

Planning Department
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DATE: October 3, 2018

MEETING DATE: October 15, 2018

TO: BENTON COUNTY HEARINGS EXAMINER

FROM: CLARK A. POSEY, ASSISTANT PLANNING MANAGER 
BENTON COUNTY PLANNING DEPARTMENT

RE: CONDITIONAL USE PERMIT – 2016-006 CONCRETE BATCH PLANT.

APPLICANT/ ROCKING RIVER LLC.
74854 Washington Ln
Irrigon, OR 97844

PROPERTY OWNER: WADE & DEBRA AYLETT
225939 Hedges Rd
Kennewick, WA 99337

EXTENSION REQUEST FOR ADDITIONAL TIME TO FINISH PROJECT

This Conditional Use Permit application was conditionally approved by the Benton County Hearings Examiner on November 21, 2016. This CUP allows the applicant to install and operate a concrete batch plant and to process and store aggregate products on site. The applicants have attached multiple pages of information that describes the progress to date and an explanation of why they need this extension. Below is a copy of the findings of fact and the twelve (13) original conditions approved by the Benton County Hearings Examiner.

FINDINGS OF FACT

1. The applicant, Wade and Barbra Aylett, DBA Rocking River LLC, requested a Conditional Use Permit under BCC 11.34.050(b) which allows a concrete plant to operate in the Heavy Industrial Zoning District. This CUP allows the applicant to install and operate a commercial concrete batch plant and to process and store aggregate on site.
2. Under BCC 11.16A.050 the applicants are requesting approval of a Conditional Use Permit for the operation of a concrete batch plant and associated storage of rock products conducted on the above listed parcel:

This extension is being requested to allow time to complete the conditions of approval and obtain the numerous approvals from the agencies involved with the local power company, Health District for Water and possible Septic, the Benton Clean Air Authority and finalizing plans for the construction of the operation building. Along with the approvals needed from the above entities,

the applicants also have been approved by the Army Corps of Engineers for Dummy Barge Moorage to use land based cables to anchor a barge to transfer aggregate on the Columbia River.

The applicant is working to complete the conditions listed below. If this extension is not granted and the project not finalized by the date approved by the Hearings Examiner, it may be placed on the agenda of the first available hearing date of the Hearings Examiners Meeting to be declared Null and Void.

CONDITIONS OF APPROVAL

1. Any conditions imposed by the Hearings Examiner shall be completed prior to the Planning Department issuing the Conditional Use Permit. The applicant shall notify the Benton County Planning Department in writing when the conditions set forth herein have been completed. The Planning Department shall not issue the Conditional Use Permit until those conditions have been met. The Conditional Use Permit shall not become effective until issued by the Planning Department.
2. If the conditions of approval have not been met and the Planning Department does not issue the Conditional Use Permit within one (1) year from the time the Hearings Examiner conditionally approved the Conditional Use Permit, the Hearings Examiner may declare its approval null and void at a regular Hearings Examiner meeting. Prior to doing so, the applicant shall be notified in writing at the applicant's last known address at least twelve (12) days in advance of the upcoming Hearings Examiner meeting.
3. That the applicant obtains the appropriate building permits. The applicant must submit written documentation to the Planning Department that all the required permits and approvals have been obtained from the Benton County Building Department. The applicant shall meet this requirement for any additional buildings that may be constructed on site while Conditional Use Permit - CUP 2016-006 is in effect.
4. That the applicant complies with all Benton Franklin Health District requirements while Conditional Use Permit - CUP 2016-006 is in effect and provide proof of such compliance to the Planning Department.
5. The applicant provides a dust control plan as required under WAC 173-400-040(9)(a) which is approved by the Benton Clean Air Authority and provide a copy of said plan to the Planning Department. The applicant shall continue to meet all such requirements while Conditional Use Permit - CUP 2016-006 is in effect.
6. That the applicant complies with the Fire Marshal's requirements for a fire flow analysis using NFPA 1142 and provide proof of such compliance to the Planning Department. The applicant shall continue to meet all such requirements while Conditional Use Permit - CUP 2016-006 is in effect.
7. That the applicant complies with all Washington Department of Ecology requirements and provide proof of such compliance to the Planning Department. The applicant shall continue to meet all such requirements while Conditional Use Permit - CUP 2016-006 is in effect.
8. That the applicant complies with the Benton PUD requirements regarding easements for all primary underground or overhead line extensions and provide proof of such compliance to the

Planning Department. The applicant shall continue to meet all such requirements while Conditional Use Permit - CUP 2016-006 is in effect.

9. That the applicant complies with the US Army Corps of Engineers requirements and provide proof of such compliance to the Planning Department. The applicant shall continue to meet all such requirements while Conditional Use Permit - CUP 2016-006 is in effect.

10. That the presence of customers/clients and employees shall be limited to Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. as stated in the application. No weekend operation of equipment or the crusher will be allowed. The applicant shall continue to meet all such requirements while Conditional Use Permit - CUP 2016-006 is in effect.

11. The property owner and the proprietor(s) of the business shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin Health District, and all other local, state and federal regulations pertinent to the business activity pursued. The requirements of, or permission granted by, the Hearings Examiner shall not be construed as an exemption from such regulations. The applicant shall continue to meet all such requirements while Conditional Use Permit - CUP 2016-006 is in effect.

12. That any waste created because of this Conditional Use Permit must be disposed of off-site in compliance with all local, state and/or federal regulations in a timely manner.

13. Conditions may be altered, added or deleted by the Hearings Examiner when deciding on this permit after the public hearing.

The Planning Department would support an extension of time for this Conditional Use Permit.

April Brown

From: Brenda Coombs <hr-rocksolid_sandgravel@outlook.com>
Sent: Wednesday, September 26, 2018 12:28 PM
To: Clark Posey; Planning Department
Subject: Extension for CUP-2016-006 Rocking River LLC
Attachments: Extension Letter for CUP-2016-006.docx; POK RELEASE OF ALL CONDITIONS MET101.pdf; ARMY CORP OF ENGINEERS029.pdf; BENTON COUNTY PUD030.pdf; Electric-Rocking River-Benton PUD.pdf

*Good Day,
I am writing for a continued extension. We have had a few financial burdens that had to be taken care of in 2018, and we were not able to proceed of purchase of our building and batch plant. As of today, the batch plant has been purchased and we are receiving quotes for our 2400 sq ft shop. Please see attached documentations. Please advise. Thank you~ Brenda*

*Respectfully,
Brenda L. Patton-Coombs
Administrative Manager
Human Resource Manager of*

- Rock Solid Sand & Gravel LLC.*
- Rock It - #1 LLC.*
- Rock It - #2 LLC.*
- Solid as a Rock Trucking LLC.*
- Rocking River LLC. (Washington)*

*Office~ 541.567.0224
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Fax~541.567.1999*

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immediately notify the sender by reply e-mail or phone and delete this message and its attachments, if any.

9/26/2018

Brenda Coombs-
ROCKING RIVER LLC
74854 WASHINGTON LN
Irrigon , OR 97844

Benton County Planning Department
PO Box 910
Prosser WA 99350

Benton County Planning Department,

On behalf of Rocking River LLC I am asking for an 1 year extension for our Conditional Use Permit {CUP 2016-006} Rocking River LLC. The progress on this site has not gone as planned, with having other financial obligations that must be Met in 2018, we were not able to proceed with our plans of getting our Rocking River LLC set-up. With that being said I am asking the Hearing Examiner for a 1 year extension [November 16-2019]

Below I have written what has been completed with including what we need to complete to meet final compliance.

1: Building Permits for Shop being 2500sq ft. or less: **NOT COMPLETED- Permit will be filed when shop is purchase**
1 b: **Fire Marshall Marshall's requirements for fire analysis USING: NFPA 1142 will not be applicable, as shop will be 2500 sq. ft. or less. -We are receiving Quotes as of 9/26/2018**

2: Benton County Health District: **Completed WE WILL BE USING PORTA POTTIES-**

3: Benton County Clean Air: **COMPLETED**

4: Washington Department of Ecology: **NOT COMPLETED** -The Sand & Gravel General Site Permit will be filed for our Portable Batch plant as soon as we can get it set up. The Batch plant has been purchased, we will proceed with site permit within 2019

5: BENTON COUNTY PUD: **NOT COMPLETED**, We are waiting for funds to pay the \$14268.00 to complete. I have sent Drawings and Installation, easement information.to Benton County Planning Department

6: Army Corp of Engineers: **COMPLETED-** I have sent information to Benton County Planning Department

7: The Port of Kennewick has given us a finalized transaction Agreement that all of their conditions have been met
[Please See Atachment]

Sincerely,

Brenda Coombs- Human Resource & Administrative Manager

ROCKING RIVER LLC

ROCKING RIVER LLC



REPLY TO
ATTENTION OF

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

Regulatory Branch

October 10, 2017

Mr. Wayde Aylett
Rocking River LLC
74854 Washington Lane
Irrigo, Oregon 97844

Reference: NWS-2017-642
Rocking River LLC
(Dummy barge moorage)

Dear Mr. Aylett:

We have reviewed your application to moor a 5,600 square foot "dummy" barge, using existing, land-based cables to anchor the barge to transfer aggregate on the Columbia River at Kennewick, Benton County, Washington. Based on the information you provided to us, Nationwide Permit (NWP) 9, Structures in Fleeting and Anchorage Areas (Federal Register January 6, 2017, Vol. 82, No. 4), authorizes your proposal as depicted on the enclosed drawings dated September 27, 2017.

In order for this authorization to be valid, you must ensure the work is performed in accordance with the enclosed *NWP 9, Terms and Conditions* and the following special conditions:

- a. You shall provide a copy of the permit transmittal letter, permit form, and permit drawings to all contractors involved in the authorized work.
- b. If future operations by the United States require the removal, relocation, or other alteration of the 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, you will be required, upon due notice from the U. S Army 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.

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

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

The Columbia River is a water of the U.S. If you believe this is inaccurate, you may request a preliminary or approved jurisdictional determination (JD). If one is requested, please be aware that we may require the submittal of additional information to complete the JD and work authorized in this letter may not occur until the JD has been completed.

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

You are cautioned that any change in project location or plans will require that you submit a copy of the revised plans to this office and obtain our approval before you begin work. Deviating from the approved plans could result in the assessment of criminal or civil penalties.

Upon completing the authorized work, you must fill out and return the enclosed *Certificate of Compliance with Department of the Army Permit*. Thank you for your cooperation during the permitting process. We are interested in your experience with our Regulatory Program and encourage you to complete a customer service survey. These documents and information about our program are available on our website at www.nws.usace.army.mil, select "Regulatory Branch, Permit Information" and then "Contact Us." If you have any questions, please contact me at david.j.moore@usace.army.mil or (206) 316-3166.

Sincerely,



David Moore, Project Manager
Regulatory Branch

Enclosures

cc: letter only via email to Washington Department of Ecology, Federal Permit Coordinator at: ecyrefedpermits@ecy.wa.gov



US Army Corps
of Engineers
Seattle District

NATIONWIDE PERMIT 9

Terms and Conditions



Effective Date: March 19, 2017

-
- A. Description of Authorized Activities
 - B. U.S. Army Corps of Engineers (Corps) National General Conditions for all NWP's
 - C. Corps Seattle District Regional General Conditions
 - D. Corps Regional Specific Conditions for this NWP
 - E. Washington Department of Ecology (Ecology) Section 401 Water Quality Certification (401 Certification): General Conditions
 - F. Ecology 401 Certification: Specific Conditions for this NWP
 - G. 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

Structures in Fleeting and Anchorage Areas. Structures, buoys, floats, and other devices placed within anchorage or fleeting areas to facilitate moorage of vessels where such areas have been established for that purpose. (Authority: Section 10)

B. CORPS NATIONAL GENERAL CONDITIONS FOR ALL NWP'S

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

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

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

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

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

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

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by 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 Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

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

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

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

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

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

the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps. (d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the 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 their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

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

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

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

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a

state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment. (a) Discharges of dredged or fill material into waters of the United States are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. (b) For NWP 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

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

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits

are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation. (2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)). (3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation. (4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). (5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided. (6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

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

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

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

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

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

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

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

(Transferee)

(Date)

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

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a

“USACE project”), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

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

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

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

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

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

(2) Location of the proposed activity;

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

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

quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

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

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

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

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

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

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

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

construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes. (3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5. (4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act. (5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

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

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

Further Information: 1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP. 2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law. 3. NWPs do not grant any property rights or

exclusive privileges. 4. NWP's do not authorize any injury to the property or rights of others. 5. NWP's do not authorize interference with any existing or proposed Federal project (see general condition 31).

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

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

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

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

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

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

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

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

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

- a. The cause of the erosion and the distance of any existing structures from the area(s) being stabilized.
- b. The type and length of existing bank stabilization within 300 feet of the proposed project.
- c. A description of current conditions and expected post-project conditions in the waterbody.

- d. A statement describing how the project incorporates elements avoiding and minimizing adverse environmental effects to the aquatic environment and nearshore riparian area, including vegetation impacts in the waterbody.

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

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

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

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

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

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

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

Federal agencies should follow their own procedures for complying with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act. If PCN is required for the proposed activity, Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

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

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

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

13. Temporary Impacts and Site Restoration

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

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

D. CORPS REGIONAL SPECIFIC CONDITIONS FOR THIS NWPS: None

E. ECOLOGY 401 CERTIFICATION: GENERAL CONDITIONS

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

1. **For in-water construction activities.** Ecology Section 401 review is required for projects or activities authorized under NWPs that will cause, or may be likely to cause or contribute to an exceedance of a State water quality standard (Chapter 173-201A WAC) or sediment management standard (Chapter 173-204 WAC). State water quality standards and sediment management standards are available on Ecology's website. Note: In-water activities include any activity within a wetland and/or activities below the ordinary high water mark (OHWM).
2. **Projects or Activities Discharging to Impaired Waters.** Ecology Section 401 review is required for projects or activities authorized under NWPs if the project or activity will occur in a 303(d) listed segment of a waterbody or upstream of a listed segment and may result in further exceedances of the specific listed parameter. To determine if your project or activity is in a 303(d) listed segment of a waterbody, visit Ecology's Water Quality Assessment webpage for maps and search tools.
3. **Application.** For projects or activities that will require Ecology Section 401 review, applicants must provide Ecology with a Joint Aquatic Resources Permit Application (JARPA) along with the documentation provided to the Corps, as described in National General Condition 32, Pre-Construction Notification, including, when applicable: (a) A description of the project, including site plans, project purpose, direct and indirect adverse environmental effects the project would cause, best management practices (BMPs), and any other Department of the Army or federal agency permits used or intended to be used to authorize any part of the proposed project or any related activity. (b) Drawings indicating the Ordinary High Water Mark (OHWM), delineation of special aquatic sites and other waters of the state. Wetland delineations must be prepared in accordance with the current method required by the Corps and shall include Ecology's Wetland Rating form. Wetland rating forms are subject to review and verification by Ecology staff. Guidance for determining the OHWM is available on Ecology's website. (c) A statement describing how the mitigation requirement will be satisfied. A conceptual or detailed mitigation or restoration plan may be submitted. See State General Condition 5 for details on mitigation requirements. (d) Other applicable requirements of Corps Nationwide Permit General Condition 32, Corps Regional Conditions, or notification conditions of the applicable NWP. (e) Within 180 calendar days from receipt of applicable documents noted above **and** a copy of the final authorization letter from the Corps providing coverage for a proposed project or activity under the NWP Program Ecology will provide the applicant notice of whether an individual Section 401 will be required for the project. If Ecology fails to act within a year after receipt of **both** of these documents, Section 401 is presumed waived.
4. **Aquatic resources requiring special protection.** Certain aquatic resources are unique, difficult-to-replace components of the aquatic environment in Washington State. Activities that would affect these resources must be avoided to the greatest extent possible. Compensating for adverse impacts to high value aquatic resources is typically difficult, prohibitively expensive, and may not be possible in some landscape settings. Ecology Section 401 review is required for activities in or affecting the following aquatic resources (and not prohibited by Seattle District Regional General Condition): (a) Wetlands with

special characteristics (as defined in the Washington State Wetland Rating Systems for western and eastern Washington, Ecology Publications #14-06-029 and #14-06-030):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Certified, if all applicable State General Conditions are met.

G. COASTAL ZONE MANAGEMENT CONSISTENCY RESPONSE FOR THIS NWP:

NWP Specific Response: Ecology concurs that this NWP is consistent with the CZMP.



US Army Corps
of Engineers
Seattle District

CERTIFICATE OF COMPLIANCE WITH DEPARTMENT OF THE ARMY PERMIT



Permit Number: NWS-_____

Name of Permittee: _____

Date of Issuance: _____

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

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

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

<input type="checkbox"/>	<p>The work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of this permit.</p> <p>Date work complete: _____</p> <p><input type="checkbox"/> Photographs and as-built drawings of the authorized work (OPTIONAL, unless required as a Special Condition of the permit).</p>
--------------------------	--

<input type="checkbox"/>	<p>If applicable, the mitigation required (e.g., construction and plantings) in the above-referenced permit has been completed in accordance with the terms and conditions of this permit (not including future monitoring).</p> <p>Date work complete: _____ <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> Photographs and as-built drawings of the mitigation (OPTIONAL, unless required as a Special Condition of the permit).</p>
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<input type="checkbox"/>	<p>Provide phone number/email for scheduling site visits (must have legal authority to grant property access).</p> <p>Printed Name: _____</p> <p>Phone Number: _____ Email: _____</p>
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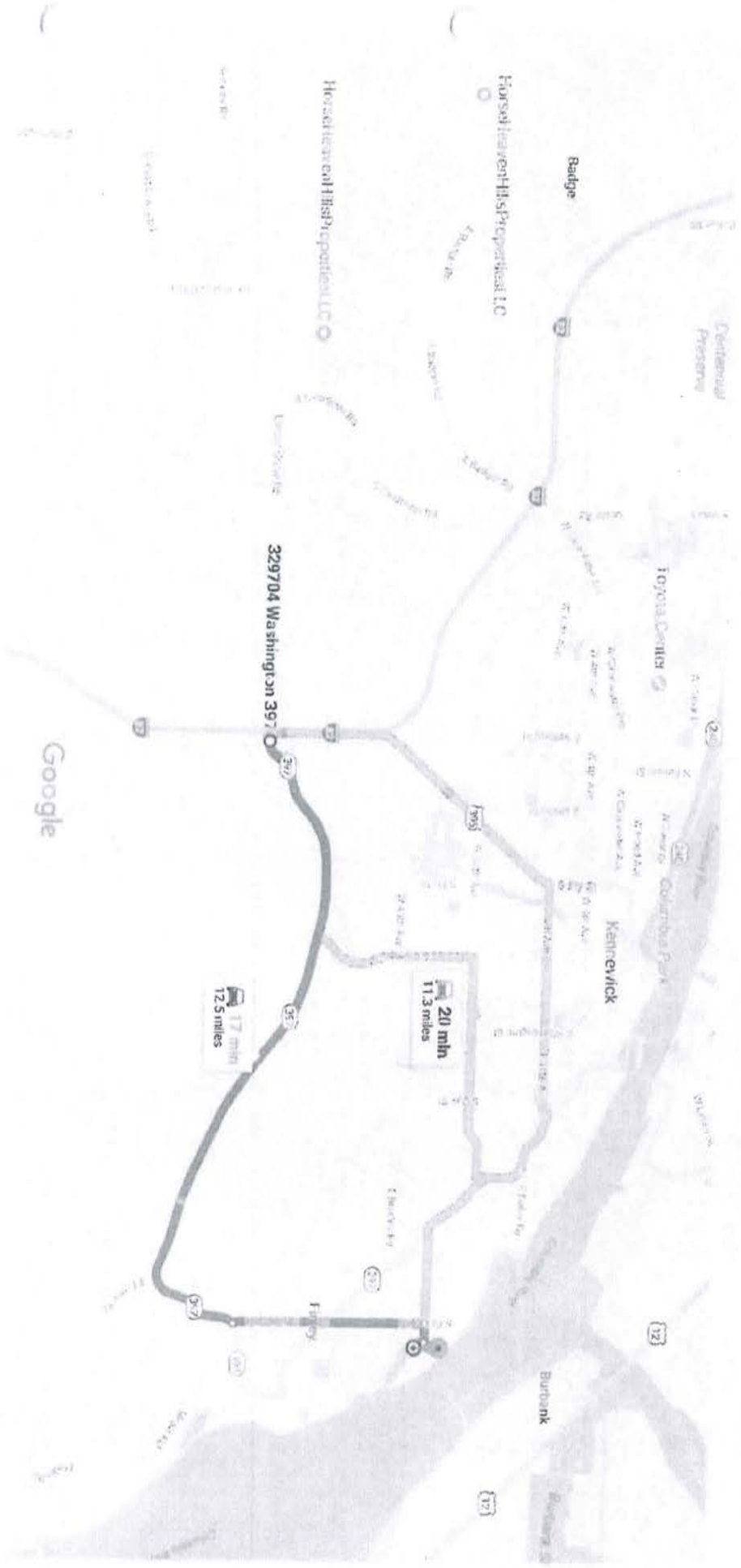
Printed Name: _____

Signature: _____

Date: _____

Google Maps

329704 WA-397, Kennewick, WA 99337 to 225939 East Hedges Road, Kennewick, WA Drive 12.5 miles, 17 min



Map data: ©2017 Google 1 mi

via WA-397 N

Fastest route, the usual traffic

via WA-397 N and W 27th Ave

Reference: NWS-2017-642
 Applicant: Rocking River LLC
 Proposed: Dummy barge placement
 Near Kennewick, Benton County Washington
 Sheet 1 of 5 Date: 27 September 2017

NWS-2017-642

20 min
 12.5 miles
 11.3 miles

260-1102-3MM

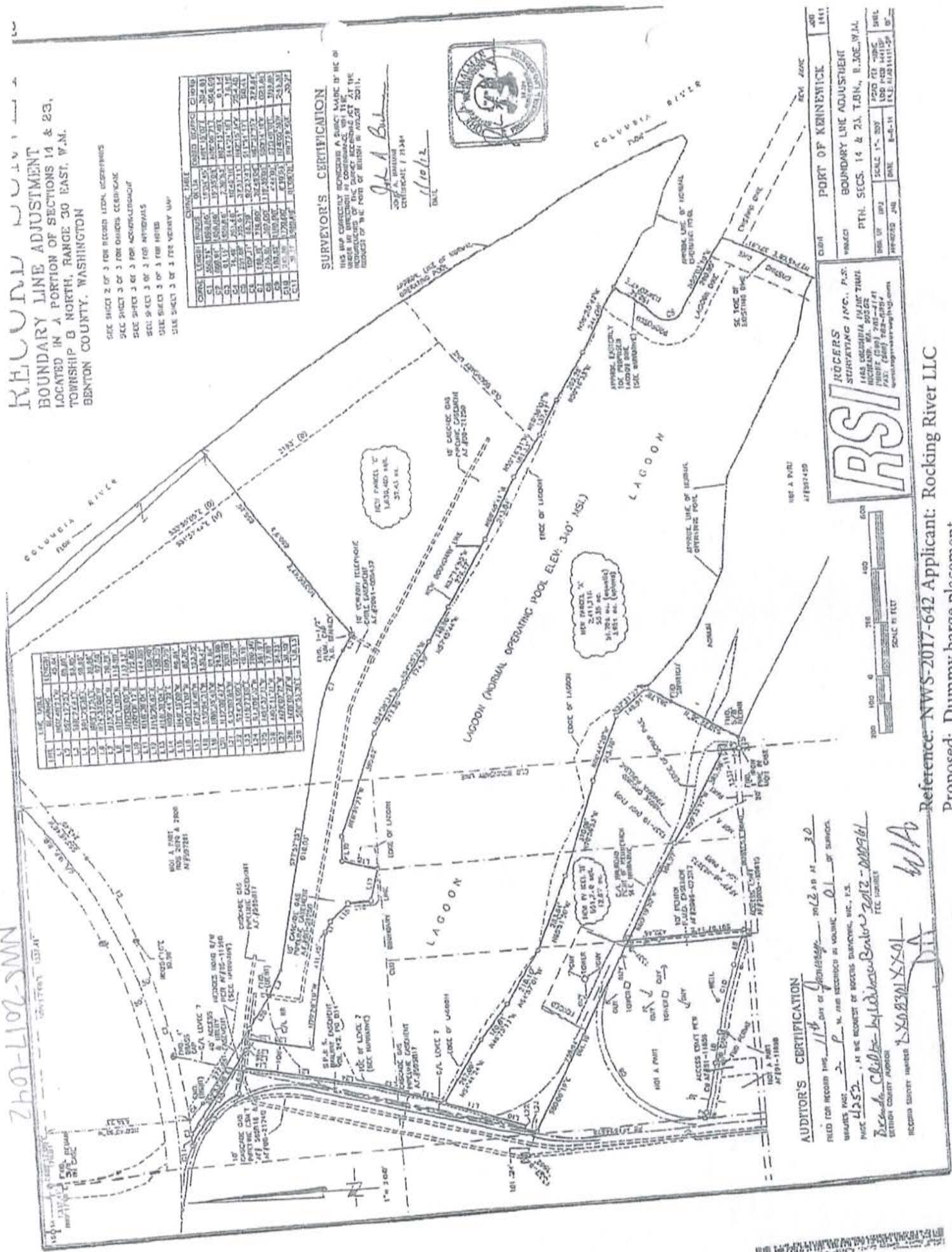
ROCKING RIVER
BOUNDARY LINE ADJUSTMENT
 LOCATED IN A PORTION OF SECTIONS 14 & 23,
 TOWNSHIP 8 NORTH, RANGE 30 EAST, W.M.,
 BENTON COUNTY, WASHINGTON

SEE SHEET 2 OF 3 FOR RECORD LINES, DESCRIPTIONS
 SEE SHEET 3 OF 3 FOR ORIGINAL CERTIFICATE
 SEE SHEET 3 OF 3 FOR ADJUSTMENT
 SEE SHEET 3 OF 3 FOR METERS
 SEE SHEET 3 OF 3 FOR NOTES
 SEE SHEET 3 OF 3 FOR VARIETY MAP

CHAIN	LENGTH	BEARING	AREA	CHANGING TABLE	CHANGING TABLE
C1	100.00	S 89° 51' 10" W	10000.00	10000.00	10000.00
C2	100.00	S 89° 51' 10" W	10000.00	10000.00	10000.00
C3	100.00	S 89° 51' 10" W	10000.00	10000.00	10000.00
C4	100.00	S 89° 51' 10" W	10000.00	10000.00	10000.00
C5	100.00	S 89° 51' 10" W	10000.00	10000.00	10000.00
C6	100.00	S 89° 51' 10" W	10000.00	10000.00	10000.00
C7	100.00	S 89° 51' 10" W	10000.00	10000.00	10000.00
C8	100.00	S 89° 51' 10" W	10000.00	10000.00	10000.00
C9	100.00	S 89° 51' 10" W	10000.00	10000.00	10000.00
C10	100.00	S 89° 51' 10" W	10000.00	10000.00	10000.00
C11	100.00	S 89° 51' 10" W	10000.00	10000.00	10000.00
C12	100.00	S 89° 51' 10" W	10000.00	10000.00	10000.00
C13	100.00	S 89° 51' 10" W	10000.00	10000.00	10000.00
C14	100.00	S 89° 51' 10" W	10000.00	10000.00	10000.00
C15	100.00	S 89° 51' 10" W	10000.00	10000.00	10000.00
C16	100.00	S 89° 51' 10" W	10000.00	10000.00	10000.00
C17	100.00	S 89° 51' 10" W	10000.00	10000.00	10000.00
C18	100.00	S 89° 51' 10" W	10000.00	10000.00	10000.00
C19	100.00	S 89° 51' 10" W	10000.00	10000.00	10000.00
C20	100.00	S 89° 51' 10" W	10000.00	10000.00	10000.00

SURVEYOR'S CERTIFICATION
 THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR
 UNDER MY SUPERVISION AND ACCORDING TO THE
 RECORDS OF THE NORTH BENTON COUNTY, WASH.

John A. Baker
 JOHN A. BAKER
 CERTIFICATE # 21348
 DATE 11/10/12

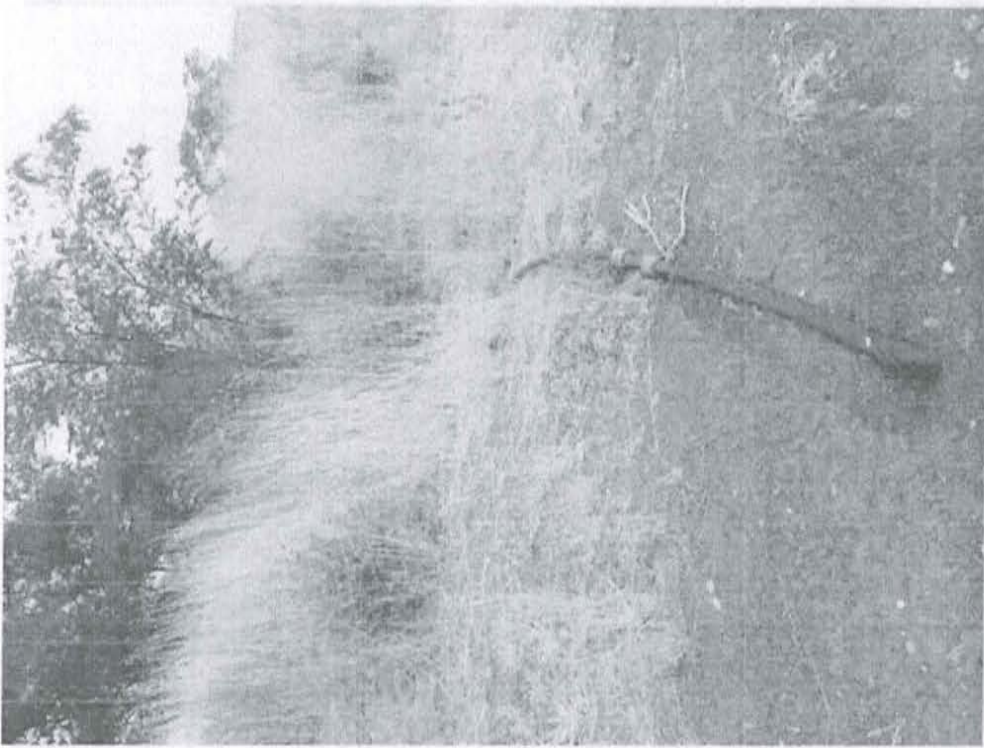


LINE	BEARING	LENGTH	AREA
L1	S 89° 51' 10" W	100.00	10000.00
L2	S 89° 51' 10" W	100.00	10000.00
L3	S 89° 51' 10" W	100.00	10000.00
L4	S 89° 51' 10" W	100.00	10000.00
L5	S 89° 51' 10" W	100.00	10000.00
L6	S 89° 51' 10" W	100.00	10000.00
L7	S 89° 51' 10" W	100.00	10000.00
L8	S 89° 51' 10" W	100.00	10000.00
L9	S 89° 51' 10" W	100.00	10000.00
L10	S 89° 51' 10" W	100.00	10000.00
L11	S 89° 51' 10" W	100.00	10000.00
L12	S 89° 51' 10" W	100.00	10000.00
L13	S 89° 51' 10" W	100.00	10000.00
L14	S 89° 51' 10" W	100.00	10000.00
L15	S 89° 51' 10" W	100.00	10000.00
L16	S 89° 51' 10" W	100.00	10000.00
L17	S 89° 51' 10" W	100.00	10000.00
L18	S 89° 51' 10" W	100.00	10000.00
L19	S 89° 51' 10" W	100.00	10000.00
L20	S 89° 51' 10" W	100.00	10000.00
L21	S 89° 51' 10" W	100.00	10000.00
L22	S 89° 51' 10" W	100.00	10000.00
L23	S 89° 51' 10" W	100.00	10000.00
L24	S 89° 51' 10" W	100.00	10000.00
L25	S 89° 51' 10" W	100.00	10000.00
L26	S 89° 51' 10" W	100.00	10000.00
L27	S 89° 51' 10" W	100.00	10000.00
L28	S 89° 51' 10" W	100.00	10000.00
L29	S 89° 51' 10" W	100.00	10000.00
L30	S 89° 51' 10" W	100.00	10000.00

AUDITOR'S CERTIFICATION
 FILED FOR RECORD THIS 11th DAY OF November 2012 AT 10:30
 WASHING STATE PUBLIC RECORDS DIVISION, REC. 1-5
 PAGE 4252 AT THE REQUEST OF ROCKING RIVER LLC, L.L.C.
Debra Chubb
 BENTON COUNTY AUDITOR
 RECEIVED SURVEY NUMBER 21348

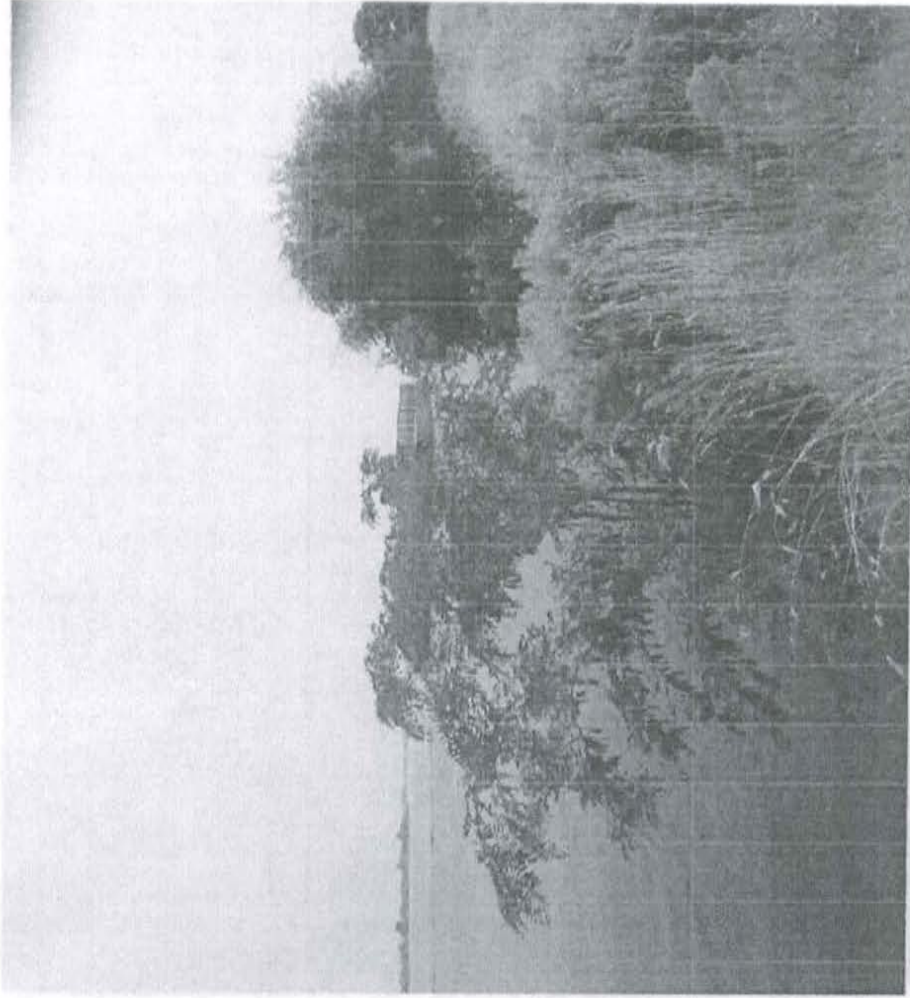
RSI
 ROCCERS SURVEYING INC., P.C.
 148 WASHINGTON BLVD. SUITE 200
 WAHIA, WA 97148
 PHONE (503) 783-4141
 FAX (503) 783-4142
 www.rsi-surveying.com

Reference: NWS-2017-642 Applicant: Rocking River LLC
 Proposed: Dummy barge placement
 Near Kennewick Renton County Washington Sheet 3 of 5 Date: 27 September 2017



Existing Cable

Reference: NWS-2017-642
Applicant: Rocking River LLC
Proposed: Dummy barge placement
Near Kennewick, Benton County, Washington
Sheet 4 of 5 Date: 27 September 2017



Barge Location

9/27/17

Will Be Removed

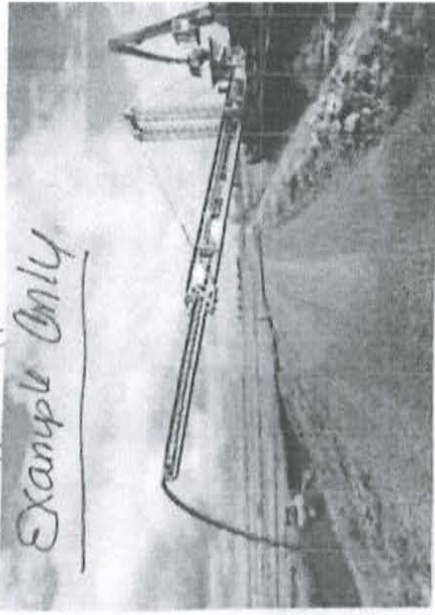


Will Be 120

A's - are existing cables & Anchors
Which will be used for our Spud / Darning ba

Cables are 25 ft from ONWH - Total length S
from Barge x 10 x 9

Example Only



This Placement
has been used
before, we will
be using existing
anchors & cables.



December 15, 2016

DEVELOPER'S AGREEMENT

Developer: Rocking River LLC
Attn: Wade R. Aylett
74854 Washington Ln
Irrigon, OR 97844

Project: Rocking River LLC- Line Extension
225939 E Hedges Rd
BPUD Work Request #130106
BPUD Service Request #128971&130109

PLEASE NOTE

Important documents enclosed

Before this project can proceed, all documents contained within this letter must be completed and returned. To avoid delay of this project, please check to see that all information is correct and complete.

Dear Developer:

The design has been completed for the underground electrical distribution system for the referenced project. **The District will install two three phase, 480/277 volt, padmount transformer for this service. All customer panels will be three phase, and all loads must be balanced.** This project is subject to the approval of the Commission of the Public Utility District No. 1 of Benton County. This design is for Benton County PUD electric facilities only, you must contact all other utilities for their requirements.

For this project, Benton PUD will consider **you** as the **DEVELOPER**. As the Developer, you will need to address the items outlined in this agreement before the District can complete their work and be able to provide power. The Developer has the responsibility to verify that subcontractors adhere to District requirements and specifications, and to comply with **WAC 296-155-428**. This agreement is not intended to represent a proposed schedule as to when the District may commence its work. Furthermore, there is no guarantee as to when either temporary or permanent power will be available at the job site. Construction scheduling of approved projects is subject to the availability of materials.

Section 1.0 Project Requirements:

1.1 *The following items need to be completed before this project will be released to our Operations Department for scheduling:*

Sign and return the last page of this Developer's Agreement, keep one for your records.

Arrange for the District to be granted easements as needed.

► Provide the District with the legal description of the centerline of proposed power line, along with the legal owner(s) and tax identification number of the property.

- ▶ When we receive this description, we will place it in our easement form, and return to you for signature and notarization.
- ▶ All easements are to be 10.00 feet in width, along all road frontages unless otherwise noted on the enclosed drawings. The easements will need to be recorded on the final plat.
- Underground electric facilities fees in the amount of \$14,268.59 will need to be paid **but not until after** you receive an invoice. By signing the form at the end of this letter, you are agreeing to the fees listed below. **These fees are per current District fee schedules.**
 - » Primary fees for this project are: \$14,268.59
 - » The fees are good for six months from the date of this Agreement. If these fees have not been paid within six months, they will need to be re-calculated. If the fees are paid within six months, the electric facilities will need to be installed within one year from original date of the Agreement.
 - » If fees have not been paid after you are invoiced, and the work has not been completed within the one-year time frame, the job will be VOIDED. If you still require service after this time frame, you will need to re-submit plans for District review.
 - » Complete and return the customer Application for Service, being certain to provide the Unified Business Identification (UBI) number for the firm under whose name the electric service will be connected.
 - » Requests for both temporary and permanent services (if applicable) should be made at our Kennewick office located at 2721 W. 10th Avenue, Kennewick, WA, or the Prosser office located at 250 N Gap Rd.

Temporary power will be available once the permanent transformer is set. If temporary power is required prior to the permanent transformer being set, please contact me. Additional fees will be required if a temporary transformer needs to be set.

- » The cost for metered temporary power is \$125.00, and you will need to provide a 4-terminal meter base. This will provide you with 120/240 Volt V temporary service. See enclosed Standard Q-2B UG. (*Meterbase will be required for RV's, Job Shacks, pumps and all Commercial projects and/or like applications.*)
- » The cost for unmetered temporary power is \$200.00 and includes 4 months of service. See enclosed Standard Q-2B UG.
- Submit a detailed panel schedule of the electric load, including the size of the main breaker in amps, heating in kilowatts, air conditioning in tons and the size of any motors. Include a wiring diagram of the switchgear, the meter base assembly, and a drawing showing its physical configuration.
- Schedule a pre-construction meeting that will need to include all utilities, excavator, developer, and surveyor.

After all of these items have been completed and all necessary information returned to Benton PUD, the work order will be forwarded to our Operations Department. The Developer will be

responsible for opening and backfilling all of the trenches associated with this project per District specifications; (please read Section 2.0 on Trench Requirements). The excavation contractor will need to coordinate when the trenches should be opened with our Superintendent of Transmission and Distribution, Bob Inman (509) 582-1251. **Mr. Inman will not have any information pertaining to this project and will not be able to schedule any work until the aforementioned items have been completed.** Due to the amount of construction occurring in this area, it typically requires four to six weeks to schedule a crew.

1.2 *The following items need to be completed prior to the service being energized for this project:*

- Refer to the enclosed Standard Q-1A Meter Socket Terminal Clip Configuration
- Refer to the enclosed Standard Q-1B Residential & Commercial Services Maximum Lengths & Required Conduit Sizes
- Refer to the enclosed Standard Q-2B Metered or Un-Metered Temporary Service Requirements Underground Area
- Refer to the enclosed Standard Q-5E Current Transformer (CT) Compartment Requirements for Three Phase Services 201-800 Amps
- Refer to the enclosed Standard Q-5G Self Supported CT Meter Pedestal with CT's Installed in Secondary Side of District Transformer
- Install a 1-inch conduit from the CT compartment to the meter base.
- All services are to be installed in conduit. The District will not connect direct buried service conductors. Connections at the transformer will be performed by the District on commercial services. Connections in the CT compartment will be performed by the contractors electrician.
- Refer to the enclosed Standard Q-6C Installation Clearances for Commercial & Residential Transformers
- Refer to the enclosed Standard UG6-C Transformer Pad Details 500 kVA & Below Three Phase Pad
- Refer to the enclosed Standard Q-10A Work Area Clearance
- The potential fault current for this installation is/or can be up to 55,686 amps at the secondary bushings of the transformer.
- Refer to enclosed Standard UG3-2 for Primary Trenching Requirements.
- Install a 1-inch conduit from the low voltage compartment of the transformer to the meter base. Mount the meter base on an adjacent wall or by the transformer per the enclosed Standard Q-5G.
- Install all secondary and service conduits and conductors (**all services are required to be installed in conduit**). Connections at the transformer will be performed by the District. A maximum of six conductors are allowed per phase. If more than six conductors are needed,

you will be required to install a Shallbetter or equivalent padmount termination enclosure. All terminations of customer owned wire in the enclosure will be done by the customer. The maximum size of conductors for a three-phase transformer shall not exceed 750 AL/CU. The maximum size of conductors for a single-phase transformer shall not exceed 500 AL/CU.

Section 2.0 Trenching Requirements:

The excavation contractor must contact me no less than one week in advance of when the trenches will be dug. I will need to stake the proposed locations prior to trenching. For me to do this, you will need to have all reference stakes installed at the job site. These stakes include property corners, points of tangents, points of curves, radius points, and grades. The District will not be responsible for lost or removed property stakes or pins (**WAC 332-120**). They will need to be in place at least three working days prior to when the trenching is to occur. It will be necessary for you to inspect the location of District's facilities prior to backfilling trenches, any changes can be done at that time. The District will make one visit to the site to stake the job at no charge. Each additional visit necessitated by customer actions may result in a fee charged to the customer for each additional visit.

The District will install the necessary underground electric distribution system to provide the required electric service to the development all in accordance with the District's Customer Service Policies and Construction Standards. As a condition for obtaining an underground electric distribution system for the development, the Developer agrees to the following:

- All trench excavation and backfill work necessary for the underground electric distribution system shall be provided by the developer. The trenches shall be in accordance with District construction standards for trench depth, width, and location, and be in compliance with **WAC 296-155-657**. Trench backfill material shall be clean backfill and compacted by means chosen by the Contractor to achieve a minimum of 95 percent maximum density when tested by the District. Compaction shall be done in such a manner as to prevent future settlement.
- **Developer/Contractor shall not install gas lines, sewer lines, water lines, or cable such as telephone, communication or any utilities above power lines in trenches.**
- The Developer shall furnish to the District, final grade information necessary to comply with required trench excavation depths as well as all transformer, J-box, and pedestal elevations and locations. The Developer shall have all property corners staked and identified prior to trench excavation work. The District shall not be responsible for lost or removed property stakes or pins (**WAC 332-120**).
- Trench depths and locations shall be determined by the District based on final grade specifications and property line information furnished by the Developer. All trenches are to be located on utility easements. If a trench is dug at a location other than the one staked, it will be the responsibility of the Developer to relocate the trench to District satisfaction.
- It is the responsibility of the Developer to confirm and verify all transformer, J-box, and pedestal locations for errors made in proper elevation and location during construction. For three years following the completion of the underground electrical system, if in the District's opinion, changes to the system are necessitated due to final grade, property lines

and/or project design; they shall be made at the Developer's expense. It is the responsibility of the Contractor to be in compliance with **WAC 296-155-428** (General Requirements).

- Thereafter, any changes to the District's system necessary because of modifications to existing established grade shall be at the expense of the owners of record or the development.
- The Developer agrees to conform to all applicable Local, State and Federal laws, codes and regulations.
- The District recommends a 2" conduit be installed from the building's communications room to a stub out located adjacent to the power transformer per "Installation Practices for Customer Fiber Services". This conduit will be connected to the District's fiber backbone if or when fiber services are available.

While the District will take all reasonable precautions to prevent phase failure or abnormal voltage variations, please be advised that the potential for these operating aberrations does exist and that it will be the customer's responsibility to protect all equipment against them. As the Developer, it will be your responsibility to verify that the transformer location is in compliance with **WAC 296-46B-450, Transformers**. If it is found subsequent to the installation of the transformer that this regulation has been violated, Benton PUD will have no choice but to de-energize the transformer until the problem is rectified. This may include the District relocating the transformer at full cost to the Developer, per this Agreement.

The District develops the initial electrical distribution system design, per the Developer's instructions, for a subdivision or plat at no charge. A charge of \$75.00 per hour may be assessed the customer if the design is modified within four (4) months of initial design.

This project is on hold. I will be unable to provide information to any contractors until you contact me. The Work Request number and project name (mentioned on Page 1) should be referenced in any correspondence with the District. This includes conversations with Bob Inman regarding the scheduling of trenching and District work. If you have any questions, you may contact me at (509) 582-1233.

Cordially Yours,



, Distribution Design Technician
Benton County PUD

CB:jlw

c: JO #130106 File

Enclosures

SEE NEXT PAGE FOR REQUIRED DEVELOPER'S SIGNATURE

Developer's Agreement

Return this signed page (with original signature) in the envelope provided.

Return this page to:
Benton County PUD
Attn: Engineering Dept.
PO Box 6270
Kennewick, WA 99336

By signing below, you agree to the responsibilities as the Developer.

DEVELOPER:

BPUD Project #130106
Public Utility District #1 of Benton County

Signature

Signature (BPUD Distribution Design Tech)

Printed Name

COMPANY:

Please print

Date Signed: (00/00/0000) _____

SIGNATURE FOR FEES (IF APPLICABLE)

By signing below, you agree to pay the fees as mentioned earlier in this letter. After Benton PUD receives this signature page back, the project fees *will be invoiced* to you.

Signature

Printed Name

Company
Name: _____

Date Signed: _____

<u>Address of where to send bill:</u>
(Name of Company)

(Contact Name)

(Mailing Address)

Phone #:

UBI # of the Company or Social Security # of the person responsible for paying the primary fee.

Payment Options: Your invoice may be paid online at www.bentonpud.org through a checking/savings account deduction, or you may mail or deliver a check to our offices. Credit card payments are not accepted for primary fees.

ELECTRIC FACILITIES CHARGE SHEET
for
PUBLIC UTILITY DISTRICT NO. 1 of BENTON COUNTY

DEVELOPER: Rocking River LLC, Wade Aylett W.O. #130106

PROJECT: Underground Primary Line extension S.O.#128971&130109

LOCATION: 225939 Hedges Rd., Parcel # 1-1480-400-0001-001

X	Rate Schedule	Description
	11	Residential/Farm
	21	Small General Service
x	22	Medium General Service
	23	Large General Service - Non Time-of-Use
	24	Large General Service - Time-of-Use
	33	Large Industrial
	71	Small Agricultural Irrigation
	72	Large Agricultural without 18%
	73	Large Agricultural Irrigation with 18%
	74	Agricultural Irrigation Sprinkler Wheelturning
	75	Agricultural Irrigation Sprinkler Wheelturning with 18%

ROAD CROSSINGS:

Crossings @ \$1000 each (Service)	= \$	422.20
Crossings @ \$1000 each (Primary)	= \$	253.61

TEMPORARY SERVICE CHARGES:

Metered Temporary Services @ \$125 each	= \$	422.40
Unmetered Temporary Services @ \$200 each	= \$	422.40

EASEMENT CHARGE

Quit Claim Deeds @ \$200 each Per Line Extension Policy 23(B)	= \$	253.60
--	------	--------

SPECIAL CHARGES (Aid to Construction)

(New OH)	= \$	253.60
(Existing OH)	= \$	253.62
Underground primary line extension to service new rock plant (New UG)	= \$ 14,268.59	253.61
(Existing UG)	= \$	253.63

TOTAL AMOUNT DUE = \$14,268.59

WORK WILL NOT BEGIN UNTIL THIS AMOUNT IS PAID

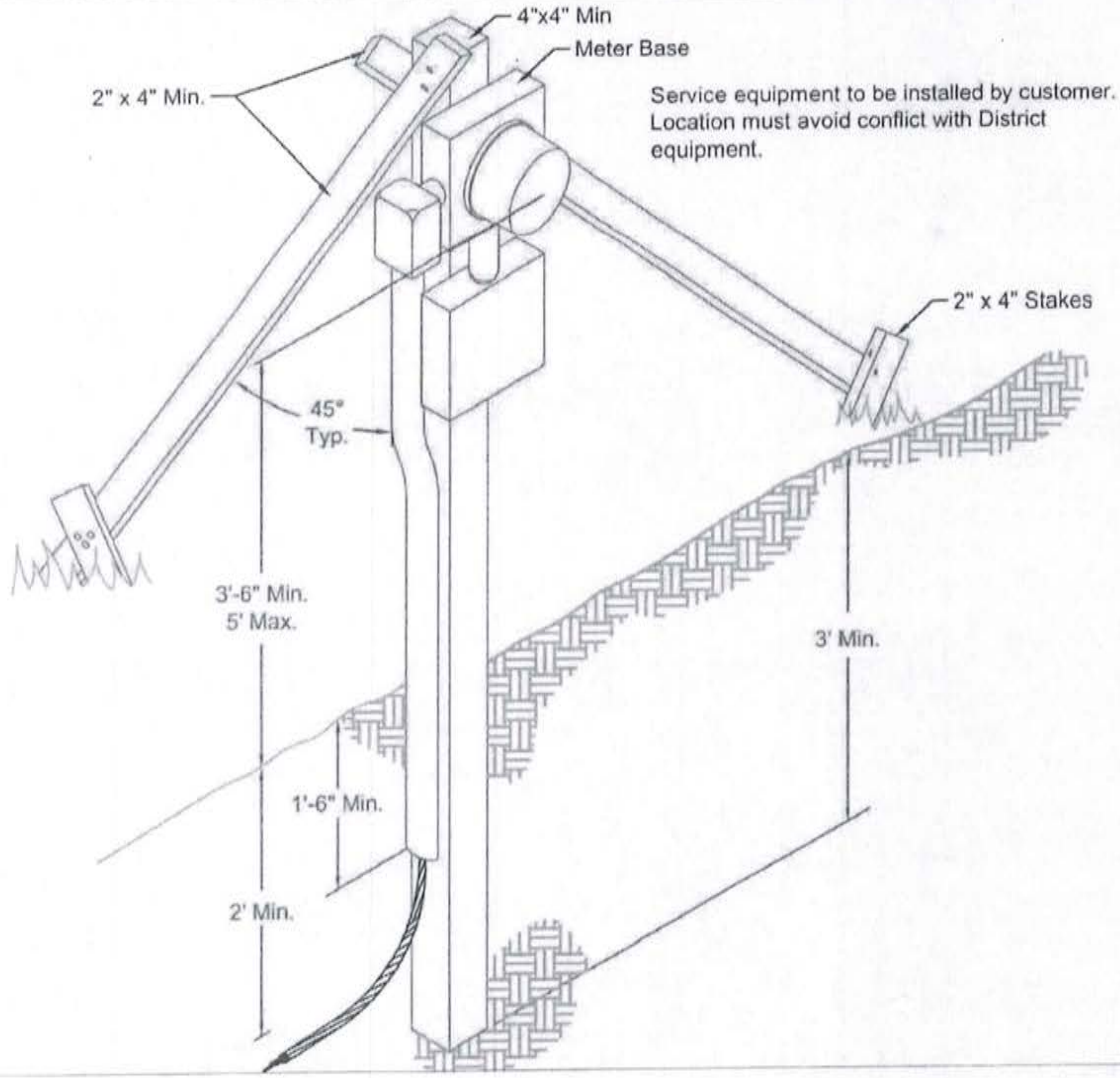
Calculations of line length will be on the basis of average length per lot or unit for the entire development. Development of adjacent undeveloped parcels common to a line route may be considered when calculating per lot line lengths.

Engineered by: Chad Brooks Date: _____ Misc. Receipt # _____

Customers - Aid to Construction fees must be paid via check or cash

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F:\Users\jlad\Documents\Standards, Specifications & Program\Construction Standards



Notes:

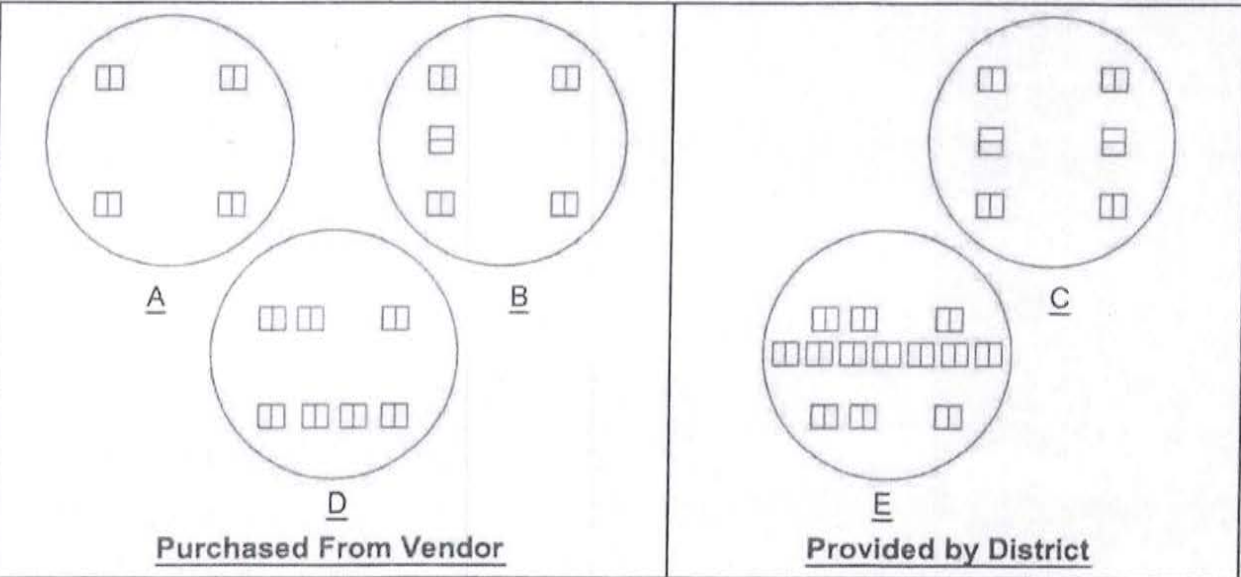
1. Application for temporary service is required by the District before service will be connected.
2. Metered temporary power installations **1 year maximum**.
3. Prior to any digging, call UDIG or 811 for free cable locate prior to digging.
4. The customer shall provide all trench and backfill to the transformer, pedestal or hand hole. Contact District representative prior to trenching, for coordination.
5. The customer shall provide sufficient conductor to reach transformer plus 6 feet.
6. Temporary service arrangement and equipment to be "Approved For Service" by the State Electrical Inspector before the District will connect service.
7. The customer shall notify the District a minimum of 2 weeks prior to when service is required.
8. The District will install customer owned wire in transformer box and make connection.
9. Temporary power connections shall not be made through permanent service stub-outs.
10. Details shown are minimum District requirements and are not intended to depict Washington State Labor and Industries requirements.
11. One year renewal limit without re-inspection and approval by State Labor and Industries.

DRAWN BY: JAD
DRAW DATE: 4/10/12

TITLE: Metered or Un-Metered
Temporary Service Requirements
Underground Area

REV BY: JWV	SHT.
REV DATE: 03/31/2014	1 of 1
REV No: 2	DIR. ENG. DATE: 3/14
DWG. NO. Q-2B	

		Self Contained Meter Base (Furnished and provided by customer)			Current Transformer Meter Base (Provided by District)		
Voltage	Wires	Max Amp.	No. Clips	Socket	No. CT.	No. Clips	Socket
Single Phase							
120/240	3	200 Res / Comm'l	4	A	2	6	C/Test SW
120/240	3	320 Res / Comm'l	4	A			
240/480	3	200	4	A			
Network							
120/208	3	200	5	B			
Three Phase							
208/120	4	200	7	D	3	13	E/Test SW
240/120	4	200	7	D	3	13	E/Test SW
240/480	4	200	7	D	3	13	E/Test SW
480/277	4	200	7	D	3	13	E/Test SW



Notes:

1. Manual block by pass required on all 200 Amp non-residential installations, and all 320 Amp installations.
2. No automatic, plunger, or lever type by pass devices allowed.
3. Meters are required to be mounted external to the building. Exceptions will need to be approved by District Engineering and Metering Departments prior to construction.
4. Sockets A,B,D, will be provided by the customer.
5. Sockets C & E will be provided by the District for the customer to install.
6. The meter base for single phase, two wire service, shall be the same as a single phase, three wire service, with the upper right terminal tied to the neutral. Three phase, three wire service shall be metered as a three phase four wire service.
7. Socket B will have the 9 o'clock terminal position tied to the neutral.
8. For pedestal details see Q-4K and Q-4L.
9. Ringless meter base not allowed.

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Benton PUD Standards, Specifications & Inspection/Construction Standards



TITLE:

Meter Socket
Terminal Clip Configuration

DRAWN BY: JAD
DRAW DATE: 02/16/01

REV BY: JWV SHT. 1 of 1
REV DATE: 10/01/13
REV No: 1 DIR. ENG. [Signature] DATE: 1/14
DWG. NO. **Q-1A**

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Service Conduit & Requirements			
Residential UG Services	Meter Base Type	Minimum Conduit Size, Type	Maximum Service Length
200A	Self Contained	3" SCH 40	200 FT *
400A, Over	Self Contained	3" SCH 40	250 FT *
400A	CT Contained	4" SCH 40	250 FT *

Service Conduit & Requirements			
Commercial UG Services	Meter Base Type	Minimum Conduit Size, Type	Maximum Service Length
200A, 1Ø	Self Contained	3" , SCH 40	200 FT *
400A, 1Ø	Self Contained	3" , SCH 40	250 FT *
400A, 1Ø	CT Meter	See Note 3	See Note 3
Over 400A, 1Ø	CT Meter	See Note 3	See Note 3
200A, 3Ø	Self Contained	3" , SCH 40	3" , SCH 40
Over 200A, 3Ø	CT Meter	See Note 4	See Note 4

* Distances are based on measurements from the padmount transformer, subtract 50 feet from pole mount transformer installations.

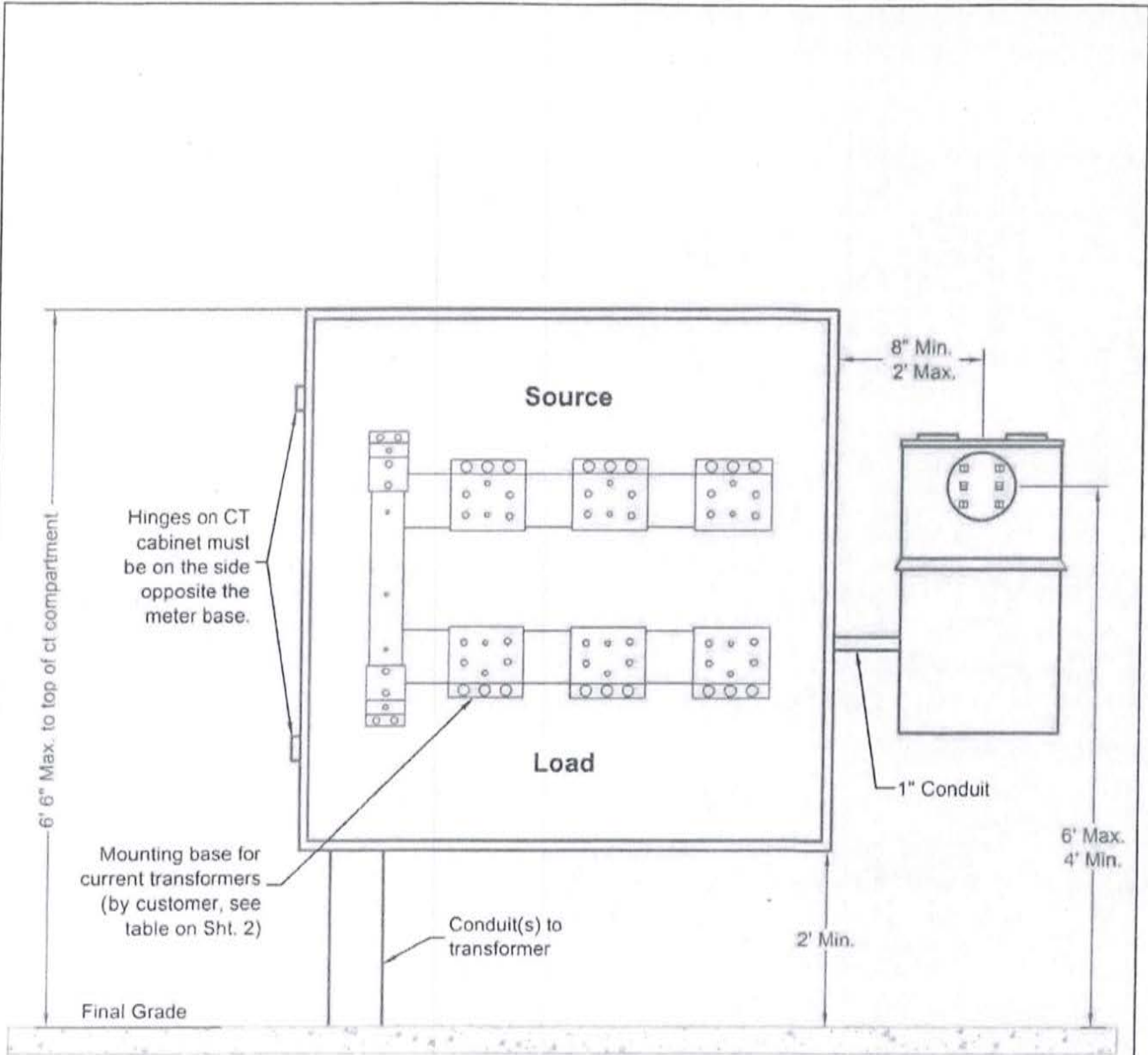
Notes:

1. Locate meter base so the conduit run does not exceed maximum allowable length per this standard where it applies, or have more than 3 bends totaling 270 degrees. (This 270 degrees shall include 1-90 degree sweep at the meter base and one at the transformer or pole).
2. Details shown are minimum District requirements and are not intended to depict the Washington State Labor and Industries requirements.
3. Customer owned and installed service wires - not to exceed 500 kcm copper or aluminum and not to exceed 4 sets of conductors.
4. Customer owned and installed service wires on large 3 phase commercial projects. Not to exceed 750 kcm copper or aluminum and not to exceed 6 sets of conductors.

 DRAWN BY: SWT DRAW DATE: 02/26/01	TITLE: Residential & Commercial Services Maximum Lengths & Required Conduit Sizes	REV BY: JWV	SHT
		REV DATE: 10/01/13	1 of 1
		REV No: 1 DIR: [Signature] ENG: [Signature]	DATE: 1/19
		Q-1B	

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Utility Construction Standards Specifications & Property Construction Standards



DRAWN BY: JAD
DRAW DATE: 03/26/10

TITLE
**Current Transformer (CT)
Compartment Requirerments for
Three Phase Services
201-800 Amps**

REV BY: JWV	SHT
REV DATE: 10/01/13	1 of 2
REV NO 1	DIR. ENG. <i>JD</i> DATE 1/14
DWG. NO.	

Q-5E


Pre -approved Three Phase Current Transformer Cabinet & Mounting Bases

CT Service Type		Cabinet Dimensions			CT Cabinets		CT Mounting Bases		
Service Size	Number of Load Conductors	Width	Height	Depth	Cooper B-Line Part #	Milbank Part #	Cooper B-Line Part #	Milbank Part #	EUSERC Drawing #
201-400A	1-2	30"	48"	11"	304811HRTCT	CT304811-HC	6067HA or 6067HAL	K4798 or K4904	329A or 329B
201-800A	1-4	36"	48"	11"	364811HRTCT	CT364811-HC	6067HE or 6067HEL	K4798 or K4722	

Notes:

1. Current transformer cabinet and CT mounting base to be supplied and installed by the customer
2. Current transformers to be supplied and installed by District.
3. Estimated Load must be at least 25 KVA for CT metering to facilitate additional load growth and the customers request appears reasonable, customer must install Current Transformer Enclosure for the CT metering equipment.
4. Estimated load must be at least 50 KVA for secondary compartment CT metering, specifically services which are fed by a District 45 KVA transformer must be metered within a Current Transformer Enclosure.
5. Estimated load must be at least 100 KVA for can be metered in the secondary compartment the transformer. CT metering, specifically for services which are fed by a District 75 KVA or smaller transformer shall be metered within a Current Transformer Enclosure.
6. The CT mounting base shall have a minimum 50,000A fault current rating.
7. The cabinet will be raintight, with a sealable, hinged, cover.
8. The customer shall provide and install the service conductors to the District transformer.
9. The maximum number of conductors per phase will be limited to four without prior District approval.
10. Customer shall ensure all the conductors are compatible with the connectors on the EUSERC 329B style CT mounting base. All mechanical cable termination blocks shall be provided by the customer.
11. The customer shall make up and terminate all connections in the CT compartment.
12. The customer service entrance conduits must exit the enclosure on the load side of the CT mounting base. The District will not allow customer conductors or conduit in the District's terminating and pull space.
13. The meter base shall be provided by the District and installed by the customer.
14. Bonding must be in accordance with latest issue of National Electric Code (Article 250 grounding).
15. Meter sockets shall be installed within 24" of Non-Hinged side of CT compartment and not be located above CT cans due to safety of working in front of the energized equipment.
16. Maximum conductor size allowed is 750 kcm copper or aluminum.
17. Details shown are minimum district requirements and are not intended to depict Washington State Labor and Industries requirements.

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Benton PUD Construction Standards Specifications & Project/Construction Standards



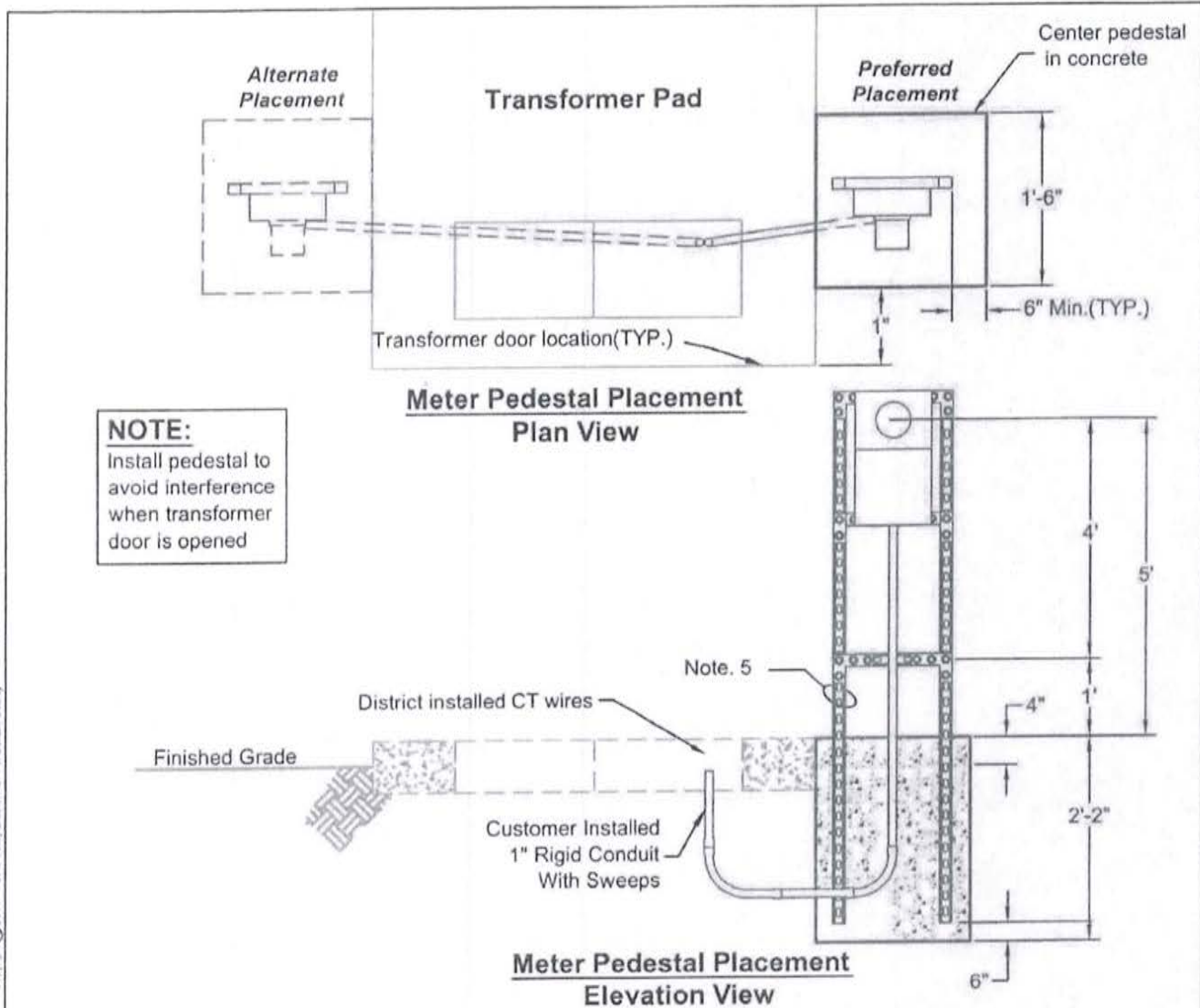
BENTON PUD

DRAWN BY: JAD
DRAW DATE: 03/26/10

TITLE

**Current Transformer (CT)
Compartment Requirement for
Three Phase Services
201- 800 Amps**

REV BY: JWV	SHT
REV DATE: 10/01/13	2 of 2
REV NO: 0	DIR. ENG. <i>[Signature]</i> DATE 1/14
DWG. NO.	
Q-5E (Cont.)	



NOTE:
Install pedestal to avoid interference when transformer door is opened

Notes:

1. The District will provide the pre-fabricated meter base and frame. Contractor install pedestal in concrete, plumb and sound, and to finished grade as shown.
2. Refer to transformer pad detail, UG6-C or UG6-C2.
3. Customer will supply and install the 1" conduit for the meter..
4. The meter must be located so the metering circuit conduit run does not exceed 25' in length or contain more than 4 bends totaling 360 degrees.
5. No condulets or junctions are allowed in metering circuit conduit.
6. Secondary circuit conductors: maximum number of wire-6 sets of 750 kcm copper or aluminum. Contact the District if in need of additional sets.
7. Details shown are minimum District requirements and are not intended to depict Washington State Labor and Industries requirements.

BENTON PUD

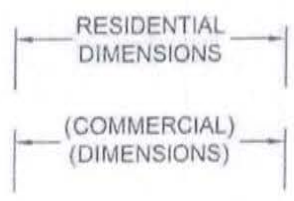
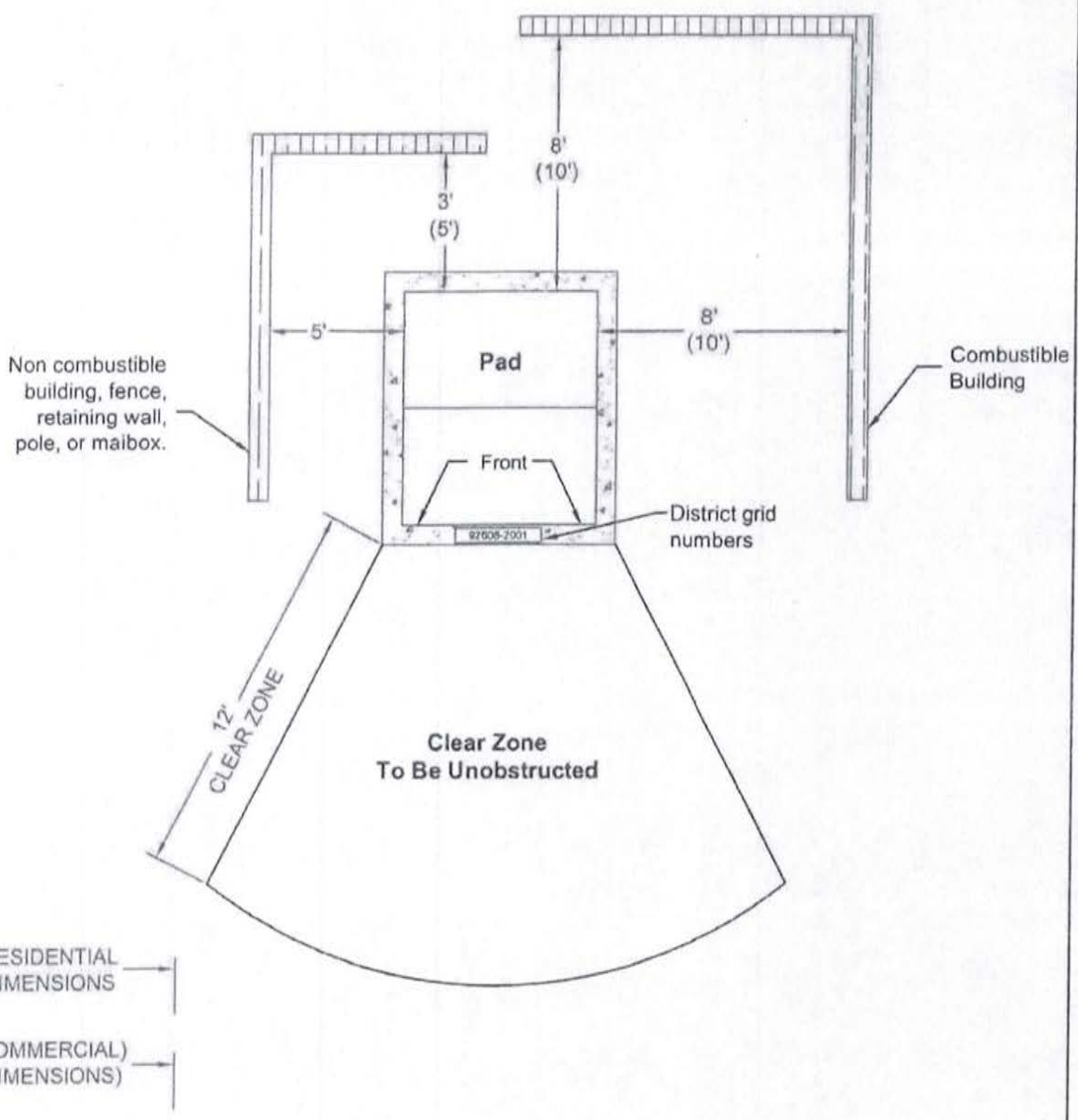
DRAWN BY: JAD
DRAW DATE: 03/27/01

TITLE: Self Supported CT Meter Pedestal with CT's Installed in Secondary Side of District Transformer

REV BY: JWV	SHT. 1 of 1
REV DATE: 03/31/2014	
REV NO: 2	DIR. ENG. <i>PA</i> DATE: 3/14
DWG. NO. Q-5G	

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F. Messer Construction Standards, Specifications & Property/Commission Standards



Notes:

1. All dimensions are minimum
2. No obstructions are allowed over transformer.
3. Refer to District planting guide for landscaping.
4. Installation must not violate WAC-296-46B-450 transformers.



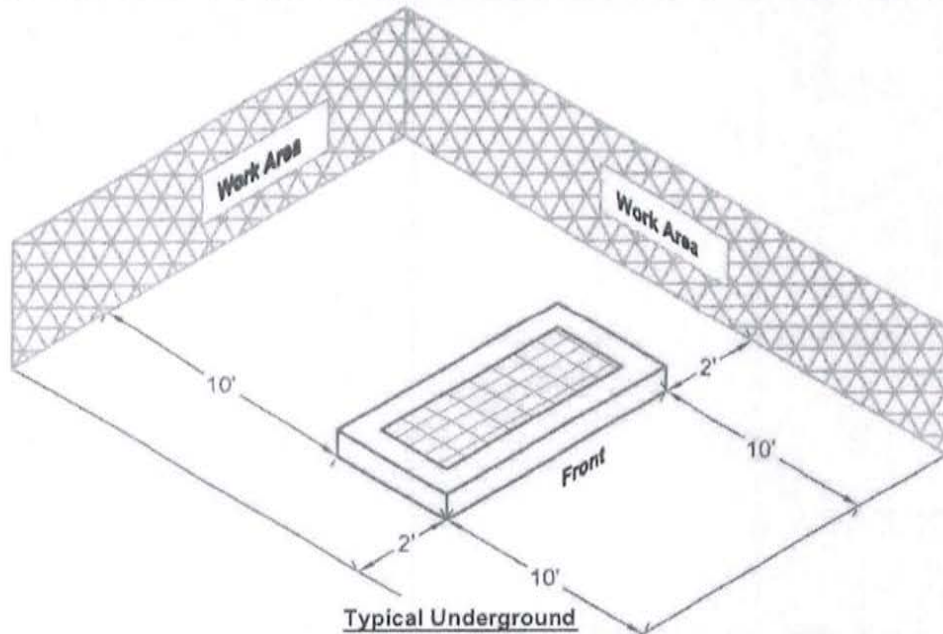
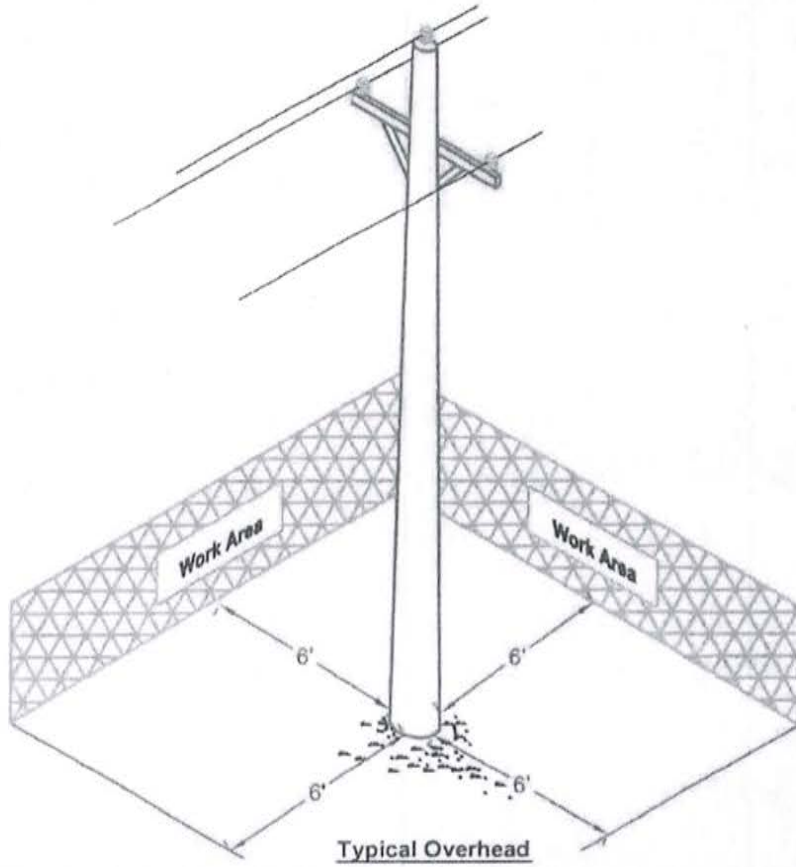
TITLE: Installation Clearances for Commercial & Residential Transformers

REV BY: JWV	SHT. 1 of 1
REV DATE: 10/01/2013	
REV NO: 1	DIR. ENG. <i>[Signature]</i> DATE: 1/14
DWG. NO. Q-6C	

DRAWN BY: JAD
DRAW DATE: 03/27/01

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F:\Appel\Eng\Construction Standards Specifications & Programs\Construction Standards



DRAWN BY: DDB
DRAW DATE: 11/03/10

TITLE:

Work Area Clearance

REV BY: JWV	SHT. 1 of 1
REV DATE: 10/01/2013	
REV NO: 1	DIR. ENG. <i>[Signature]</i> DATE: <i>1/14</i>
DWG. NO.	

Q-10A


UG6-C

Item	Qty.	Description	Item Code
1	2	5/8" x8" Ground Rod	337381
2	1	4 " Diameter PVC Sch. 40 36" Radius Sweep	633651
3	50'	Wire #4 MHDB 7 Str.	400300
4	2	5/8" Ground Rod Clamp	327100

Notes:

1. Ground under pad must be 95% minimum compaction.
2. Concrete shall be Portland Cement concrete, 5 sack mix, attaining 3000 P.S.I. at 28 days.
3. Top of pad shall be level and finished smooth. Surface shall not contain honeycomb or segregation.
4. Barricade traffic bollards provided and installed by customer - contact District engineering to determine location of posts. When required, bollards must not interfere with swing of transformer doors.
5. Customer to pick up 4" primary conduit sweep, 2 ground rods, and #4 Str. bare CU. ground wire from the District warehouse located at 1500 S. Ely street, Kennewick.
6. Maximum number of wire-6 sets of 750 kcm copper or aluminum. Contact the District if in need of additional sets.
7. For pad location, reference District standard Q-6C for clearance to existing structures.

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**BENTON
PUD**

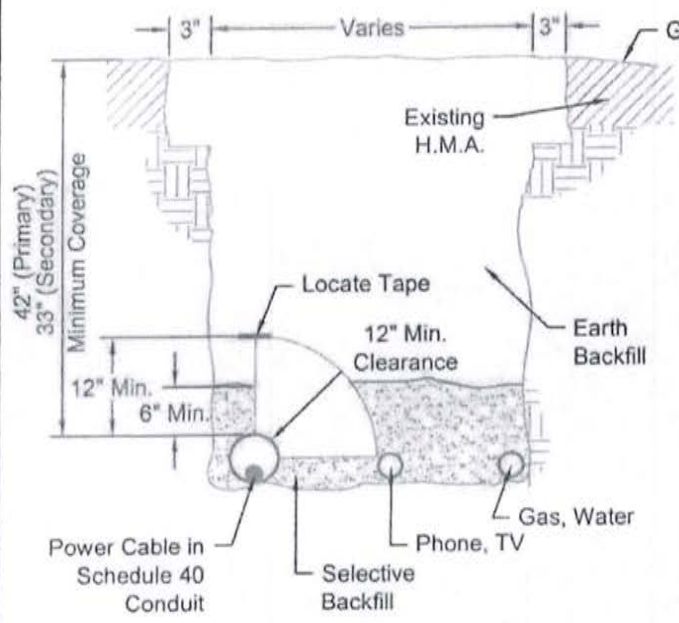
DRAWN BY: JAD
 DRAW DATE: 11/01/01

TITLE:

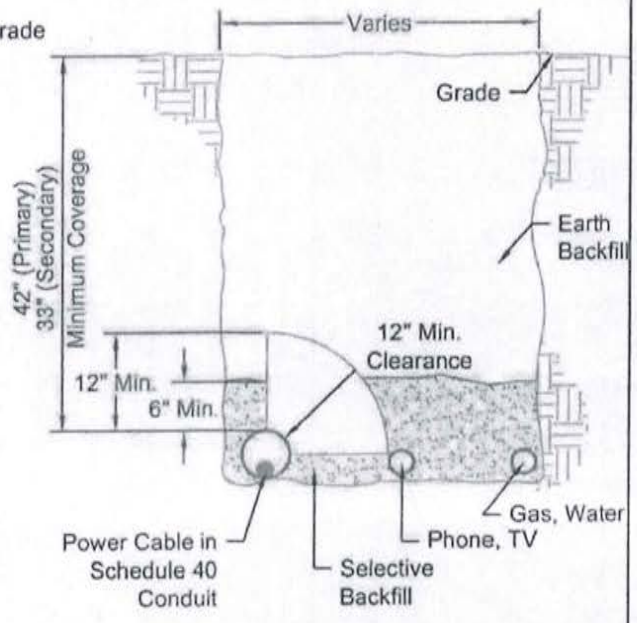
**Transformer Pad Details
 500 kVA & Below
 Three Phase Pad**

REV BY: JWV	SHT
REV DATE: 10/01/2013	2 of 2
REV NO 1	DIR. ENG. <i>RD</i> DATE <i>1/14</i>
DWG. NO.	
UG6-C	

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Right of Way Crossing
(Where Asphalt Exists)



Field Cut Detail and R.O.W Crossing
(Where No Asphalt Exists)

Notes:

1. Minimum trench cover requirements:
42" for primary cable (over 600 volt)
33" for secondary cable (600 volt or less)
2. Locate tape will be placed in a minimum of 12" above conduit, when conduit is located within road right of way or when feeder conduit is installed.
3. Selective backfill will either be 5/8" minus gravel or clean fill compacted to 95% at optimum moisture content.
4. If minimum trench cover can not be obtained, contact BPUD Engineering Dept. to discuss alternate options that may be available.

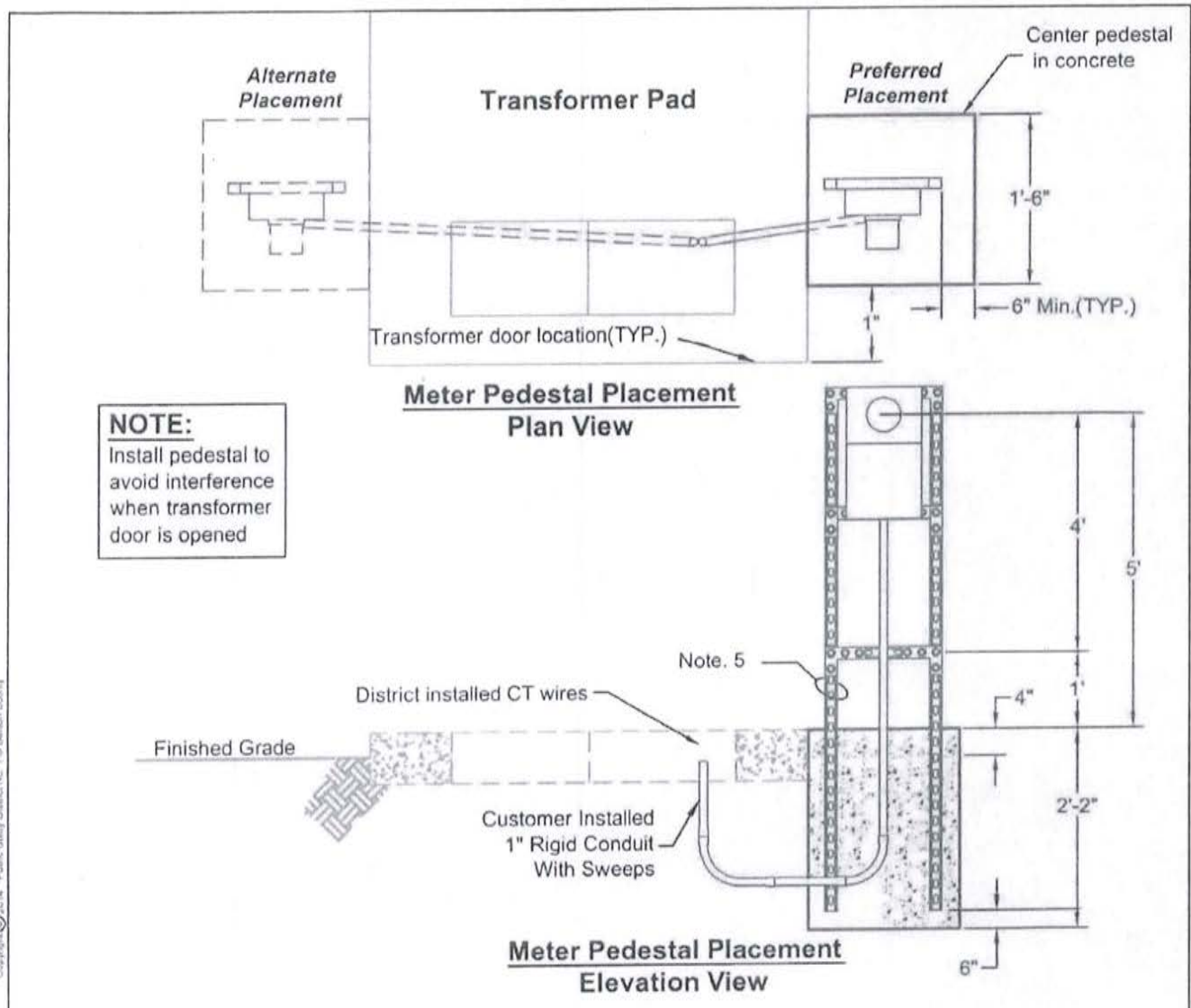
BENTON PUD

DRAWN BY: KRK
DRAW DATE: 08/10/05

TITLE:
**Trench Details
Underground Distribution**

REV BY: CA	SHT.
REV DATE: 07/16/14	1 of 1
REV NO: 0	DIR. ENG. DATE:
DWG. NO. UG3-2	


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Benton PUD Construction Standards & Property Construction Standards



NOTE:
Install pedestal to avoid interference when transformer door is opened

Notes:

1. The District will provide the pre-fabricated meter base and frame. Contractor install pedestal in concrete, plumb and sound, and to finished grade as shown.
2. Refer to transformer pad detail, UG6-C or UG6-C2.
3. Customer will supply and install the 1" conduit for the meter..
4. The meter must be located so the metering circuit conduit run does not exceed 25' in length or contain more than 4 bends totaling 360 degrees.
5. No condulets or junctions are allowed in metering circuit conduit.
6. Secondary circuit conductors: maximum number of wire-6 sets of 750 kcm copper or aluminum. Contact the District if in need of additional sets.
7. Details shown are minimum District requirements and are not intended to depict Washington State Labor and Industries requirements.

	TITLE	Self Supported CT Meter Pedestal with CT's Installed in Secondary Side of District Transformer	REV BY: JWV	SHT.
	DRAWN BY: JAD		REV DATE: 03/31/2014	1 of 1
	DRAW DATE: 03/27/01		REV NO: 2	DIR. ENG. <i>FD</i>
			DWG. NO.	Q-5G

PORT OF KENNEWICK

RESOLUTION No. 2017-29

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
PORT OF KENNEWICK AUTHORIZING AMENDMENT TO THE PURCHASE AND
SALE AGREEMENT WITH ROCKING RIVER LLC**

WHEREAS, Rocking River, LLC (Purchaser), purchased approximately 37.43 acres of the area graphically depicted on "Exhibit A" at the Hedges Industrial Park, in Finley, Washington from the Port of Kennewick (Seller) in July 2016; and

WHEREAS, through the 2016 purchase and sale agreement Rocking River LLC agreed to stockpile 10,000 tons of aggregate or sand material within eighteen (18) months of deed recording and have instead made site improvements including installation of perimeter security fencing, road grading, drilled a well for drinking water, and initiated various County, State and Federal permitting processes.

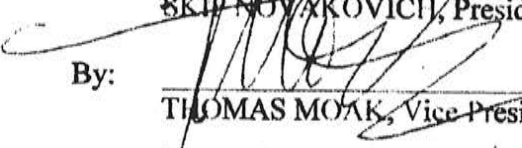
WHEREAS, Port staff and the Port attorney have reviewed the proposed substitutions and find it demonstrates an equal or greater commitment to development of the property and is in the Port's best interest to accept the site improvements in lieu of stockpiling; and

NOW, THEREFORE; BE IT HEREBY RESOLVED that the Board of Commissioners of the Port of Kennewick hereby authorizes the Port's Chief Executive Officer to execute all documents and agreements on behalf of the Port to finalize the transaction as specified above with Rocking River LLC.

ADOPTED by the Board of Commissioners of the Port of Kennewick on the 28th day of November, 2017.

**PORT of KENNEWICK
BOARD of COMMISSIONERS**

By: 
SKLIJUNOVICH, President

By: 
THOMAS MOAK, Vice President

By: 
DON BARNES, Secretary