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ADDENDUM NO. 1

**WASHINGTON STATE PARKS AND RECREATION COMMISSION
PEARRYGIN LAKE STATE PARK
CREEK CHANNEL STABILIZATION
EW-C6404**

DATE: August 11, 2025

ATTENTION TO PLANHOLDERS OF RECORD. The following revisions are hereby made a part of the Contract Documents. Please be sure to acknowledge all Addenda on the Bid Form.

PROJECT MANUAL

I.CHANGES TO THE TABLE OF CONTENTS

Add: ENVIRONMENTAL TRANSMITTAL.....78 pages

Attachments:

- Environmental Transmittal (78 pages)

Brett Taylor

Brett Taylor, Procurement Coordinator
Contracts and Grants Program

08/11/25

Date

END OF ADDENDUM NO. 1

Diana Dupuis
Director



STATE OF WASHINGTON

WASHINGTON STATE PARKS AND RECREATION COMMISSION

EASTERN REGION HEADQUARTERS • CAPITAL DIVISION
270 9th Street NE, Suite 200 • East Wenatchee, WA 98802-4477 • (509) 665-4319
TDD (Telecommunications Device for the Deaf): (360) 664-3133
www.parks.wa.gov

ENVIRONMENTAL TRANSMITTAL

Date: July 24, 2025

To: Dustin Sullivan, Environmental Engineer, Eastern Region
Cindi Confer Morris, Area Manager, Okanogan Highlands Area

From: Chelsea Harris, Environmental Planner, Eastern Region

Subject: **Environmental Transmittal: Creek Channel Stabilization at Pearrygin Lake State Park**

The following environmental approvals and permits are being transmitted to you, as Project Representatives, for project implementation. With this transmittal, you are assuming the responsibilities and duties of Applicant/Permittee on behalf of Washington State Parks and Recreation Commission (State Parks) and are legally responsible for ensuring compliance with all environmental permits, approvals, conditions, and mitigation measures.

1. State Environmental Policy Act (SEPA):

State Parks issued a Determination of Nonsignificance (DNS) on February 13, 2025, and the public comment period ended February 27, 2025. No adverse comments were received in response to the DNS (Attachment 1).

2. Hydraulic Project Approval (HPA):

The Washington Department of Fish and Wildlife issued a Hydraulic Project Approval, permit #2025-2-66+01 on April 24, 2025. The HPA expires on April 1, 2030. Please review all **56 provisions** listed within the attached document before you begin work (Attachment 2).

- One of the provisions includes notifying WDFW three business days before starting work, and again within seven days after completing work.

Please notify me, the Environmental Planner for the project, to ensure State Parks meets the notification requirements.

3. Critical Areas:

After reviewing the project details, Okanogan County Planning and Development confirmed no permit is required (Attachment 3).

4. Section 404:

The U.S. Army Corp of Engineers (USACE) authorized the work under a Nationwide Permit (NWP) 27, *Aquatic Habitat Restoration, Enhancement, and Establishment Activities* on July 24, 2025, and is valid until March 14, 2026.

Please see the attached terms and conditions (Attachment 4).

- One of the conditions includes filling out and returning a *Certificate of Compliance with Department of the Army Permit*. Please notify me, the Environmental Planner for the project, to ensure State Parks meets this requirement.

5. Cultural Resources:

The project area has been reviewed for impacts to cultural resources under Governor's Executive Order (GEO) 21-02 and Section 106 by USACE based on the consultation and survey results for GEO 21-02. If the project design changes and/or new areas of ground disturbances are added, then the project will require additional review by the cultural resource team and USACE.

An Inadvertent Discovery Plan (IDP) has been provided and will be followed if any cultural resources or human remains are found during construction (Attachment 5).

- During excavation construction crews may note a diffuse scatter of historic-period debris (e.g., window glass, nails, wood and ceramic fragments, coal, ash, and boiler slag, etc.) – these materials have been recorded as an archaeological resource that is not eligible for listing on the National Register of Historic Places; this resource does not need to be avoided during construction and the IDP does not need to be implemented if these material types are encountered. If construction crews observe intact historic-period deposits, buried historic-period features, or any precontact archaeological deposits or features (see IDP), crews should pause work and follow the steps outlined in the IDP.

If cultural resources are encountered during ground disturbing activities, work in that area should stop and immediate contact made with State Parks' Archaeological staff in Olympia. You can reach Sarah Dubois at (509) 665-4336 and Jenn Wilson at (360) 787-6511.

Permit and environmental approval provisions should be reviewed at the pre-construction conference with the contractor and subsequently, with any subcontractors. Permits should be read and understood by all responsible parties prior to undertaking

construction activities. A copy of the permits should be located on site with the contractor and any subcontractors during construction activities.

All requests for modifications, revisions, or renewals are to be processed through this office. Please contact me as soon as possible if any of such actions are needed.

Attachments: DNS and SEPA checklist, HPA, Okanogan County – no permit, NWP 27, and IDP.

Cc: Josh Bell, Eastern Region Manager: North
Brian Patnode, Eastern Region Capital Manager
Jennifer Wilson, Archaeology Program Manager, Headquarters
Sarah Dubois, Archaeologist, Eastern Region
Chris Gourley, Environmental Program Manager, Headquarters

Attachment 1

Diana Dupuis
Director



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State Environmental Policy Act **Determination of Nonsignificance**

Date of Issuance: February 13, 2025

Lead Agency: Washington State Parks and Recreation Commission

Agency Contact: Devin Sola, Environmental Planner
Devin.Sola@parks.wa.gov

Project Name: Pearrygin Lake State Park: Creek Channel Stabilization

Description of Proposal: The Washington State Parks and Recreation Commission (State Parks) proposes to stabilize Pearrygin Creek at Pearrygin Lake State Park. The creek has flooded in the past, and State Park's previous attempts to address flooding have not been successful. This proposal would manipulate earth material to soften the nearly 90-degree angle of the creek, reducing the water's energy, and keeping the water contained within the creek or adjacent controlled areas during flood events.

The proposal consists of three primary components: (1) stabilizing the creek by excavating a bench and channel, adding a live crib wall, large woody material, a berm, and live plant stakes. (2) creating a deformable bank on the west side. (3) creating a crushed rock pathway and adding a split rail fence with two benches to control the access to the creek. Native plantings, apart from the previously mentioned live stakes, will be done after project completion to avoid weeds.

The proposed construction footprint is anticipated to be approximately 155,000 square feet (sf), which includes grading the main channel and berm (34,000 sf), staging areas (17,500 sf), crushed rock path, fence, and benches (5,500 sf), deformable boulder area (2,000 sf), and planting areas with large woody material (96,000 sf). Total excavation will be approximately 4,300 cubic yards (cy), and total fill will be approximately 4,425 cubic yards. The 125-cy difference between the excavation and fill values represents the public access trail and split rail fence. All excavated material will be used as fill to stabilize the creek.

Location of Proposal: The proposed project is located in Pearrygin Lake State Park at 625 Bear Creek Road in Winthrop, WA 98862, within Section 36 of Township 35N, Range 21E Willamette Meridian, on parcel numbers 3521360015 and 3521360043.

Threshold Determination: The lead agency for this proposal has determined that it does not have a probable significant adverse impact to the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available at: <https://parks.state.wa.us/865/SEPA-review---current>

This determination is based on the following findings and conclusions:

1. The proposed project will comply with the State Park's Natural Resource Management Policy No. 73-04-1 Protecting State Park's Natural Resources.
2. This project will stabilize Pearrygin Creek, protecting the park campground south of the creek from high water events and frequent flooding by reducing the water's energy, and keeping the water contained within the creek or adjacent controlled areas during flood events.
 - a) The fill and excavation associated with this proposal is to stabilize the creek to avoid erosion in the future. Total excavation will be approximately 4,300 cubic yards, and total fill will be approximately 4,425 cubic yards. The 125 cubic yard difference between the excavation and fill values represent the public access trail and split rail fence. All of the excavated material will be used as fill to stabilize the creek.
3. Construction activities will be conducted in such a manner to limit disturbance to the minimum required to complete the work.
4. A temporary erosion and sediment control (TESC) plan will be developed and implemented to limit construction disturbance limits and control erosion. The erosion and sediment control measures used for this project would be implemented in accordance with the requirements of Okanagan County's best management practices (BMP).
 - a) BMPs such as silt fence or coir logs will be implemented around excavation areas to prevent erosion and sedimentation into the creek. The Contractor will also be required to cover any temporary stockpile areas if rain is in the forecast.
 - b) BMPs will be implemented to prevent waste materials (e.g., oil from leaking vehicles/equipment, etc.) from entering ground water or surface waters during construction such as the use of fiber rolls and/or silt fences and requiring the contractor to maintain vehicles in good working order, during construction as preventative avoidance measures.
 - c) Runoff may be mitigated with BMPs such as silt fence, coir logs, or straw bale check dams to limit turbidity into the creek.

5. The work areas will be isolated to install the Live Crib adjacent to Pearrygin Creek. A bulk bag coffer dam with plastic sheeting or equivalent isolation system will be used by the Contractor if surface water is present. Some water pumping may be necessary as well depending on groundwater levels. The Contractor will be required to demonstrate how that turbid water is stored and infiltrated in approved upland areas to limit turbidity into the creek.
6. Landscaping will include the initial live stake plantings to stabilize the creek, followed by future planting after the project is completed to avoid weeds. This will improve conditions for future native vegetation to establish, further stabilizing the creek.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal until the comment period has closed. Comments must be submitted by February 27, 2025, or they may not be considered.

Responsible Official: Devin Sola
Position/Title: Environmental Planner
Phone: (360) 755-2812
Address: 220 N. Walnut Street
Burlington, WA 98233

Date: February 13, 2025

Signature:



"All Washington State Parks are developed and maintained for the enjoyment of all persons regardless of age, sex, creed, ethnic origin, or physical limitations."

There is no agency SEPA appeal; however, all comments are welcome and will be thoroughly considered.

SEPA ENVIRONMENTAL CHECKLIST

A. Background [\[help\]](#)

1. Name of proposed project, if applicable:

Pearrygin Lake State Park: Creek Channel Stabilization

2. Name of applicant:

Washington State Parks and Recreation Commission

3. Address and phone number of applicant and contact person:

Washington State Parks and Recreation Commission

Attn: Chelsea Harris

Eastern Region Headquarters

270 9th Street NE, Suite 200

East Wenatchee, WA 98802

chelsea.harris@parks.wa.gov

(509) 423-1671

4. Date checklist prepared:

August 2023 - January 2025

5. Agency requesting checklist:

Washington State Parks and Recreation Commission (State Parks)

6. Proposed timing or schedule (including phasing, if applicable):

Spring 2025

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

There are future plans to develop the west campground and repair the fishing dock at Pearrygin Lake State Park. These proposals will require separate SEPA review.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

The following studies have been prepared or referred to, for this proposal:

- U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey.
- U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC).
- USFWS National Wetlands Inventory Mapper.
- Washington Department of Ecology (Ecology) Water Quality Atlas.
- Ecology What's in My Neighborhood interactive mapping tool.

- Washington Department of Fish and Wildlife (WDFW) Priority Habitat and Species (PHS) Program database.
- WDFW SalmonScape interactive mapping application.
- WDFW Washington State Fish Passage Map application.
- Washington Department of Natural Resources (DNR) Washington Natural Heritage Program database.
- DNR Forest Practices application mapping tool.
- DNR Geographic Information Portal.
- DNR Wetlands of High Conservation Value Map Viewer.
- The Watershed Company. 2007. Pearrygin Creek relocation feasibility assessment at Pearrygin Lake State Park. Kirkland, Washington.
- Visalli D., H.M. Smith IV, and P.H. Morrison. 2006. Rare plant and vegetation survey of Pearrygin Lake State Park. Pacific Biodiversity Institute, Winthrop, Washington.
- Washington State Parks and Recreation Commission. 1965. Master plan report for Pearrygin Lake recreation area.
- Washington State Parks and Recreation Commission. 2006. Pearrygin Lake State Park management plan (CAMP).

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

There are two other projects planned at Pearrygin Lake State Park: (1) the fishing dock replacement and (2) the west campground development. The fishing dock replacement project is planned for construction in fall 2025 (separate environmental review), and the west campground development is in the design phase.

10. List any government approvals or permits that will be needed for your proposal, if known.

- Okanogan County: Critical Areas and Shoreline Review
- Washington Department of Fish and Wildlife: Hydraulic Project Approval
- U.S. Army Corps of Engineers: Section 404 and Section 106
- Washington Department of Ecology: Section 401

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

This proposal is designed to stabilize Pearrygin Creek, which experiences high water events and frequent flooding. Washington State Parks and Recreation Commission (State Parks) has made previous attempts to address the flooding, but water continues to flood the campground directly south of the creek. This proposal would recontour the stream channel to soften the nearly 90-degree angle of the creek, reducing the water's energy, and keeping the water contained within the creek or adjacent controlled areas during flood events.

The proposal consists of three primary components:

1. Stabilizing the creek by excavating a bench and channel, adding a live crib wall, large woody material, a berm, and native plantings (except live stakes) will occur after project completion to avoid weeds
2. Creating a deformable bank stabilization on the west side (protecting the existing sewer lift station). "Deformable" meaning boulders are strategically placed so that when erosion occurs, the boulders are intended drop into the creek to further armor the sloped edge and existing sewer lift station.
3. Creating an ADA crushed rock pathway and split rail fence with two benches to offer controlled access to the creek

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Pearrygin Lake State Park is located at 625 Bear Creek Road in Winthrop, Washington. The project is located in Section 36 of Township 35N, Range 21E Willamette Meridian, on parcel numbers 3521360015 and 3521360043.

Please see Sheet 1 of 16 for a vicinity map.

B. Environmental Elements [\[help\]](#)

1. Earth [\[help\]](#)

a. General description of the site (circle one):

Flat, rolling, hilly, steep slopes, mountainous, other: _____

b. What is the steepest slope on the site (approximate percent slope)?

According to the NRCS Web Soil Survey (accessed August 21, 2023), the steepest slope on the site is approximately 25 percent.

c. What general types of soils are found on the site (e.g., clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

According to the NRCS Web Soil Survey (accessed August 21, 2023), the site includes the following types of soil:

- Conconully gravelly ashy loam, 0 to 8 percent slopes
- Newbon gravelly loam, 8 to 25 percent slopes

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

According to the Department of Natural Resource (DNR) geological information portal (accessed October 3, 2023), there are no surface indications or history of unstable soils in the immediate vicinity of the proposal. However, erosion has occurred at Pearrygin Creek since 2011 due to heavy rains and spring run-off. In the past, projects have tried to address the erosion but have not been able to address the scale of design issues with the creek bending at a 90-degree angle.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

The purpose of the fill and excavation associated with this proposal is to stabilize the creek to avoid erosion in the future. Total excavation will be approximately 4,300 cubic yards (cy), and total fill will be approximately 4,425 cy; the 125 cy difference between the excavation and fill values represent the crushed rock path and associated split rail fence. All of the excavated material will be used as fill to stabilize the creek. Please see the answer to 3.a.3 for more detailed excavation and fill activities organized by impacts above and below the Ordinary High Water Mark (OHWM). Please see the below table for a summary of impacts for all project components:

Impacts Summary Table	
Channel and Berm	Area (sf)
Grading main channel and construct crib wall	24,500
Grading berm	9,500
Staging areas	17,500
Total impact: channel / crib wall + berm + staging areas (all will be hydroseeded)	51,500
Optional / Provisional Components	
Crushed rock path and public access area	4,500
Split rail fence	1,000
Additional planting areas (includes floodplain roughening area with LWM)	96,000
Deformable boulder area (hydroseed)	2,000
Total impact: optional / provisional components	103,500
All impacts: channel / crib wall + berm + optional / provisional components	155,000

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

The purpose of the project is to address erosion resulting from regular flooding of Pearrygin Creek and stabilize the project area. There is always the potential for erosion as a result of

earthwork during construction. Best management practices (BMPs) will be implemented during construction to minimize the potential for erosion. Please see answer for B.1.h for the proposed BMP's.

g. About what percent of the site will be covered with impervious surfaces after project construction (e.g., asphalt or buildings)?

Approximately 125 cy (5,500 sf) of impervious surface will be added to create the crushed rock pathway and split rail fence to control public access.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

A TESC (Temporary Erosion and sediment Control Plan) will be prepared and implemented as part of the project. BMPs such as silt fence or coir logs will be implemented around excavation areas to prevent erosion and sedimentation into the creek. The Contractor will also be required to cover any temporary stockpile areas if rain is in the forecast.

2. Air [\[help\]](#)

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Construction activities may create some temporary vehicle and equipment exhaust and dust emissions. The use of this equipment may result in localized, short-term emissions and potential fugitive dust. The completed project will have no long-term air emissions.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

There are no off-site sources of emissions or odor that may affect this proposal.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Motorized equipment will meet required emission standards and will be turned off when not in use. Best management practices will be used during construction to minimize potential fugitive dust, including the use of a water truck to control dust.

3. Water [\[help\]](#)

a. Surface Water: [\[help\]](#)

1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

The work will occur above and below Ordinary High Water Mark within Pearrygin Creek. According to the Department of Natural Resource (DNR) water type map (accessed October 3, 2023), Pearrygin Creek is a fish bearing stream (Type F). Pearrygin Creek is a tributary to Pearrygin Lake. North of Pearrygin Creek is a non-fish bearing stream (Type N), the stream is unnamed.

2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Yes, the proposal seeks to stabilize Pearrygin Creek by excavating existing material and manipulating the material to soften the current sharp angle of the creek. As such, work will occur over, in, and adjacent to Pearrygin Creek.

3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Specific to the stabilization of the bank, all fill material will utilize the proposed on-site excavated material, so no fill from an off-site location is proposed for this project component. The crushed rock pathway and associated split rail fence is the only project component with material that will be imported (125 cy). Please see the below table for activities organized by impacts above and below the Ordinary High Water Mark (OHWM). The excavation and fill values are intended to occur within the same footprint. Please note the table distinguishes base bid project components and optional items if costs allow. Please see sheets 14-16 of the attached plans for the planting plan, schedule, and details.

Base Bid Work Item	Above OHWM		Below OHWM		Quantity
	Volume (cy)	Area (sf)	Volume (cy)	Area (sf)	
Creek stabilization	-	-	-	-	-
Excavation	2,500 cy	23,000 sf	1,800 cy	1,500	-
Fill	1,500 cy	23,000 sf	1,850 cy	1,500	-
Berm: fill only	950 cy	9,500 sf	-	-	-
Large woody material placement	25' - 30' length, 18" diam.		-	-	125 trees
Optional / Provisional Work Items	Above OHWM		Below OHWM		Quantity
	Volume (cy)	Area (sf)	Volume (cy)	Area (sf)	
Crushed rock pathway: fill only	100 cy	4,500 sf	-	-	-
Split rail fencing near pathway (wood posts, concrete footings)	25 cy	1,000 sf	-	-	-
Boulders	24-48"		-	-	40 boulders
Large woody material placement	25' length, 18" diam.		-	-	25 trees

4. Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

While the project will be timed to coincide with low water levels in the creek, the live crib wall is the only project component that may include in-water work. For the crib wall, the Contractor will be required to isolate in-water work areas within Pearrygin Creek. It is anticipated a bulk bag coffer dam with plastic sheeting or equivalent isolation system will be used by the Contractor if surface water is present. Some water pumping may be necessary as well depending on groundwater levels. The Contractor will be required to demonstrate that turbid water is stored and infiltrated in approved upland areas to prevent turbid water from entering the creek.

5. Does the proposal lie within a 100-year floodplain? If so, note the location on the site plan.

Yes.

6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

The project does not involve any discharges of waste materials to surface waters. As described above, any water pumped from within the worksite will be allowed to settle and infiltrated in an approved upland location.

b. Ground Water: [\[help\]](#)

1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No, groundwater will not be withdrawn for any purposes.

2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (e.g., domestic sewage, industrial, agricultural, containing the following chemicals..., etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

This project does not involve the discharge of waste material to the ground.

c. Water runoff (including stormwater):

1. Describe the source of runoff (including stormwater) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

If funding allows, a crushed rock pathway (4,500 sf) and split rail fence (1,000 sf) will be constructed as part of the project. Stormwater from the pathway will sheet flow away from the creek and infiltrate into adjacent vegetated areas or newly planted areas.

Approximately 149,500 square feet of native plantings are proposed. These proposed plantings are anticipated to reduce runoff and improve filtration along the stream.

2. Could waste materials enter ground or surface waters? If so, generally describe.

It is possible that waste materials (e.g., oil from leaking vehicles/equipment, etc.) could potentially enter ground water or surface waters during construction; however, the Contractor will have a spill prevention plan and containment materials onsite. The crib wall is the only project component that includes in-water work, equipment to build the crib wall will work in isolated areas.

3. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

The project proposes to add a crushed rock pathway (4,500 sf) and split rail fence (1,000 sf). Stormwater from the pathway will sheet flow into vegetated areas.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Drainage patterns are expected to improve by recontouring the stream bank to avoid scour and reduce erosion. In-water work for the crib wall will be isolated. Any pumped water from within the work area will be required to settle and infiltrate in an approved upland location. During construction BMPs such as silt fence, coir logs, or straw bale check dams will be implemented to minimize potential impacts to water.

4. Plants [\[help\]](#)

a. Check the types of vegetation found on the site:

- Deciduous tree: alder, maple, aspen, other
- Evergreen tree: fir, cedar, pine, other
- Shrubs
- Grass
- Pasture
- Crop or grain
- Orchards, vineyards or other permanent crops.
- Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- Water plants: water lily, eelgrass, milfoil, other
- Other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Because the proposal is manipulating soils to improve the shape of the creek, all vegetation within the project limits (155,000 sf) will be removed or altered. Omitting the crushed rock pathway (4,500 sf) and associated split rail fence (1,000 sf), the remaining 149,500 sf will

include either hydroseeding or live stakes. Please see sheets 14-16 of the attached plans for the planting plan, schedule, and details.

Existing vegetation includes a mix of three vegetation communities at the project location (Pacific Biodiversity Institute 2006):

- Agricultural field
- Former agricultural field
- Aspen (*Populus tremuloides*) / common snowberry (*Symphoricarpos albus*) association
 - a. The proposal does not include any removal of trees larger than 10” in diameter.

c. List threatened and endangered species known to be on or near the site.

According to the Department of Natural Resource’s Natural Heritage Program database (accessed May 15, 2024), there are no known threatened or endangered species on or near the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Approximately 155,000 square feet of vegetation will be removed or altered as a result of the project. Trees not planned for removal will be protected during construction. The site currently contains extensive invasive plant species. Following construction, all disturbed areas, with the exception of the proposed crushed rock pathway (4,500 sf) and associated split rail fence (1,000 sf), will be replanted with native vegetation (149,500 sf). The planting schedule can be found on sheets 14-16 of the attached plans. Hydroseeding will occur in the fall to avoid weeds and assessed the following spring. Monitoring will occur for a minimum of five years after the project is complete. State Parks staff will coordinate any needs, like irrigation or additional hydroseeding/live stakes, to support vegetation survival after project completion.

e. List all noxious weeds and invasive species known to be on or near the site.

The following Class B noxious weeds have been identified at the park:

- Whitetop (*Cardaria draba*)
- Diffuse knapweed (*Centaurea diffusa*)
- Russian knapweed (*Centaurea repens*)
- Canada thistle (*Cirsium arvense*)
- Dalmatian toadflax (*Linaria dalmatica*)
- Purple loosestrife (*Lythrum salicaria*)

The following Class C noxious weeds have been identified at the park:

- Bull thistle (*Cirsium vulgare*)
- Baby’s breath (*Gypsophila paniculata*)
- Red belvedere (*Kochia scoparia*)
- Reed canarygrass (*Phalaris arundinacea*)
- Russian thistle (*Salsola kali*)
- Common mullein (*Verbascum thapsus*)

5. Animals [\[help\]](#)

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:

Birds: hawk, heron, eagle, songbirds, other: raptors, ducks, geese, woodpeckers, and hummingbirds.

Mammals: deer, bear, elk, beaver, other: little brown bat, and wolverine, bobcat, coyotes, and marmots.

Fish: bass, salmon, trout, herring, shellfish, other: WDFW stocks Pearrygin Lake with hatchery raised rainbow and brown trout

b. List any threatened and endangered species known to be on or near the site.

According to the USFWS Information for Planning and Consultation website (accessed August 21, 2024), the following species may be present on or near the site:

- Canada lynx (*Lynx canadensis*): federally threatened
- Gray wolf (*Canis lupus*): eastern Washington packs federally delisted; state endangered
- North American wolverine (*Gulo gulo luscus*): federally threatened
- Yellow-billed cuckoo (*Coccyzus americanus*): federally threatened
- Mt. Rainier white-tailed ptarmigan (*Lagopus leucura rainierensis*): federally threatened
- Bull trout (*Salvelinus confluentus*): federally threatened
- Monarch butterfly (*Danaus plexippus*): federal candidate

According to the WDFW PHS mapping tool (accessed August 21, 2024), Columbia sharp-tailed grouse (*Tympanuchus phasianellus columbianus*) are a state endangered species with a broad polygon at Pearrygin Lake State Park to identify sensitive species and habitats.

c. Is the site part of a migration route? If so, explain.

Yes. Pearrygin Lake State Park is used as a mule deer migration route. The park is also located in an area designated as mule deer winter range. In winters with less snow, the park serves as winter range. When snows are deeper and deer have to move further down the valley, the park serves as migratory habitat. Habitats in the park that are likely to be used by deer are the areas of lakeshore and streamside riparian habitat containing trees and shrubs that provide winter browse and cover.

d. Proposed measures to preserve or enhance wildlife, if any:

The completed proposal is expected to improve the stabilization of the creek, so access to water is expected to be safer for wildlife as it relates to soil stability. Any in-water work for the crib wall will occur during low flows per Washington Department of Fish and Wildlife. There is no fish window on Pearrygin Creek, but WDFW recommend a work window of July 1 – February 28 to ensure Rainbow trout spawning is not interrupted.

e. List any invasive animal species known to be on or near the site.

There are no known invasive species known to be on or near the site.

6. Energy and Natural Resources [\[help\]](#)

- a. **What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

There will be no energy needs as a result of the completed proposal.

- b. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

No, this project would not affect the potential use of solar energy by adjacent properties.

- c. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**

There are no energy conservation features are included in the plans of this proposal.

7. Environmental Health [\[help\]](#)

- a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.**

Yes, construction equipment could spill or leak petroleum products. The Contractor will have a spill prevention plan and containment materials onsite. Any in-water work for the crib wall will occur during low flows per Washington Department of Fish and Wildlife. There is no fish window on Pearygin Creek, but WDFW recommend a work window of July 1 – February 28 to ensure Rainbow trout spawning is not interrupted.

1. **Describe any known or possible contamination at the site from present or past uses.**

Per the U.S. Environmental Protection Agency's Multisystem Search, Ecology's Cleanup Site Search, and What's in My Neighborhood interactive mapping tool (accessed March 9, 2024), there is no known contamination at the site.

2. **Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**

According to the National Pipeline Mapping System (accessed March 9, 2024), there are no hazardous liquid pipelines or high-pressure natural gas pipelines within

3. **Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

Vehicles and construction equipment used for this project require petroleum products (e.g. gas, oil, and lubricants).

4. Describe special emergency services that might be required.

In the event of an accidental injury that requires emergency services, the park manager and/or rangers will be contacted to facilitate the extraction of the affected individual or individuals. No additional permanent emergency service protocols will be required.

5. Proposed measures to reduce or control environmental health hazards, if any:

All equipment to be used for construction activities shall be cleaned and inspected prior to arriving at the project site to ensure that no potentially hazardous materials are exposed, the equipment is functioning properly, and there are no leaks of hydraulic fluids, fuel, lubricants, or other petroleum products.

Should a leak be detected on heavy equipment used for the project, the equipment shall be immediately removed from the area and not used again until adequately repaired. Vehicles and/or machinery may be stored at designated staging areas during construction periods; their use in the project area will be short-term and temporary. Best management practices such as secondary containment vessels and having spill kits onsite will be used to prevent contamination.

b. Noise

1. What types of noise exist in the area which may affect your project (e.g., traffic, equipment, operation, other)?

Existing noise in the area includes noise created by park visitors and some traffic within the park. This proposal will not be affected by any existing noise.

2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (e.g., traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Noise associated with construction activities includes short-term noise from heavy machinery. The project will take 3-4 months to complete, and machinery will be operated during daylight hours. State law exempts noise from temporary construction sites from 7 a.m. to 10 p.m.

3. Proposed measures to reduce or control noise impacts, if any:

Construction would occur during daylight hours only.

8. Land and Shoreline Use [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

The site is currently developed State Park property. Adjacent properties include a mix of state and private ownership. The nearest property owner is approximately 200 feet from the project site. Due to the distance, the project is not anticipated to have negative impacts on adjacent landowners. Washington Department of Fish and Wildlife is the closest adjacent landowner, and State Parks has shared this proposal with WDFW as an adjacent landowner and regulatory agency as it relates to work in water.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or non-forest use?**

The project site has not been used as working farmlands or forest lands since the park was purchased in 1957.

- 1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?**

There are no existing working farm or forest land operations that will affect or be affected by this proposal.

- c. Describe any structures on the site.**

Structures within 1,000 feet of the proposal include a bathhouse, two cabins, an office building, two bathrooms, and a storage shed. The project site also contains two roads and is adjacent to two parking lots.

- d. Will any structures be demolished? If so, what?**

No structures will be demolished.

- e. What is the current zoning classification of the site?**

Rural (north of Pearrygin Creek) and development (south of Pearrygin Creek).

- f. What is the current comprehensive plan designation of the site?**

Agriculture resource.

- g. If applicable, what is the current shoreline master program designation of the site?**

The shoreline designation for Pearrygin Lake and Pearrygin Creek is classified as Conservancy Environment by Okanogan County.

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.**

Yes, the entire park is identified as a critical area in Okanogan County's critical areas map:

- Mule deer winter range
- Mule deer migration corridor
- Mule deer spring range
- Columbian sharp-tailed grouse

- i. Approximately how many people would reside or work in the completed project?**

None.

j. Approximately how many people would the completed project displace?

The proposal will not displace anyone.

k. Proposed measures to avoid or reduce displacement impacts, if any:

Not applicable, as no displacement impacts will result from the project.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The proposal is compatible with State Parks' Classification and Management Plan (CAMP) for Pearrygin Lake State Park. The CAMP designation for the project area is "recreation" which allows for the high-intensity outdoor recreational uses (buildings, parking facilities, trailheads, etc.)

Preliminary conversations with County Staff indicate the proposal is compatible with local plans. A Critical Areas/Shoreline Permit will be submitted to Okanogan County to ensure the proposed project is compatible with local laws, zoning regulations and the comprehensive plan.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

None, this project is not nearby agricultural or commercial forest land and there are no proposed impacts or measures as part of this project.

9. Housing [\[help\]](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

This proposal will not result in housing.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

No housing will be eliminated.

c. Proposed measures to reduce or control housing impacts, if any:

There are no proposed measures to reduce or control housing impacts because there is no housing involved with or proposed as part of the Project.

10. Aesthetics [\[help\]](#)

a. What is the tallest height of any proposed structure(s), not including antennas? What is the principal exterior building material(s) proposed?

There are no structures proposed as part of the project. The project will stabilize the stream bank using natural materials (rock, wood, and native plantings). The tallest height will be

rootwads protruding from the live crib terrace which are anticipated to be approximately 4 feet in height.

b. What views in the immediate vicinity would be altered or obstructed?

No views will be altered or obstructed as a result of this proposal.

c. Proposed measures to reduce or control aesthetic impacts, if any:

Not applicable as no aesthetic impacts are anticipated.

11. Light and Glare [\[help\]](#)

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

This proposal does not include any lighting elements.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

No.

c. What existing off-site sources of light or glare may affect your proposal?

There are no existing off-site sources of light or glare that may affect this proposal.

d. Proposed measures to reduce or control light and glare impacts, if any:

Not applicable as no lighting impacts will occur as a result of the project.

12. Recreation [\[help\]](#)

a. What designated and informal recreational opportunities are in the immediate vicinity?

This proposal is located at Pearrygin Lake State Park, and recreational opportunities include swimming, camping, biking, fishing, hiking, and a variety of water related activities.

b. Would the proposed project displace any existing recreational uses? If so, describe.

No, this proposal would not result in displacing any of the existing recreational activities. This proposal will stabilize Pearrygin Creek and offer controlled access via a short walkway and bench near the creek. Because this area has experienced flooding events related to the existing sharp corner of the creek, this proposal is expected to avoid closures that have historically prevented recreation at Pearrygin Lake State Park. The park will remain open during construction. A localized closure is planned to keep visitors away from any construction activities.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Please see the answer for 12b.

13. Historic and cultural preservation [\[help\]](#)

- a. **Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.**

A background review of the project area identified no previously recorded archaeological sites or historic structures within the project area. Furthermore, a cultural resource survey and geomorphological testing of the project area was completed, and no precontact or National Register of Historic Places (NRHP) eligible historic resources were identified during the survey.

- b. **Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

Pearrygin Lake is of cultural importance to the local tribes. The background review did not identify any recorded archaeological sites or historic structures within the project area but did show a cultural resource survey completed in 2007 of the entire project area (Komen 2007). Three archaeological monitoring reports were identified in the project area, two at the bridge (east end of AI) from 2019 and 2020 (Crisson 2019; Thomas 2020), and one next to the former park entrance road (west end of AI) in 2010 (Kelley 2010). A geomorphological survey including monitoring for cultural resources, a pedestrian survey, and subsurface testing was completed in August 2024. The survey resulted in the identification of a historic-period debris scatter 45OK2710, associated with a former house that was removed in 2019 for the construction of the new park entrance road and contact station. No precontact artifacts or features were identified during the survey or geomorphological testing.

Adams, Ron, F. Scott Pierson, Charles M. Hodges, Tom Heuser. 2024. *Cultural Resources Survey for the Pearrygin Creek Channel Stabilization Project at Pearrygin Lake State Park, Okanogan County, Washington*. Prepared for Washington State Parks and Recreation Commission, Olympia, Washington. Prepared by WillametteCRA, Seattle, Washington.

Crisson, Fred. 2019. *Pearrygin Lake West Campground Development Phase 1 Project Archaeological Monitoring*. AHS Letter Report 2019-14. Prepared for Washington State Parks and Recreation Commission, Olympia, Washington. Archaeological and Historical Services, Eastern Washington University, Cheney. Washington.

Komen, Dana. 2007. *Cultural Resources Survey for the Washington State Parks and Recreation Commission Pearrygin Lake State Park Campground Improvements Project, Okanogan County, Washington*. AHS Short Report 957. Prepared for Washington State Parks and Recreation Commission, Olympia. Archaeological and Historical Services, Eastern Washington University, Cheney. Washington.

Thomas, Jennifer. 2020. *Phase I Pearrygin Lake West Campground Development - Culvert, Archaeological Monitoring, Okanogan County, Washington*. AHS Letter Report 2020-03. Prepared for Washington State Parks and Recreation Commission, Olympia. Archaeological and Historical Services, Eastern Washington University, Cheney. Washington

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archaeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

Consultation for the project is taking place under Governor's Executive Order 21-02, with the affected tribes and the Department of Archaeology and Historic Preservation (DAHP). A cultural resources investigation was completed in August 2024.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

No precontact sites or NRHP eligible cultural resources were identified in the project area during the cultural resource survey, as a result no permits, avoidance, or mitigation is needed for the project.

14. Transportation [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

Bear Creek Road provides access to the park.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

No, public transit does not reach the park. The closest transit stop is four miles away in Winthrop, WA.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?**

No changes in parking spaces are proposed.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

No, the proposal does not require any changes to existing streets, roads, pathways, or state transportation facilities. Once construction is complete, the creek is intended to better facilitate high-water events to prevent the lower existing road and campground from flooding. The northern access road is upland of the proposed project, and this proposal will not result in a need for improvements to the northern road.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

No, the project will not be used as transportation via water, rail, or air.

- f. **How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?**

The completed project would not generate additional vehicle trips per day.

- g. **Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

No, the proposal will not interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area.

- h. **Proposed measures to reduce or control transportation impacts, if any:**

There are no proposed measures to reduce or control transportation impacts.

15. Public Services [\[help\]](#)

- a. **Would the project result in an increased need for public services (e.g., fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.**

No, the proposal would not result in an increased need for public services.

- b. **Proposed measures to reduce or control direct impacts on public services, if any.**

There are no proposed measures to reduce or control direct impacts on public services.

16. Utilities [\[help\]](#)

- a. **Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____**

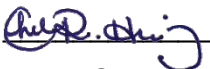
The specific project location does not include any utilities.

- b. **Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**

There are no proposed utilities for the project.

C. Signature [\[help\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Name of signee: Chelsea Harris

Position and Agency/Organization: Environmental Planner/ State Parks

Date Submitted: January 28, 2025

Attachment 2



Washington Department of
FISH & WILDLIFE

HYDRAULIC PROJECT APPROVAL

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

Issue Date: 4/24/2025

Permit Number: 2025-2-66+01

Project End Date: 4/1/2030

Application ID: 0043272

PERMITTEE	AUTHORIZED AGENT
Chelsea Harris 270 9th Street NE, Suite 200 East Wenatchee, Washington 98802	

Project Name: Creek Channel Stabilization

Project Description: State Parks proposes to stabilize Pearrygin Creek at Pearrygin Lake State Park. The proposal consists of three primary components: (1) stabilizing the creek by excavating a bench and channel, adding a live crib wall, large woody material, a berm, and live plant stakes. (2) creating a deformable bank on the west side. (3) creating a crushed rock pathway and adding a split rail fence with two benches to control the access to the creek. Native plantings, apart from the previously mentioned live stakes, will be done after project completion to avoid weeds (anticipating spring 2026).

PROVISIONS

AUTHORIZED WORK TIMES:

1. You may begin the project immediately and must complete the project by April 1, 2030, provided work done below the OHWM will be done during low flows.

NOTIFICATION REQUIREMENTS:

2. FISH KILL/WATER QUALITY PROBLEM NOTIFICATION: If a fish kill occurs or fish are observed in distress at the job site, immediately stop all activities causing harm. Immediately notify the Washington Department of Fish and Wildlife of the problem. If the likely cause of the fish kill or fish distress is related to water quality, also notify the Washington Military Department Emergency Management Division at 1-800-258-5990. Activities related to the fish kill or fish distress must not resume until the Washington Department of Fish and Wildlife gives approval. The Washington Department of Fish and Wildlife may require additional measures to mitigate impacts.
3. You or your agent must contact the Washington Department of Fish and Wildlife by e-mail at HPAapplications@dfw.wa.gov; mail to Post Office Box 43234, Olympia, Washington 98504-3234; or fax to (360) 902-2946 at least three business days before starting work, and again within seven days after completing the work. The notification must include the permittee's name, project location, starting date for work or date the work was completed, and the permit number. The Washington Department of Fish and Wildlife may conduct inspections during and after construction; however, the Washington Department of Fish and Wildlife will notify you or your agent before conducting the inspection.



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4. **PRE-CONSTRUCTION CONTRACTOR MEETING:** You or your agent must contact the Washington Department of Fish and Wildlife by e-mail at HPAapplications@dfw.wa.gov; mail to Post Office Box 43234, Olympia, Washington 98504-3234; or fax to (360) 902-2946 at least fourteen business days before starting work to arrange a pre-construction contractor meeting onsite. The notification must include the permittee's name, project location, starting date, and the HPA permit number.

REPORTING REQUIREMENTS:

5. **PHOTOGRAPHS:** You, your agent, or contractor must take photographs of the job site before the work begins and after the work is completed. You must upload the photographs to the post-permit requirement page in the Aquatic Protection Permitting System (APPS) or mail them to Washington Department of Fish and Wildlife at Post Office Box 43234, Olympia, Washington 98504-3234 within 30-days after the work is completed.

INVASIVE SPECIES CONTROL:

6. Follow Method 1 for low-risk locations (i.e., clean/drain/rinse/dry). Thoroughly remove visible dirt and debris from all equipment and gear—including vessels, boots, waders, drive mechanisms, wheels, tires, tracks, buckets, and undercarriage—before arriving at and leaving the job site to prevent the transport and introduction of aquatic invasive species. For contaminated or high-risk sites, refer to the Method 2 Decontamination protocol. Clean, rinse, and dry all decontamination equipment used and properly dispose of any water and chemicals used for cleaning. For additional decontamination details, including specific protocols for freshwater, marine, and estuarine environments, refer to the Washington Department of Fish and Wildlife's Invasive Species Management Protocols, available online at <https://wdfw.wa.gov/species-habitats/invasive/prevention>.

PROJECT APPROVALS:

7. You must accomplish the work per plans and specifications submitted with the application and approved by the Washington Department of Fish and Wildlife, entitled "ProjectPlanDrawings_PearryginLake_CreekChannelStabilization_Plans90pct" received on March 12, 2025, except as modified by this Hydraulic Project Approval. You must have a copy of these plans available on site during all phases of the project construction.

IN-WATER WORK AREA ISOLATION:

8. After the first block net is secured at the upstream end, use a second block net to herd fish downstream and out of the project area.
9. Check block nets at least three times a day for entangled fish and accumulated debris.
10. Install block nets at sites with reduced flow volume or velocity, uniform depth, and good accessibility.
11. Isolate fish from the work area by using block nets.
12. Secure block nets along both banks and the channel bottom to prevent failure from debris accumulation, high flows, and/or flanking.
13. To keep fish out of the job site, leave block nets in place until the work is complete and conditions are suitable for fish.



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14. Install the cofferdam, dike, or similar structure and remove fish prior to the start of other work in the wetted perimeter.
15. Maintain water quality when installing and removing the cofferdam, dike or similar structure.
16. Use a cofferdam, dike, or similar structure to exclude water from the work area.
17. Sequence the work to minimize the duration of dewatering.

FISH LIFE REMOVAL:

18. All persons participating in capture and removal must have training, knowledge, and skills in the safe handling of fish life.
19. Capture and safely move fish life from the work area to the nearest suitable free-flowing water.
20. If electrofishing is conducted, a person with electrofishing training must be on-site to conduct or direct all electrofishing activities.
21. If personnel are available, the Washington Department of Fish and Wildlife and affected tribes may help capture and move fish life from the job site.
22. Place block nets upstream and downstream of the in-water work area before capturing and removing fish life.

STAGING, JOB SITE ACCESS, AND EQUIPMENT:

23. Check equipment daily for leaks and complete any required repairs in an upland location before using the equipment in or near the water.
24. Clearly mark boundaries to establish the limit of work associated with site access and construction.
25. Confine the use of equipment to the specific access and work corridor shown in the approved plans
26. Equipment used in or near water must use environmentally acceptable lubricants composed of biodegradable base oils. These are vegetable oils, synthetic esters, and polyalkylene glycols.
27. Establish staging areas (used for activities such as equipment storage, vehicle storage, fueling, servicing, and hazardous material storage) in a location and manner that will prevent contaminants such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.
28. If wet or muddy conditions exist, in or near a riparian zone or wetland area, use equipment that reduces ground pressure.
29. This HPA does not authorize equipment crossings of the stream.
30. Use existing roadways or travel paths.
31. Limit the use of equipment waterward of the ordinary high water line to that necessary to gain position for the work.

PROJECT DESIGN:

32. Install the toe to protect the integrity of bank protection material.
33. The biotechnical bank protection technique design must withstand the 100-year peak flow.
34. Use fir, cedar, or other coniferous species to construct the log structures.

PROJECT IMPLEMENTATION:

35. Work in the dry watercourse (when no natural flow is occurring in the channel, or when flow is diverted around the job site).



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SEDIMENT, EROSION, AND POLLUTION CONTAINMENT:

36. All erosion control materials that will remain onsite must be composed of 100% biodegradable materials.
37. Deposit waste material from the project, such as construction debris, silt, excess dirt, or overburden, in an upland area above unless the material is approved by the Washington Department of Fish and Wildlife for reuse in the project.
38. Do not release overburden material into the waters of the state when resloping the bank.
39. If flow conditions arise that will result in erosion or siltation of waters of the state, stop all hydraulic project activities except those needed to control erosion and siltation.
40. Prevent project contaminants, such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials, from entering or leaching into waters of the state.
41. Protect all disturbed areas from erosion. Maintain erosion and sediment control until all work and cleanup of the job site is complete.
42. Straw used for erosion and sediment control, must be certified free of noxious weeds and their seeds.

CONSTRUCTION MATERIALS:

43. Do not use bed gravel for exterior armor or backfill unless approved by the Washington Department of Fish and Wildlife.
44. Use only clean, suitable material as fill material (no trash, debris, car bodies, tires, asphalt, concrete, etc.).

HABITAT FEATURES:

45. Limit the removal of native bankline vegetation to the minimum amount needed to construct the project.
46. Retain all natural habitat features on the bed or banks including large woody material and boulders. You may move these natural habitat features during construction but you must place them near the pre-project location before leaving the job site.

PLANTING:

47. Complete replanting of riparian vegetation during the first dormant season (late fall through late winter) after project completion per the approved plan. Maintain plantings for at least three years to ensure at least eighty percent of the plantings survive. Failure to achieve the eighty percent survival in year three will require you to submit a plan with follow-up measures to achieve requirements or reasons to modify requirements.
48. Install fencing or other structures to prevent livestock, wildlife, or unauthorized persons from accessing the replanted riparian and wetland sites until the plantings are well established.
49. Replace native riparian zone and aquatic vegetation, and wetland vascular plants (except noxious weeds) damaged or destroyed by construction using a proven methodology.
50. Replant the job site with the plant species composition and planting densities described in the submitted plan set titled
"ProjectPlanDrawings_PearryginLake_CreekChannelStabilization_Plans90pct".



Washington Department of FISH & WILDLIFE

HYDRAULIC PROJECT APPROVAL

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- 51. Seed areas disturbed by construction activities with a native seed mix suitable for the site that has at least one quick-establishing plant species.
- 52. You must complete re-vegetation by no later than December 2026, and you must monitor the success of the re-vegetation through December 2029.

DEMOBILIZATION AND CLEANUP:

- 53. Completely remove any temporary fill before the end of the in-water timing window if the fill material could erode and deliver sediment-laden water into waters of the state.
- 54. Remove temporary erosion and sediment control methods after job site is stabilized or within three months of project completion, whichever is sooner.
- 55. To prevent fish from stranding, backfill trenches, depressions, and holes in the bed that may entrain fish during high water or wave action.
- 56. Upon completion of the project, remove all materials or equipment from the site and dispose of all excess spoils and waste materials in an upland area above the limits of anticipated floodwater.

PROJECT LOCATION(S)

#1

Location		
Pearrygin Lake State Park 625 Bear Creek Road Winthrop, WA 98862		
Latitude	Longitude	County
48.494836500000000	-120.156499800000000	Okanogan
WRIA	Waterbody	Tributary to
48	Pearrygin Creek (lb)	Pearrygin Creek (lb)

APPLIES TO ALL HYDRAULIC PROJECT APPROVALS

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



HYDRAULIC PROJECT APPROVAL

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

Issue Date: 4/24/2025

Permit Number: 2025-2-66+01

Project End Date: 4/1/2030

Application ID: 0043272

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

This Hydraulic Project Approval does not authorize trespass.

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

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil action against you, including, but not limited to, a stop work order or notice to comply, and/or a gross misdemeanor criminal charge, possibly punishable by a fine and/or imprisonment.

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

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

MAJOR MODIFICATIONS TO THIS HYDRUALIC PROJECT APPROVAL (HPA): You may request approval of major modifications to any aspect of your HPA. Any approved change other than a minor modification to your HPA will require the issuance of a new HPA. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a major modification



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through APPS. A link to APPS is at <https://hpa.wdfw.wa.gov/s>. If you did not use APPS you must submit a written request for a major modification to an existing HPA. Written requests must include the name of the permittee, the name of the authorized agent if applicable, the APP ID or HPA number, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send your written request by email to HPAapplications@dfw.wa.gov or by mail to Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. You should allow up to 45 days for the Department to process your request.

APPEALS INFORMATION

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

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

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request an informal appeal of that action. You must send your request to WDFW by mail to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the WDFW Habitat Program, Natural Resources Building, 1111 Washington St SE, Olympia, Washington 98501. WDFW must receive your request within 30 days from the date you receive notice of the decision. If you agree, and you applied for the HPA, resolution of the appeal may be facilitated through an informal conference with the WDFW employee responsible for the decision and a supervisor. If a resolution is not reached through the informal conference, or you are not the person who applied for the HPA, the HPA Appeals Coordinator or designee may conduct an informal hearing or review and recommend a decision to the Habitat Program Director or designee. If you are not satisfied with the results of the informal appeal, you may file a request for a formal appeal.

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



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

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Project End Date: 4/1/2030

Application ID: 0043272

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request a formal appeal of that action. You must send your request for a formal appeal to the clerk of the Pollution Control Hearings Boards and serve a copy on WDFW within 30 days from the date you receive notice of the decision. You may serve WDFW by mail to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Habitat Program, Natural Resources Building, 1111 Washington St SE, Olympia, Washington 98501. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, you may request a formal appeal within 30 days from the date you receive the Habitat Program Director's or designee's written decision in response to the informal appeal.

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

Mallory Hirschler
Assistant Regional Habitat
Program Manager
(509) 570-2354
mallory.hirschler@dfw.wa.gov

A handwritten signature in black ink that reads "Mallory Hirschler".

For Director
DFW

Attachment 3

From: [Rocky Robbins](#)
To: [Harris, Chelsea \(PARKS\)](#)
Subject: RE: Pearrygin Lake State Park: Creek Channel Stabilization (shoreline review)
Date: Thursday, June 12, 2025 11:52:11 AM

External Email

Chelsea,

Okanogan County does not have permit requirements for the activity listed in your JARPA packet. You will need to obtain all State and Federal permits, though.

Thank you,

*Rocky Robbins
Senior Planner
Okanogan County Planning & Development
509-422-7117*

From: Harris, Chelsea (PARKS) <Chelsea.Harris@PARKS.WA.GOV>
Sent: Thursday, June 12, 2025 11:50 AM
To: Rocky Robbins <rrobbins@co.okanogan.wa.us>
Subject: FW: Pearrygin Lake State Park: Creek Channel Stabilization (shoreline review)

Hey Rocky,

I was wondering when you'd be able to send along the no permit required email or letter for Pearrygin?

Thank you,
Chelsea

From: Harris, Chelsea (PARKS)
Sent: Thursday, March 20, 2025 3:20 PM
To: Rocky Robbins <rrobbins@co.okanogan.wa.us>
Subject: RE: Pearrygin Lake State Park: Creek Channel Stabilization (shoreline review)

Understood, I got the invoice and we're setting up the paperwork to send a check.

Thank you,
Chelsea

From: Rocky Robbins <rrobbins@co.okanogan.wa.us>
Sent: Thursday, March 20, 2025 2:41 PM
To: Harris, Chelsea (PARKS) <Chelsea.Harris@PARKS.WA.GOV>

Subject: RE: Pearrygin Lake State Park: Creek Channel Stabilization (shoreline review)

External Email

I cannot find an exemption for this. An invoice will be sent for an SDP. The cost of an SDP is \$1,520.

Thank you,

*Rocky Robbins
Senior Planner
Okanogan County Planning & Development
509-422-7117*

From: Harris, Chelsea (PARKS) <Chelsea.Harris@PARKS.WA.GOV>
Sent: Wednesday, March 12, 2025 10:41 AM
To: Rocky Robbins <rrobbins@co.okanogan.wa.us>
Subject: Pearrygin Lake State Park: Creek Channel Stabilization (shoreline review)

Good morning Rocky,

Attached are the materials for the Pearrygin Lake State Park: Creek Channel Stabilization proposal. I'm finally ready to submit for shoreline review. I've attached the JARPA,SEPA determination/checklist, and 90% plans.

I found a construction questionnaire on the county website, but the questions are addressed in the SEPA checklist/JARPA. Do I need to prepare a document with those answers? Last question, what is the cost of the shoreline review?

Thank you,

Chelsea R. Harris
Environmental Planner
Eastern Region, Capital Program
Washington State Parks and Recreation Commission
270 9th Street NE, Suite 200
East Wenatchee, WA 98802
(509) 423-1671 (Mon-Thurs)

Attachment 4



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SEATTLE DISTRICT
4735 EAST MARGINAL WAY SOUTH, BLDG 1202
SEATTLE, WA 98134-2388

Regulatory Branch

July 24, 2025

Ms. Chelsea Harris
Washington State Parks
And Recreation Commission
270 9th Street NE, Suite 200
East Wenatchee, Washington 98802

Reference: NWS-20274-0143
Pearrygin Lake State
Park- Pearrygin Creek
Channel Restoration

Dear Ms. Harris:

We have reviewed your application to excavate 1800 cubic yards of native stream material and discharge 1850 cubic yards of stream bed gravels, native material, and large wood and boulders to restore 650 linear feet of Pearrygin Creek near Winthrop, Okanogan County, Washington. Based on the information you provided to us, Nationwide Permit (NWP) 27, *Aquatic Habitat Restoration, Enhancement, and Establishment Activities* Federal Register December 27, 2021 Vol. 86, No. 245), authorizes your proposal as depicted on the enclosed drawings dated July 31, 2023.

In order for this authorization to be valid, you must ensure the work is performed in accordance with the enclosed *NWP 27, Terms and Conditions*.

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

Please note that National General Condition 21, *Discovery of Previously Unknown Remains and Artifacts*, found in the *Nationwide Permit Terms and Conditions* enclosure, details procedures that must be followed should an inadvertent discovery occur. You must ensure that you comply with this condition during the construction of your project.

The authorized work complies with the Washington State Department of Ecology's (Ecology) Water Quality Certification (WQC) requirements for this NWP. No further coordination with Ecology for WQC is required.

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

Our verification of this NWP authorization is valid until March 14, 2026, unless the NWP is modified, reissued, or revoked prior to that date. If the authorized work for the NWP authorization has not been completed by that date and you have commenced or are under contract to commence this activity before March 14, 2026, you will have until March 14, 2027, to complete the activity under the enclosed terms and conditions of this NWP. Failure to comply with all terms and conditions of this NWP verification invalidates this authorization and could result in a violation of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. You must also obtain all local, State, and other Federal permits that apply to this project.

You are cautioned that any change in project location or plans will require that you submit a copy of the revised plans to this office and obtain our approval before you begin work. Deviating from the approved plans could result in the assessment of criminal or civil penalties. Civil administrative penalties are described in the enclosure *Clean Water Act Class I Administrative Penalties*.

Upon completing the authorized work, you must fill out and return the enclosed *Certificate of Compliance with Department of the Army Permit*. All compliance reports should be submitted to the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch electronically at nws.compliance@usace.army.mil. Thank you for your cooperation during the permitting process. We are interested in your experience with our Regulatory Program and encourage you to complete a customer service survey. Referenced documents and information about our program are available on our website at www.nws.usace.army.mil, select "Regulatory Permit Information". If you have any questions, please contact me at dale.j.jordan@usace.army.mil or (509) 509-994-8653.

Sincerely,



Jess Jordan, Project Manager
Regulatory Branch

Enclosures



US Army Corps
of Engineers ®
Seattle District

NATIONWIDE PERMIT 27

Terms and Conditions



2021 NWP's - Final 41; Effective Date: February 25, 2022
amended with RGCs 10-14 June 28, 2024

-
- A. Description of Authorized Activities
 - B. U.S. Army Corps of Engineers (Corps) National General Conditions for All Final 41 NWP's
 - C. Seattle District Regional General Conditions
 - D. Seattle District Regional Specific Conditions for this Nationwide Permit (NWP)
 - E. 401 Water Quality Certification (401 WQC) for this NWP
 - F. Coastal Zone Management Consistency Response for this NWP
-

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

A. DESCRIPTION OF AUTHORIZED ACTIVITIES

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

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

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

This NWP authorizes the relocation of non-tidal waters, including non-tidal wetlands and streams, on the project site provided there are net increases in aquatic resource functions and services.

Except for the relocation of non-tidal waters on the project site, this NWP does not authorize the conversion of a stream or natural wetlands to another aquatic habitat type (e.g., the conversion of a stream to wetland or vice versa) or uplands. Changes in wetland plant communities that occur when wetland hydrology is more fully restored during wetland rehabilitation activities are not considered a conversion to another aquatic habitat type. This NWP does not authorize stream channelization. This NWP does not authorize the relocation of tidal waters or the conversion of tidal waters, including tidal wetlands, to other aquatic uses, such as the conversion of tidal wetlands into open water impoundments.

Compensatory mitigation is not required for activities authorized by this NWP since these activities must result in net increases in aquatic resource functions and services.

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

Reporting. For those activities that do not require pre-construction notification, the permittee must submit to the district engineer a copy of: (1) the binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement, or a project description, including project plans and location map; (2) the NRCS or USDA Technical Service Provider documentation for the voluntary stream enhancement or restoration action or wetland restoration, enhancement, or establishment action; or (3) the SMCRA permit issued by OSMRE or the applicable state agency. The report must also include information on baseline ecological conditions on the project site, such as a delineation of wetlands, streams, and/or other aquatic habitats. These documents must be submitted to the district engineer at least 30 days prior to commencing activities in waters of the United States authorized by this NWP.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing any activity (see general condition 32), except for the following activities:

(1) Activities conducted on non-Federal public lands and private lands, in accordance with the terms and conditions of a binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement between the landowner and the FWS, NRCS, FSA, NMFS, NOS, USFS or their designated state cooperating agencies;

(2) Activities conducted in accordance with the terms and conditions of a binding coral restoration or relocation agreement between the project proponent and the NMFS or any of its designated state cooperating agencies;

(3) Voluntary stream or wetland restoration or enhancement action, or wetland establishment action, documented by the NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards; or

(4) The reclamation of surface coal mine lands, in accordance with an SMCRA permit issued by the OSMRE or the applicable state agency.

However, the permittee must submit a copy of the appropriate documentation to the district engineer to fulfill the reporting requirement. (Authorities: Sections 10 and 404)

Note: This NWP can be used to authorize compensatory mitigation projects, including mitigation banks and in-lieu fee projects. However, this NWP does not authorize the reversion of an area used for a compensatory mitigation project to its prior condition, since compensatory mitigation is generally intended to be permanent.

B. CORPS NATIONAL GENERAL CONDITIONS FOR ALL 2021 NWPs - FINAL 41

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 or her authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

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

used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

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

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

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

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

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

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

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

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

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

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

13. Removal of Temporary Structures and Fills. Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

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

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

16. Wild and Scenic Rivers. (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. Permittees shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

17. Tribal Rights. No 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 designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of "effects of the action" for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding "activities that are reasonably certain to occur" and "consequences caused by the proposed action."

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, 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 species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant

of the Corps' determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference 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 or conference with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWP.

(e) Authorization of an activity by an NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

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

20. Historic Properties. (a) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places 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 (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will

verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

(d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by an NWP, they must immediately notify the district engineer of what they 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, 52, 57 and 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the

required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

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

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already

meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state or federal, 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. (a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

(c) The district engineer or certifying authority 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)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP. 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 CWA 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 authorized, subject to the following restrictions:

(a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot 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.

(b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

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

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

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

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

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

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

(2) Location of the proposed activity;

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

(4) (i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or

other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.

(ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non-PCN NWP activities into NWP PCNs.

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

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

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

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

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

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

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

(c) *Form of Pre-Construction Notification:* The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) *Agency Coordination:* (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iii) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

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

C. SEATTLE DISTRICT REGIONAL GENERAL CONDITIONS: The following conditions apply to the 2021 NWPs - Final 41 NWPs for the Seattle District in Washington State, as applicable.

RGC 1, Project Drawings

Drawings must be submitted with a pre-construction notification (PCN). Drawings must provide a clear understanding of the proposed project, and how waters of the United States will be affected. Drawings

must be originals and not reduced copies of large-scale plans. Engineering drawings are not required. Existing and proposed site conditions (manmade and landscape features) must be drawn to scale.

RGC 2, Aquatic Resources Requiring Special Protection

A PCN is required for activities resulting in a loss of waters of the United States in wetlands in dunal systems along the Washington coast, mature forested wetlands, bogs and peatlands, aspen-dominated wetlands, alkali wetlands, vernal pools, camas prairie wetlands, estuarine wetlands, and wetlands in coastal lagoons.

RGC 3, New Bank Stabilization in Tidal Waters of Puget Sound

Activities involving new bank stabilization in tidal waters in Water Resource Inventory Areas (WRIAs) 8, 9, 10, 11, and 12 (within the areas identified on Figures 1a through 1e) cannot be authorized by NWP.

RGC 4, Commencement Bay

No permanent losses of wetlands or mudflats within the Commencement Bay Study Area may be authorized by any NWP (see Figure 2).

RGC 5, Bank Stabilization

All projects including new or maintenance bank stabilization activities in waters of the United States where salmonid species are present or could be present, requires PCN to the U.S. Army Corps of Engineers (Corps) (see NWP general condition 32).

For new bank stabilization projects only, the following must be submitted to the Corps:

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

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

RGC 6, Crossings of Waters of the United States

Any project including installing, replacing, or modifying crossings of waters of the United States, such as culverts or bridges, requires submittal of a PCN to the U.S. Army Corps of Engineers (see NWP general condition 32).

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

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

Culverts installed under emergency authorization that do not meet the above design criteria will be required to meet the above design criteria to receive an after-the-fact nationwide permit verification.

RGC 7, Stream Loss

A PCN is required for all activities that result in the loss of any linear feet of streams.

RGC 8, Construction Boundaries

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

RGC 9, ESA Reporting to NMFS

For any nationwide permit that may affect threatened or endangered species:

Incidents where any individuals of fish species, marine mammals and/or sea turtles listed by National Oceanic and Atmospheric Administration Fisheries, National Marine Fisheries Service (NMFS) under the Endangered Species Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the U.S. or structures or work in navigable waters of the U.S. authorized by this Nationwide Permit verification shall be reported to NMFS, Office of Protected Resources at (301) 713-1401 and the Regulatory Office of the Seattle District of the U.S. Army Corps of Engineers at (206) 764-3495. The finder should leave the animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible, take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed by discharge exposure or some unnatural cause. The finder may be asked to carry out instructions provided by the NMFS to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.

RGC 10, Limitations on New Bank Stabilization Within the Salish Sea

The length of new bank stabilization within waters of the U.S., including new bank stabilization associated with maintenance activities that would expand previously authorized armoring length, cannot exceed 50 linear feet within the Salish Sea under any NWP.

RGC 11, Effects to Forage Fish Spawning Beaches, Drift Cells, and Feeder Bluffs)

No NWP activity can:

- a. cause more than minimal adverse effects to forage fish spawning beaches or drift cells; or
- b. prevent the functioning of feeder bluffs, including more than minimal adverse effects to sediment recruitment, transport, or deposition.

This regional general condition applies to all NWP activities within the Salish Sea. Information regarding the location of forage fish spawning beaches is available on the Washington Department of Fish and Wildlife's (WDFW) Forage Fish Spawning Map at <https://wdfw.maps.arcgis.com/home/webmap/viewer.html?webmap=19b8f74e2d41470cbd80b1af8dedd6b3>. Information regarding the location and movement of drift cells, shoreline stability, and coastal landforms, to include feeder bluffs, is available at the Washington State Department of Ecology's Coastal Atlas Map website: <https://apps.ecology.wa.gov/coastalatlasmap>. These maps are resources that can be used to help identify the location of forage fish spawning beaches, drift cells, and feeder bluffs; they are not a substitute for site-specific data. Information about forage fish, their spawning habitats, and spawning behavior are available through the WDFW. Additional information about the importance of these species as prey species for Endangered Species Act listed salmonids can be found on the National Marine Fisheries Service website.

RGC 12, Bank Stabilization Design Considerations

Bank stabilization activities, including maintenance activities, shall utilize living shorelines, vegetative stabilization, bioengineering, including but not limited to large woody material with intact root wads, and other soft bank stabilization approaches to the maximum practicable extent before considering hard bank stabilization methods such as bulkheads and rock revetments.

RGC 13, PCNs for Activities in Areas Where There May Be Treaty-Reserved Tribal Rights

To ensure compliance with General Condition 17, Tribal Rights, a pre-construction notification (PCN) is required for all NWPs associated with structures or fills in areas where Tribes have retained via treaty the right to fish in their usual and accustomed grounds and stations.

RGC 14, Maintenance of Existing Bank Stabilization Structures and Fills

(Applicable to NWP 3, Maintenance Activities) Maintenance of existing bank stabilization structures that expand the existing structure's footprint or dimensions either waterward, vertically, or linearly along the shoreline within the geographic jurisdiction of the U.S. Army Corps of Engineers are not eligible for NWP 3.

D. SEATTLE DISTRICT REGIONAL SPECIFIC CONDITIONS FOR THIS NWP:

NWP 27 Specific Regional Conditions:

1. A pre-construction notification (PCN) must be submitted to the district engineer (see NWP general condition 32) for any proposed project located in a Department of the Army permit compensatory mitigation site, Comprehensive Environmental Response, Compensation and Liability Act (Superfund) site, Resource Conservation and Recovery Act hazardous waste clean-up site, Washington State Department of Ecology compensatory mitigation site, or Washington State Model Toxics Control Act clean-up site.
2. For projects subject to PCN, if there is a loss of waters of the U.S. the project proponent must explain in the PCN why the loss is necessary. The project proponent must also demonstrate how despite the loss of waters the overall project would result in a net increase in aquatic/ecological functions .
3. The PCN must contain a description of pre-project site conditions including presence of wetlands (including photographs) and aquatic/ecological functions the site provides within the watershed.
4. For projects that would result in a loss of waters of the U.S., the project proponent must include maintenance and monitoring plans with the PCN.
5. Restoration projects involving shellfish seeding must use shellfish native to the watershed.

E. 401 WATER QUALITY CERTIFICATION: Depending on the geographic region of the work authorized by this verification, the appropriate 401 certifying authority has made the following determinations:

Washington Department of Ecology (Ecology) (Projects in all areas except as described for the other certifying agencies listed below): General and Specific WQC Conditions

A. State General Conditions for all Nationwide Permits

In addition to all of the U.S. Army Corps of Engineers' (Corps) national and Seattle District's regional permit conditions, the following state general Water Quality Certification (WQC) conditions **apply to all NWPs whether granted or granted with conditions** in Washington where Ecology is the certifying authority.

Due to the lack of site specific information on the discharge types, quantities, and specific locations, as well as the condition of receiving waters and the quantity of waters (including wetlands) that may be lost, Ecology may need to review the project if one of the following state general conditions is triggered.

This case-by-case review may be required, and additional information regarding the project and associated discharges may be needed, to verify that the proposed project would comply with state water quality requirements and if an individual WQC is required or if the project meets this programmatic WQC.

1. **In-water construction activities.** Ecology WQC review is required for projects or activities authorized under NWP's where the project proponent has indicated on the Joint Aquatic Resource Permit Application (JARPA) question 9e that the project or activity will not meet State water quality standards, or has provided information indicating that the project or activity will cause, or may be likely to cause or contribute to an exceedance of a State water quality standard (Chapter 173-201A WAC) or sediment management standard (Chapter 173-204 WAC).

Note: In-water activities include any activity within a jurisdictional wetland and/or waters.

2. **Projects or Activities Discharging to Impaired Waters.** Ecology WQC review is required for projects or activities that will occur in a 303(d) listed segment of a waterbody or upstream of a listed segment and may result in further exceedances of the specific listed parameter to determine if the project meets this programmatic WQC or will require individual WQC.

To determine if your project or activity is in a 303(d) listed segment of a waterbody, visit Ecology's Water Quality Assessment webpage for maps and search tools.

3. **Aquatic resources requiring special protection.** Certain aquatic resources are unique and difficult-to-replace components of the aquatic environment in Washington. Activities that would affect these resources must be avoided to the greatest extent practicable. Compensating for adverse impacts to high value aquatic resources is typically difficult, prohibitively expensive, and may not be possible in some landscape settings.

Ecology WQC review is required for projects or activities in areas identified below to determine if the project meets this programmatic WQC or will require individual WQC.

- a. Activities in or affecting the following aquatic resources:
 - i. Wetlands with special characteristics (as defined in the Washington State Wetland Rating Systems for western and eastern Washington, Ecology Publications #14-06-029 and #14-06-030):
 - Estuarine wetlands.
 - Wetlands of High Conservation Value.
 - Bogs.
 - Old-growth forested wetlands and mature forested wetlands.
 - Wetlands in coastal lagoons.
 - Wetlands in dunal systems along the Washington coast.
 - Vernal pools.
 - Alkali wetlands.
 - ii. Fens, aspen-dominated wetlands, camas prairie wetlands.
 - iii. Category I wetlands.
 - iv. Category II wetlands with a habitat score ≥ 8 points.
- b. Activities in or resulting in a loss of eelgrass (*Zostera marina*) beds.

This state general condition does not apply to the following NWP's:

NWP 20 – Response Operations for Oil and Hazardous Substances
NWP 32 – Completed Enforcement Actions
NWP 48 – Commercial Shellfish Mariculture Activities

4. **Loss of More than 300 Linear Feet of Streambed.** For any project that results in the loss of more than 300 linear feet of streambed Ecology WQC review is required to determine if the project meets this programmatic WQC or will require individual WQC.
5. **Temporary Fills.** For any project or activity with temporary fill in wetlands or other waters for more than six months Ecology WQC review is required to determine if the project meets this programmatic WQC or will require individual WQC.
6. **Mitigation.** Project proponents are required to show that they have followed the mitigation sequence and have first avoided and minimized impacts to aquatic resources wherever practicable. For projects requiring Ecology WQC review or an individual WQC with unavoidable impacts to aquatic resources, a mitigation plan must be provided.
 - a. Wetland mitigation plans submitted for Ecology review and approval shall be based on the most current guidance provided in Wetland Mitigation in Washington State, Parts 1 and 2 (available on Ecology's website) and shall, at a minimum, include the following:
 - i. A description of the measures taken to avoid and minimize impacts to wetlands and other waters of the U.S.
 - ii. The nature of the proposed impacts (i.e., acreage of wetlands and functions lost or degraded).
 - iii. The rationale for the mitigation site that was selected.
 - iv. The goals and objectives of the compensatory mitigation project.
 - v. How the mitigation project will be accomplished, including construction sequencing, best management practices to protect water quality, proposed performance standards for measuring success and the proposed buffer widths.
 - vi. How it will be maintained and monitored to assess progress toward goals and objectives. Monitoring will generally be required for a minimum of five years. For forested and scrub-shrub wetlands, 10 years of monitoring will often be necessary.
 - vii. How the compensatory mitigation site will be legally protected for the long term.

Refer to Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans (Ecology Publication #06-06-011b) and Selecting Wetland Mitigation Sites Using a Watershed Approach (Ecology Publications #09-06-032 (Western Washington) and #10-06-007 (Eastern Washington)) for guidance on selecting suitable mitigation sites and developing mitigation plans.

Ecology encourages the use of alternative mitigation approaches, including credit/debit methodology, advance mitigation, and other programmatic approaches such as mitigation banks and in-lieu fee programs. If you are interested in proposing use of an alternative mitigation approach, consult with the appropriate Ecology regional staff person. Information on alternative mitigation approaches is available on Ecology's website.

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

7. Stormwater Pollution Prevention. All projects involving land disturbance or impervious surfaces must implement stormwater pollution prevention or control measures to avoid discharge of pollutants in stormwater runoff to waters.

- a. For land disturbances during construction, the applicant must obtain and implement permits (e.g., Construction Stormwater General Permit) where required and follow Ecology's current stormwater manual.
- b. Following construction, prevention or treatment of on-going stormwater runoff from impervious surfaces shall be provided.

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

8. Application. For projects or activities that will require Ecology WQC review, or an individual WQC, project proponents must provide Ecology with a JARPA or the equivalent information, along with the documentation provided to the Corps, as described in national general condition 32, Pre-Construction Notification (PCN), including, where applicable:

- a. A description of the project, including site plans, project purpose, direct and indirect adverse environmental effects the project discharge(s) would cause, best management practices (BMPs), and proposed means to monitor the discharge(s).
- b. List of all federal, state or local agency authorizations required to be used for any part of the proposed project or any related activity.
- c. Drawings indicating the OHWM, delineation of special aquatic sites, and other waters of the state. Wetland delineations must be prepared in accordance with the current method required by the Corps and shall include Ecology's Wetland Rating form. Wetland Rating forms are subject to review and verification by Ecology staff.

Guidance for determining the OHWM is available on Ecology's website.

- d. A statement describing how the mitigation requirement will be satisfied. A conceptual or detailed mitigation or restoration plan may be submitted. See state general condition 5.
- e. Other applicable requirements of Corps NWP general condition 32, Corps regional conditions, or notification conditions of the applicable NWP.

Ecology **grants with conditions Water Quality Certification (WQC)** for this NWP provided that Ecology individual WQC review is not required per the state general conditions (see above) and the following conditions:

Ecology Section 401 Water Quality Certification – Granted with conditions.

- 1. Ecology WQC review is required if the project or activity is in a known contaminated or cleanup site to determine if an individual WQC is required or the project meets the programmatic WQC for this NWP.
- 2. Ecology individual WQC is required for projects or activities authorized under this NWP

if:

- a. The project or activity directly impacts ½ acre or more of tidal waters; or
- b. The project or activity affects ½ acre or more of wetlands; or
- c. The project or activity is a mitigation bank or an advance mitigation site.

Environmental Protection Agency (EPA) (on Tribal Lands where Tribes Do Not Have Treatment in a Similar Manner as a State and Lands with Exclusive Federal Jurisdiction in Washington):

On behalf of the 28 tribes that do not have treatment in a similar manner as a state and for exclusive federal jurisdiction lands located within the state of Washington, EPA Region 10 has determined that CWA Section 401 WQC for the following proposed NWP is granted with conditions. EPA Region 10 has determined that any discharge authorized under the following proposed NWP will comply with water quality requirements, as defined at 40 C.F.R. § 121.1(n), subject to the following conditions pursuant to CWA Section 401(d).

General Conditions:

EPA General Condition 1 – Aquatic Resources of Special Concern

Activities resulting in a point source discharge in the following types of aquatic resources of special concern shall request an individual project-specific CWA Section 401 WQC: mature forested wetlands; bogs, fens and other peatlands; vernal pools; aspen-dominated wetlands; alkali wetlands; camas prairie wetlands; wetlands in dunal systems along the Oregon or Washington Coast; riffle-pool complexes of streams; marine or estuarine mud-flats; salt marshes; marine waters with native eelgrass or kelp beds; or marine nearshore forage fish habitat. To identify whether a project would occur in any of these aquatic resources of special concern, project proponents shall use existing and available information to identify the location and type of resources, including using the U.S. Fish and Wildlife Service’s online digital National Wetland Inventory maps, identifying project location on topographical maps, and/or providing on-site determinations as required by the Corps. When a project requires a Pre-Construction Notification (PCN) to the Corps, project proponents shall work with the Corps to identify whether the project is in any of these specific aquatic resources of special concern.

EPA General Condition 2 – Soil Erosion and Sediment Controls

Turbidity shall not exceed background turbidity by more than 50 Nephelometric Turbidity Units (NTU) above background instantaneously or more than 25 NTU above background for more than ten consecutive days.⁸ Projects or activities that are expected to exceed these levels require an individual project-specific CWA Section 401 WQC.

The turbidity standard shall be met at the following distances from the discharge:

Wetted Stream Width at Discharge Point	Approximate Downstream Point to Sample to Determine Compliance
Up to 30 feet	50 feet
>30 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 distance

For Marine Water	Point of Compliance for Temporary Area of Mixing
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Estuaries or Marine Waters	Radius of 150 feet from the activity causing the turbidity exceedance
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Measures to prevent and/or reduce turbidity shall be implemented and monitored prior to, during, and after construction. Turbidity monitoring shall be done at the point of compliance within 24 hours of a precipitation event of 0.25 inches or greater. During monitoring and maintenance, if turbidity limits are exceeded or if measures are identified as ineffective, then additional measures shall be taken to come into compliance and EPA shall be notified within 48 hours of the exceedance or measure failure.

EPA General Condition 3 - Compliance with Stormwater Pollution Prevention and the National Pollutant Discharge Elimination System Permit Provisions

For land disturbances during construction that 1) disturb one or more acres of land, or 2) will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land, the permittee shall obtain and implement Construction Stormwater General Permit requirements,⁹ including:

1. The permittee shall develop a Stormwater Pollution Prevention Plan (SWPPP)¹⁰ and submit it to EPA Region 10 and appropriate Corps District; and
2. Following construction, prevention or treatment of ongoing stormwater runoff from impervious surfaces that includes soil infiltration shall be implemented.

EPA General Condition 4 – Projects or Activities Discharging to Impaired Waters

Projects or activities are not authorized under the NWP's if the project will involve point source discharges into an active channel (e.g., flowing or open waters) of a water of the U.S. listed as impaired under CWA Section 303(d) and/or if the waterbody has an approved Total Maximum Daily Load (TMDL) and the discharge may result in further exceedance of a specific parameter (e.g., total suspended solids, dissolved oxygen, temperature) for which the waterbody is listed or has an approved TMDL. The current lists of impaired waters of the U.S. under CWA Section 303(d) and waters of the U.S. for which a TMDL has been approved are available on EPA Region 10's web site at: <https://www.epa.gov/tmdl/impaired-waters-and-tmdls-region-10>.

EPA General Condition 5 – Notice to EPA

All project proponents shall provide notice to EPA Region 10 prior to commencing construction activities authorized by a NWP. This will provide EPA Region 10 with the opportunity to inspect the activity for the purposes of determining whether any discharge from the proposed project will violate this CWA Section 401 WQC. Where the Corps requires a PCN for an applicable NWP, the project proponent shall also provide the PCN to EPA Region 10. EPA Region 10 will provide written notification to the project proponent if the proposed project will violate the water quality certification of the NWP.

EPA General Condition 6 – Unsuitable Materials

The project proponent shall not use wood products treated with leachable chemical components (e.g., copper, arsenic, zinc, creosote, chromium, chloride, fluoride, pentachlorophenol), which result in a discharge to waters of the U.S., unless the wood products meet the following criteria:

1. Wood preservatives and their application shall be in compliance with EPA label requirements and criteria of approved EPA Registration Documents under the Federal Insecticide, Fungicide, and Rodenticide Act;
2. Use of chemically treated wood products shall follow the Western Wood Preservatives Institute (WWPI) guidelines and BMPs to minimize the preservative migrating from treated wood into the aquatic environment;
3. For new or replacement wood structures, the wood shall be sealed with non-toxic products such as water-based silica or soy-based water repellants or sealers to prevent or limit leaching. Acceptable alternatives to chemically treated wood include untreated

wood, steel (painted, unpainted or coated with epoxy petroleum compound or plastic), concrete and plastic lumber; and

4. All removal of chemically treated wood products (including pilings) shall follow the most recent "EPA Region 10 Best Management Practices for Piling Removal and Placement in Washington State."

EPA NWP Specific Conditions:

NWP 27 is conditionally certified, subject to the general conditions listed above, except that an individual project-specific WQC is required when the project:

1. Involves dam removal; or
2. Involves greater than 1 acre of impacts to waters of the U.S.; or
3. Would impact greater than 500 linear feet of waters of the U.S.; or
4. Involves greater than 1/2 acre of impacts to tidal wetlands or waters.

Specific Tribes with Certifying Authority (Projects in Specific Tribal Areas):

WQC was issued by the Swinomish Indian Tribal Community. WQC was waived by the Confederated Tribes of the Chehalis Reservation and Colville Indian Reservation, Kalispel Tribe of Indians, Port Gamble S'Klallam Tribe, Quinault Indian Nation, and the Spokane Tribe of Indians. WQC was denied by the Lummi Nation, Makah Tribe, Puyallup Tribe of Indians, and the Tulalip Tribes; therefore, individual WQC is required from these tribes.

F. COASTAL ZONE MANAGEMENT ACT (CZMA) CONSISTENCY RESPONSE FOR THIS NWP:

Ecology's determination is that they concur with conditions that this NWP is consistent with CZMA.

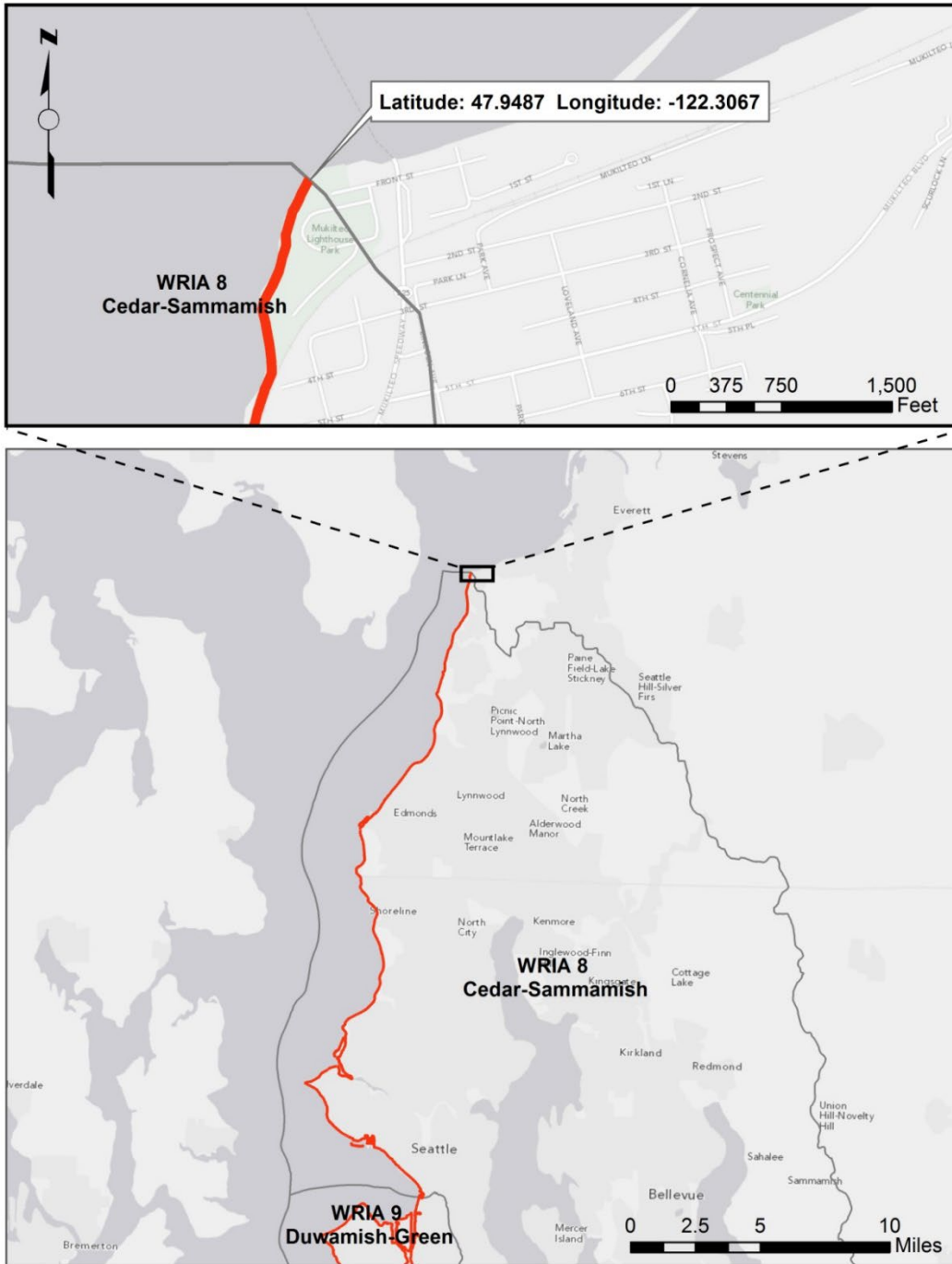
CZM Federal Consistency Response – Concur with Conditions.

1. A CZM Federal Consistency Decision is required for projects or activities under this NWP if a State 401 Water Quality Certification is required.

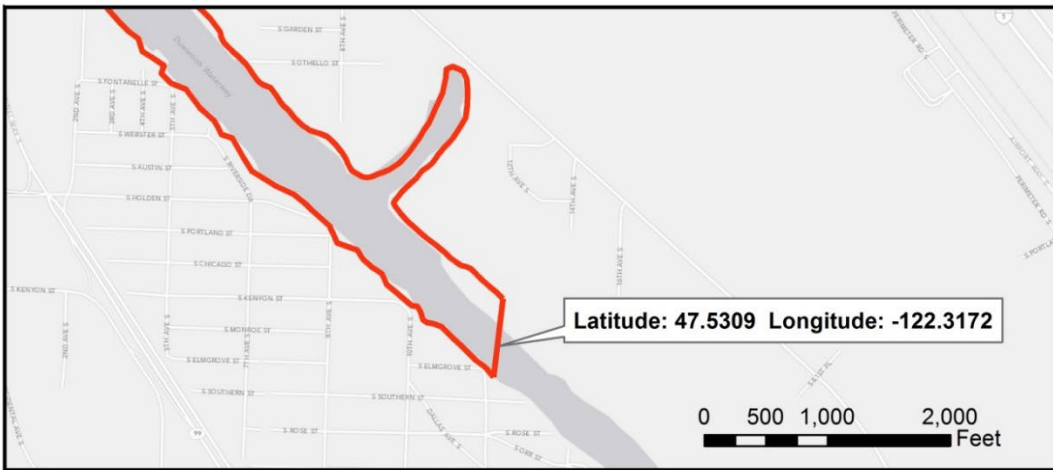
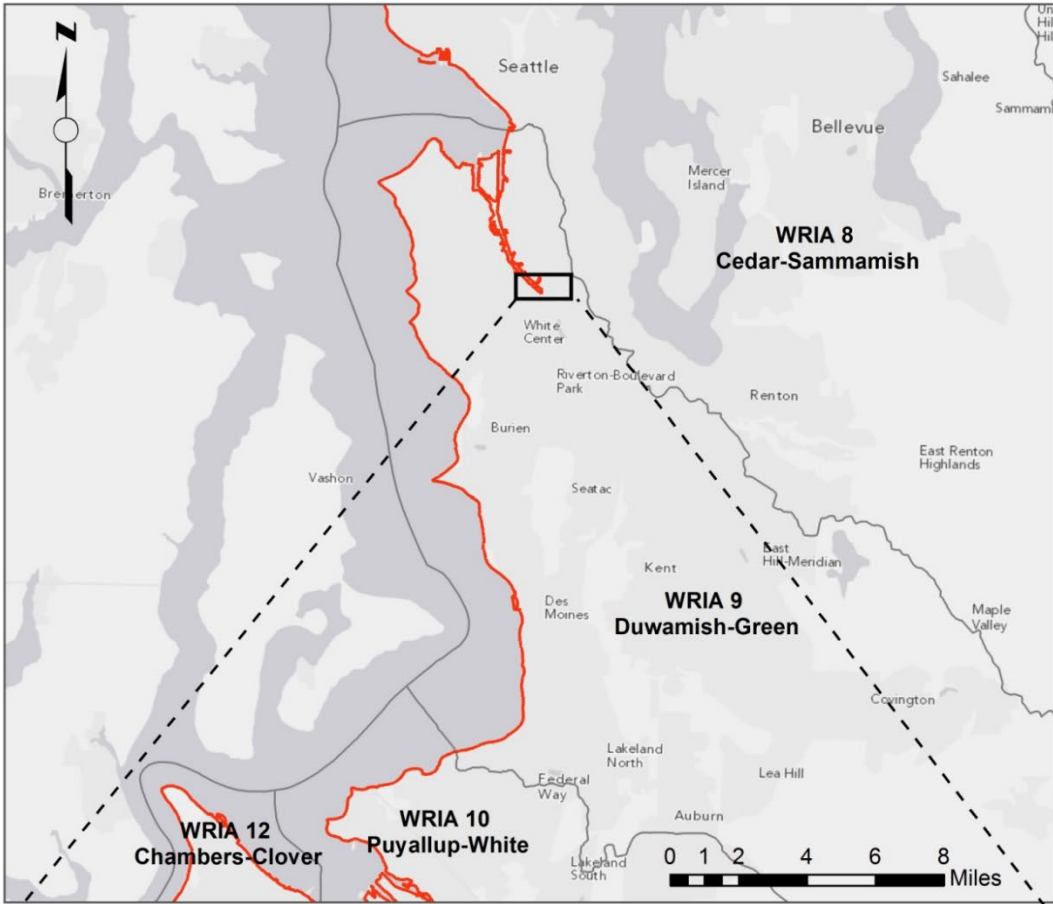
Seattle District Regional General Conditions - Figures

Figure 1: RGC 3 - WRIAs 8, 9, 10, 11, and 12

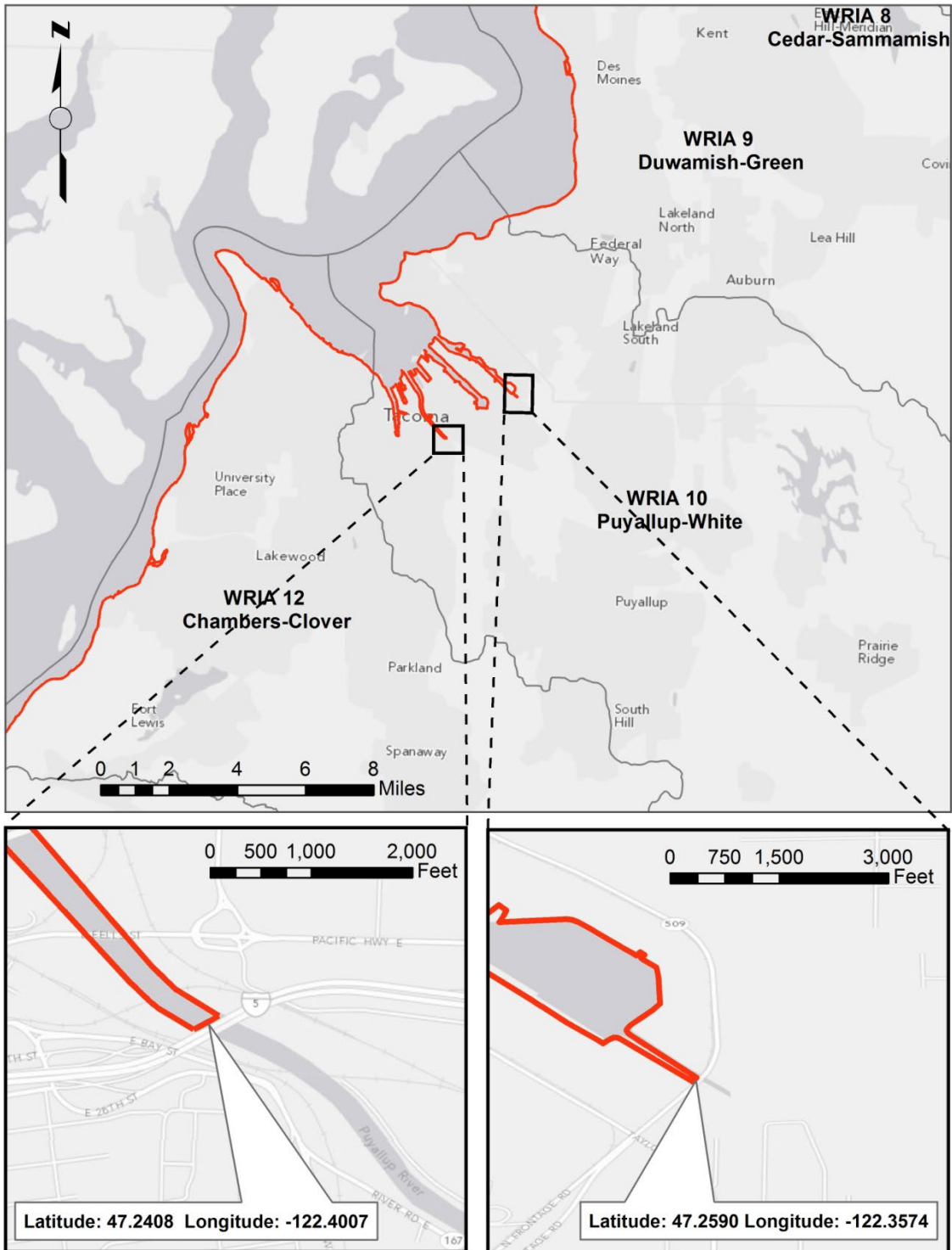
a. WRIA 8



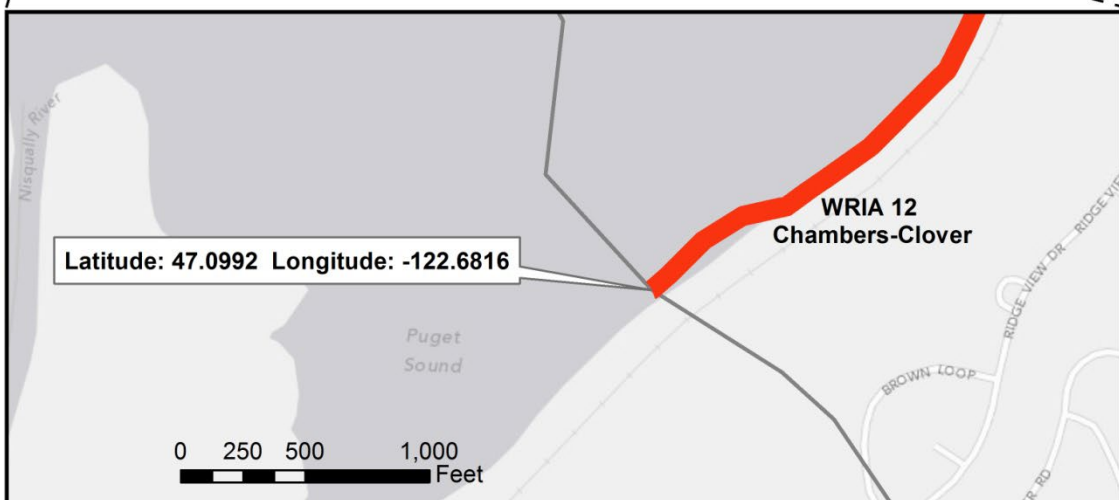
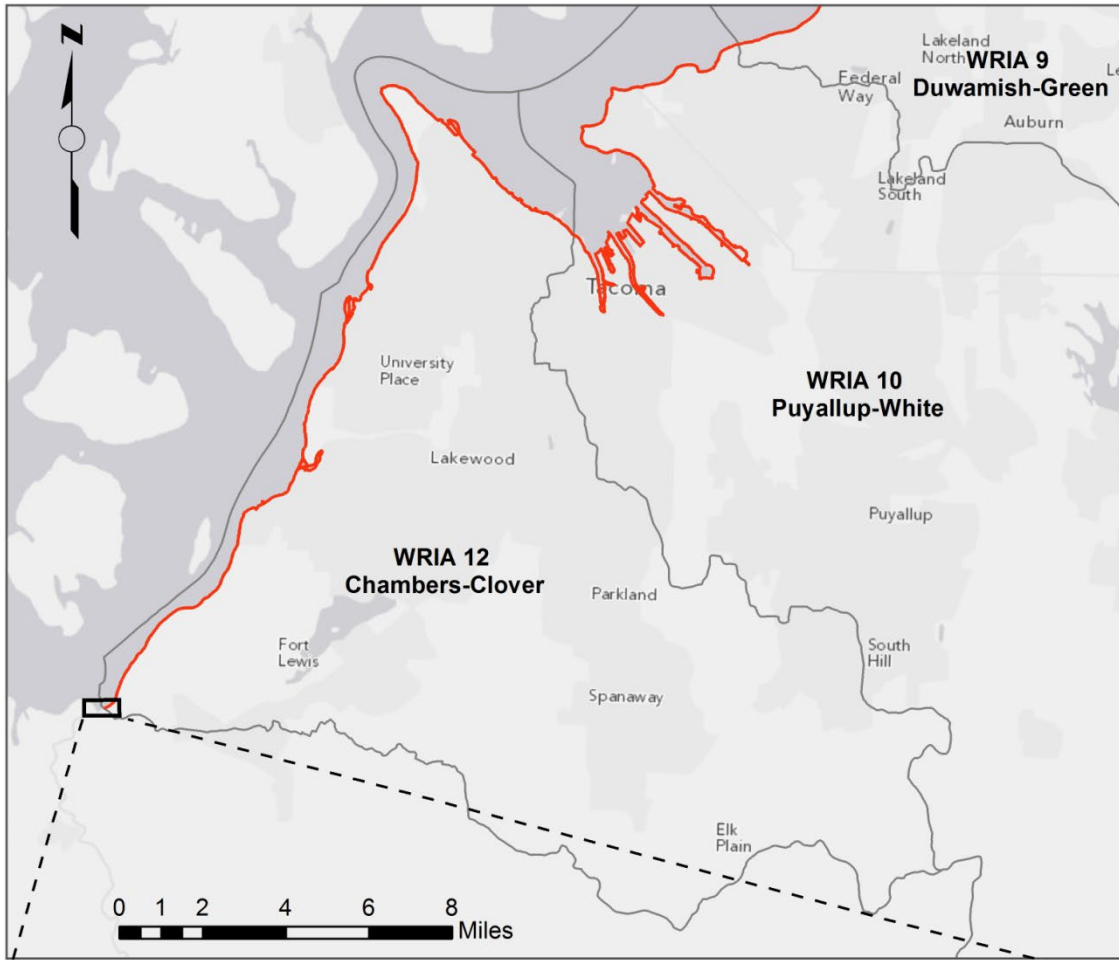
b. WRIA 9



c. WRIA 10



d. WRIA 12



e. WRIA 11

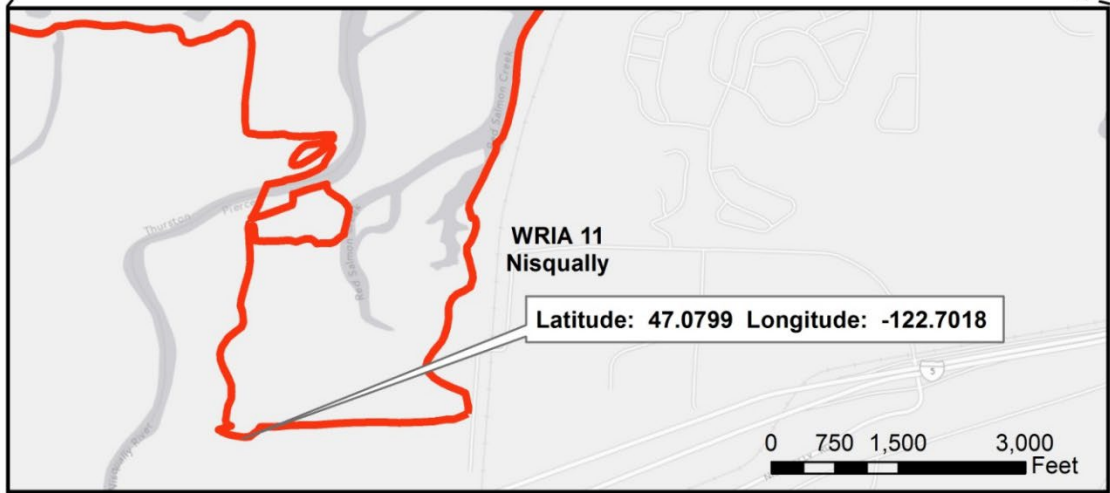
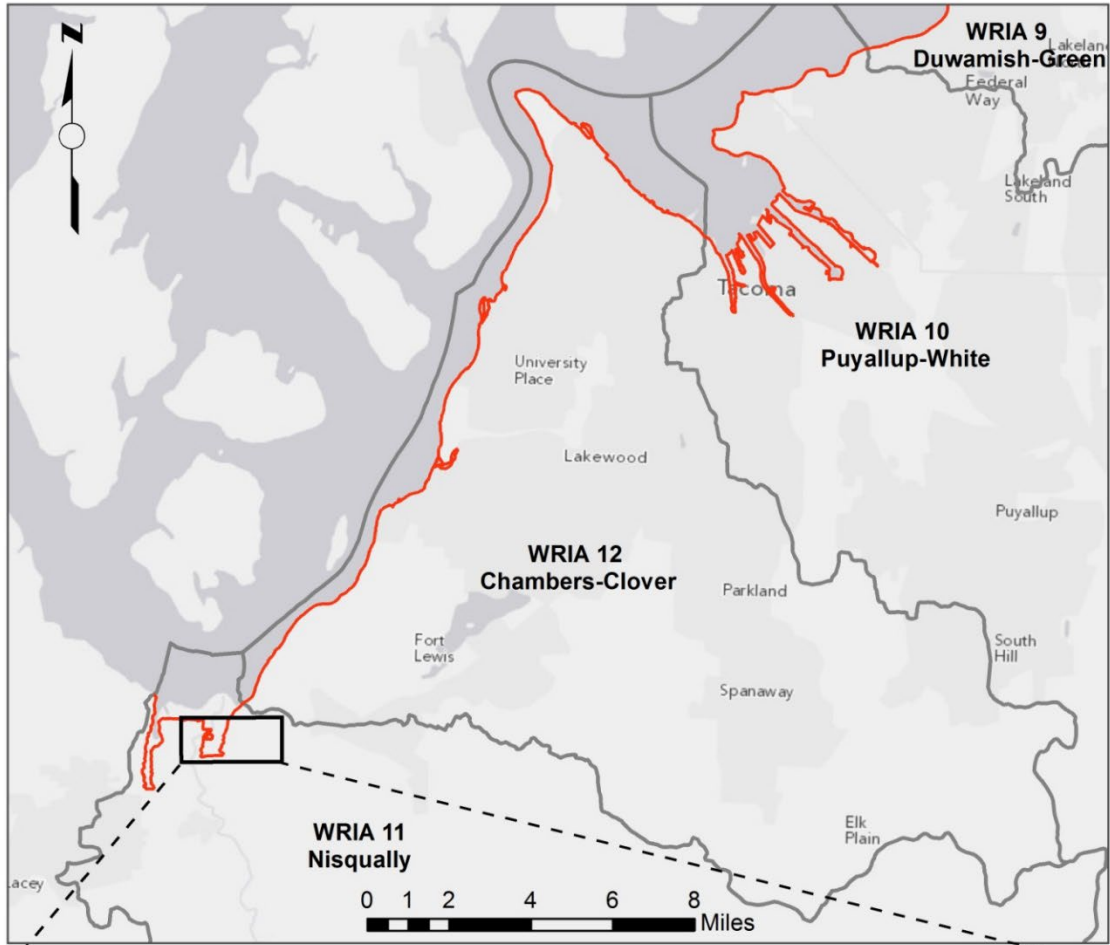
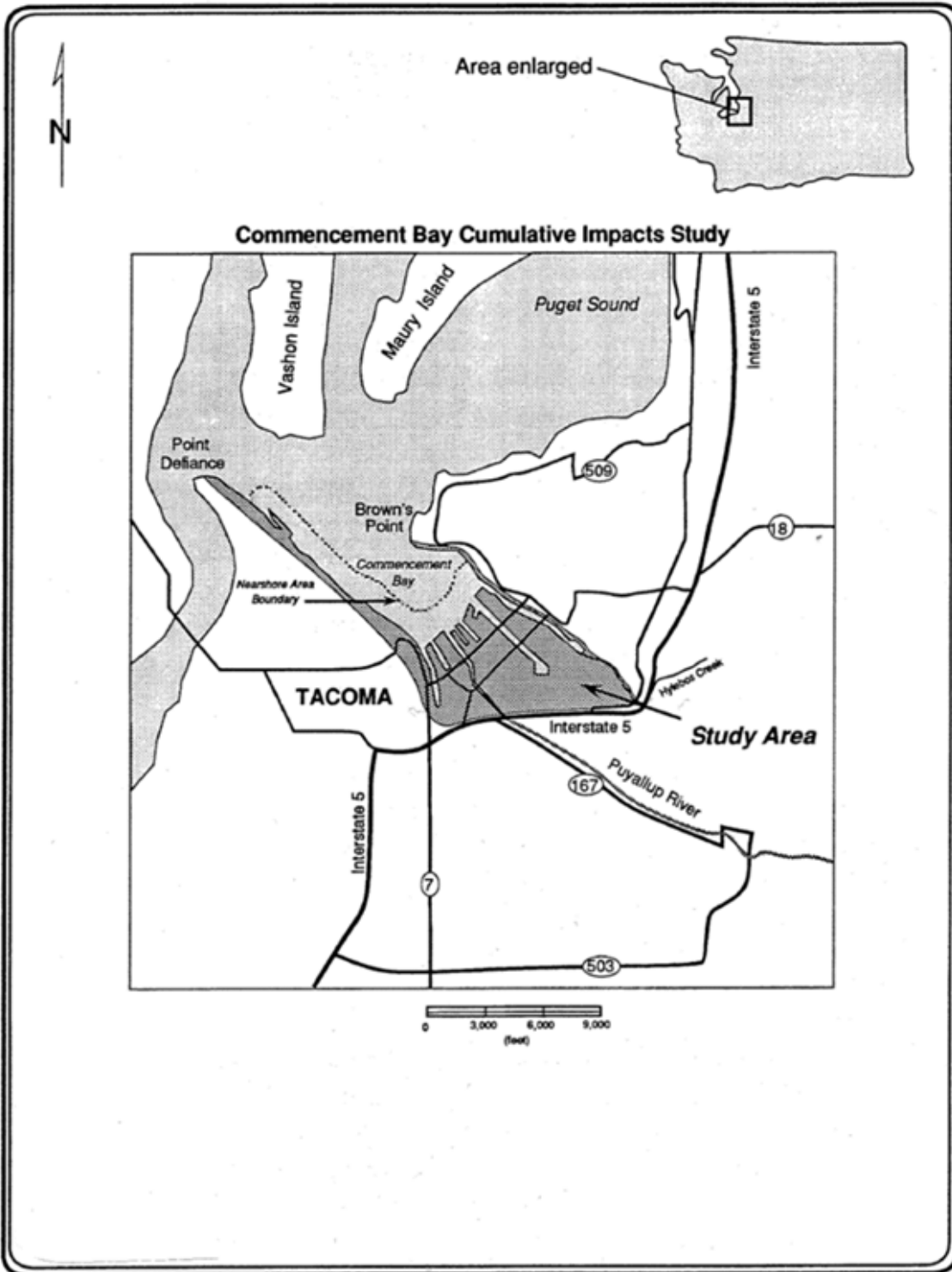


Figure 2. RGC 4 - Commencement Bay Study Area



Attachment 5



Inadvertent Discoveries of Cultural Resources and Human Skeletal Remains Protocol

Pearrygin Lake State Park, Okanogan County

Many of Washington's most important heritage sites reside on lands owned or managed by the Washington State Parks and Recreation Commission (WSPRC). Nearly all Washington State Parks contain one or more important historic buildings, structures, or archaeological sites. For this reason, archaeological surveys and historic building inventories are ordinarily commissioned as a part of background analysis and information gathering for park developments and undertakings. Results of these surveys are used during project planning to ensure every effort is made to avoid impacts to cultural resources. Yet, despite these efforts, there **always** remains some potential for unanticipated discoveries while working in Washington State Parks.

All unanticipated discoveries, both cultural resources and human skeletal remains, are subject to all applicable federal and state statutes, regulations, and executive orders. For these reasons, the Inadvertent Discovery Plan (IDP) provides useful guidance and instructions for circumstances when cultural resources or human skeletal remains are found. Please carefully read these instructions. If you have any questions, please contact the appropriate WSPRC Area Manager or the WSPRC archaeologist assigned to the undertaking. It is also strongly recommended that anyone conducting ground-disturbing activities watch the training video produced by Washington State Dept of Ecology: [Inadvertent Discovery of Cultural Resources or Human Remains: Training for Field Staff](#). This IDP for cultural resources and human skeletal remains is based on [RCW 27.44](#), [RCW 27.53](#), [RCW 68.50.645](#), [RCW 27.44.055](#), and [RCW 68.60.055](#) and [recommended language](#) from the Department of Archaeology and Historic Preservation (DAHP).

INADVERTENT DISCOVERY PLAN FOR CULTURAL RESOURCES

If cultural resources are found during a project, activity in the immediate area of the find should be discontinued (**stop**), the area secured (**protect**), and the WSPRC archaeologists notified to assess the find (**notify**). *When in doubt, assume the material is a cultural resource and implement the IDP outlined below.*

Recognizing Cultural Resources-Types of Historic/Precontact Artifacts and/or Activity Areas That May Be Found

- Artifacts- Both historic and precontact artifacts may be found exposed in backhoe trenches or back dirt piles.
 - Precontact artifacts may range from finished tools such as stone pestles, arrowheads/projectile points, shell beads, or polished bone tools to small pieces or "flakes" or "chips" of exotic stone such as chert, jasper, or obsidian.
 - Historic artifacts may include older (more than 50 years) nails, plates/ceramics, bottles, cans, coins, glass insulators, or bricks.
 - Old abandoned industrial materials from farming, logging, railways, lighthouses, and military installations.
- Activity Area/Cultural Features- While excavating trench lines look for evidence of buried activity areas/cultural features such as old campfire hearths or buried artifacts.

Inadvertent Discoveries of Cultural Resources and Human Skeletal Remains Protocol

- An area of charcoal or very dark stained soil with artifacts or burned rocks may be a fire hearth.
- A concentration of shell with or without artifacts may be shell midden deposits.
- Modified or stripped trees, often cedar or aspen, or other modified natural features, such as rock drawings or carvings
- Historic building foundation/structural remains- During excavation, buried historic structures (e.g., privies, building foundations) that are more than 50 years old may be found.
- Bone- Complete or broken pieces of bone may be discovered exposed in trench walls or in back dirt piles. Bone can come from either animal remains or human remains and requires a trained professional to identify. If you find bone, notify the WSPRC archaeologist immediately and follow their directions.

Steps to Take If a Cultural Resource Is Found During Construction

1. **Stop** if a cultural resource(s) is observed or suspected, all work within the immediate area of the discovery must stop.
2. **Protect** the area from further disturbance. Do not touch, move, or further disturb the exposed materials/artifacts. Create a protected area with temporary fencing, flagging, stakes, or other clear markings that is large enough (30 feet or larger) to protect the discovery location area. The WSPRC archaeologist can help determine the size of the protected area. Do not permit vehicles, equipment, or unauthorized personnel to traverse the discovery site.
3. **Notify** the WSPRC archaeologist. If the area needs to be secured, notify the Park Ranger or Park staff as well.
4. If requested by the WSPRC archaeologist, take photographs with a scale (e.g., pen, coin, etc.) and collect geospatial information of the discovery site to document the initial finds.

What Not to Do If a Cultural Resource Is Found During Construction

- Do not remove any artifacts from the site of the discovery.
- Do not dig out objects protruding from any trench walls as this may cause further damage to artifacts and/or destroy important contextual information.
- Do not share any information about the find, including on social media, except as necessary to implement the IDP.

What Happens Next?

1. The find will be assessed by a professional archaeologist (may be a WSPRC archaeologist or an archaeology consultant).
 - a. If the find is not a cultural resource, construction work may resume.
 - b. If the find is a cultural resource, the WSPRC archaeologist will contact the DAHP and affected Tribes, as appropriate, to develop a suitable treatment plan for the resource.
2. Construction work may resume in the protected area after the WSPRC archaeologist assigned to the undertaking has determined that the find has been adequately investigated and, if necessary, a treatment plan and monitor are in place to protect any remaining archaeological deposits.

Inadvertent Discoveries of Cultural Resources and Human Skeletal Remains Protocol

INADVERTENT DISCOVERY PLAN FOR HUMAN SKELETAL REMAINS

Native American burials and historic grave sites are common features on Washington State Park lands. These remains, as well as any associated artifacts or funerary objects, are protected under state law and, if the park is a federal lease, applicable federal law. If you discover human remains (or bones that you believe may be human remains) during construction, please follow these important instructions. It is imperative that reporting and treatment of any human remains found during construction or any ground-disturbing activities are treated with utmost dignity and respect.

Steps to Take If Human Skeletal Remains are Found During Construction

1. **Stop** if human skeletal remains observed or suspected, all work within the immediate area of the discovery must stop.
2. **Protect** the area from further disturbance. Do not touch, move, or further disturb the remains. Cover the remains with a tarp or other materials (not soil or rocks) for temporary protection in place and shield them from being photographed. Create a protected area with temporary fencing, flagging, stakes, or other clear markings that is large enough (30 feet or larger) to protect the discovery location area. The WSPRC archaeologist can help determine the size of the protected area. Do not permit vehicles, equipment, or unauthorized personnel to traverse the discovery site.
3. **Notify** local law enforcement (Park Ranger) and the appropriate county medical examiner/coroner as soon as possible. If you are unsure if the remains are human, the physical anthropologist at DAHP may be called. Also notify the Area Manager, the WSPRC archaeologist, and the WSPRC Curator of Collections/NAGRPA Specialist of the discovery of the remains.
4. If requested by the local law enforcement, the county coroner/examiner, the DAHP physical anthropologist, or the WSPRC archaeologist, take photographs with a scale (e.g., pen, coin, etc.) and geospatial information of the discovery site to document the initial finds.

What Not to Do If Human Skeletal Remains are Found During Construction

- Do not pick up or remove anything.
- Do not take any photographs of the remains unless instructed to do so by local law enforcement, the county coroner/examiner, the DAHP physical anthropologist, or the WSPRC archaeologist. If pictures are requested, be prepared to photograph them with a scale (e.g., pen, coin, etc.) and collect geospatial information of the remains.
- Do not call 911 unless you cannot reach local law enforcement or the coroner/examiner by other means.
- Do not share any information about the find, including on social media, except as necessary to implement the IDP.

What Happens Next?

1. The county medical examiner/coroner will assume jurisdiction over the human skeletal remains and decide whether those remains are forensic (crime-related) or non-forensic.
 - a. If forensic, the county medical examiner/coroner will retain jurisdiction over the remains.

Inadvertent Discoveries of Cultural Resources and Human Skeletal Remains Protocol

- b. If non-forensic, the county medical examiner/coroner will report that finding to the DAHP who will then take jurisdiction over the remains. The DAHP will notify any appropriate cemeteries and all affected Tribes of the remains. The State Physical Anthropologist will decide whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the affected Tribes. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.
Note: The WSPRC archaeologist assigned to the undertaking will be coordinating and consulting with the DAHP, affected Tribes, and other groups as necessary. Additionally, WSPRC's Curator of Collections/NAGPRA Specialist should be included on all written and/or verbal correspondence until the remains have been officially transferred from WSPRC's possession to an outside authority. Until the remains are transferred off of WSPRC's property, it is the responsibility of the Curator of Collections/NAGPRA Specialist to document and track the information regarding all human remains and associated funerary objects (including all material from excavation areas/units from which the human remains were removed).
2. Construction work may resume in the protected area after the WSPRC archaeologist assigned to the undertaking has determined that the find has been adequately investigated and, if necessary, a treatment plan and monitor are in place.

EMERGENCY CONTACTS

WSPRC Eastern Region Archaeologists

Ayla Aymond, Eastern Region Archaeologist Email: ayla.aymond@parks.wa.gov	(651) 263-5998 (cell)
Sarah DuBois, Eastern Region Archaeologist Email: sarah.dubois@parks.wa.gov	(509) 972-5884 (cell) (509) 665-4336 (office)

Alternative WSPRC Archaeologist Contacts

Jennifer Wilson, Cultural Resources Program Manager Email: jennifer.wilson@parks.wa.gov	(360) 787-6511 (cell) (360) 902-8637 (office)
Statewide: Maurice Major, Stewardship Archaeologist Email: maurice.major@parks.wa.gov	(360) 701-6218 (cell) (360) 902-8503 (office)
NW Region: Sean Stcherbinine, NW Region Archaeologist Email: sean.stcherbinine@parks.wa.gov	(360) 770-1419 (cell)
Laura Syvertson, NW Region Archaeologist Email: laura.syvertson@parks.wa.gov	(360) 770-0444 (cell)
SW Region: Shari Silverman, SW Region Archaeologist Email: shari.silverman@parks.wa.gov	(435) 260-9894 (cell) (360) 902- 8640 (office)
Kayley Bass, SW Region Archaeologist Email: kayley.bass@parks.wa.gov	(360) 701-1277 (cell)

Inadvertent Discoveries of Cultural Resources and Human Skeletal Remains Protocol

WSPRC Curator of Collections/NAGPRA Specialist

Alicia L. Woods, Statewide Curator of Collections & NAGPRA Specialist

Email: alicia.woods@parks.wa.gov

(360) 586-0206 (office)

State Physical Anthropologist

Guy Tasa, DAHP

(360) 790-1633 (cell)

Assistant State Physical Anthropologist

Jennifer Spence, DAHP

(360) 890-0174 (cell)

County Coroner/Examiner

David Rodriguez, Okanogan County Coroner

(509) 422-7221

Local Law Enforcement

Okanogan County Sheriff's Office

(509) 422-7200

Area Manager

Cindi Confer Morris

(509) 740-0688 (office)

(509) 670-8730 (cell)

Implement the IDP if you see...

Chipped stone artifacts.

Examples are:

- Glass-like material.
- Angular material.
- “Unusual” material or shape for the area.
- Regularity of flaking.
- Variability of size.



Stone artifacts from Oregon.



Stone artifacts from Washington.



Biface-knife, scraper, or pre-form found in NE Washington. Thought to be a well knapped object of great antiquity. Courtesy of Methow Salmon Rec. Foundation.

Implement the IDP if you see...

Ground stone artifacts.

Examples are:

- Unusual or unnatural shapes or unusual stone.
- Striations or scratching.
- Etching, perforations, or pecking.
- Regularity in modifications.
- Variability of size, function, or complexity.



Above: Fishing Weight - credit [CRITFC Treaty Fishing Rights website](#).



Artifacts from unknown locations (left and right images).



Implement the IDP if you see...

Bone or shell artifacts, tools, or beads.

Examples are:

- Smooth or carved materials.
- Unusual shape.
- Pointed as if used as a tool.
- Wedge shaped like a “shoehorn”.
- Variability of size.
- Beads from shell (‘dentalium’) or tusk.



Upper Left: Bone Awls from Oregon.

Upper Center: Bone Wedge from California.

Upper Right: Plateau dentalium choker and bracelet, from Nez Perce National Historical Park, 19th century, made using Antalis pretiosa shells Credit: Nez Perce - Nez Perce National Historical Park, NEPE 8762, Public Domain.

Above: Tooth Pendants. Right: Bone Pendants. Both from Oregon and Washington.

