



REPLY TO
ATTENTION OF

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

Regulatory Branch

Reference:

Dear Mr. and Ms. .

We have reviewed your application to construct a new 467 square foot pier, install one ground-based boatlift, two pier mounted jetski lifts, place spawning gravel and habitat features in Lake Washington at Kirkland, Washington. An existing concrete pier/breakwater and boat rail system will be removed. Based on the information you provided to us, this "Letter of Permission" (LOP) permit authorizes pier and boatlifts and Nationwide Permit 27 *Aquatic Habitat Restoration, Establishment, and Enhancement Activities* (Federal Register, March 12, 2007 Vol. 72, No. 47), authorizes the spawning gravel and habitat features as depicted on the enclosed drawings dated February 8, 2011, which are made part of this permit. In order for this authorization to be valid, you must ensure that the work is performed in accordance with the enclosed *Letter of Permission General Conditions, Nationwide Permit 27, Terms and Conditions* and the following special conditions:

a. You must provide a copy of the permit transmittal letter, the permit form, and drawings to all contractors performing any of the authorized work.

b. You must implement and abide by the Endangered Species Act (ESA) requirements and/or agreements set forth in your *Appendix A, Application form for RGP-1 and RGP-3* you submitted on February 10, 2011. The National Marine Fisheries Service (NMFS) concurred with a finding of "may affect, not likely to adversely affect" based on these documents on May 24, 2011 (NMFS Reference Number 2011/01899). The U.S. Fish and Wildlife Service (USFWS) concurred with a finding of "may affect, not likely to adversely affect" based on these documents on June 24, 2011 (USFWS Reference Number 13410-2011-I-02614). Failure to comply with the commitments made in this document constitutes non-compliance with the ESA and your U.S. Army Corps of Engineers (Corps) permit. The USFWS/NMFS is the appropriate authority to determine compliance with ESA.

c. In order to meet the requirements of the Endangered Species Act and for the protection of Puget Sound Chinook salmon, steelhead and bull trout, the permittee may conduct the authorized activities from July 16 through March 15 in any year this permit is valid. The permittee shall not conduct work authorized by this permit from March 16 through July 15 in any year this permit is valid.

d. To insure that light transmission is not impacted, grating must not be covered with or blocked by any objects, such as, but not limited to, buildings, planters, storage sheds or boxes, nets, carpets, boards, tables, lawn furniture, or utility conduits or boxes.

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

We have reviewed your project pursuant to the requirements of the ESA and the Magnuson-Stevens Fishery Conservation and Management Act in regards to Essential Fish Habitat (EFH). The Corps has determined that this project will comply with the requirements of the above laws provided you comply with special conditions "b" through "d" listed above.

Any change in the plans for this work will require that you submit revised drawings to this office and receive our written approval of those changes prior to conducting the work. Also, we have completed an approved jurisdictional determination for your project area which can be found on our website at <http://www.nws.usace.army.mil/> click on Regulatory, Regulatory/Permits, Recent Jurisdictional Determinations. If you object to any terms or conditions of this LOP or the jurisdictional determination, you may request an administrative appeal under our regulations 33 CFR 331 as described in the enclosed *Appeal Process Fact Sheet* and the *Notification of Administrative Appeal Options and Process and Request for Appeal* form.

Your authorization to conduct the proposed work under this LOP expires 3 years from the date of this letter.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked on March 18, 2012. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before March 18, 2012, you will have until March 18, 2013, to complete the activity under the present terms and conditions of this NWP.

Within 30 days of completing the authorized work, you must fill out and return the enclosed *Certificate of Compliance with Department of the Army Permit* form to the address indicated on

