

Section 9 Permit – Bridge Work in Navigable Waters of the U.S.

(1) Overview

Although a USCG Bridge Permit is often referred to as a Section 9 permit (because years ago bridges were approved under Section 9 of the Rivers and Harbors Act of 1899), the primary authority relied on by the USCG now for issuance of such permits is the General Bridge Act of 1946. This Act requires USCG approval to construct a new bridge or reconstruct or modify an existing bridge over navigable waters of the United States. The purpose of the act is to preserve the public right of navigation and prevent interference with interstate and foreign commerce. USCG policy is to protect the freedom of navigation and the quality of the environment, meeting the “reasonable needs” both of navigation and land traffic.

Agency Issuing Permit – U.S. Coast Guard, 13th District.

Statutory Authority – Section 9, Rivers and Harbors Act of 1899, 33 USC 401; Bridge Act of 1906, 33 USC 491 et seq.; General Bridge Act of 1946, 33 USC 525 et seq.; and Federal Aid Highway Act of 1987, Section 123(b), 23 USC 144(h). For the implementing regulations, see 33 CFR 114 et seq.

Regulated Activities – Typical activities requiring a USCG bridge permit are:

- Constructing a new bridge or causeway over a canal, channel, stream, river, lake, bay, or other navigable body of water.
- Modifying an existing bridge or causeway.
- Making repairs that alter structural configuration or navigational clearances; significantly modifying any substructure or superstructure components; changing a fender surface from wood to steel; or violating any navigational conditions of the original permit.
- Constructing a temporary bridge used during construction of a permanent bridge.

Exempt Activities – USGS permits are not required for the following projects:

- Constructing a bridge crossing non-tidal water not used or susceptible to use for transporting interstate or foreign commerce.
- Removing an existing bridge that will not be replaced by another bridge (USCG notification required).
- Retaining all or part of a bridge over navigable water for purposes other than transportation (Corps notification required).
- Repairing or replacing worn or obsolete parts on an existing bridge except as listed above.

Note: Consult with the WSDOT U.S. Coast Guard Liaison for help determining regulated and exempt activities.

Geographic Extent – For USGS bridge permitting purposes, a navigable waterway is any waterway that is subject to the ebb and flow of the tide; or that is presently used and/or is susceptible to use in its natural condition or by reasonable improvement, as a means to transport interstate or foreign commerce (33 CFR 2.36). In Washington, USCG jurisdiction

encompasses navigable waters of Puget Sound, the Columbia River, and coastal areas including channels and bays, see [list](#).

Note: If a project will potentially require both a Corps permit and a USCG Bridge Permit, it may be necessary to consult with both the Corps and the WSDOT U.S. Coast Guard Liaison early in the project development process to document their respective determinations of navigability (and hence jurisdiction), because their determinations can differ. Also, the Corps may want any USCG determination in writing, especially if the USCG determines that they don't have jurisdiction. For information on Corps navigability determinations, see [list](#).

Types of Permits – USCG bridge permit.

Prerequisite Permits and Approvals – USCG bridge permits require compliance with NEPA, and the ESA as well as other applicable federal, state, or local statutes. These permits cannot be approved without a Clean Water Act Section 401 water quality certification and a Coastal Zone Management (CZM) Certification from Ecology (coastal counties only). The 401 certification requires public notice before issuance, so WSDOT should notify Ecology in the early stages of preparing the permit application.

Related Permits and Approvals – Coast Guard bridge permits may also require a Section 404 permit from the Corps for dredge and fill activities; Hydraulic Project Approval from the WDFW; authorization from WDNR ; and a Shoreline permit from local government.

Bridge lighting requirements are specified as performance standards in 33 CFR 118.

Interagency Agreements – None applicable.

Processing Time – Processing time for WSDOT projects depends on USCG workload and ranges from 3 to 6 months from the time a complete application is received, or longer depending on the complexity of the project. Processing may be contingent on a state or local permit timeline. The Coast Guard permit will not be issued before water quality and coastal zone issues have been resolved, and the biological assessment and biological opinion are complete.

Fees – Not applicable.

(2) How to Apply

The WSDOT Bridge and Structures Office is responsible for coordinating and applying for Coast Guard permits for bridges over waterways. This is covered in Chapter 710 of the [Design Manual M 22-01](#) and Chapter 2 of the [Bridge Design Manual M 23-50](#). The U.S. Coast Guard Liaison in the Bridge Projects Unit of the Bridge and Structures Office handles this.

A determination of whether a bridge project requires a Coast Guard permit is typically determined by Region environmental staff during Project Scoping before the bridge site data is sent to the Bridge and Structures Office.

The Region Design Engineer should ask the Environmental Coordinator to consult with the U.S. Coast Guard Liaison before sending the bridge site data.

Generally, projects on tidally-influenced waterways and waterways used for commercial navigation will require Coast Guard permits. (See [EPM Chapter 500](#), Environmental

Permitting and PS&E, Table 500-1 and [Design Manual M 22-01](#), Chapter 230 Environmental Permits and Approvals for additional information on Coast Guard permits.)

For all waterway crossings, the U.S. Coast Guard Liaison is required to initial the Preliminary Plan as to whether a Coast Guard permit or exemption is required. This box regarding Coast Guard permit status is located in the center left margin of the plan. If a permit is required, the permit target date will also be noted. The reduced print, signed by the U.S. Coast Guard Liaison, shall be placed in the job file.

The work on developing the permit application should be started before the bridge site data is complete so that it is ready to be sent to the Coast Guard at least eight months prior to the project advertisement date. The U.S. Coast Guard Liaison should be given a copy of the preliminary plans from which to develop the Coast Guard Application plan sheets, which become part of the permit. The U.S. Coast Guard Liaison will provide instructions to the applicants, which are necessary to complete the permit processing.

All other permits will be the responsibility of the Region. The Bridge and Structures Office may be asked to provide information to the Region to assist them in making applications for these permits.

The Coast Guard's detailed *Bridge Permit Application Guide* includes definitions, a description of the permitting process, information to be included in the application and on plan drawings, environmental documentation requirements, and specifications for bridge lighting and clearance gauges. See Appendix D and E of the *Bridge Permit Application Guide* for a sample cover letter and an application checklist. The guide is online via the U.S. [Coast Guard website](#).

JARPA – The General Bridge Act permit application is submitted as part of a Joint Aquatics Resources Permit Application (JARPA), which is designed to allow applicants in Washington to batch permit applications and trigger concurrent permit review periods. JARPA forms and other information are available at the [ORA Permitting web site](#), or from the [Corps' Seattle District](#) website.

Pre-application Conference – For retrofit projects, the USCG will typically meet with the applicant in those cases where there will be a bridge operational change. Contact the U.S. Coast Guard Liaison to arrange meetings with the USCG. One or more pre-application meetings may be arranged with agencies with jurisdiction over the project.

Special Information Requirements – Contact the U.S. Coast Guard Liaison for specific application instructions.

Public Notice – The USCG publishes the public notice. This time frame should be reflected in the Region's Project Schedule.

Submitting the Application – Complete the JARPA application, with detailed and thorough project information and drawings per the U.S. Coast Guard Liaison's instructions. Submit to:

WSDOT Bridge and Structures Office
P.O. Box 47340
Olympia, WA 98504-7340
Attn: U.S. Coast Guard Liaison

Agency and Public Review – Within 30 days of receiving the application, the USCG notifies the WSDOT U.S. Coast Guard Liaison requesting any additional needed information. When the application is complete, the USCG publishes a public notice and a Local Notice to Mariners, and notifies other agencies. The USGS sends comments received during the 30-day comment period to the WSDOT U.S. Coast Guard Liaison, and may hold permit scoping/coordination meetings and/or public hearings as necessary.

Bridge permit applications are first investigated by the USCG 13th District staff in Seattle for potential impacts on navigation and the human environment. The District Commander's recommendation is forwarded to USCG headquarters in Washington, which conducts its own evaluation, and a permit is then issued or denied. Permits are usually effective for three to five years; longer periods may be requested.

Appeal Process – A decision to deny a permit may be appealed to the Commandant of the Coast Guard within 60 days of the USCG District decision.

Post-permitting Requirements – A pre-construction conference may be requested to clarify construction procedures. Coordinate with the U.S. Coast Guard Liaison. Permits typically include conditions such as those listed below.

- **Temporary Structures** – The permit usually includes a condition stating that the plans for temporary structures placed in the water must be approved before the start of construction. Minimum navigational clearances to be maintained during construction should be included in any construction contract.
- **Local Notice to Mariners** – The USCG publishes an LNM to inform waterway users of work in progress that may affect navigation. Notify the USCG at the start of construction, when any event during construction affects navigation, and at the end of major construction phases.
- **Navigational Lighting** – Approval of navigational lights and other required signals must be obtained prior to construction. Temporary navigational lighting must be maintained during construction.
- **Maintenance** – Bridges constructed under a USCG permit must be maintained according to permit conditions and approved plans. Notify the USGS in advance regarding any maintenance that will affect navigation.

(3) For More Information

For information on environmental documentation initiated during the NEPA/SEPA process, including relevant statutes, interagency agreements, policy and technical guidance, please refer to Environmental Procedures Manual [Chapter 430](#) (Surface Water), [Chapter 432](#) (Floodplain), and [Chapter 450](#) (Land Use). Other information specific to the USCG Pacific District can be obtained at the [US Coast Guard website](#).

(4) Permit Assistance

Before beginning work on this permit, contact the WSDOT U.S. Coast Guard Liaison, 360-705-7200.