



5350 PACIFIC WAY, LONGVIEW, WA 98632
 PHONE (360) 423-2493 • EMAIL cdid1@cdid1.org

ENCROACHMENT PERMIT FEDERAL LEVEES

DATE:	PERMIT NUMBER:
USACE PERMIT NO.:	PHONE:
APPLICANT:	
APPLICANT MAILING ADDRESS:	
OWNER:	
PROPERTY LEGAL DESCRIPTION OR ASSESSOR'S TAX NUMBER:	
STREET ADDRESS OF PROPERTY:	
DESCRIPTION OF REQUEST (ATTACH PLANS AND SUPPORTING ENGINEERING DOCUMENTS IF APPLICABLE):	
DURATION OF PERMIT (CHECK BOX AND INSERT TERMINATION DATE, IF ANY):	
<input type="checkbox"/> TERMINATION DATE:	<input type="checkbox"/> NO TERMINATION EXCEPT UPON CANCELLATION BY CDID #1

Applicant has read and fully understands the conditions set forth on the reverse side hereof, and the signature hereon by applicant constitutes applicant's full and complete agreement to be bound by such conditions in the event the permit requested is granted. The conditions of this permit, included herein and/or attached hereto, are hereby accepted by the applicant who hereby agrees to comply with said conditions, and acknowledges receipt of a copy thereof. This permit is not valid unless signed by the Manager of CDID #1.

APPLICANT SIGNATURE (OWNER): _____ DATE: _____

PERMIT TO ENCROACH ON CDID #1 FEDERAL RIGHT-OF-WAY

THIS PERMIT REQUESTED IS HEREBY GRANTED TO THE APPLICANT, SUBJECT TO THE FOLLOWING CONDITIONS:

<input type="checkbox"/> NONE	<input type="checkbox"/> ATTACHED HERETO	<input type="checkbox"/> AS NOTED HEREIN
CDID #1 Shall Receive Minimum 48-hour Notice Prior To Construction • 360.423.2493		

This application was reviewed and approved by the CDID #1 Board of Supervisors on: ____/____/____

CDID #1 DISTRICT MANAGER: _____ DATE: _____

CONDITIONS OF LEVEE ENCROACHMENT PERMITS ISSUED BY CDID #1 OF COWLITZ COUNTY

In compliance with Paragraph 208.10(a)(5) of Title 33, Code of Federal Regulations, no alteration, improvement, excavation or construction is permitted within the federally constructed levee right of way without prior approval from the United States Army Corps of Engineers (USACE) and the local sponsor (CDID#1). Approval requires coordinated review under the Section 408 process pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) and the guidelines described by Engineering Circular 1165-2-220.

Design Standards for Encroachments on Federal Public Works

- All improvements constructed within the federal levee right of way must meet the minimum requirements of USACE Engineer Manual (EM) 1110-2-1913, Design and Construction of Levees; and PDR 1130-2-5, Levee Encroachment Standards and Procedures.
- Installation of any pipeline, conduit, culvert or other utility which crosses over, under or through the federal levee shall also comply with EM 1110-2-2902, Engineering and Design of Conduits, Culverts and Pipes.
- Construction of any driveway, road, turnout, turnaround or other pedestrian or vehicular access which parallels, crosses, straddles or otherwise encroaches upon the federal levee shall also comply with EM 1110-2-1913.
- Geotechnical borings, monitoring wells and subsurface exploration in the levee right of way shall also be conducted in compliance with EM 1110-1-1804, Engineering and Design of Geotechnical Investigations.
- Landscaping improvements on the federal levee including woody and non-woody vegetation, containerized plants, rock, mulch or other groundcover shall also comply with USACE Engineering Technical Letter 1110-2-583, Engineering and Design Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures.

Official USACE publications are available at <https://www.publications.usace.army.mil/USACE-Publications/Engineer-Manuals/>.

General Conditions

1. This Permit is personal to Permittee and is not appurtenant to adjoining property. Permit does not convey or transfer any interest in real property; it only grants permission for use of District property or easement to the above named applicant under the terms of this agreement for the duration of this agreement. The District relies upon the Permittee to comply with all conditions of this Permit.
2. This Permit may not be re-assigned without prior written approval from the USACE and the District. Failure to comply with this condition constitutes noncompliance and is grounds for revocation.
3. If the Permittee fails to comply with any terms of this Permit, or if the USACE or the District determines the encroachments allowed by the Permit impair the usefulness of the federal project or are contrary to public interest, this Permit may be modified or revoked upon thirty (30) days written notice.
4. All construction shall be in accordance with drawings submitted with Permit Application, in accordance with all conditions imposed upon this Permit, and shall be subject to final inspection and approval by the District Engineer. The District is not responsible for the technical sufficiency of the design, means and method of construction, nor of the constructed work.
5. Work authorized by this Permit must begin within six (6) months from the date of issuance, and be completed within five (5) years from the date the USACE authorization is issued unless otherwise specified. Requests for time extension shall be submitted at least one month before the deadline for completion.
6. Any damages resulting directly or indirectly from construction must be repaired to the satisfaction of the District.
7. Permittee shall comply with all conditions of the federal authorization issued by the USACE. The Permittee shall document the project area and the project work before, during and after construction and shall be responsible to submit asbuilt drawings within thirty (30) days of completing work.

8. Permittee, and successor or Permittee, hereby agrees as follows:
 - (a) To assume all risk of injury, death, damage to property, attorney's fees and expenses for itself, its successors, assigns, agents, officers, directors, employees and contractors, arising out of construction and maintenance of the improvements and use of the property described herein, or its operations thereon, except those caused by or resulting from the sole negligence of the District.
 - (b) To indemnify and save harmless the District, its Supervisors, employees and agents, and the United States Corps of Engineers, against all claims, demands, suits and related expenses, including, but not limited to; attorney's fees, flood fight expenses, repair and construction levees, or failure of a levee(s) located in or near the improvements resulting from this Permit.
 - (c) Permittee agrees to remove any obstruction (fences, outbuildings, etc.) within thirty (30) days written notice from the District to facilitate equipment access, maintenance and repairs to the District facilities.
9. If this Permit relates to construction of any water withdrawal or discharge involving Waters of the State, the Permittee shall comply with all applicable federal, state and local statutes, ordinances, rules and regulations (current and future). Permittee shall procure all permits including but not limited to dredging operations, in-water work, discharges, wetlands, water rights, and water quality pursuant to the Federal Water Pollution Control Act Title 22 United States Code, Section 1251 et seq., State Water Pollution Control Act RCW 90.48 and Washington State Discharge General Permit Regulation WAC 173-226-130.
10. The District assumes no ownership of culverts, outfalls, conveyances, utilities or other improvements installed under this Permit. The Permittee bears sole responsibility for the maintenance, repair, replacement and/or possible relocation of all constructed improvements.
11. The District shall not be liable for any damage to any underground pipe, conduit, cable, wire, or other facility or device installed, placed, or operated under this Permit, resulting or occurring from or by reason of the District's operation, maintenance or repair of its facilities, nor for any interruption, interference or termination of service along, through or in connection with any such pipe, conduit, cable, wire or other facility.