



US Army Corps
of Engineers®
Seattle District

Letter of Permission General Conditions

April 15, 2021



1. Reliance on Permittee's Information. In authorizing this work under this Letter of Permission (LOP), the Department of the Army has relied, in part, on the information provided by the permittee. If this information proves to be false, incomplete, or inaccurate, the permittee's authorization may be modified, suspended, or revoked, in whole or in part.
2. Compliance with Terms and Conditions. Projects authorized by this LOP shall comply with all terms and conditions herein and any case-specific conditions added or required by the District Engineer. Failure to abide by these terms and conditions invalidates this authorization and may result in a violation of federal law, which may require that the permittee restore the site or take other remedial action. Activities requiring Department of the Army authorization that are not specifically authorized by this LOP are prohibited unless authorized by another Department of the Army permit.
3. Contractor's Copy of Permit. The permittee shall provide a copy of the LOP (letter, drawings, and general conditions) to each contractor involved in the project and keep a copy of the LOP available for inspection at the project site.
4. Compliance Certification. Within 30 days of completing the authorized work, the permittee shall submit to the issuing office certification that the work, including any required compensatory mitigation, was conducted in accordance with the provisions of this LOP.
5. Access for Inspection. The permittee shall allow the District Engineer or his/her authorized representative to inspect the project whenever deemed necessary to assure that the work is being, or has been, accomplished in accordance with the terms and conditions of this permit.
6. Limits of Authorization. This permit does *not*:
 - a. Obviate the requirement to obtain all state, local, or other federal authorizations required by law for the activity authorized herein, including any authorization required from Congress;
 - b. Convey any property rights, either in real estate or material, or any exclusive privileges;
 - c. Authorize any injury to property, invasion of rights, or any infringement of federal, state, or local laws or regulations; or
 - d. Authorize the interference with any existing or proposed federal project.
7. Limits of Federal Liability. This permit is not an approval of the design features of any authorized project or an implication that such work is adequate for the intended purpose; a Department of the Army permit merely expresses the consent of the Federal Government to conduct the proposed work insofar as public rights are concerned. In issuing this LOP, the Federal Government does not assume any liability for the following:

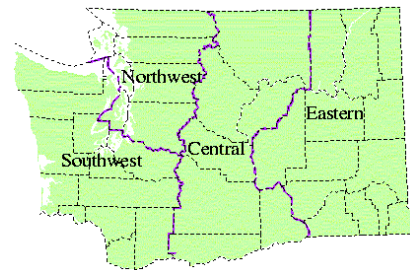
- a. Design or construction deficiencies associated with the authorized work;
 - b. Damages to the permitted project or uses thereof as a result of other permitted activities or from natural causes, such as flooding;
 - c. Damages to persons, property, or to other permitted or unauthorized activities or structures caused by the activity authorized by this permit;
 - d. Damages associated with any future modification, suspension, revocation of this permit; or
 - e. Damage to the permitted project or uses thereof as a result of current or future activities undertaken by, or on behalf of, the United States in the public interest.
8. Obstruction of Navigation. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration. If the permittee fails to comply with the direction of the Corps of Engineers, the District Engineer may restore the navigable capacity of the waterway, by contract or otherwise, and recover the cost thereof from the permittee.
 9. Navigation. The authorized work shall not interfere with the public's right to free navigation on navigable waters of the United States.
 10. Tribal Rights. No activity authorized by this permit may impair reserved tribal rights, including but not limited to, reserved water rights and treaty fishing and hunting rights. Please be aware that certain Tribes assert a right to attach nets to piers, docks, wharves, and other structures that may have been authorized by Department of the Army permits.
 11. USACE Coordination. The permittee shall contact the appropriate office of the U.S. Army Corps of Engineers prior to commencing any construction in a federally maintained channel and/or waterway.
 12. Stability. The permittees shall design projects to be stable against the forces of flowing water, wave action, and the wake of passing vessels.
 13. Maintenance. The permittee must maintain all structures and work authorized by this LOP in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this responsibility if you abandon the authorized activity unless you complete a good faith transfer to a third party in compliance with General Condition 14, below. Should you wish to cease to maintain the authorized activity or abandon it without a good faith transfer, you must obtain a modification of this LOP from this office, which may require restoration of the area.
 14. Transfer of Ownership. If you sell the property associated with this permit, the new owner must agree in writing to comply with all terms and conditions of this permit. A copy of that written agreement must be submitted to the issuing office to validate the transfer of this authorization.

15. Marking Structures. Permittees shall install and maintain any lights, signals, or other appropriate markers necessary to clearly designate the location of structures or work that might pose a hazard to public safety. Permittees shall abide by U.S. Coast Guard requirements concerning the marking of structures and work in navigable waters of the United States.
16. Endangered Species. This LOP does not authorize any activity that is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Endangered Species Act (ESA). Prospective permittees must notify the District Engineer if any listed species or designated critical habitat might be affected by, or is in the vicinity of, the project and shall not begin work until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized.
17. Historic Properties. This LOP does not authorize any activity that may affect historic properties listed, or eligible for listing, in the National Register of Historic Places (NRHP) until the provisions of 33 CFR 325, Appendix C, have been satisfied. Historic properties include prehistoric and historic archeological sites, and areas or structures of cultural interest. A prospective permittee must notify the District Engineer if the proposed activity may affect an historic property that is listed, eligible for listing, or may be eligible for listing in the NRHP, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. If a previously unknown historic property is encountered during work authorized by this LOP, the permittee shall cease work immediately, notify the District Engineer of the situation within one day of discovering the impact, and avoid any further impact to the property until the District Engineer verifies that the requirements of 33 CFR Part 325, Appendix C, have been satisfied.
18. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status unless the federal agency (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service) with direct management responsibility for that river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.
19. Alternatives. Activities authorized by LOP shall be designed and constructed to avoid and minimize adverse impacts to waters of the United States to the extent practicable through the use of alternatives.
20. Minimization of Environmental Impact. Permittees shall make every reasonable effort to conduct the authorized work in a manner that minimizes the adverse impact of the work on water quality and stream flow, fish and wildlife, and the natural environment, including adverse impacts to migratory waterfowl breeding areas, spawning areas, shellfish beds, and aquatic resource buffer zones. Work should be limited to periods of low flow and/or low tide when practicable.
21. Compensatory Mitigation. Appropriate and practicable compensatory mitigation shall be required to the extent necessary to ensure that the authorized activities would not have more than a minor adverse impact on the aquatic environment.
22. Soil Erosion and Sediment Controls. Permittees shall use and maintain appropriate erosion and sediment controls in effective operating condition and permanently stabilize all exposed soil and other fills, including any work below the ordinary high water mark or high tide line (in Seattle District, the high tide line is located at the “mean higher high water” line), at the earliest

practicable date using native vegetation to the maximum extent practicable. The permittee shall remove all installed controls as soon as they are no longer needed to control erosion or sediment.

23. Water Quality. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
24. Coastal Zone Management. If a conditioned Coastal Zone Management Act consistency determination has been made for your project, you must comply with the conditions specified in the determination as special conditions to this permit. For your convenience, a copy of the determination is attached if it contains such conditions.
25. Equipment. Permittees shall place heavy equipment working in wetlands on mats, and take all other appropriate measures to minimize soil disturbance.
26. Disposal of Construction Debris. Except as specifically authorized by this LOP, all construction debris and excess materials resulting from the authorized work shall be properly disposed of, and in a manner that does not allow it to enter into a waterway or otherwise degrade water quality.
27. Aquatic Life Movements. The work shall not substantially disrupt the necessary life-cycle movement of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area.
28. Skirting. The attachment of skirting to a pier, dock, float or similar structure is prohibited unless specifically authorized.
29. Water Supply Intakes. Permittees shall ensure that activities authorized by this LOP have no more than a minimal adverse impact on public water supply intakes.

30. Hazardous Materials. Permittees shall take all reasonable precautions to prevent any petroleum product, chemical, or other toxic or deleterious material from entering any waterbody. Should a spill occur, or if an oil sheen or distressed or dying fish are observed in the project vicinity, the permittee shall immediately cease work and contact the appropriate Washington Department of Ecology regional spill response office: (360) 407-6300, Southwest Region; (425) 649-7000, Northwest Region; (509) 456-1926, East Region; (509) 575-2490, Central Region; or



31. Re-evaluation of Decision. The Corps may re-evaluate its decision to authorize the work by a LOP whenever circumstances warrant. Such circumstances may include, but are not limited to, a failure on the part of the permittee to comply with the terms and conditions of the LOP; the permittee having submitting information in support of the permittee's application that proves to be false, incomplete, or inaccurate; or this office receiving pertinent new information that it did not consider during its original public interest review. Subsequent to its re-evaluation, the Corps may suspend, modify, or revoke its authorization pursuant to 33 CFR 325.7 or initiate an enforcement action as provide for in 33 CFR 326.4 and 326.5.

32. Extension of Time. A permittee may request an extension of the time allowed to complete the authorized activity, providing the reasons for the extension. The request must be submitted to this office well in advance of the above expiration date. Unless there are circumstances requiring either a prompt completion of the authorized activity or a re-evaluation of the public interest decision, the Corps normally gives favorable consideration to a request for an extension of this time limit.