-INCHES.
3. MAXIMUM DROP PIPE DIAMETER SHALL BE 8-INCHES.
4. SEE STANDARD PLAN 101 FOR OTHER MANHOLE DETAILS.
5. POSITION MANHOLE LID TO MAXIMIZE THE HORIZONTAL CLEAR DISTANCE FOR MAINTENANCE PERSONNEL.

USE STD PRECAST BASE, BARRELS, CONES, FOR ALL MANHOLES



EXPIRES: 12/31/16



**CITY OF GARIBALDI
ARIZONA WAY BRIDGE CONSTRUCTION PROJECT
CONSTRUCTION DETAILS**

OREGON

GARIBALDI/TILLAMOOK

PROJECT NO. 2016-100	FILE NAME: BRIDGE-SHEET-1.DWG
SCALE: N.T.S.	

DESIGNED BY: BRL	CHECKED BY: MFM
DRAWN BY: BRL	APPROVED BY: JWO

SHEET 7	7/8
------------	-----

PLOT DATE: 8-1-2016

LAST EDIT: BRL

SECTIONS, TOWNSHIP, RANGE: 22BA-1N-10W

BRIDGE CONSTRUCTION SPECIFICATIONS

BRIDGE DESIGN. CONTRACTOR shall design and construct one shop assembled U80 loading, L/500 load deflection, prefabricated steel bridge superstructure, complete with 12 gauge weathering steel w-beam guardrail system utilizing weathering steel posts. The bridge shall have a span of 28 feet. The bridge shall be delivered in 2 modules with bolt-up connections.

The bridge superstructure shall be designed in accordance with AASHTO Standard Specifications for Highway Bridges, 17th Edition - 2002. Backwalls shall be placed and have a positive connection joining the backwalls to the modular bridge sections, to retain roadway embankment(s). Backwalls shall be made of galvanized steel.

Steel deck system shall be 9 gauge galvanized steel with corrugations 4-1/4" deep. The bridge deck running surface width shall be 28 feet between the guardrails. The asphalt running deck shall be constructed of Class C asphalt concrete. The deck shall have a positive connection joining the deck panels to the modular bridge sections.

All structural steel shall be of cosmetic (USA) manufacture and shall conform to the requirements of ASTM Specification A588 Weathering Steel with exterior surfaces of girders being blast cleaned prior to shipment to assure uniform weathering.

Precast concrete bridge sills shall be constructed of reinforced Class 4,000 concrete and pre-cast off site. Reinforcing steel shall conform to ASTM A706, No. 6 Grade 40 minimum and utilized in accordance with industry standards. The bridge shall utilize bearing plates, elastomeric pads and assembly bolts. The bridge footing elevation shall be equal.

CONTRACTOR MAY ALSO SUBMIT ALTERNATE CONCRETE BRIDGE DESIGN THAT MEETS THE L80 LOADING, THE L/500 DEFLECTION CRITERIA, COMPLIES WITH AASHTO Standard Specifications for Highway Bridges, 17th Edition - 2002 AND USES THE SAME GUARDRAIL SYSTEM SPECIFIED ABOVE.

BRIDGE PLANS.

CONTRACTOR shall submit bridge plans from manufacturer to the City Engineer for approval, prior to commencement of any work on the project. Bridge plans shall be signed and sealed by a professional engineer licensed in the state of Oregon.

BRIDGE CONSTRUCTION

(1) In Stream work shall be conducted only between July 1 and September 15, annually (UNLESS AN EXTENSION IS GRANTED BEYOND SEPTEMBER 15, SEE ODF&W EMAIL THIS SHEET).

CITY shall be notified a minimum of two working days (Monday- Friday, 7:30 am - 3:30 pm) prior to beginning work. CITY will provide all construction surveying. Oil Spill response materials shall be on site before the work begins.

(2) The City Engineer shall witness and approve the bridge installation and the placement of granular materials in preparation for placement of the bridge footings before such footings are placed.

(3) A minimum 1.8 cubic yards, track-mounted large class excavator shall be used for all excavation, stream channel development, and riprap placement.

(4) CONTRACTOR is responsible for scheduling and supervision of the bridge construction work.

Mon 8/3/2016 9:24 AM

 Michael Sinnott <michael.sinnott@state.or.us>
RE: Arizona Way Bridge

To: Blake Lettenmaier
Cc: mka.deblasi@dsl.state.or.us; Robert Bradley

Good morning Blake,

With regards to the extension of the in-water work period for the construction of the Arizona Way bridge; we can extend the work period through to the first significant rains of fall without any additional regulation. Being as this project is the only access to a residential area and must be completed before winter, we will continue to work with you after the rainy season starts if necessary. Doing so, however, will most likely require some additional constraints such as; shutting down operations during periods of heavy rain fall, and additional control measures at the site to limit erosion and sedimentation into the stream.

Michael V. Sinnott
Assistant District Fish Biologist
Oregon Department of Fish and Wildlife
North Coast Watershed District
4907 Third St
Tillamook, OR 97141
503-842-2741 x237 (w)
503-842-8385 (fax)



CITY OF GARIBALDI
ARIZONA WAY BRIDGE CONSTRUCTION PROJECT
BRIDGE SPECIFICATIONS

OREGON

FILE NAME:
BRIDGE-SHEET-1.DWG

PROJECT NO.
2016-100

GARIBALDI/TILLAMOOK

SCALE:
N.T.S.



EXPIRES: 12/31/16

DESIGNED BY: BRL	BRL
DRAWN BY: BRL	BRL
CHECKED BY: MFM	MFM
APPROVED BY: JWO	JWO

SHEET 8/8

PLOT DATE: 8-8-2016

LAST EDIT: BRL



**US Army Corps
of Engineers**
Portland District

2012 Nationwide (NWP) Regional Permit Conditions Portland District

The following Nationwide Permit (NWP) regional conditions are for the Portland District Regulatory Branch boundary. Regional conditions are placed on NWPs to ensure projects result in less than minimal adverse impacts to the aquatic environment and to address local resource concerns.

ALL NWPs –

1. High Value Aquatic Resources: Except for NWPs 3, 20, 27, 32, 38, and 48, any activity that would result in a loss of waters of the United States (U.S.) in a high value aquatic resource is not authorized by NWP. High value aquatic resources in Oregon include bogs, fens, wetlands in dunal systems along the Oregon coast, native eel grass (*Zostera marina*) beds, kelp beds, rocky substrate in tidal waters, marine reserves, marine gardens, vernal pools, alkali wetlands, and Willamette Valley wet prairie wetlands.

NOTE: There are other types of wetlands in Oregon, such as mature wooded wetlands and tidal swamps, which are also considered as providing high value and functions to the State's aquatic ecosystems. Impacts to these waters will be evaluated on a case-by-case basis for potential authorization under a Nationwide Permit. For more information about the State's Wetlands of Conservation Concern" please visit

http://www.oregon.gov/dsl/PERMITS/docs/wetland_cons_concern.pdf.

2. Cultural Resources and Human Burials-Inadvertent Discovery Plan: In addition to the requirements in NWP General Conditions 20 and 21 permittee shall immediately notify the Portland District Engineer if at any time during the course of

the work authorized, human burials, cultural items, or historic properties, as identified by the National Historic Preservation Act and Native American Graves Protection and Repatriation Act, are discovered. The permittee shall implement the following procedures:

a. Immediately cease all ground disturbing activities.

b. Project Located in Oregon: Notify the Oregon State Historic Preservation Office (503-986-0674).

c. Project Located in Washington: Notify the Washington Department of Archaeology and Historic Preservation (360-586-3077).

d. Notify the Portland District Engineer. Notification shall be made by fax (503-808-4375) as soon as possible following discovery but in no case later than 24 hours. The fax shall clearly specify the purpose is to report a cultural resource discovery. Follow up the fax notification by contacting the Portland District Engineer representative (by email and telephone) identified in the verification letter.

e. Failure to stop work immediately and until such time as the Portland District Engineer has coordinated with all appropriate agencies and Native American tribes, and complied with the provisions of 33 CFR 325 (Appendix C), the National Historic Preservation Act, Native American Graves Protection and Repatriation Act, and other pertinent regulations could result in violation of state and federal laws. Violators are subject to civil and criminal penalties.

3. In-water Work: In order to minimize potential impacts to water quality, aquatic species and habitat, in-water work will be limited by the following timing considerations:

a. Permittee shall complete all in-water work within the preferred work window

specified in Oregon Department of Fish and Wildlife's (ODFW) "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources," June 2008, or most current version, available at: http://www.dfw.state.or.us/lands/inwater/Oregon_Guidelines_for_Timing_of_%20InWater_Work2008.pdf.

b. If work cannot be completed within the preferred timing window, despite every attempt to do so, permittee shall submit a request to work out side of the preferred window to the Portland District Engineer in writing. Permittee shall not begin any in-water work outside of the preferred window until they have received written approval from the District Engineer. The District Engineer will coordinate with the appropriate agencies prior to finalizing a decision.

4. Fish and Aquatic Life passage: In addition to the requirements of NWP General Conditions 2 and 9, all activities authorized by a NWP shall not restrict passage of aquatic life beyond the necessary construction period. Aquatic life shall be interpreted to include amphibians, reptiles, and mammals whose natural habitat includes waters of the U.S. and which are generally present in and/or around waters of the U.S.

a. Activities such as the installation of culvert, intake structures, diversion structures, or other modifications to stream channel morphology must conform to fish passage standards developed by the ODFW and the National Marine Fisheries Service (NMFS). ODFW's standards can be found at OAR 635-412-0035; ODFW provides an overview at <http://www.dfw.state.or.us/fish/passagel> and NMFS provides an overview at http://www.nwr.noaa.gov/hydropower/hydropower_northwest/hydropower_in_the_nw.html.

5. Fish Screening: The permittee shall ensure that all intake pipes utilize fish screening that complies with standards developed by NMFS and ODFW ("Anadromous Salmonid Passage Facility

Design", July 2011).

http://www.nwr.noaa.gov/hydropower/hydropower_northwest/hydropower_in_the_nw.html or the most current version.

6. Work Area Isolation and Dewatering:

Appropriate best management practices shall be implemented to prevent erosion and sediments from entering wetlands or waterways.

a. All in-water work shall be isolated from the active channel or conducted during low seasonal stream flows.

b. Permittee shall provide for fish passage upstream and downstream of the worksite.

c. Cofferdams shall be constructed of non-erosive material, such as concrete jersey barriers, sand and gravel bag dams, or water bladders. Constructing a cofferdam by pushing material from the streambed or sloughing material from the streambanks is not authorized.

d. Sand and gravel bag dams shall be lined with a plastic liner or geotextile fabric to reduce permeability and prevent sediments and/or construction materials from entering the active stream channel.

e. Upstream and downstream flows shall be maintained by routing flows around the construction site with a pump, bypass pipe, or diversion channel.

f. A sediment basin shall be used to settle sediments in return water prior to release back into the waterbody. Settled water shall be returned to the waterbody in such a manner as to avoid erosion of the streambank. Settlement basins shall be placed in uplands.

g. Fish and other aquatic species must be salvaged prior to dewatering. The State of Oregon requires a Scientific Take Permit be obtained to salvage fish and wildlife. Permittee is advised to contact the nearest ODFW office. For further information contact ODFW at <http://www.dfw.state.or.us>.

7. Dredging: For any NWP-authorized activities, including but not limited to NWP 3, 12, 13, 19, 27, 35, 36, 40, and 41 that involve removal of sediment from waters of the U.S. permittee shall ensure that:

- a. Any necessary sediment characterization regarding size, composition, and potential contaminants is conducted prior to dredging and the material is suitable for in-water disposal per the Sediment Evaluation Framework for the Pacific Northwest, 2009 (available at: <http://www.nwp.usace.army.mil/Missions/Environment/DMM.aspx>) or the most current version.
- b. The least impactful methodology and activity sequencing is used to ensure impacts to the aquatic system are minimized to the maximum extent practicable. Examples include using a hydraulic, closed-lipped clamshell bucket, toothed clamshell bucket, dragline and/or excavator.
- c. Dredged or excavated material is placed where sediment-laden water cannot enter waterways or wetlands in an uncontrolled manner. The discharge associated with the return of sediment-laden water into a water of the U.S. from an upland disposal site requires separate authorization from the District Engineer under NWP 16.

8. Chemically Treated Wood – Withdrawn.

9. Mechanized Equipment: In addition to the requirements in NWP General Condition 11, permittee shall implement the following to prevent or limit aquatic impacts from mechanized equipment:

- a. In all events use the type of equipment that minimizes aquatic impacts spatially and temporally.
- b. Use existing roads, paths, and drilling pads where available. Temporarily place mats or pads onto wetlands or tidal flats to provide site access. Temporary mats or

pads shall be removed upon completion of the authorized work.

c. Operate equipment from the top of a streambank and conduct work outside of the active stream channel, unless specifically authorized by the District Engineer.

d. Isolate storage, staging, and fueling areas, and operate and maintain equipment in isolation from waters, wetlands, and riparian areas.

e. Maintain spill prevention and containment materials with ready access at vehicle staging areas. Permittee and staff shall be trained to effectively deploy the measures. Spill response materials include straw matting/bales, geotextiles, booms, diapers, and other absorbent materials, shovels, brooms, and containment bags. In the event of a spill of petroleum products or other chemicals with potential to affect waters or wetlands, permittee shall immediately report the spill to the Oregon Emergency Response Service (OERS) at 1-800-452-0311 and shall implement containment and cleanup measures, as directed.

10. Deleterious Waste: In addition to the requirements in NWP General Condition 6, permittee shall not dispose of biologically harmful or waste materials into waters or wetlands. These materials include but are not limited to the following:

a. Petroleum products, chemicals, cement cured less than 24 hours, welding slag and grindings, concrete saw cutting by-products, sandblasted materials, chipped paint, tires, wire, steel posts, asphalt and waste concrete.

b. Discharge water created during construction activities (such as but not limited to concrete wash out, pumping for work area isolation, vehicle wash water, drilling fluids, dredging return flows, and sediment laden runoff) shall be treated to remove debris, sediment, petroleum products, metals, and other pollutants and

discharged in a controlled fashion to avoid erosion. A separate Department of the Army permit and/or a National Pollutant Discharge Elimination System (NPDES) permit from Oregon Department of Environmental Quality's (DEQ) may be required prior to discharge. Permittee is directed to contact the nearest DEQ office (<http://www.deq.state.or.us/about/locations.htm>) for more information about the NPDES program.

11. Stormwater Discharge Pollution

Prevention: Activities that result in stormwater runoff passing over disturbed areas and impervious surfaces must include reduction measures, controls, treatment techniques and management practices to avoid discharge of soil, debris, toxics and other pollutants to waterways and wetlands.

a. **Erosion Control:** During construction and until the site is stabilized, the permittee shall ensure all practicable measures are implemented and maintained to prevent erosion and runoff. For proper erosion control measure selection and implementation, the permittee is referred to DEQ "Oregon Sediment and Erosion Control Manual," April 2005, available at: <http://www.deq.state.or.us/wq/stormwater/escmanual.htm>. Appropriate control measures and maintenance include, but are not limited to the following:

- 1) Permittee shall inspect and maintain control measures in good condition throughout construction and until permanent measures are well established. Permittee shall repair or replace any damages such as rips, broken stakes that result in loss of intended function. Permittee shall install additional control measures and reseed or replant with native and/or non-competitive species as necessary to achieve stabilization of the site. Spray-on mulches imbedded with benign sterile species may be used to temporarily stabilize the area until permanent controls are in place.

- 2) Once soils or slopes have been stabilized, permittee shall completely remove and properly dispose of or re-use all components of installed control measures.

b. Post-Construction Stormwater Management:

If the activity will result in creation of new impervious surfaces and federally listed aquatic species or their habitat may be affected by the proposed activity permittee shall forward a copy of the post-construction stormwater management plan (SWMP) to the Portland District Engineer for our consultation under the Endangered Species Act. A copy of the SWMP must be submitted to the DEQ for their review and approval prior to initiating construction.

- 1) Submittal of the post-construction stormwater management plan to DEQ at the same time the application is submitted to the Corps will streamline the project review. DEQ's Stormwater Management Plan Submission Guidelines for Removal/Fill Permit Applications which involve impervious surfaces can be found at <http://www.deq.state.or.us/wq/sec401cert/docs/stormwaterGuidlines.pdf>. This document provides information to determine the level of detail required for the plan based on project type, scope, location, and other factors, as well as references to assist in designing the plan and a checklist for a complete submission.

12. Upland Disposal: Material disposed of in uplands shall be placed in a location and manner that prevents discharge of the material and/or return water into waters or wetlands unless otherwise authorized by the Portland District Engineer.

a. Final disposition of materials removed from waters and wetlands to uplands may require separate approvals under Oregon State Solid Waste Rules. For more information please visit DEQ's Solid Waste

program at:

<http://www.deq.state.or.us/lq/sw/index.htm>

b. Temporary upland stockpiles of excavated or dredged materials shall be isolated from waterways, wetlands, and floodwaters; stabilized prior to wet weather; and maintained using best management practices unless specifically authorized by the District Engineer.

13. Restoration of Temporary Impacts: To minimize temporal losses of waters of the U.S. construction activities within areas identified as temporary impacts shall not exceed two construction seasons or 24 months, whichever is less. For all temporary impacts, permittee shall provide the Portland District Engineer a description, photos, and any other documentation which demonstrates pre-project conditions with the Preconstruction Notification.

b. Site restoration of temporarily disturbed areas shall include returning the area to pre-project ground surface contours. Permittee shall revegetate temporarily disturbed areas with native, noninvasive herbs, shrubs, and tree species sufficient in number, spacing, and diversity to replace affected aquatic functions.

c. Site restoration shall be completed within 24 months of the initiation of impacts (unless otherwise required by the specific NWP). However, if the temporary impact requires only one construction season, site restoration shall be completed within that same construction season before the onset of seasonal rains.

14. Permittee-responsible Compensatory Mitigation: When permittee-responsible compensatory mitigation is required by the Portland District Engineer to replace lost or adversely affected aquatic functions, the permittee shall provide long-term protection for the mitigation site through real estate instruments (e.g., deed restriction or conservation easement) or other available mechanisms. The appropriate long-term protection mechanism will be determined by the Portland District Engineer based on

project-specific review and must be in place prior to initiating the permitted activity.

15. Inspection of the Project Site: The permittee shall allow representatives of the Portland District Engineer and/or DEQ to inspect the authorized activity to confirm compliance with nationwide permit terms and conditions. A request for access to the site will normally be made sufficiently in advance to allow a property owner or representative to be on site with the agency representative making the inspection.

16. Sale of Property/Transfer of Permit: Permittee shall obtain the signature(s) of the new owner(s) and transfer this permit in the event the permittee sells the property associated with this permit. To validate the transfer of this permit authorization, a copy of this permit with the new owner(s) signature shall be sent to the Portland District Engineer at the letterhead address on the verification letter.

NATIONWIDE SPECIFIC CONDITIONS:

NWP 3 – Maintenance

1. Permittee shall implement measures necessary to prevent streambed gradient alterations and streambank erosion.

NWP 5 – Scientific Measurement Devices

1. Permittee shall remove all scientific measurement devices including all associated structures and fills including anchoring devices, buoys, and cable within 30 days after research is completed.

NWP 6 – Survey Activities

1. Use of in-water explosives is not authorized.

2. Permittee shall isolate all in-stream exploratory trenching from the active channel.

NWP 12 – Utility Line Activities

1. Permittee shall install trench-blockers of a type and design sufficient to prevent the drainage of the wetland areas (e.g. bentonite clay plugs, compacted sand

bags, etc.) where utility lines are buried within or immediately adjacent to wetlands and other waters.

2. Permittee shall remove and separately reserve the topsoil from the subsurface soils during trenching. Permittee shall place the reserved topsoil as the final surface layer in backfilling the trench.

3. Agency coordination, per Nationwide Permit General Condition 31 (d), is required where utility lines are proposed in estuaries to ensure there are no impacts to native shellfish beds.

4. Manholes placed in streams or other waterways require specific approval by the District Engineer.

NWP 13 – Bank Stabilization

1. Permittee shall include the use of bioengineering techniques and natural products (e.g. vegetation and organic material such as root wads) in the project design to the maximum extent practicable and shall minimize the use of rock, except when it is anchoring large woody debris. Non-biodegradable materials, such as plastic netting, that may entrap wildlife or pose a safety concern shall not be used for soil stabilization. Riparian plantings shall be included in all project designs unless the permittee can demonstrate that such plantings are not practicable.

2. Riprap shall be clean (i.e. free of toxic contaminants and invasive species), durable, angular rock.

NWP 23 – Approved Categorical Exclusions

1. Pre-construction notification or other Corps-approved documentation is required for all activities which require a permit from the Portland District Engineer.

NWP 29 – Residential Developments

1. Wetland impacts associated with the construction or expansion of a single residence including attendant features (utility lines, roads, yards, etc) shall not exceed one-fourth (¼) acre.

NWP 41 – Reshaping Existing Drainage

Ditches

1. All in-water work shall be isolated from the active stream channel or conducted during low seasonal stream flows.

NWP 43 – Stormwater Management Facilities

1. All in-water work shall be isolated from the active stream channel or conducted during low seasonal stream flows.

2. This NWP does not authorize the retention of water in excess of that required to meet stormwater management requirements for purposes such as recreational lakes, reflecting pools, irrigation, etc.

NWP 44 – Mining Activities

1. Reclamation, when required, must be achieved within 24 months of completing the mining activity.

2. In-stream mining including bar scalping is not authorized by this NWP.

3. Permittee shall ensure site includes appropriate grade controls to prevent headcutting of streams or bank erosion.

4. The use of in-water explosives is prohibited under this nationwide.

5. Excavated materials may be temporarily stockpiled within the channel above the plane of the water surface for up to seven (7) days. Excavated materials shall not be stockpiled in wetlands or flowing water.

NWP 48 – Commercial Shellfish Aquaculture Activities

1. Agency coordination, per NWP General Condition 31 (d), is required for all activities proposed under this NWP.

NOTE: For projects involving commercial aquaculture or mariculture cultivation of oysters, clams, and mussels on state submerged and submersible lands permittee is advised authorization may be required from the Oregon Department of Agriculture. For more information go to

<http://www.oregon.gov/ODA/FSD/program/shellfish.shtml>

NWP 51– Land-Based Renewable Energy
Generation Facilities

1. Agency coordination, per NWP General Condition 31 (d), is required for activities where aerial power transmission lines cross navigable waters.

NWP 52 – Water Based Renewable Energy
Generation Pilot Projects

1. Agency coordination, per NWP General Condition 31 (d), is required for all activities proposed for verification under this NWP.

2. Activities authorized under this NWP shall comply with the siting requirements of the Oregon Territorial Sea Plan, which designates areas as suitable for such activities. For more information go to http://www.oregon.gov/LCD/OCMP/Pages/Ocean_TSP.aspx.



**US Army Corps
of Engineers**
Portland District

**Nationwide (NWP)
Permit Conditions**
33 CFR Part 330;
Issuance of Nationwide
Permits – March 19, 2012

C. Nationwide Permit General Conditions

Note: 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. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. 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.

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 and storm water management activities, 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.

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. No 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. 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).

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

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 Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.

(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 project, or if the project 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 work or that utilize the designated critical habitat that might be affected by the proposed work. 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 project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have “no effect” on listed species or critical habitat, or until 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 regional endangered species conditions to the NWPs.

(e) Authorization of an activity by a 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 U.S. 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) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.noaa.gov/fisheries.html> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.

20. Historic Properties.

(a) In cases where the district engineer determines that the activity may affect 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. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the NWP activity, or whether additional section 106 consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may 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 may be affected by the proposed work 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 resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, 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 and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may 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 or that consultation under Section 106 of the NHPA has been completed.

(d) 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. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work 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 (16 U.S.C. 470h-2(k)) 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, and 38, notification is required in accordance with general condition 31, 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 adverse effects on the aquatic environment are 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 adverse effects to the aquatic environment are 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 effects of the proposed activity are minimal, and provides a project-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 minimal adverse effects on the aquatic environment. 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 minimal adverse effects on the aquatic environment.

(2) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(3) 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) – (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)).

(4) 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.

(5) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, and ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) 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 project 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 a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and

legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. 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 establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing 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 compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory 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.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of 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 effects of the project to the 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 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 work 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 work and mitigation.

31. 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 in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity may 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 (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 project;

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the United States expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; 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.

The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project 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);

(4) 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 waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(5) 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 effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation

demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(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 a PCN and must include all of the information required in paragraphs (b) (1) through (7) of this general condition. A letter containing the required information may also be used.

(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 project's adverse environmental effects to a minimal level.

(2) For 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, for 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 intermittent and ephemeral stream bed, and for all NWP 48 activities that require pre-construction notification, 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 (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), 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 telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse 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 to the aquatic environment of the proposed activity are 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.

(3) 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.

(4) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

F. Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures

implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term "discharge" means any discharge of dredged or fill material.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Ephemeral stream: An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulations of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide

line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent

streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities eligible for exemptions under Section 404(f) of the Clean Water Act are not considered when calculating the loss of waters of the United States.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. The definition of a wetland can be found at 33 CFR 328.3(b). Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of standing or flowing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of "open waters" include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas (see 33 CFR 328.3(e)).

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic

resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b) (1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands adjacent to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of

immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term “single and complete project” is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of “independent utility”). Single and complete non-linear projects may not be “piecemealed” to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those

facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream’s course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a wetland (i.e., water of the United States) that is inundated by tidal waters. The definitions of a wetland and tidal waters can be found at 33 CFR 328.3(b) and 33 CFR 328.3(f), respectively. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line, which is defined at 33 CFR 328.3(d).

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b) (1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NFPs, a waterbody is a jurisdictional water of the United States. If a jurisdictional wetland is adjacent – meaning bordering, contiguous, or neighboring – to a waterbody determined to be a water of the United States under 33 CFR 328.3(a)(1)-(6), that waterbody and its adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of “waterbodies” include streams, rivers, lakes, ponds, and wetlands.



Oregon Department of Environmental Quality (DEQ) 401 Water Quality (WQC) General Conditions

In addition to all USACE permit conditions and regional permit conditions, the following 401 Water Quality Certification conditions apply to all Nationwide Permit (NWP) categories certified or partially certified Additional 401 Water Quality Certification category specific conditions follow, which must also be complied with as applicable.

1) Turbidity: All Permittees must implement all reasonably available technological controls and management practices to meet the standard rule of no more than a 10 percent increase in project caused turbidity above background levels. However, if all reasonably available controls and practices are implemented by a permittee, turbidity exceedances of more than 10 percent above background are allowed for limited times depending on the severity of the increase, as specified in this condition.

a. Monitoring and Compliance Requirements: Permittee must monitor and record in a daily log stream turbidity levels during work below ordinary high water, compare turbidity caused by authorization actions to background levels, and adapt activities to minimize project-caused turbidity. Required monitoring steps include:

i. Identify two monitoring locations:

A. Background location: A relatively undisturbed location, approximately 100 feet upcurrent from the disturbing activity; and,

B. Compliance location: A location downcurrent from the disturbing activity, at approximately mid-depth, within any visible plume, at the distance that corresponds to the size of the waterbody where work is taking place as listed on the table below:

WETTED STREAM WIDTH	COMPLIANCE DISTANCE
Up to 30 feet	50 feet
>30 feet to 100 feet	100 feet
>100 feet to 200 feet	200 feet
>200 feet	300 feet
LAKE, POND RESERVOIR	Lesser of 100 feet or Maximum surface dimension

ii. Determine Compliance:

A. At the start of work, measure turbidity at both locations and record in the daily log date, time, location, tidal stage (if waterbody is tidally influenced), and turbidity levels at each point and comparison. Permittee must also record in the daily log all controls and practices implemented at the start of the work.

B. During work, measure turbidity at both locations at the frequency directed in the tables below and record in the daily log date, time, location, tidal stage (if waterbody is tidally influenced), and turbidity measurements.

C. Turbidity measurements must be representative of stream turbidity when the activity is being conducted. Measurements cannot be taken during a cessation of activity.

D. If project caused turbidity is elevated above background, Permittee must implement additional controls and practices and monitor both points again as described below for either monitoring method. A description of the additional controls and the date, time, and location where they are implemented must be recorded in the daily log:

MONITORING WITH A TURBIDIMETER*		
ALLOWABLE EXCEEDANCE TURBIDITY LEVEL	ACTION REQUIRED AT 1 ST MONITORING INTERNAL	ACTION REQUIRED AT 2 ND MONITORING INTERNAL
0 to 5 NTU above background	Continue to monitor every 4 hours	Continue to monitor every 4 hours
5 to 29 NTU above background	Modify controls & continue to Monitor every 4 hours	Stop work after 8 hours at 5-29 NTU above background
30 to 49 NTU above Background	Modify controls & continue to Monitor every 2 hours	Stop work after 2 confirmed hours At 30-49 NTU above background
50 NTU or more above Background	Stop work	Stop work

VISUAL MONITORING*		
No plume observed	Continue to monitor every 4 hours	Continue to monitor every 4 hours
Plume observed within compliance distance	Modify controls & continue to Monitor every 4 hours	Stop work after 8 hours with an observed plume within compliance distance
Plume observed beyond compliance distance	Stop work	Stop work

**Note: Monitoring visually may require stopping work as soon as the visual plume exceeds the waterbody specific compliance distance. However, using a turbidimeter can allow work to continue based on more precise determination of the severity of the turbidity increase over time.*

iii. Work must **stop immediately for the remainder of the 24-hour period** if:

- A. A visible turbidity plume extends beyond the compliance distance; or,
- B. Turbidity is measured at the compliance point at:
 - I. 50 NTU or more over background at any time;
 - II. 30 NTU over background for 2 hours; or
 - III. 5-29 NTU over background for 8 hours.

iv. Work may continue if no visible plume is observed, turbidity measured at the compliance point is no more than 0-5 NTU above background, or additional control measures can be applied to keep the visible plume within the compliance distance, measured turbidity ranges, and durations listed in the tables above.

b. Turbidity Control Measures - The permittee must implement all reasonably available controls and practices to minimize turbidity during in-water work, which may include, but are not limited to:

- i. Schedule, sequence or phase work activities so as to minimize in-water disturbance and duration of activities below ordinary high water;
- ii. Install and maintain containment measures to prevent erosion of upland material to waterways and wetlands, isolate work areas from flowing waters, and prevent suspension of in-stream sediments to the maximum extent practicable;
- iii. Apply control measures for all in-stream digging, including but not limited to: employing an experienced equipment operator; not dumping partial or full buckets of material back into the wetted stream; adjusting the volume, speed, or both of loads or hydraulic suction equipment; or by using a closed-lipped environmental bucket;
- iv. Limit the number and location of stream crossing events. If equipment must cross a waterway, establish temporary crossing sites at an area with stable banks, where the least vegetation disturbance will occur, shortest distance across water, oriented perpendicular to the stream, and supplement with clean gravel or other temporary methods as appropriate;
- v. Place excavated, disturbed, and stockpiled material so that it is isolated from the edge of waterways and wetlands and not allowed to enter waters of the state uncontrolled; and
- vi. Apply other effective turbidity control techniques, such as those in Appendix D and throughout DEQ's *Oregon Sediment and Erosion Control Manual*, April 2005, <http://www.deq.state.or.us/wq/stormwater/docs/escmanual/appxd.pdf>.

c. Reporting: Copies of daily logs for turbidity monitoring must be made available to DEQ and other regulatory agencies upon request. The log must include:

- i. Background NTUs or observation, compliance point NTUs or observation, comparison of the points in NTUs or narrative, and location, time, date, and tidal stage (if applicable) for each reading or observation.
- ii. A narrative discussing all exceedances, controls applied and their effectiveness, subsequent monitoring, work stoppages, and any other actions taken.

2) Stormwater Discharge Pollution Prevention: All projects that involve land disturbance or impervious surfaces must implement prevention or control measures to avoid discharge of pollutants in stormwater runoff to waters of the state.

- a. For land disturbances during construction, the permittee must obtain and implement permits where required (see: <http://www.deq.state.or.us/wq/stormwater/construction.htm>) and follow DEQ's *Oregon Sediment and Erosion Control Manual*, April 2005 (or most current version), <http://www.deq.state.or.us/wq/stormwater/docs/escmanual/appxd.pdf>.
- b. Following construction, prevention or treatment of on-going stormwater runoff from impervious surfaces must be provided (including but not limited to NWP categories 3, 12, 14, 15, 28, 29, 31, 32, 36,

39, 42, 43, and 51). DEQ encourages prevention of discharge by managing stormwater on site through Low Impact Development principles and other prevention techniques. Assistance in developing an approvable stormwater management plan is available in DEQ's *Stormwater Management Plan Submission Guidelines for Removal/Fill Permit Applications Which Involve Impervious Surfaces*, January 2012 (or most current version), available at:

<http://www.deq.state.or.us/wq/sec401cert/docs/stormwaterGuidlines.pdf>.

- c. In lieu of a complete stormwater management plan, the applicant may submit:
 - i. Documentation of acceptance of the stormwater into a DEQ permitted National Pollutant Discharge Elimination Strategy (NPDES) Phase I or II Municipal Separate Storm Sewer System (MS4); or
 - ii. Reference to implementation of a programmatic process developed to achieve these expectations, and acknowledged by DEQ as adequately addressing pollution control or reduction through basin-wide post-construction stormwater management practices.

3) Vegetation Protection and Restoration: Riparian, wetland, and in-water vegetation in the authorized project area must be protected from unnecessary disturbance to the maximum extent practicable through methods including:

- a. Minimization of project and impact footprint;
- b. Designation of staging areas and access points in open, upland areas;
- c. Fencing or other barriers demarking construction areas;
- d. Use of alternative equipment (e.g., spider hoe or crane); and,
- e. Replacement - If authorized work results in unavoidable vegetative disturbance that has not been accounted for in planned mitigation actions; riparian, wetland and in-water vegetation must be successfully reestablished to a degree that it functions (for water quality purposes) at least as well as it did before the disturbance. The vegetation must be reestablished by the completion of authorized work.

4) Land Use Compatibility Statement: In accordance with OAR 340-048-0020(2) (i), each permittee must submit findings prepared by the local land use jurisdiction that demonstrates the activity's compliance with the local comprehensive plan. Such findings can be submitted using Block 7 of the USACE & DSL Joint Permit Application, signed by the appropriate local official and indicating:

- a. "This project is consistent with the comprehensive plan and land use regulations;" or,
- b. "This project will be consistent with the comprehensive plan and land use regulations when the following local approvals are obtained," accompanied by the obtained local approvals.
- c. Rarely, such as for federal projects on federal land, "this project is not regulated by the comprehensive plan" will be acceptable.

5) A copy of all applicable 401 WQC conditions must be kept on the job site and readily available for reference by the permittee, their contractors, DEQ, USACE, NMFS, USFWS, DSL, ODFW, and other appropriate state and local government inspectors.

6) DEQ may modify or revoke these 401 WQC conditions, in accordance with OAR 340-048-0050, in the event that project activities are having a significant adverse impact on state water quality or beneficial uses.

Category Specific Conditions

In addition to all national and regional conditions of the USACE permit and the 401 Water Quality Certification general conditions above, the following conditions apply to the noted specific categories of authorized activities.

NWP 7 – Outfall Structures and Associated Intake Structures:

7.1) The following actions are denied certification:

- a. Discharge outfalls that are not subject to an NPDES permit; and,
- b. Outfalls that discharge stormwater without pollutant removal demonstrated to meet water quality standards prior to discharge to waters of the state.

7.2) If a permittee cannot obtain an NPDES permit or submit an approvable stormwater management plan per DEQ's Guidelines (at: <http://www.deq.state.or.us/wq/sec401cert/docs/stormwaterGuidelines.pdf>), the permittee must submit complete project information and water quality impacts analysis directly to DEQ in order to undergo individual 401 WQC evaluation and fulfill public participation requirements.

NWP 12 – Utility Lines:

12. 1) For proposals that include directionally-bored stream or wetland crossings:

- a. All drilling equipment, drill recovery and recycling pits, and any waste or spoil produced, must be completely isolated, recovered, then recycled or disposed of to prevent entry into waters of the state. Recycling using a tank instead of drill recovery/recycling pits is preferable;
- b. In the event that drilling fluids enter a water of the state, the equipment operator must stop work, immediately initiate containment measures and report the spill to the Oregon Emergency Response System (OERS) at 800-452-0311.
- c. Prior to cleaning up drilling fluids spilled into waters of the state, cleanup plans must be submitted and approved by the regulatory agencies; and
- d. An adequate supply of materials needed to control erosion and to contain drilling fluids must be maintained at the project construction site and deployed as necessary.

NWP 13 – Bank Stabilization:

13.1) Projects that do not include bioengineering are denied certification, unless a registered professional engineer provides a written statement that non-bioengineered solutions are the only means to protect an existing transportation-related structure.

13.2) To apply for certification for a project without bioengineering, the permittee must submit complete project information and water quality impacts analysis directly to DEQ in order to undergo individual 401 WQC evaluation and fulfill public participation requirements.

NWP 14 – Linear Transportation:

14.1) For projects that include bank stabilization, bioengineering must be a component of the project, unless a registered professional engineer provides a written statement that non-bioengineered solutions are the only means to protect an existing transportation related structure.

14.2) To apply for certification for a project without bioengineering, the permittee must submit complete project information and water quality impacts analysis directly to DEQ in order to undergo individual 401 WQC evaluation and fulfill public participation requirements.

NWP 16 - Return Water from Contained Upland Disposal Areas: Water quality criteria and guidance values for toxics, per OAR 340-041-0033, are available in Tables 20, 33A, 33B, and 33C at: <http://www.deq.state.or.us/wq/standards/toxics.htm#Cur>.

16.1) Return to waters of the state of water removed with contaminated dredged material that exceeds a chronic or acute toxicity water quality standard is denied certification.

16.2) Water removed with contaminated dredged material that could or does exceed chronic water quality criteria must be contained and disposed of at an appropriately sized and sealed upland facility by evaporation or infiltration.

16.3) If a Modified Elutriate Test (MET) is performed for the known contaminants of concern (CoCs) and CoC concentrations are below DEQ chronic water quality criteria; return water discharge is not limited.

- a. The MET must be performed before dredging.
- b. DEQ must approve the list of CoCs and analytical method prior to the permittee performing the MET.
- c. DEQ must review the results and provide approval of discharge from return water, in writing, prior to dredging.

NWP 20 – Response Operations for Oil and Hazardous Waste:

20.1) Coordination with DEQ's Emergency Response program is required. See: <http://www.deq.state.or.us/lq/cu/emergency/index.htm>.

NWP 22 – Removal of Vessels:

22.1) Coordination with DEQ's Emergency Response program is required. See: <http://www.deq.state.or.us/lq/cu/emergency/index.htm>.

NWP 31 – Maintenance of Existing Flood Control Facilities:

31.1) Projects at existing facilities in streams with Temperature TMDLs and that propose net permanent, riparian vegetation removal are denied certification.

31.2) To apply for certification for projects where riparian vegetation removal is unavoidable and vegetation cannot be re-established, the permittee must submit complete project information and water quality impacts analysis directly to DEQ in order to undergo individual 401 WQC evaluation and fulfill public participation requirements.

NWP 38 – Cleanup of Hazardous and Toxic Waste:

38.1) For removal of contaminated material from waters, dredging method is limited to diver assisted hydraulic suction, hydraulic suction, closed-lipped environmental bucket, or excavation in the dry.

a. For in-water isolation measures, the permittee is referred to Appendix D of DEQ's *Oregon Erosion and Sediment Control Manual*, April 2005 (or most current version), at:
<http://www.deq.state.or.us/wq/stormwater/docs/escmanual/appxd.pdf>.

38.2) Discharge to waters resulting from dewatering during dredging or release of return water from an upland facility is prohibited except as provided below.

a. All water removed with sediment must be contained and disposed of at an appropriately sized and sealed upland facility by evaporation or infiltration; or,

b. A Modified Elutriate Test (MET) may be performed for the known CoCs and if CoC concentrations are below DEQ chronic water quality criteria, return water discharge is not limited.

i. The MET must be performed before dredging.

ii. DEQ must approve the list of CoCs and analytical method prior to the permittee performing the MET.

iii. DEQ must review the results and provide approval of discharge from dewatering and return water in writing prior to dredging.

38.3) Dredged material must be disposed of in compliance with DEQ Rules governing Hazardous Waste (see: <http://www.deq.state.or.us/lq/hw/hwmanagement.htm>) or Solid Waste (see: <http://www.deq.state.or.us/lq/sw/index.htm>).

38.4) The new in-water surface must be managed to prevent exposure or mobilization of contaminants.

NWP 41 - Reshaping Existing Drainage Ditches:

41.1) To the extent practicable, permittees must work from only one bank in order to minimize disturbance to existing vegetation, preferably the bank with the least existing vegetation;

41.2) Following authorized work, permittee must establish in-stream and riparian vegetation on reshaped channels and side-channels using native plant species wherever practicable. Plantings must be targeted to address water quality improvement (e.g., provide shade to water to reduce temperature or provide bank stability through root systems to limit sediment inputs). Planting options may include clustering or vegetating only one side of a channel, preferably the side which provides maximum shade.

NWP 42 – Recreational Facilities:

42.1) For facilities that include turf maintenance actions, the permittee must develop and implement an Integrated Pest Management Plan (IPM) that describes pest prevention, monitoring and control techniques with a focus on prevention of chemical and nutrient inputs to waters of the state, including maintenance of adequate buffers for pesticide application near salmonid streams, or coverage under an NPDES permit, if required (information is available at: <http://www.deq.state.or.us/wq/wqpermit/pesticides.htm>).

NWP 43 – Stormwater Management Facilities:

43.1) Projects that propose the following elements are denied certification:

- a. In-stream stormwater facilities;
- b. Discharge outfalls not subject to an NPDES permit; and,
- c. Proposals that do not demonstrate pollutant removal to meet water quality standards prior to discharge to waters of the state.

43.2) To apply for certification for a project with in-stream stormwater facilities, without an NPDES permit, or without submittal of an approvable stormwater management plan per DEQ's Guidelines (at: <http://www.deq.state.or.us/wq/sec401cert/docs/stormwaterGuidelines.pdf>), the permittee must submit complete project information and water quality impacts analysis directly to DEQ in order to undergo individual 401 WQC evaluation and fulfill public participation requirements.

NWP 44 – Mining Activities:

44.1) Projects that do not obtain an NPDES 700-PM or Individual permit are denied certification.

44.2) To apply for certification for a project without an NPDES permit, the permittee must submit complete project information and water quality impacts analysis directly to DEQ in order to undergo individual 401 WQC evaluation and fulfill public participation requirements.

NWP 51 – Land-Based Renewable Energy Generation Facilities:

51.1) For associated utility lines with directionally-bored stream or wetland crossings proposed, condition 12.1) must be applied.



Oregon Department Land Conservation And Development (DLCD)

Coastal Zone (CZM)
Management Concurrence

Standard Oregon Coastal Management Program (OCMP) Coastal Zone Conditions

The federal Coastal Zone Management Act provides that federal actions affecting any use or resource of the coastal zone,* including projects permitted by the U.S. Army Corps of Engineers (USACE), must be consistent with the enforceable policies of a State's federally approved coastal management program. Oregon's approved program, the Oregon Coastal Management Program (OCMP), is a "networked" program that integrates authorities of local governments and other state agencies. The coastal zone conditions contained in this document reflect the networked nature of the OCMP, and reference the specific applicable enforceable policies.

In addition to all USACE national and regional permit conditions, permitted projects in Oregon's coastal zone must comply with the following coastal zone conditions.

If an applicant chooses not to follow one or more of the coastal zone conditions, DLCD will object to the permit issuance pursuant to 15 CFR § 930.63(e). In that instance, the permittee may appeal the state's objection by requesting that the Secretary of Commerce override the objection pursuant to 15 CFR 930, subpart H, within 30 days of receipt of the letter informing the applicant of the OCMP's objection. In order to grant an override request, the Secretary must find that the activity is

consistent with the objectives or purposes of the Coastal Zone Management Act, or is necessary in the interest of national security. A copy of the request and supporting information must be sent to the OCMP and the USACE. The Secretary may collect fees from the permittee for administering and processing the override request.

*Oregon's coastal zone generally includes the area lying between the Oregon/Washington border on the north, to the Oregon/California border on the south, seaward to the extent of the state's jurisdiction as recognized by federal law, and inland to the crest of the Coast Range Mountains, excepting:

- (a) The Umpqua River basin, where the coastal zone extends to Scottsburg;
- (b) The Rogue River basin, where the coastal zone extends to Agness; and
- (c) The Columbia River basin, where the coastal zone extends to the downstream end of Puget Island.

CZ Condition 1. Consistency with Local Comprehensive Plans

(1) Permitted projects must be consistent with or not subject to the applicable local comprehensive plan and implementing land use regulations, including the applicable estuary management plan, or the statewide land use planning goals where applicable. Permittee must obtain required permits or other authorizations from the applicable local government before initiating work under any USACE permit. Permittee must provide USACE and the OCMP with verification of the local jurisdiction's approval in the form of a completed block seven (7) of the Joint Permit Application. All appeals of the local jurisdiction's decision(s) must be resolved before any regulated work may begin.

(2) All conditions placed on an authorization or permit by the local government are incorporated by reference into the OCMP coastal zone conditions.

[Enforceable Policy: ORS Chapter 197, Comprehensive Land Use Planning Coordination]

CZ Condition 2. Consistency with Removal-Fill Law

- (1) Permitted projects must be consistent with or not subject to the state requirements governing removal-fill in waters of the state. Permittee must obtain required permits or other authorizations from the Oregon Department of State Lands (DSL) before any regulated work may begin.
- (2) Projects requiring a DSL removal-fill permit must compensate for reasonably expected adverse impacts by complying to the full extent with DSL's compensatory mitigation requirements.

- (3) Where DSL finds a project not subject to the Removal/Fill Law, permittee must submit to DSL any changes in project design or implementation that may reasonably be expected to require application of the Removal/Fill Law.

- (4) All conditions placed on a Removal-Fill permit by DSL are incorporated by reference into the OCMP coastal zone conditions.

[Enforceable Policy: ORS Chapter 196, Removal of Material; Filling]

CZ Condition 3. Leases of State Lands

- (1) Permitted projects must be consistent with or not subject to state requirements governing use of state lands. Permittee must obtain any required lease, license, or other authorization for the use of state lands or waters from the Oregon Department of State Lands (DSL) before any regulated work may begin.

- (2) All conditions placed on a lease, license, or authorization by DSL are incorporated by reference into the OCMP coastal zone conditions.

[Enforceable Policy: ORS Chapter 274, Submersible and Submerged Lands]

CZ Condition 4. Department of Environmental Quality

- (1) Permitted projects must be consistent with or not subject to the state requirements governing water quality. Permittee must obtain certification, if required, from the Oregon Department of Environmental Quality (DEQ)

through its 401 Water Quality Certification process before any regulated work may begin.

- (2) All conditions placed on a license, permit, or authorization by DEQ are incorporated by reference into the OCMP coastal zone conditions.

[Enforceable Policy: ORS Chapter 468B, Water Quality]

CZ Condition 5. Ocean Shore

- (1) Permitted projects must be consistent with or not subject to state requirements governing use of the ocean shore. Permittee must obtain, if required, an ocean shore permit from the Oregon Parks and Recreation Department (OPRD) before any regulated work may begin.

- (2) All conditions placed on an Ocean Shore permit by OPRD are incorporated by reference into the OCMP coastal zone conditions.

[Enforceable Policy: ORS Chapter 390, Ocean Shores]

CZ Condition 6. Aquaculture

- (1) Permitted projects must be consistent with or not subject to state requirements governing commercial aquaculture or mariculture cultivation of oysters, clams, and mussels. Permittee must obtain, if required, authorization from the Oregon Department of Agriculture (ODA) for use of state submerged and submersible lands for aquaculture purposes.

- (2) All conditions placed on an aquaculture or mariculture operation by the ODA are incorporated by reference into the OCMP coastal zone conditions.

[Enforceable Policy: ORS Chapter 622, Shellfish]

Guidance: Permits Requiring Individual Review

The Oregon Department of Land Conservation and Development (DLCD) has not extended

advance concurrence to, and will require individual review of, the following two classes of permits:

- Any permit where the project is within or directly impacts the Territorial Sea (waters and seabed extending three (3) nautical miles seaward from the coastline, in conformance with federal law), except for projects permitted under NWP 1: Aids to Navigation.
- Any project utilizing NWP 29 or NWP 39 that requires a local plan amendment, text amendment, zoning change, goal exception, discretionary decision, or action by a city or county council or commission.

The District Engineer shall be responsible for determining when proposed projects meet either of these circumstances. The discussion below provides additional guidance, and DLCD staff are available to assist in this determination. For projects not afforded advance concurrence, DLCD will undertake an individual review of the project to ensure consistency with the Oregon Coastal Management Program (OCMP).

Territorial Sea

Oregon's Territorial Sea extends from the shoreline seaward for a distance of three (3) nautical miles. Except for projects permitted under NWP 1: Aids to Navigation, DLCD must individually review any project which occurs on or under the Territorial Sea, or on or beneath the sea bottom, for consistency with the OCMP. In addition, DLCD will individually review any project which results in new or increased activity or impacts on or under the Territorial Sea.

Examples of projects requiring an individual review include:

- Construction of an offshore structure or platform;
- Installation of water-based renewable energy devices and related infrastructure;
- Installation of a buried or exposed cable;

- A new or expanded port facility which increases ship traffic in the Territorial Sea;
- A new or relocated shipping channel in the Territorial Sea.

These examples are illustrative, not comprehensive. Please direct any questions regarding specific projects to DLCD's Coastal Management Program office.

NWP 29 and 39

DLCD must individually review any project authorized by NWP 29 or 39 **and** requiring a local plan amendment, text amendment, zoning change, goal exception, discretionary decision, or action by a city or county council or commission. Block seven (7) of the Joint Permit Application identifies such projects.

Examples of projects requiring an individual review include projects where block 7 indicates one of the following:

- The project is **not** consistent with the comprehensive plan;
- The project would require an amendment to a comprehensive plan;
- The project would require a change in zoning;
- The project would require an exception to a Statewide Planning Goal.

These examples are illustrative, not comprehensive. Please direct any questions regarding specific projects to DLCD's Coastal Management Program office.

INADVERTENT DISCOVERY PLAN FOR THE ARIZONA WAY PROJECT, CITY OF GARIBALDI (FEMA 4258-DR-OR PW 190)

The following Inadvertent Discovery Plan is to be implemented by the City of Garibaldi (City), and followed by any contractor or subcontractor working for or on behalf of the City, as procedure to expeditiously address inadvertent discoveries of cultural resources or human remains during ground disturbing activities conducted as part of implementing the Arizona Way culvert project in Garibaldi, Oregon.

A cultural resource discovery could be prehistoric or historic and consist of, but may not be limited to (see Oregon Revised Statutes 358.905, Definitions):

- areas of charcoal or charcoal-stained soil with artifacts;
- shell middens of modified shell and/or bone, and trade items such as metal and glass objects and beads;
- stone tools or waste flakes (i.e. an arrowhead, or stone chips);
- bones, burned rocks, accumulation of shells or other food related materials in association with stone tools or flakes;
- a cluster of tin cans, ceramics, or bottles; logging or agricultural equipment that appears to be historic and older than 50 years;
- or buried railroad tracks, decking, or other industrial materials.

Consistent with the National Historic Preservation Act Section 106 Programmatic Agreement (PA) (effective March 29, 2011) amongst the Federal Emergency Management Agency (FEMA), Oregon Emergency Management (OEM), and Oregon State Historic Preservation Office (SHPO); if previously unidentified archaeological materials or sites, including human remains, are discovered during ground disturbing activities, the following shall occur:

- i. The City's on-site construction manager will have authority to initiate action in the event of a discovery and will be responsible for assuring communication of such events is initiated, as described below.
 - ii. All work will stop immediately in the vicinity of the find. A buffer of at least 30 meters shall be placed around the discovery with work being able to proceed outside of this buffered area unless additional cultural materials are encountered;
 - iii. The City's project manager shall be immediately notified by telephone at 503-322-3327, Ext. 0 of the inadvertent discovery;
 - iv. The City shall take all reasonable measures to protect the site;
 - v. The City's project manager will notify OEM, the State Historic Preservation Office, FEMA, the Confederated Tribes of the Grand Ronde (CTGR), and the Confederated Tribes of Siletz Indians (CTSI). If possible human remains are encountered, the Oregon State Police (**NOT 911**), Commission on Indian Services (CIS), and the Tillamook County Sheriff, will also be notified.
- OEM: Julie Slevin 503-378-2911
 - SHPO: Dr. Dennis Griffin 503-986-0674, John Pouley 503-986-0675, or Matt Diederich 503-986-0577
 - FEMA: Mark G. Eberlein 425-487-4735

- Confederated Tribes Grand Ronde: Briece Edwards 503-879-2084 or David Harrelson 503-879-1630
 - Confederated Tribes of Siletz Indians of Oregon: Robert Kentta 541-444-8244
 - Oregon State Police: Chris Allori 503-731-4717
 - CIS: Karen Quigley 503- 986-1067
 - Tillamook County Sherriff: Dispatch/non-emergency 503-842-4433
- vi. If confirmed human remains are discovered, the City must cease all activity which may cause further disturbance to the remains and also follow the provisions of Oregon Revised Statutes 97.740-760. The City will immediately notify the appropriate parties identified above, and ensure that the human remains are cared for immediately (as agreed upon by relevant parties). Human remains and any associated objects should not be disturbed, removed, manipulated, or transported from the original location until a plan is developed with all consulting parties.
 - vii. As necessary and in coordination with FEMA, the City will secure the services of a Secretary of Interior Qualified archeologist to determine if the discovery is an archeological resource, delineate and evaluate the discovery for National Register eligibility, and if necessary resolve unavoidable adverse effects.
 - viii. If it is determined the discovery is not an archeological resource or human remains, the stop-work order will be lifted immediately.
 - ix. If ground disturbing activities are necessary to determine site boundaries, and National Register eligibility, an expedited archaeological permit must be applied for by the consulting archaeologist and received from the SHPO prior to commencing with any ground disturbance.
 - x. Expedited review to prevent an undue threat to the site shall be undertaken in accordance with state and federal law. The City shall coordinate with SHPO, FEMA, CIS, CTGR, CTSI, and any other tribe identified, with the goal of securing responses within forty-eight (48) hours of notification (excluding Saturdays, Sundays, and any legal or tribal holidays). The City shall not proceed with any ground disturbing activities until concurrence is received from FEMA, the SHPO, and any other consulting agencies identified as needing review by state or federal law. If a participating Tribe objects (in writing) to an expedited review, an expedited review will not proceed and review will proceed in accordance with state and federal laws.
 - xi. The consulting archaeologist shall make a preliminary assessment of National Register eligibility of the discovered resource(s) and propose actions to avoid or resolve any potential adverse effects at the soonest possible time. The findings will be sent to all consulting parties identified in (v), and (vi) if human remains are discovered.
 - xii. All inadvertent discoveries must be documented, per pertinent SHPO standards and guidance. This may include archaeological site forms submitted to the SHPO, cultural resource evaluation reports, findings of effect, and testing and mitigation reports. All data recovery plans should be coordinated through the SHPO and FEMA. If found eligible for the National Register, the site should be avoided, if possible. If not, it will need to be mitigated with a Treatment Plan to minimize impacts and resolve adverse effects, as negotiated amongst consulting parties. Any archeological materials collected will be curated per FEMA PA Stipulation X.

- xiii. The City may conclude this procedure and notify consulting parties, as appropriate, if the disturbance of the historic property or property of traditional religious and cultural importance is minimal so as to have no effect on the historic property and the excavation or disturbance can be relocated to avoid the property, as determined in consultation with the SHPO, FEMA, and participating Tribes.
- xiv. Documentation of all reports and associated compliance should be kept in the City project files, and a copy to be provided to FEMA.

Management of archeological sites should be conducted in a spirit of stewardship for future generations, with full recognition of their non-renewable nature and their potential multiple uses and public values.

City of Garibaldi

XXXXXX, Project Manager



US Army Corps
of Engineers ®
Portland District

Compliance Certification

1. **Permit Number:** NWP-
2. **Permittee Name:**
3. **County Location:**

Upon completing the activity authorized by the permit, please complete the sections below, sign and date this certification, and return it to the U.S. Army Corps of Engineers, Portland District, Regulatory Branch. The certification can be submitted by email at cenwp.notify@usace.army.mil or by regular mail at the following address:

U.S. Army Corps of Engineers
CENWP-OD-GL
P.O. Box 2946
Portland, OR 97208-2946

4. **Corps-required Compensatory Mitigation (see permit special conditions):**
 - a. Mitigation Bank / In-lieu Fee Credit Transaction Documents:
 Not Applicable Submitted Enclosed
 - b. Permittee-responsible mitigation (e.g., construction and plantings) has been constructed (not including future monitoring). As-built report:
 Not Applicable Submitted Enclosed
5. **Endangered Species Act – Standard Local Operating Procedures (SLOPES)**
(see permit special conditions):
 - a. SLOPES Action Completion Report:
 Not Applicable Submitted Enclosed
 - b. SLOPES Fish Salvage Report:
 Not Applicable Submitted Enclosed
 - c. SLOPES Site Restoration / Compensatory Mitigation Report:
 Not Applicable Submitted Enclosed

I hereby certify the work authorized by the above-referenced permit has been completed in accordance with all of the permit terms and conditions.

Signature of Permittee

Date

NWP-

Enclosure

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): August 4, 2016

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:

Mr. Blake Lattenmaier
City of Garibaldi
107 Sixth Street
Garibaldi, Oregon 97118
blake@ci.garibaldi.or.us

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: CENWP-OD-G, Arizona Way Bridge Construction, NWP-2016-405

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: Oregon County: Tillamook City: Garibaldi

Center coordinates of site:

Universal Transverse Mercator: (see Lat/Long below)

Latitude/Longitude (decimal degree format): 45.56312 ° North, 123.89931° West

Name of nearest waterbody: Hobson Creek

Identify (estimate) amount of waters in the review area:

Non-wetland waters: linear feet: width (ft) and/or 0.1 acres.

Cowardin Class: Riverine

Stream Flow: [Choose Flow](#)

Wetlands: 0 acres.

Cowardin Class: [Choose Wetland Class](#)

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal: Not Applicable

Non-Tidal: Not Applicable

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: August 4, 2016

Field Determination. Date(s): [Date](#)

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. §331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name:
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM map(s):
- 100-year Floodplain Elevation is: _____ (National Geodetic Vertical Datum of 1929)
- Photographs Aerial (Name & Date): Google Earth
or Other (Name & Date): _____
- Previous determination(s). File no. and date of response letter:
- Other information (please specify): _____

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Signature and date of Regulatory
Project Manager (REQUIRED)

Signature and date of Regulatory
person requesting preliminary JD
(REQUIRED, unless obtaining
the signature is impracticable)

Site Number/ Waters Name	Latitude	Longitude	Cowardin Class/ Stream Flow	Estimated Amount of Aquatic Resource in Review Area	Class of Aquatic Resource
Hobson Creek	45.56312	-123.899312	Riverine	0.1 acres	Section 404
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**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: City of Garibaldi		File Number: NWP-2016-405	Date: September 21, 2016
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
	APPROVED JURISDICTIONAL DETERMINATION		D
X	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found in Corps regulations at 33 CFR Part 331, or at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/FederalRegulation.aspx>

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Mr. Shawn H. Zinszer
U.S. Army Corps of Engineers
Portland District Office
PO Box 2946
Portland, OR 97208-2946 Telephone: (503)808-4373

If you only have questions regarding the appeal process you may also contact:

US Army Corps of Engineers, Northwestern Division
Attn: David W. Gesl, Regulatory Program Manager
P.O. Box 2870
Portland, OR 97208-2870 Telephone: (503) 808-3825

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number: