

Checklist of Requirements for Permissions
33 United States Code Section 408
Mill Creek Fish Passage Project
Mill Creek Flood Control Zone District
Mill Creek Work Group

1. Any proposed alterations to modify the existing engineered channel reaches of Mill Creek must comply with 33 United States Code Section 408 and Engineer Circular EC 1165-2-216 (or its successors), and demonstrate that such modifications will not:

Geotechnical:

- a) Increase erosion potential at the stabilizers.
- b) Increase erosion potential at the toes of the embankments.
- c) Increase water pressure beneath the slabs or behind the retaining walls.
- d) Restrict access for maintenance, inspection, and flood fight activities.
- e) Compromise the current level of concrete durability and serviceability.
- f) Fail to meet the requirements of Corps of Engineers design and levee safety

criteria

Hydraulics:

- a) Reduce the design channel flood conveyance capacity
- b) Increase the water surface elevation at the design flood discharge
- c) Create hydraulic conditions that will lead to instability of either existing or proposed structural elements at any discharge
- d) Create hydraulic conditions that will lead to channel instability, degradation, or aggradation in the reaches either upstream or downstream of the engineered channel reaches

Structures:

- a) Reduce the factors of safety related to stability or sliding of existing channel retaining wall sections
- b) Increase uplift pressures on channel floor slabs
- c) Compromise reinforcing, waterstops, or other features of existing structures
- d) Fail to meet applicable federal, state, municipal, and adopted standards for new design and construction

2. Any proposed alteration must comply with the following list of conditions, requirements, and restrictions:

- a) The alteration must be for fish passage improvement
- b) The alteration must be within the Mill Creek channel managed and maintained by the Mill Creek Flood Control Zone District or its successors
- c) The alteration must be consistent with the Mill Creek Work Group 2009 programmatic plan, *Mill Creek Fish Passage Assessment*
- d) The alteration must not increase operation and maintenance needs or costs for the Mill Creek Flood Control Zone District

- e) The alteration must be approved by the Corps of Engineers
- f) The alteration must be consistent with March 2016 Environmental Assessment (EA) or any supplements to the EA
- g) All construction below the ordinary high water level must occur during an in-water work window as approved by Washington Department of Fish and Wildlife, National Marine Fisheries Service, U.S. Fish and Wildlife Service, and the Seattle District Corps of Engineers Regulatory office, currently June 15 – September 20.
- h) The Seattle District Corps of Engineers Regulatory office indicates the alteration would be authorized by Nationwide Permit 27, Aquatic Habitat Restoration, Establishment, and Enhancement Activities, and the alteration would meet the requirements of the most recent Endangered Species Act Fish Passage and Restoration Programmatic Consultation with the National Marine Fisheries Service and U.S. Fish and Wildlife Service. The applicant would need to obtain any applicable Section 404/Section 10 permits prior to construction.