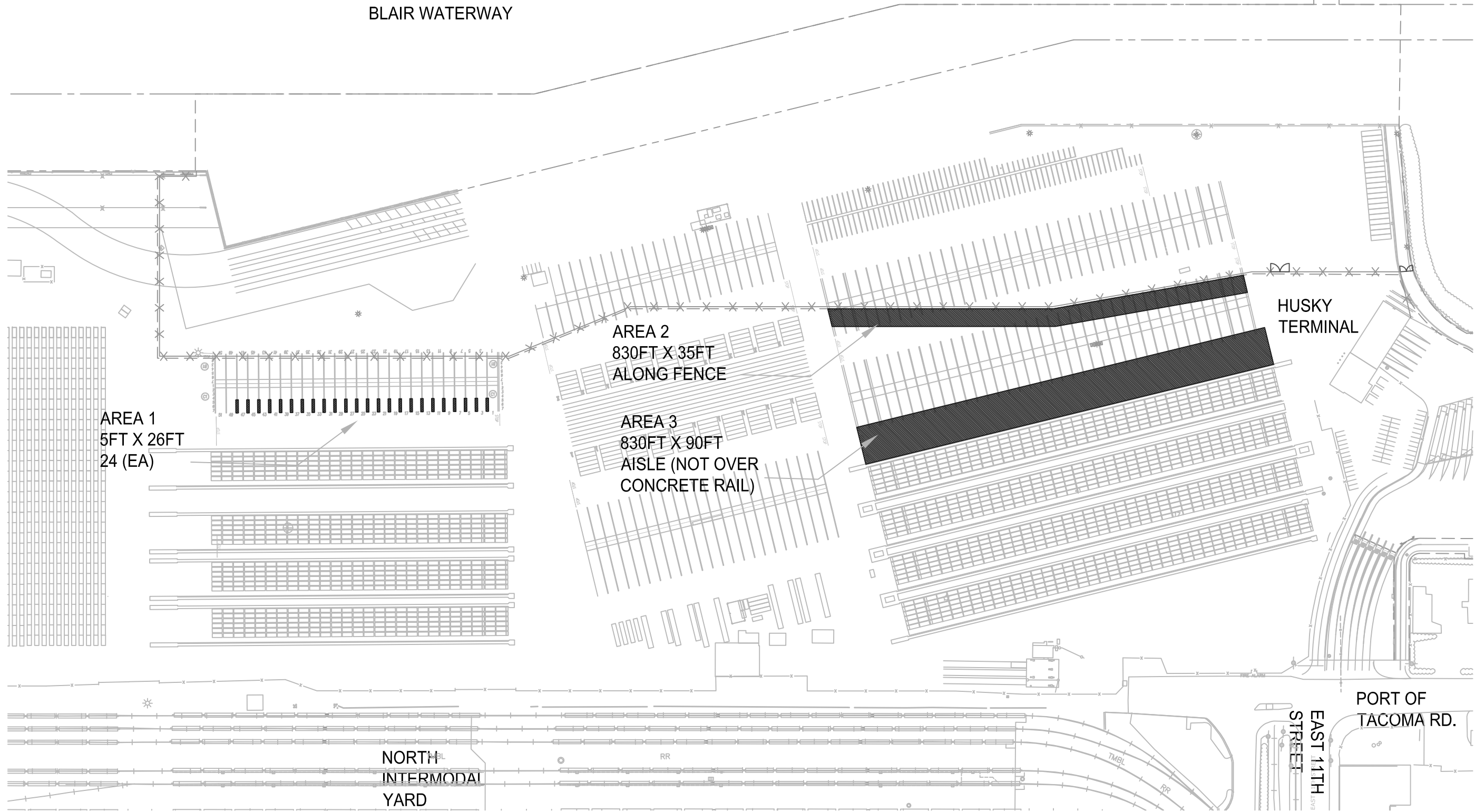


APPENDIX A - PLANS

Terminal 4 Paving Plan AP1.1

Pier 4 Phase 2 Reconfiguration
Constraints and Access Plan - G6.1



LEGEND

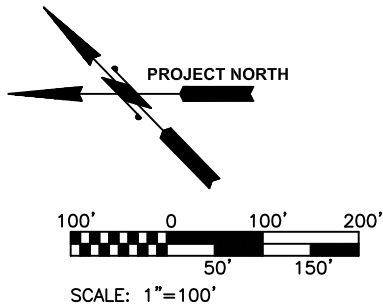
- TEMPORARY CONSTRUCTION FENCE
- PROFILE/GRIND ASPHALT TO 3" DEPTH AND PLACE 3" ASPHALT PER SPECIFICATIONS.


NOTES

- EXACT LOCATION TO BE FIELD MARKED
- SEE COORDINATES OF TEMP FENCE ON SHEET G6.1 OF THIS APPENDIX

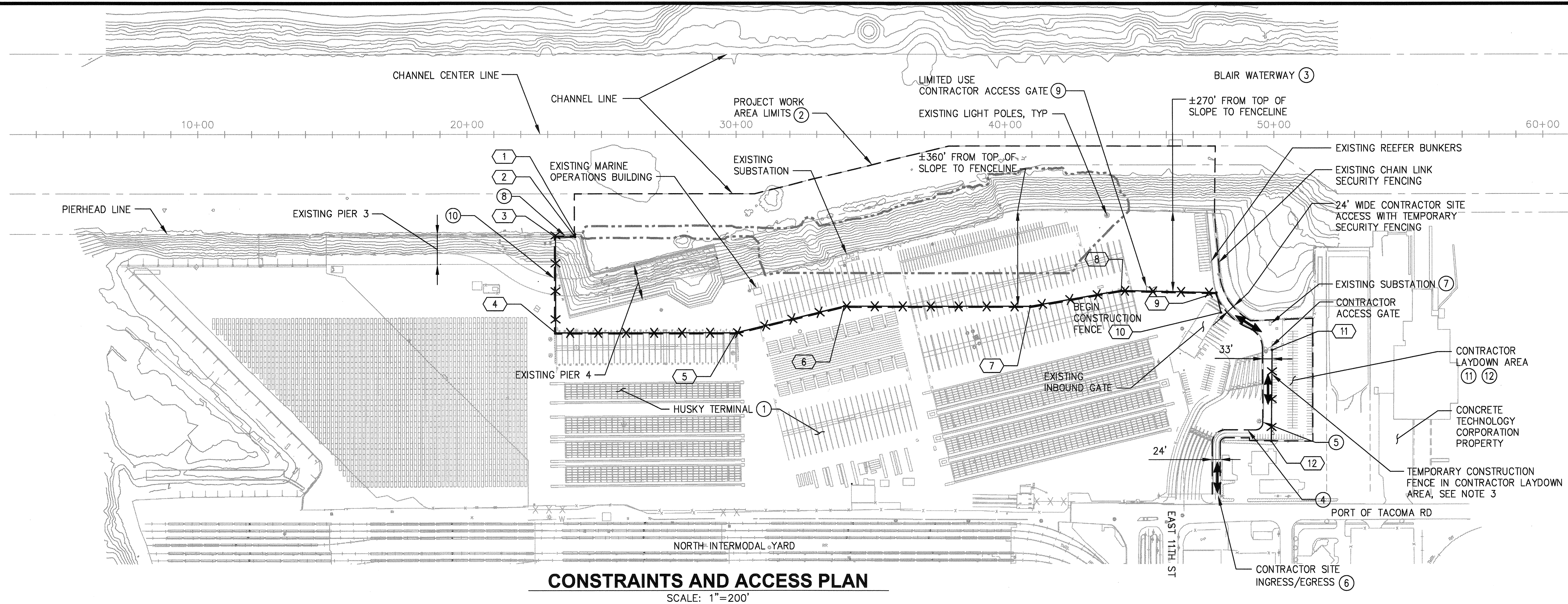
RESURFACING PLAN

SCALE: 1"=100'



| | | | | | | | | | | | | | | | | | | | | | |
|---------------------------------------|--|---|--|----------|--|--------------------------|--|------------------------|--|----------------------------|--|---|--|-----------|--|-----|--|-------|--|-------|--|
| <div>AP1.1</div> <div>SH # OF #</div> | | TERMINAL 3 & 4 PAVING IMPROVEMENTS RESURFACING PLAN | | | | APPROVED: | | CHECKED BY DATE | | | | <div><div>Port of Tacoma</div><div>P.O. BOX 1807 TACOMA, WA 98401 253-354-1</div></div> | | | | | | | | | |
| | | | | | | DIRECTOR ENG. DATE | | PROJ. ENGR. DATE | | | | | | | | | | | | | |
| | | TOWNSHIP: | | RANGE: | | SECTION: | | PRINTED BY: | | barcher Apr 21, 2016 | | | | | | | | | | | |
| | | M. ID: | | DAT-HRZ: | | WA83-SF | | VERT: | | MLLW 19.39' @ Tide 22 1933 | | | | | | | | | | | |
| PHASE: NA | | PARCEL: | | | | DRAWING SCALE: | | AS NOTED | | | | MARK: | | REVISION: | | BY: | | APPR: | | DATE: | |










KEY NOTES

- ① HUSKY TERMINAL IS A RESTRICTED OPERATING TERMINAL. THE CONTRACTOR SHALL NOT INTERFERE WITH TERMINAL OPERATIONS.
- ② CONTRACTOR SHALL STOCKPILE AND STAGE ALL EQUIPMENT, SUPPLIES AND MATERIALS WITHIN THE PROJECT WORK AREA LIMITS AND LAYDOWN AREA UNLESS NOTED OTHERWISE. WHEN CONTRACT WORK IS COMPLETE CONTRACTOR SHALL CLEAR AND CLEAN THE WORK AND LAYDOWN AREA AND REPAIR ANY DAMAGE CAUSED BY THE CONTRACTOR'S OPERATIONS, INCLUDING PAVEMENT.
- ③ THE BLAIR WATERWAY IS AN ACTIVE SHIPPING CHANNEL. THE CONTRACTOR SHALL NOT OBSTRUCT SHIPPING OPERATIONS TO AND FROM THE HUSKY TERMINAL, ANY OTHER TERMINAL, OR ANY OTHER VESSEL TRAFFIC IN THE WATERWAY.
- ④ CONTRACTOR SHALL PROTECT-IN-PLACE EXISTING CONCRETE BARRIERS AND NOT IMPACT INCOMING TERMINAL TRAFFIC OR GATE OPERATIONS.
- ⑤ CONTRACTOR SHALL PROTECT-IN-PLACE EXISTING HIGH MAST LIGHT POLE, ROUTE CONSTRUCTION TRAFFIC SOUTH OF POLE AND NOT IMPACT INCOMING TERMINAL TRAFFIC OR GATE OPERATIONS.
- ⑥ CONTRACTOR SHALL PROVIDE A FLAGGER AT INTERSECTION OF PORT OF TACOMA ROAD AND CONTRACTOR SITE INGRESS/EGRESS ROUTE, IF NECESSARY.
- ⑦ CONTRACTOR SHALL PROTECT IN PLACE EXISTING SUBSTATION.
- ⑧ CONTRACTOR SHALL MAINTAIN ACCESS TO PIER 3 SOUTHERN MOST MOORING BOLLARDS.
- ⑨ LIMITED USE CONTRACTOR ACCESS GATE MAY BE USED AS REQUIRED FOR DELIVERY OF LARGE EQUIPMENT AND MATERIALS. CONTRACTOR SHALL COORDINATE WITH THE ENGINEER AND TERMINAL TENANT.
- ⑩ THE TEMPORARY CONSTRUCTION FENCE LOCATION SHOWN FOR THE NORTH BOUNDARY OF THE PROJECT WORK AREA IS INTENDED TO REPRESENT THE INITIAL LOCATION OF THE FENCE LINE TO ACCOMMODATE WORK AT THE NORTH END OF THE PROJECT. RELOCATION OF THE NORTH FENCE LINE MAY BE REQUIRED DURING THE DURATION OF THE PROJECT IN ORDER TO ACCOMMODATE TERMINAL OPERATIONS WHEN NOT WORKING ON THE INTERFACE BETWEEN PIER 3 AND PIER 4. THE CONTRACTOR SHALL INCLUDE UP TO 2 RELOCATIONS OF THE NORTH FENCE LINE IN THE BASE BID FOR THE PROJECT. REQUIREMENTS FOR FENCE RELOCATION WILL BE AS DIRECTED BY THE ENGINEER.

KEY NOTES - CONTINUED

- (11) THE CONTRACTOR LAYDOWN AREA CONTAINS REMOVABLE CONCRETE WHEEL STOPS THAT MAY BE MOVED BY THE CONTRACTOR TO ACCOMMODATE WORK AREA SET-UP. THE WHEEL STOPS ARE PINNED TO THE PAVEMENT BY STEEL OR REBAR DOWELS. ALL WHEEL STOPS SHALL BE PROTECTED FROM DAMAGE, WHETHER THEY REMAIN IN PLACE OR ARE REMOVED. REMOVED WHEEL STOPS SHALL BE REINSTALLED IN THEIR PRE-PROJECT CONDITION AT THE COMPLETION OF THE PROJECT.
- (12) THE CONTRACTOR LAYDOWN AREA SHALL ACCOMMODATE PLACEMENT OF UP TO (3) 40-FOOT SHIPPING CONTAINERS USED FOR STORAGE BY THE TERMINAL TENANT. PRIOR TO MOBILIZATION TO THE SITE, THE CONTRACTOR SHALL COORDINATE THE LAYOUT OF THE LAYDOWN AREA WITH THE PORT TO ACCOMMODATE PLACEMENT OF, ACCESS TO, THE SHIPPING CONTAINERS.

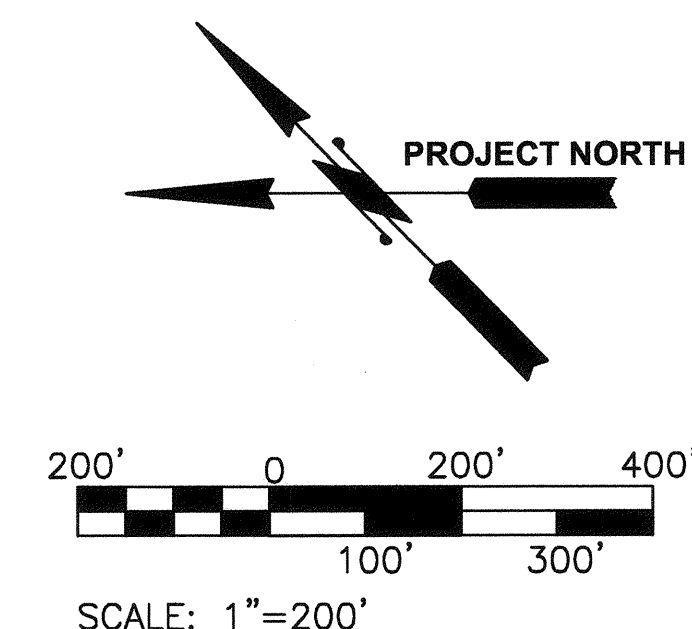
LEGEND

- | | | |
|---|------------------------------|---|
|  | PROJECT WORK AREA LIMITS | |
|  | TEMPORARY CONSTRUCTION FENCE |  |
|  | CONTRACTOR ACCESS ROUTE | |
|  | LIMITS OF DREDGING | |

| TEMPORARY CONSTRUCTION FENCE COORDINATES | | |
|---|-----------|------------|
| # | NORTHING | EASTING |
| 1 | 713754.56 | 1166239.70 |
| 2 | 713747.55 | 1166232.72 |
| 3 | 713798.28 | 1166180.37 |
| 4 | 713542.85 | 1165932.84 |
| 5 | 713075.95 | 1166414.62 |
| 6 | 712866.75 | 1166771.31 |
| 7 | 712384.82 | 1167268.33 |
| 8 | 712191.88 | 1167552.31 |
| 9 | 711939.88 | 1167800.34 |
| 10 | 711875.38 | 1167761.33 |
| 11 | 711643.40 | 1167801.23 |
| 12 | 711403.11 | 1167563.76 |

NOTES

1. ECOLOGY BLOCKS SHALL BE PLACED INSIDE TEMPORARY CONSTRUCTION FENCE WITHIN THE PROJECT WORK AREA LIMITS, SEE SHEET G8.6 FOR PLACEMENT REQUIREMENTS. THE FENCE COORDINATES REPRESENT THE CENTER LINE OF THE TEMPORARY CONSTRUCTION FENCE. PROJECT WORK AREA LIMITS ARE SHOWN OFFSET FROM TEMPORARY CONSTRUCTION FENCE FOR CLARITY.
2. REFER TO SPECIFICATION SECTION 01 14 00, WORK RESTRICTIONS FOR WORK SEQUENCE, SCHEDULE CONSTRAINTS, AND WORK LOCATED OUTSIDE OF THE PROJECT WORK AREA LIMITS.
3. TEMPORARY CONSTRUCTION FENCE IN CONTRACTOR LAYDOWN AREA IS OPTIONAL, ECOLOGY BLOCKS NOT REQUIRED FOR TEMPORARY CONSTRUCTION FENCE IN CONTRACTOR LAYDOWN AREA.



APPENDIX B - PERMITS

Department of the Army Permit

Hydraulic Project Approval

Shoreline Substantial Development

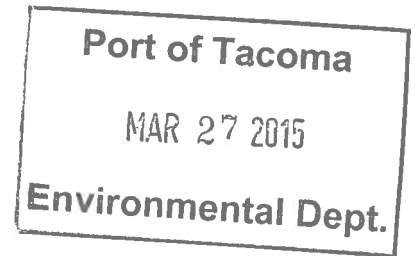
Permit Exemption



REPLY TO
ATTENTION OF

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

MAR 25 2015



Regulatory Branch

Ms. Jennifer Stebbings
Port of Tacoma
P.O. Box 1837
Tacoma, Washington 98401-1837

Reference: NWS-2014-1149-WRD
Tacoma, Port of
(Maintenance and Repairs
at sixteen existing facilities)

Dear Ms. Stebbings:

We have reviewed your application to maintain, repair, and/or install existing fender systems, rub strips, re-planking or repaving, bollards, navigation lights, bull rails, safety ladders/platforms, crane rails, cathodic protection systems, utility systems and containment berms on sixteen existing facilities (AMP Terminals, Terminal 7, Olympic Container Terminal (OCT), Husky Terminal, Washington United Terminal (WUT), Blair Dock, Pierce County Terminal (PCT), East Blair Dock, Parcel 115, Parcel 88, Parcel 105, Parcel 99, BRAC Property, TOTE Terminal, Trident, and TEMCO) in Hylebos, Blair, and Sitcum Waterways, and Commencement Bay at Tacoma, Pierce County, Washington. Based on the information you provided to us, this "Letter of Permission" (LOP) permit authorizes your proposal as depicted on the enclosed drawings dated February 6, 2015, which are made part of this permit.

In order for this LOP authorization to be valid, you must ensure that the work is performed in accordance with the enclosed *Letter of Permission General 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. The permittee understands and agrees that, if future operations by the U.S. 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 U.S. Army Corps of Engineers, to remove, relocate, or

alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.

c. The permittee must implement the Best Management Practices listed in Section 8a of the JARPA dated December 3, 2014. All activities must comply with Washington Department of Fish and Wildlife Hydraulic Project Approval and Washington Department of Ecology water quality standards.

d. By accepting this permit, the permittee agrees to accept such potential liability for response costs, response activity and natural resource damages as the permittee would have under CERCLA or MTCA absent the issuance of this permit. Further, the permittee agrees that this permit does not provide the permittee with any defense from liability under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 et seq. (CERCLA), or the Model Toxics Control Act, R.C.W. 70.105 (MTCA). Additionally, the permittee shall be financially responsible for any incremental response costs attributable under CERCLA or MTCA to the permittee's activities under this permit in the Hylebos, Blair, and Sitcum Waterways, and Commencement Bay.

We have reviewed your project pursuant to the requirements of the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act in regards to Essential Fish Habitat. The U.S. Army Corps of Engineers has determined that this project will comply with the requirements of the above laws.

Hylebos, Blair, and Sitcum Waterways and Commencement Bay are waters 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.

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. If you object to any terms or conditions of this LOP or the JD, you may request an administrative appeal under our regulations (33 CFR Part 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 permit expires 5 years from the date of this letter. 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 the form. Your signature on this form is our assurance you have conducted the work and any required mitigation in accordance with the terms and conditions of this LOP,

including all special conditions. Please remember that failure to comply with the terms and conditions of this LOP, including any special conditions, will invalidate your authorization and could result in a violation of Federal law.

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 form. This form and information about our program is available on our website at: www.nws.usace.army.mil (select "Regulatory Branch, Permit Information").

While this project will not require further authorization from us, please note that it must comply with all local, State, and other Federal requirements that may apply. If you have any questions about this letter or our regulatory program, please contact Ms. Olivia Romano at olivia.h.romano@usace.army.mil or by phone at (206) 764-6960.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

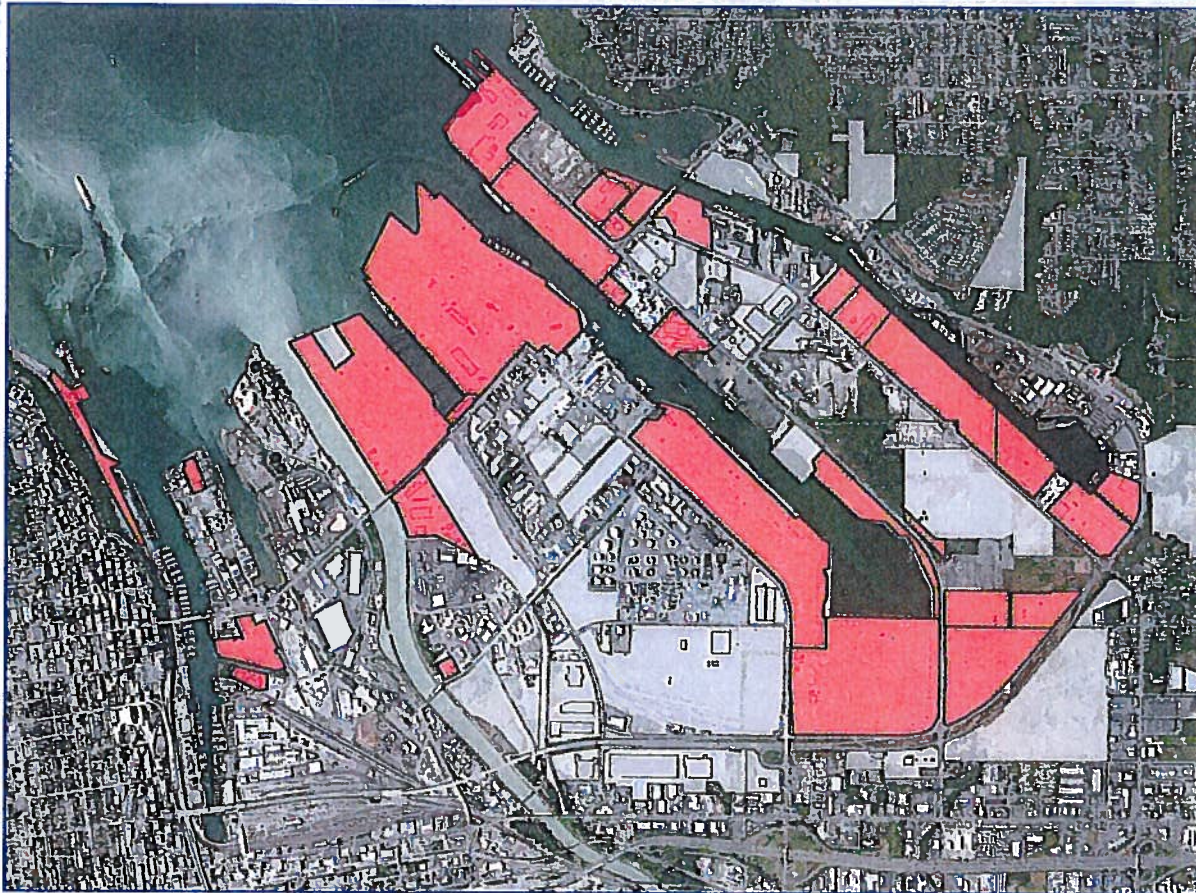
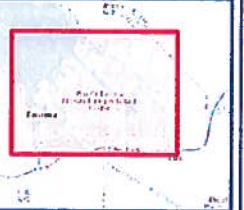

for John G. Buck
Colonel, Corps of Engineers
District Engineer

Enclosures



Port
view

Port of Tacoma Terminal and Shoreline Area Routine Maintenance and Repair



Legend

- Building Footprints
- Port Parcels

Notes

Highlighted areas are Port parcels included in permit application. Some Port parcels are within the shoreline zone but are not included in this permit application.

SCALE 1: 50,000

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0 2 Miles

Map Produced 12/03/2014 By

© Port of Tacoma

Purpose: Routine Maintenance and Repairs to Terminals and Docks

REF: Corps Permit # NWS-2014-1149-WRD

Date: Feb 6, 2015

Port of Tacoma

In Hylebos, Blair, Sitcum, Waterways and Commencement Bay at Tacoma, in Pierce County, Washington

Sheet 1 of 10

At AMP Terminals, Terminal 7, Olympic Container Terminal (OCT), Husky Terminal, Washington United Terminal (WUT), Blair Dock, Pierce County Terminal (PCT), East Blair Dock, Parcel 115, Parcel 86, Parcel 105, Parcel 99, BPAC Property, TOTE Terminal, Trident and TEMCO.

47.365458 N Lat/ -122.412325 W Long

Terminal and Shoreline Area Routine Maintenance and Repair

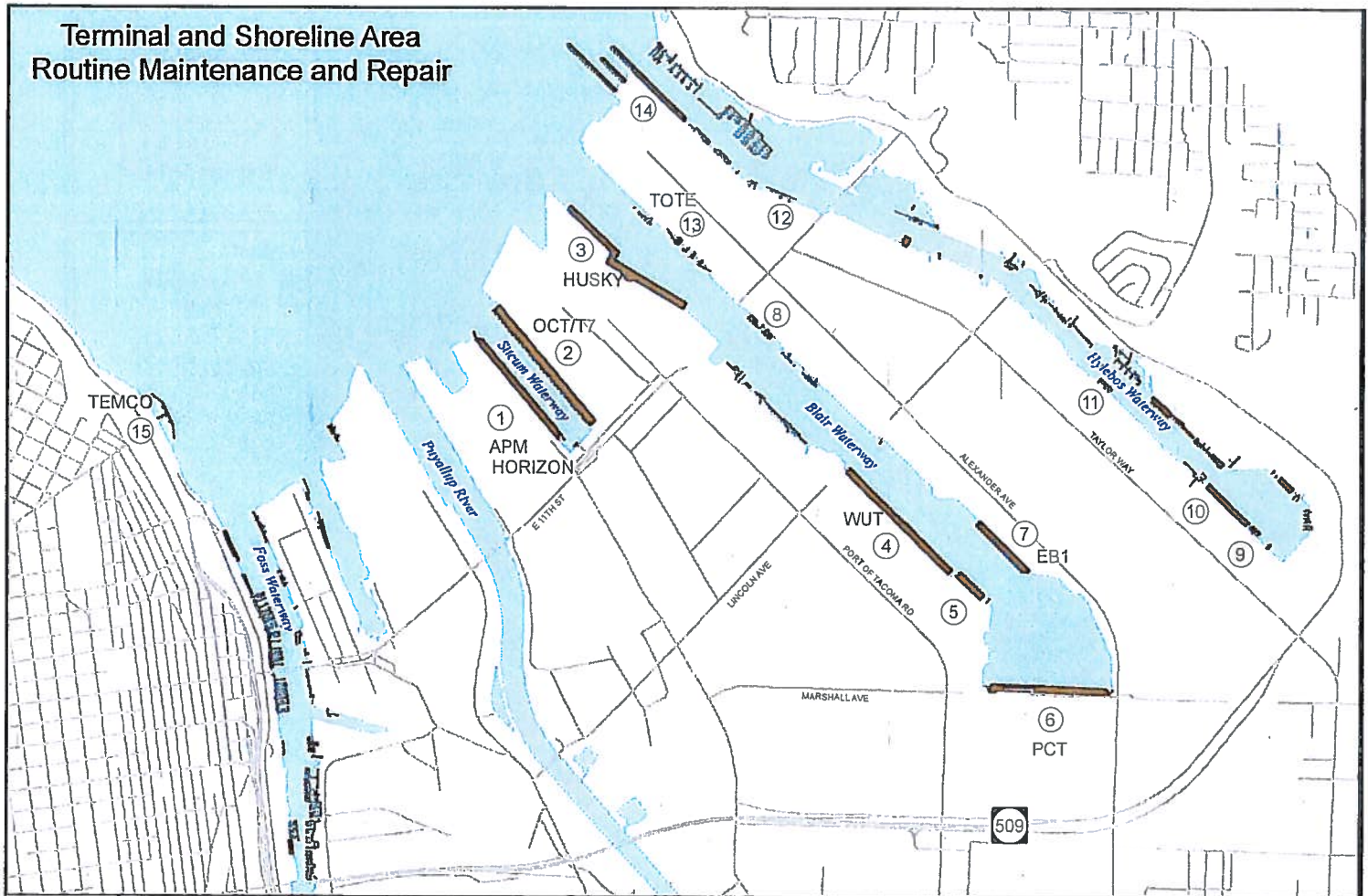


FIGURE 02

- | | | | |
|------------------|-------------------|-----------------|-----------|
| ① APM TERMINALS | ⑤ BLAIR DOCK | ⑨ PARCEL 86 | ⑬ TOTE |
| ② TERMINAL 7/OCT | ⑥ PCT | ⑩ PARCEL 105 | ⑭ TRIDENT |
| ③ HUSKY TERMINAL | ⑦ EAST BLAIR DOCK | ⑪ PARCEL 99 | ⑮ TEMCO |
| ④ WUT | ⑧ PARCEL 115 | ⑫ BRAC PROPERTY | |

Author: Jan Raddell
Map Date: 2/5/2015

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Reference: NWS-2014-1149-WRD

0 0.25 0.5 0.75 1 Miles

Document Path: L:\Projects\PortReplacement\mxd\Programmatic\PileReplacement2015.mxd

Purpose: Routine Maintenance and Repairs to Terminals and Docks

REF: Corps Permit # NWS-2014-1149-WRD

Date: Feb 6, 2015

Port of Tacoma

In Hylebos, Blair, Sitcum, Waterways and Commencement Bay at Tacoma, in Pierce County, Washington

Sheet 2 of 10

At AMP Terminals, Terminal 7, Olympic Container Terminal (OCT), Husky Terminal, Washington United Terminal (WUT), Blair Dock, Pierce County Terminal (PCT), East Blair Dock, Parcel 115, Parcel 86, Parcel 105, Parcel 99, BPAC Property, TOTE Terminal, Trident and TEMCO.

47.365458 N Lat/ -122.412325 W Long

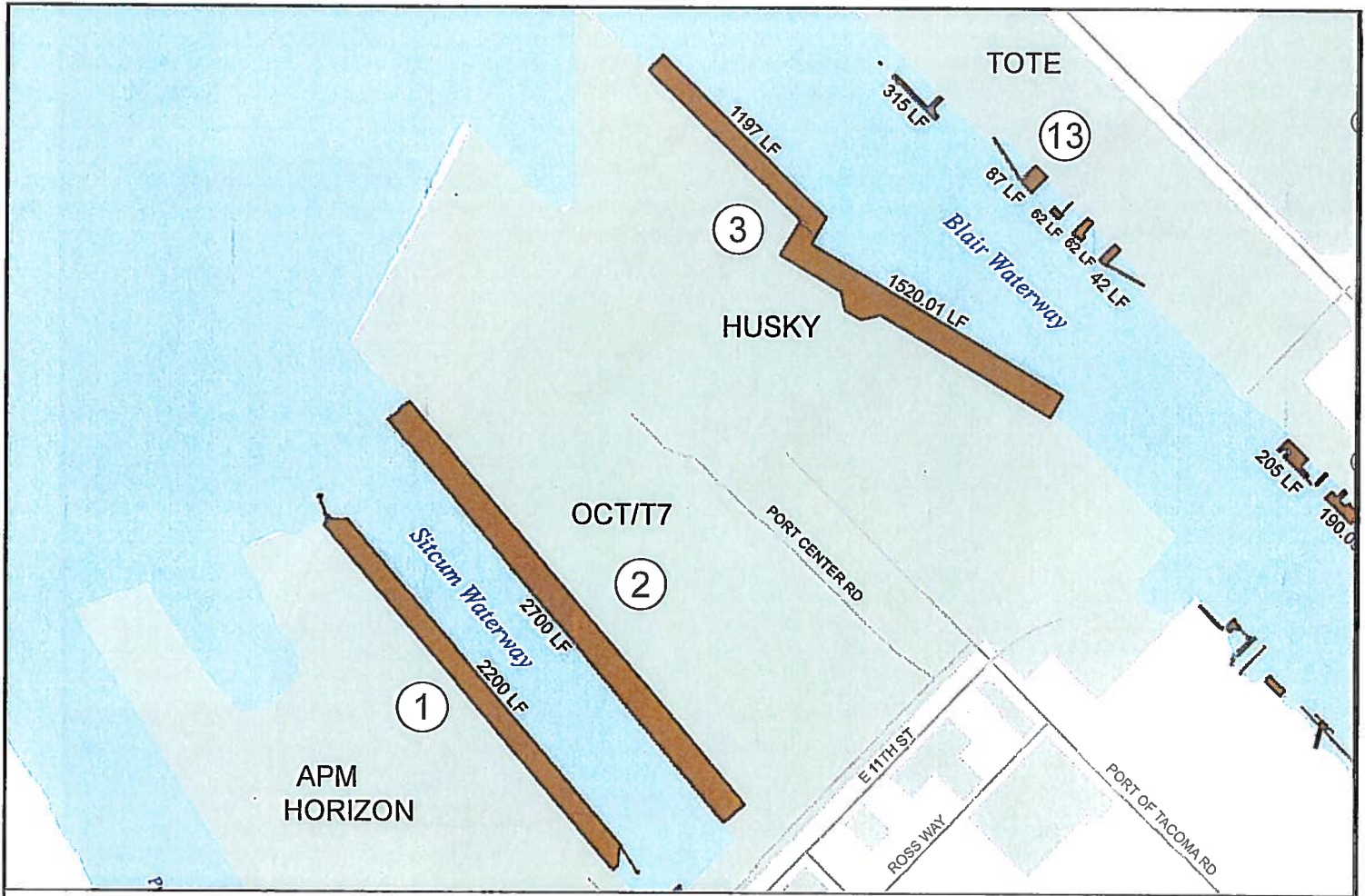


FIGURE 03

- ① APM TERMINALS
- ② TERMINAL 7/OCT
- ③ HUSKY
- ⑬ TOTE



Reference: NWS-2014-1149-WRD



Purpose: Routine Maintenance and Repairs to Terminals and Docks

REF: Corps Permit # NWS-2014-1149-WRD

Date: Feb 6, 2015

Port of Tacoma

In Hylebos, Blair, Sitcum, Waterways and Commencement Bay at Tacoma, in Pierce County, Washington

Sheet 3 of 10

At AMP Terminals, Terminal 7, Olympic Container Terminal (OCT), Husky Terminal, Washington United Terminal (WUT), Blair Dock, Pierce County Terminal (PCT), East Blair Dock, Parcel 115, Parcel 86, Parcel 105, Parcel 99, BPAC Property, TOTE Terminal, Trident and TEMCO.

47.365458 N Lat/ -122.412325 W Long

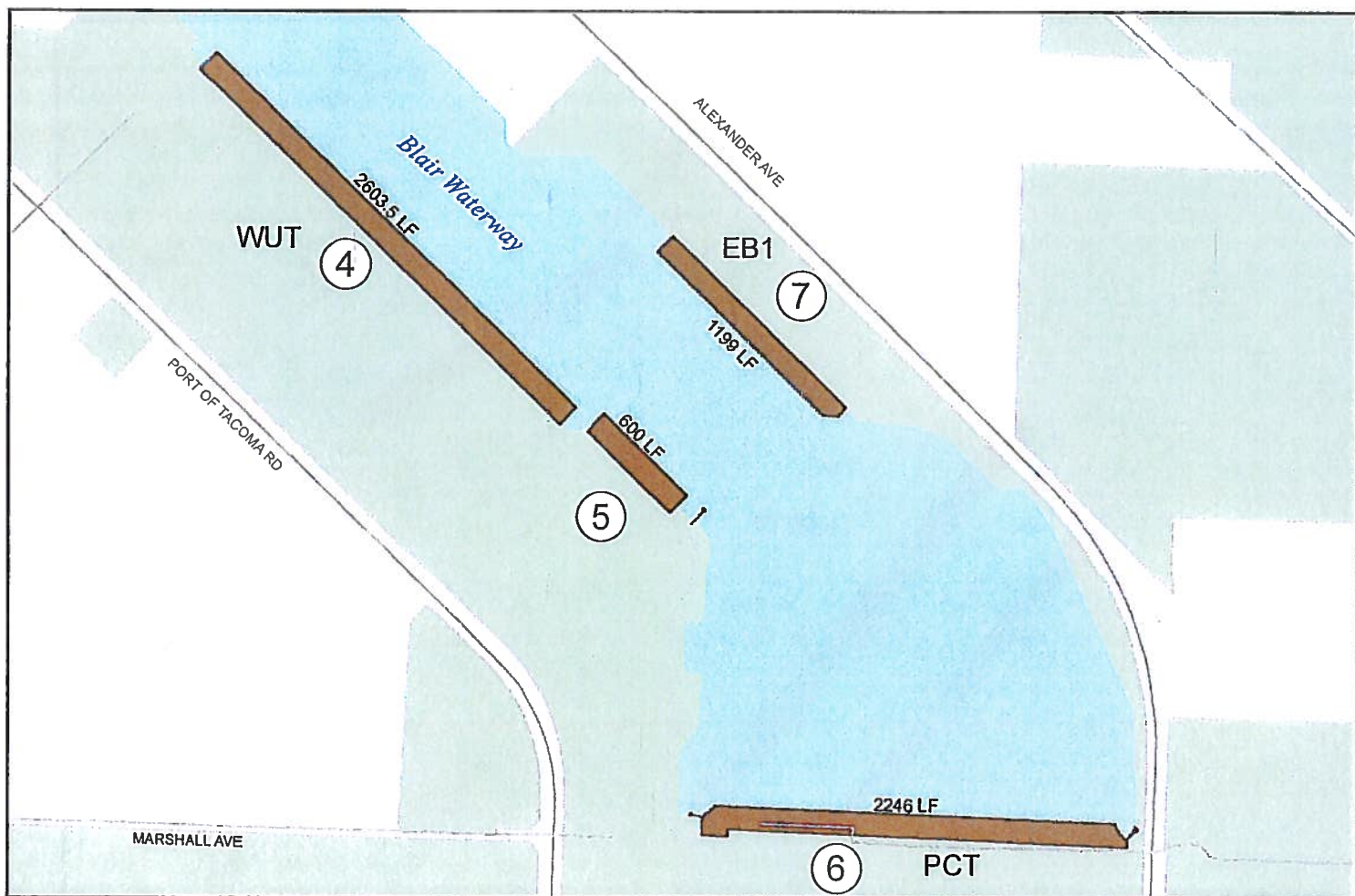
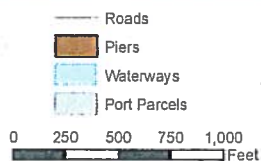


FIGURE 04

- ④ WUT
- ⑤ BLAIR DOCK
- ⑥ PCT
- ⑦ EAST BLAIR DOCK

Reference: NWS-2014-1149-WRD



Author: Jen Radcliff
Map Date: 2/5/2015

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Document Path: L:\Projects\PIleReplacement\mxd\2015\Figure04.mxd



Purpose: Routine Maintenance and Repairs to Terminals and Docks

REF: Corps Permit # NWS-2014-1149-WRD

Date: Feb 6, 2015

Port of Tacoma

In Hylebos, Blair, Sitcum, ~~Waterways~~ Waterways and Commencement Bay at Tacoma, in Pierce County, Washington

Sheet 4 of 10

At AMP Terminals, Terminal 7, Olympic Container Terminal (OCT), Husky Terminal, Washington United Terminal (WUT), Blair Dock, Pierce County Terminal (PCT), East Blair Dock, Parcel 115, Parcel 86, Parcel 105, Parcel 99, BPAC Property, TOTE Terminal, Trident and TEMCO.

47.365458 N Lat/ -122.412325 W Long

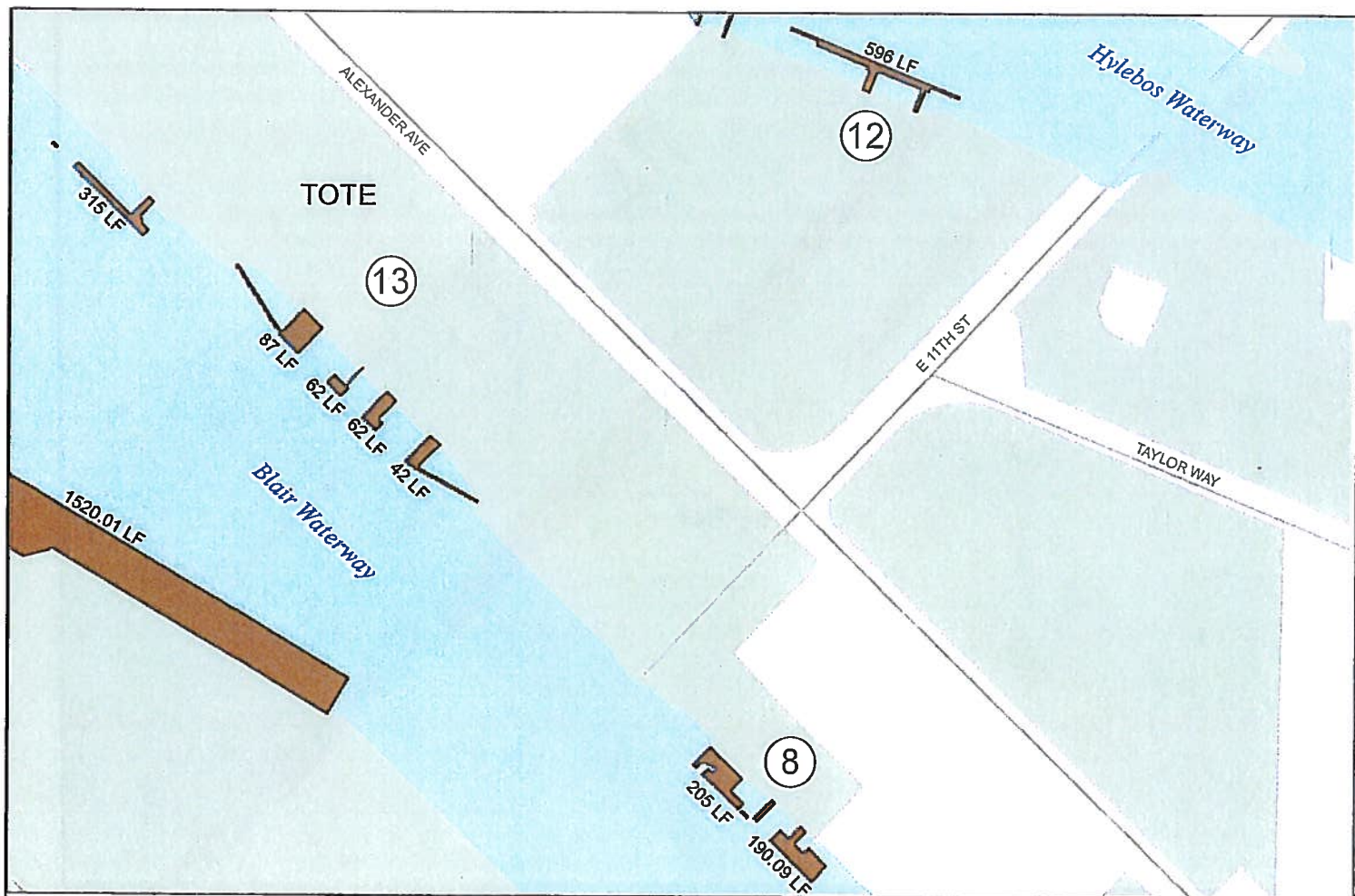


FIGURE 05

- ⑧ PARCEL 115
- ⑫ BRAC PROPERTY
- ⑬ TOTE

— Roads
 ■ Piers
 ■ Waterways
 ■ Port Parcels



0 250 500 750 Feet

Author: Jen Radcliff
 Map Date: 2/6/2015

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Document Path: L:\Projects\PileReplacement\mxd\2015\Figure05.mxd



Reference: NWS-2014-1149-WRD

Purpose: Routine Maintenance and Repairs to Terminals and Docks

REF: Corps Permit # NWS-2014-1149-WRD

Date: Feb 6, 2015

Port of Tacoma

In Hylebos, Blair, Sitcum, Waterways and Commencement Bay at Tacoma, in Pierce County, Washington

Sheet 5 of 10

At AMP Terminals, Terminal 7, Olympic Container Terminal (OCT), Husky Terminal, Washington United Terminal (WUT), Blair Dock, Pierce County Terminal (PCT), East Blair Dock, Parcel 115, Parcel 86, Parcel 105, Parcel 99, BPAC Property, TOTE Terminal, Trident and TEMCO.

47.365458 N Lat/ -122.412325 W Long

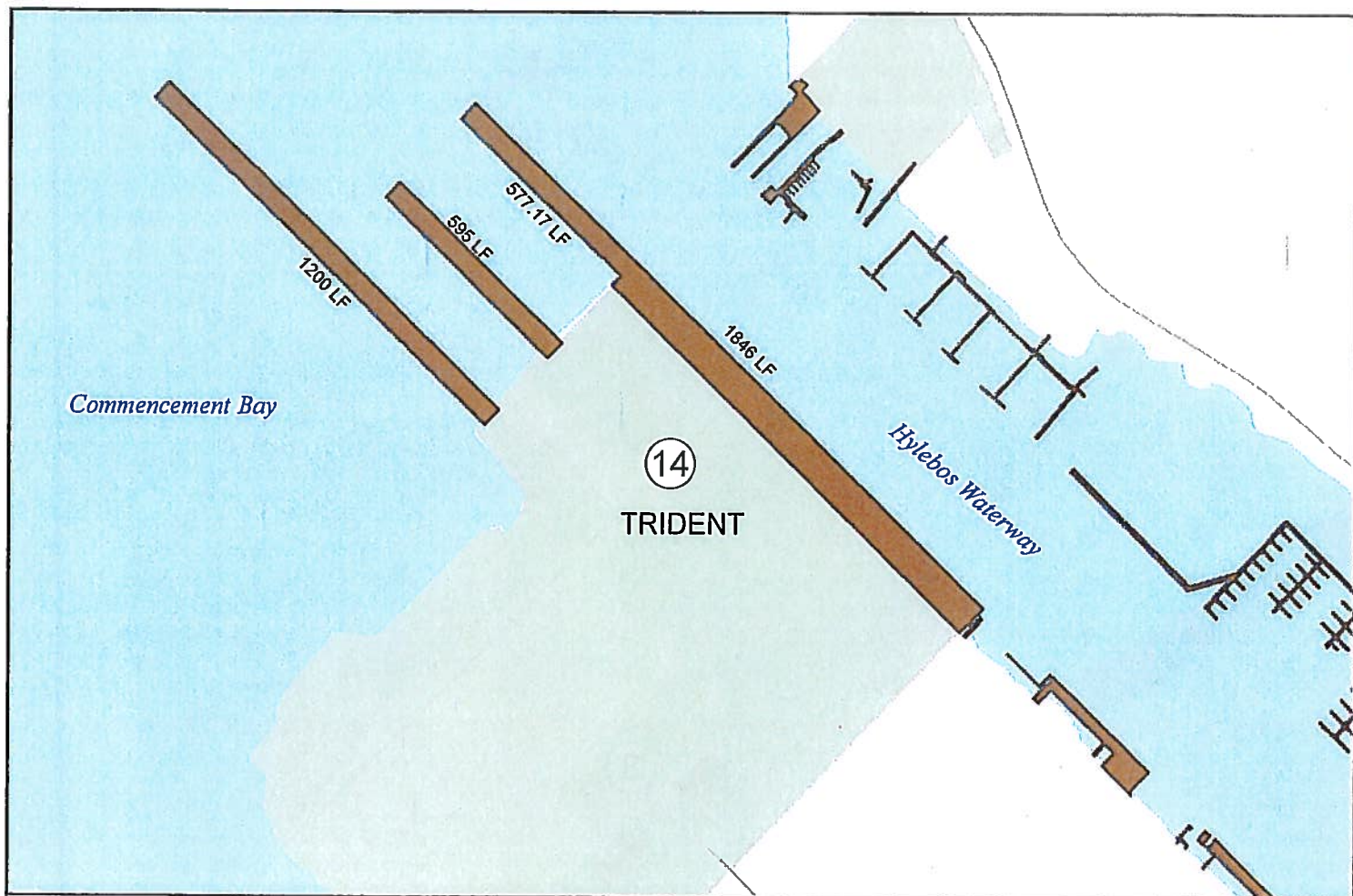


FIGURE 06

14 TRIDENT

- Roads
- Piers
- Waterways
- Port Parcels



Reference: NWS-2014-1149-WRD

0 250 500 750 Feet

Author: Jen Radcliff
Map Date: 2/6/2015

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Document Path: L:\Projects\PierReplacement\mxd\2015\Figure06.mxd



Purpose: Routine Maintenance and Repairs to Terminals and Docks

REF: Corps Permit # NWS-2014-1149-WRD

Date: Feb 6, 2015

Port of Tacoma

In Hylebos, Blair, Sitcum, ~~Waterways~~ Waterways and Commencement Bay at Tacoma, in Pierce County, Washington

Sheet 6 of 10

At AMP Terminals, Terminal 7, Olympic Container Terminal (OCT), Husky Terminal, Washington United Terminal (WUT), Blair Dock, Pierce County Terminal (PCT), East Blair Dock, Parcel 115, Parcel 86, Parcel 105, Parcel 99, BPAC Property, TOTE Terminal, Trident and TEMCO.

47.365458 N Lat/ -122.412325 W Long

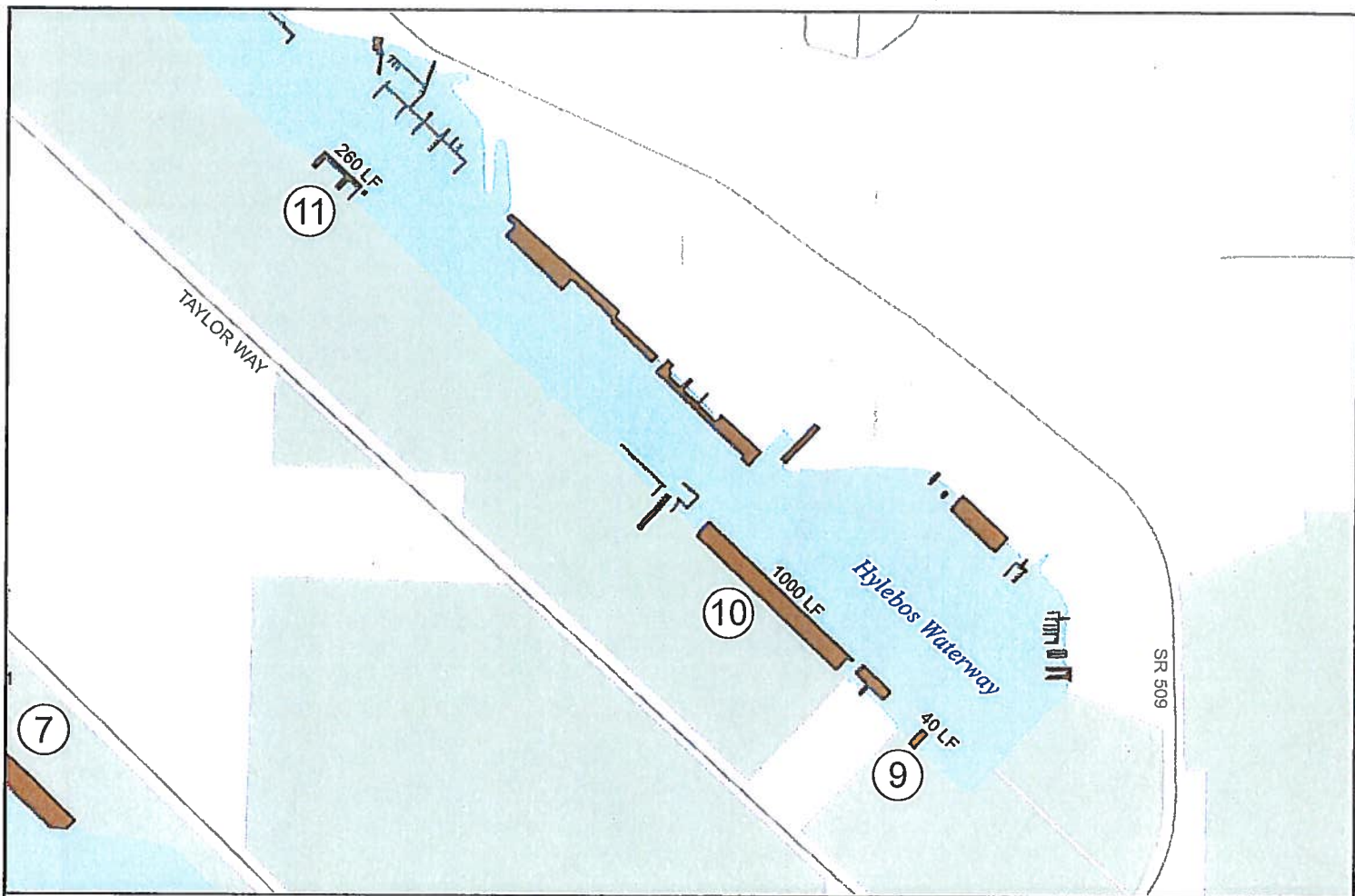


FIGURE 07

- ⑨ PARCEL 86
- ⑩ PARCEL 105
- ⑪ PARCEL 99

- Roads
- Piers
- Waterways
- Port Parcels

0 250 500 750 Feet



Author: Jen Radcliff
Map Date: 2/6/2015

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Reference: NWS-2014-1149-WRD

Purpose: Routine Maintenance and Repairs to Terminals and Docks

REF: Corps Permit # NWS-2014-1149-WRD

Date: Feb 6, 2015

Port of Tacoma

In Hylebos, Blair, Sitcum, Waterways and Commencement Bay at Tacoma, in Pierce County, Washington

Sheet 7 of 10

At AMP Terminals, Terminal 7, Olympic Container Terminal (OCT), Husky Terminal, Washington United Terminal (WUT), Blair Dock, Pierce County Terminal (PCT), East Blair Dock, Parcel 115, Parcel 86, Parcel 105, Parcel 99, BPAC Property, TOTE Terminal, Trident and TEMCO.

47.365458 N Lat/ -122.412325 W Long

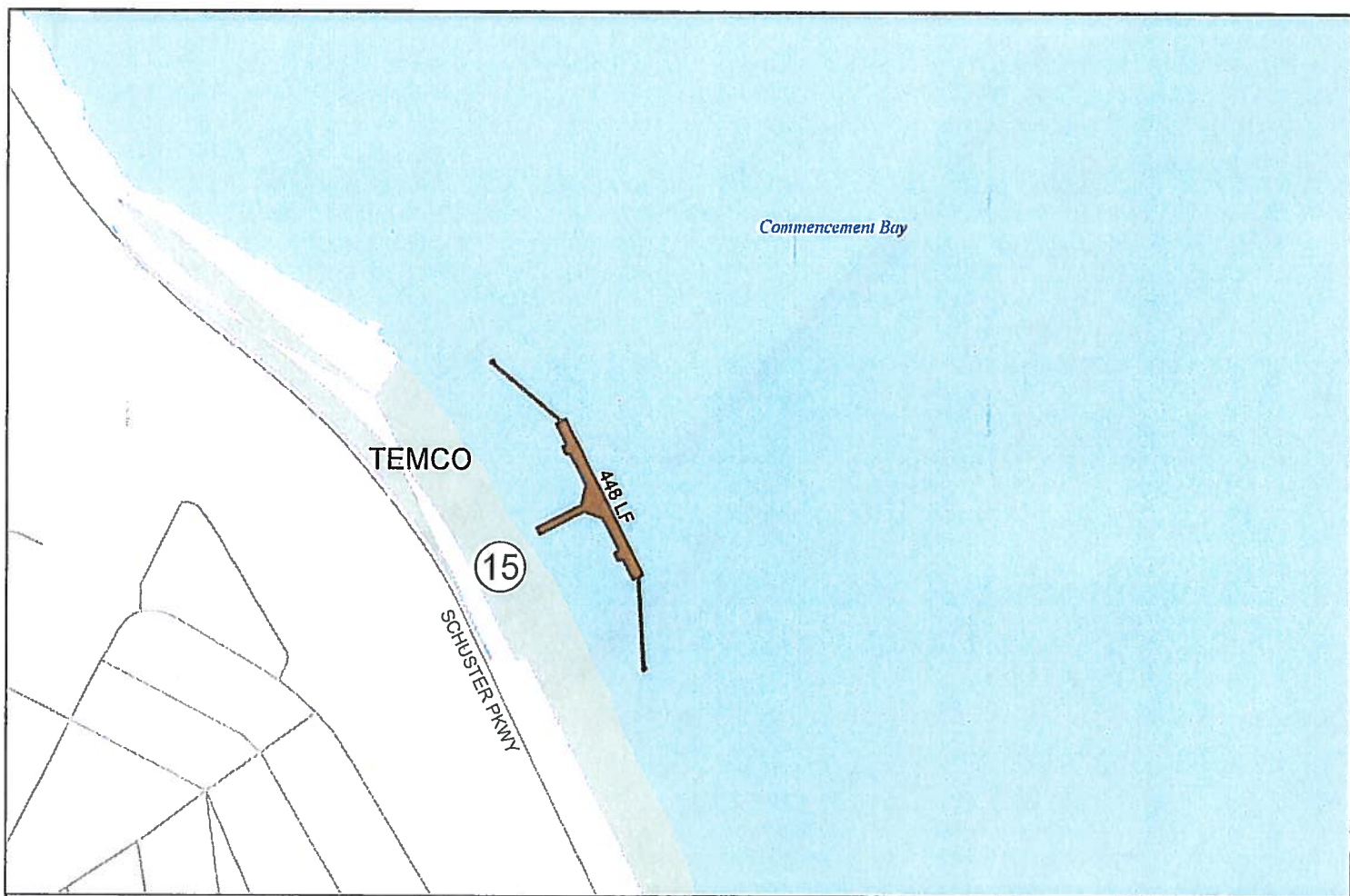


FIGURE 08

⑮ TEMCO

- Roads
- Piers
- Waterways
- Port Parcels



0 250 500 750 Feet

Author: Jen Radcliff
Map Date: 2/6/2015

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Document Path: L:\Projects\PierReplacement\mxd\2015\Figure09.mxd



Reference: NWS-2014-1149-WRD

Purpose: Routine Maintenance and Repairs to Terminals and Docks

REF: Corps Permit # NWS-2014-1149-WRD

Date: Feb 6, 2015

Port of Tacoma

In Hylebos, Blair, Sitcum, ~~Waterways~~ Waterways and Commencement Bay at Tacoma, in Pierce County, Washington

Sheet 8 of 10

At AMP Terminals, Terminal 7, Olympic Container Terminal (OCT), Husky Terminal, Washington United Terminal (WUT), Blair Dock, Pierce County Terminal (PCT), East Blair Dock, Parcel 115, Parcel 86, Parcel 105, Parcel 99, BPAC Property, TOTE Terminal, Trident and TEMCO.

47.365458 N Lat/ -122.412325 W Long



US Army Corps
of Engineers ®
Seattle District

Letter of Permission General Conditions

February 24, 2003



1. Reliance on Permittee's Information. In authorizing this work under this Letter of Permission (LOP), the Department of the Army has relied, in part, on the information provided by the permittee. If this information proves to be false, incomplete, or inaccurate, the permittee's authorization may be modified, suspended, or revoked, in whole or in part.
2. Compliance with Terms and Conditions. Projects authorized by this LOP shall comply with all terms and conditions herein and any case-specific conditions added or required by the District Engineer. Failure to abide by these terms and conditions invalidates this authorization and may result in a violation of federal law, which may require that the permittee restore the site or take other remedial action. Activities requiring Department of the Army authorization that are not specifically authorized by this LOP are prohibited unless authorized by another Department of the Army permit.
3. Contractor's Copy of Permit. The permittee shall provide a copy of the LOP (letter, drawings, and general conditions) to each contractor involved in the project and keep a copy of the LOP available for inspection at the project site.
4. Compliance Certification. Within 30 days of completing the authorized work, the permittee shall submit to the issuing office certification that the work, including any required compensatory mitigation, was conducted in accordance with the provisions of this LOP.
5. Access for Inspection. The permittee shall allow the District Engineer or his/her authorized representative to inspect the project whenever deemed necessary to assure that the work is being, or has been, accomplished in accordance with the terms and conditions of this permit.
6. Limits of Authorization. This permit does *not*:
 - a. Obviate the requirement to obtain all state, local, or other federal authorizations required by law for the activity authorized herein, including any authorization required from Congress;
 - b. Convey any property rights, either in real estate or material, or any exclusive privileges;
 - c. Authorize any injury to property, invasion of rights, or any infringement of federal, state, or local laws or regulations; or
 - d. Authorize the interference with any existing or proposed federal project.
7. Limits of Federal Liability. This permit is not an approval of the design features of any authorized project or an implication that such work is adequate for the intended purpose; a Department of the Army permit merely expresses the consent of the Federal Government to conduct the proposed work insofar as public rights are concerned. In issuing this LOP, the Federal Government does not assume any liability for the following:

- a. Design or construction deficiencies associated with the authorized work;
 - b. Damages to the permitted project or uses thereof as a result of other permitted activities or from natural causes, such as flooding;
 - c. Damages to persons, property, or to other permitted or unauthorized activities or structures caused by the activity authorized by this permit;
 - d. Damages associated with any future modification, suspension, revocation of this permit; or
 - e. Damage to the permitted project or uses thereof as a result of current or future activities undertaken by, or on behalf of, the United States in the public interest.
8. Obstruction of Navigation. 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. If the permittee fails to comply with the direction of the Corps of Engineers, the District Engineer may restore the navigable capacity of the waterway, by contract or otherwise, and recover the cost thereof from the permittee.
 9. Navigation. The authorized work shall not interfere with the public's right to free navigation on navigable waters of the United States.
 10. Tribal Rights. No activity authorized by this permit may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights. Please be aware that certain Tribes assert a right to attach nets to piers, docks, wharves, and other structures that may have been authorized by Department of the Army permits.
 11. USACE Coordination. The permittee shall contact the appropriate office of the U.S. Army Corps of Engineers prior to commencing any construction in a federally maintained channel and/or waterway.
 12. Stability. The permittees shall design projects to be stable against the forces of flowing water, wave action, and the wake of passing vessels.
 13. Maintenance. The permittee must maintain all structures and work authorized by this LOP in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this responsibility if you abandon the authorized activity unless you complete a good faith transfer to a third party in compliance with General Condition 14, below. Should you wish to cease to maintain the authorized activity or abandon it without a good faith transfer, you must obtain a modification of this LOP from this office, which may require restoration of the area.
 14. Transfer of Ownership. If you sell the property associated with this permit, the new owner must agree in writing to comply with all terms and conditions of this permit. A copy of that written agreement must be submitted to the issuing office to validate the transfer of this authorization.

15. Marking Structures. Permittees shall install and maintain any lights, signals, or other appropriate markers necessary to clearly designate the location of structures or work that might pose a hazard to public safety. Permittees shall abide by U.S. Coast Guard requirements concerning the marking of structures and work in navigable waters of the United States.
16. Endangered Species. This LOP does not authorize any activity that is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Endangered Species Act (ESA). Prospective permittees must notify the District Engineer if any listed species or designated critical habitat might be affected by, or is in the vicinity of, the project and shall not begin work until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized.
17. Historic Properties. This LOP does not authorize any activity that may affect historic properties listed, or eligible for listing, in the National Register of Historic Places (NRHP) until the provisions of 33 CFR 325, Appendix C, have been satisfied. Historic properties include prehistoric and historic archeological sites, and areas or structures of cultural interest. A prospective permittee must notify the District Engineer if the proposed activity may affect an historic property that is listed, eligible for listing, or may be eligible for listing in the NRHP, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. If a previously unknown historic property is encountered during work authorized by this LOP, the permittee shall cease work immediately, notify the District Engineer of the situation within one day of discovering the impact, and avoid any further impact to the property until the District Engineer verifies that the requirements of 33 CFR Part 325, Appendix C, have been satisfied.
18. Wild and Scenic Rivers. No 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 federal agency (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service) with direct management responsibility for that river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.
19. Alternatives. Activities authorized by LOP shall be designed and constructed to avoid and minimize adverse impacts to waters of the United States to the extent practicable through the use of alternatives.
20. Minimization of Environmental Impact. Permittees shall make every reasonable effort to conduct the authorized work in a manner that minimizes the adverse impact of the work on water quality and stream flow, fish and wildlife, and the natural environment, including adverse impacts to migratory waterfowl breeding areas, spawning areas, shellfish beds, and aquatic resource buffer zones. Work should be limited to periods of low flow and/or low tide when practicable.
21. Compensatory Mitigation. Appropriate and practicable compensatory mitigation shall be required to the extent necessary to ensure that the authorized activities would not have more than a minor adverse impact on the aquatic environment.
22. Soil Erosion and Sediment Controls. Permittees shall use and maintain appropriate erosion and sediment controls in effective operating condition and permanently stabilize all exposed soil and other fills, including any work below the ordinary high water mark or high tide line (in Seattle District, the high tide line is located at the "mean higher high water" line), at the earliest

practicable date using native vegetation to the maximum extent practicable. The permittee shall remove all installed controls as soon as they are no longer needed to control erosion or sediment.

23. Equipment. Permittees shall place heavy equipment working in wetlands on mats, and take all other appropriate measures to minimize soil disturbance.
24. Disposal of Construction Debris. Except as specifically authorized by this LOP, all construction debris and excess materials resulting from the authorized work shall be properly disposed of, and in a manner that does not allow it to enter into a waterway or otherwise degrade water quality.
25. Aquatic Life Movements. The work shall not substantially disrupt the necessary life-cycle movement of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area.
26. Skirting. The attachment of skirting to a pier, dock, float or similar structure is prohibited unless specifically authorized.
27. Water Supply Intakes. Permittees shall ensure that activities authorized by this LOP have no more than a minimal adverse impact on public water supply intakes.
28. Hazardous Materials. Permittees shall take all reasonable precautions to prevent any petroleum product, chemical, or other toxic or deleterious material from entering any waterbody. Should a spill occur, or if an oil sheen or distressed or dying fish are observed in the project vicinity, the permittee shall immediately cease work and contact the appropriate Washington Department of Ecology regional spill response office: (360) 407-6300, Southwest Region; (425) 649-7000, Northwest Region; (509) 575-2490, Central Region; or (509) 456-2926, East Region.
29. Re-evaluation of Decision. The Corps may re-evaluate its decision to authorize the work by a LOP whenever circumstances warrant. Such circumstances may include, but are not limited to, a failure on the part of the permittee to comply with the terms and conditions of the LOP; the permittee having submitting information in support of the permittee's application that proves to be false, incomplete, or inaccurate; or this office receiving pertinent new information that it did not consider during its original public interest review. Subsequent to its re-evaluation, the Corps may suspend, modify, or revoke its authorization pursuant to 33 CFR 325.7 or initiate an enforcement action as provide for in 33 CFR 326.4 and 326.5.
30. Extension of Time. A permittee may request an extension of the time allowed to complete the authorized activity, providing the reasons for the extension. The request must be submitted to this office well in advance of the above expiration date. Unless there are circumstances requiring either a prompt completion of the authorized activity or a re-evaluation of the public interest decision, the Corps normally gives favorable consideration to a request for an extension of this time limit.





US Army Corps
of Engineers ©
Seattle District

Appeal Process Fact Sheet

8 February 2013



Our letter cites a Department of the Army administrative appeal rule for permit decisions and approved jurisdictional determinations that went into effect March 9, 1999. In accordance with this rule, we have included a *Notification of Administrative Appeal Options and Process and Request for Appeal* form of which Section I is the Notification of Appeal Process (NAP) fact sheet and Section II is the Request for Appeal (RFA) form.

If a permit decision was made, you may decline to accept a permit if you object to any of the terms or conditions, **and** you believe that these terms or conditions are based on procedural errors; incorrect data; omission of fact; incorrect application of current Federal manual or guidance associated with wetlands; or incorrect application of a law, regulation, or policy that governs our permit program. Once you accept the permit, you waive the right to further appeal unless we later modify the permit.

If you object to this permit decision or jurisdictional determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. As stated previously, enclosed you will find a *Notification of Appeal Options and Process and Request for Appeal* form. If you request to appeal this determination, you must submit a completed RFA form to the Division Engineer at the following address:

Division Engineer
U.S. Army Corps of Engineers, Northwestern Division
Mary J. Hoffman, Appeals Review Officer
1125 NW Couch Street
Portland, Oregon 97209
Telephone: (503) 808-3888

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by the 60th day. "Day 1" is designated as the date of the NAP form. "Day 60" is designated as the 60th calendar day after the date of the NAP form, with the official counting of calendar days beginning on "Day 1" as designated above. When "Day 60" is a traditional non-working day (e.g., a holiday or a weekend), the 60 day timeframe is extended to the next business day. Our Division Office has 90 days to resolve the appeal with you once your completed and acceptable NAO-RFA form has been received.

It is not necessary to submit an RFA form to the Division office if you do not object to the decision or determination in our letter.

If you have any questions about your options or the appeal process in general, please contact the project manager indicated on the form.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

| | | | |
|--|--|--------------------------------|--------------------------|
| Applicant: Port of Tacoma – Jennifer Stebbings | | File Number: NWS-2014-1149-WRD | Date: MAR 25 2015 |
| Attached is: | | | See Section below |
| X | INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) | A | |
| | PROFFERED PERMIT (Standard Permit or Letter of permission) | B | |
| | PERMIT DENIAL | C | |
| | APPROVED JURISDICTIONAL DETERMINATION | D | |
| | PRELIMINARY JURISDICTIONAL DETERMINATION | E | |

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found in Corps regulations at 33 CFR Part 331 or at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/FederalRegulation.aspx>

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Olivia Romano, Project Manager
U.S. Army Corps of Engineers, Seattle District
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone: (206) 764-6960

For questions about the appeal process, you may also contact:

U.S. Army Corps of Engineers, Northwestern Division
ATTN: Mary J. Hoffman, Regulatory Appeals Review Officer
1125 NW Couch Street
Portland, Oregon 97208-2870
Telephone: (503) 808-3888
Email: Mary.J.Hoffman@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

| | | |
|---|-------|-------------------|
| <hr/> Signature of appellant or agent. | Date: | Telephone number: |
|---|-------|-------------------|



US Army Corps
of Engineers
Seattle District

CERTIFICATE OF COMPLIANCE WITH DEPARTMENT OF THE ARMY PERMIT



Permit Number: NWS-2014-1149-WRD

Name of Permittee: Port of Tacoma - Jennifer Stebbings

Date of Issuance: MAR 25 2015

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

Printed Name: _____

Signature: _____

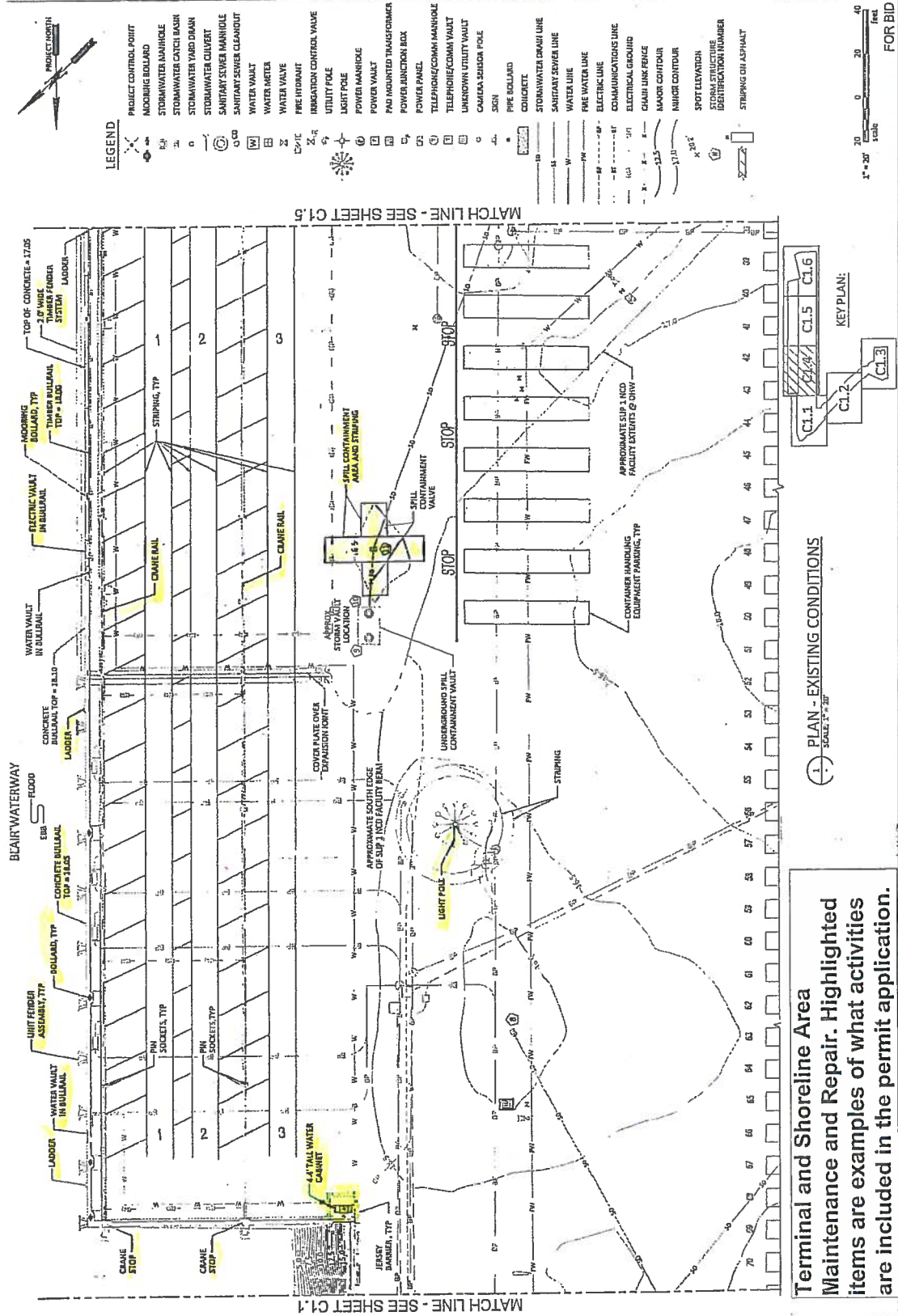
Date: _____

Tacoma
Port of Tacoma

PROJECT: PIER 3 UPGRADE
SHEET: C1.4
DATE: 6/7/13
DRAWN BY: [Signature]
CHECKED BY: [Signature]
IN CHARGE: [Signature]

THIS DRAWING IS THE PROPERTY OF THE PORT OF TACOMA AND SHALL NOT BE USED ON OTHER WORK, DISCLOSED, COPIED, IN WHOLE OR IN PART, WITHOUT WRITTEN PERMISSION.

PHASE: PIER 3 UPGRADE
SHEET: C1.4
DATE: 6/7/13
DRAWN BY: [Signature]
CHECKED BY: [Signature]
IN CHARGE: [Signature]



Purpose: Routine Maintenance and Repairs to Terminals and Docks

REF: Corps Permit # NWS-2014-1149-WRD

Date: Feb 6, 2015

Port of Tacoma

In Hylebos, Blair, Sitcum, and [redacted] Waterways and Commencement Bay at Tacoma, in Pierce County, Washington

Sheet 9 of 10

At AMP Terminals, Terminal 7, Olympic Container Terminal (OCT), Husky Terminal, Washington United Terminal (WUT), Blair Dock, Pierce County Terminal (PCT), East Blair Dock, Parcel 115, Parcel 86, Parcel 105, Parcel 99, BPAC Property, TOTE Terminal, Trident and TEMCO.

47.365458 N Lat/ -122.412325 W Long

Repair/Replacement/Relocation Activities would occur above and below the MHHW line and include the following:

- (1) Installation/repairs of hanging or bolt-on fender systems and rub strips located on the outer surface of the dock that prevent vessel and dock from being damaged during vessel moorage;
- (2) Re-planking of dock surface;
- (3) Bollards installation/relocation to provide anchoring points on the dock for vessel moorage lines;
- (4) Maintenance/repairs of navigation lights that provide for safe movement of vessels near the dock;
- (5) Bull rails run along the edge of the dock and prevent objects and people from falling into the water;
- (6) Safety Ladders/platforms maintenance/relocated as needed to meet safety requirements;
- (7) Maintenance/repair of existing crane rails that allow for the movement of cargo cranes along dock surface;
- (8) Cathodic protection system installation and maintenance that extend the life of dock steel piles and include replacement of anodes below the subtidal water line;
- (9) Maintenance of existing utility systems including electrical, communications and warning systems, light poles, and domestic water and fire water lines; and
- (10) Installation/repairs of containment berms to control stormwater flows and/or collect liquid spills.

| | | |
|--|---|--|
| Purpose: Routine Maintenance and Repairs to Terminals and Docks REF: Corps Permit # NWS-2014-1149-WRD Date: Feb 6, 2015 | Port of Tacoma In Hylebos, Blair, Sitcum, & Foss Waterways and Commencement Bay at Tacoma, in Pierce County, Washington Sheet 10 of 10 | At AMP Terminals, Terminal 7, Olympic Container Terminal (OCT), Husky Terminal, Washington United Terminal (WUT), Blair Dock, Pierce County Terminal (PCT), East Blair Dock, Parcel 115, Parcel 86, Parcel 105, Parcel 99, BPAC Property, TOTE Terminal, Trident and TEMCO. 47.365458 N Lat/ -122.412325 W Long |
|--|---|--|



HYDRAULIC PROJECT APPROVAL

Washington Department of
Fish & Wildlife
PO Box 43234
Olympia, WA 98504-3234
(360) 902-2200

Issued Date: April 28, 2015
Project End Date: April 27, 2020

Permit Number: 2015-6-274+01
FPA/Public Notice Number: N/A
Application ID: 2310

| PERMITTEE | AUTHORIZED AGENT OR CONTRACTOR |
|---|--------------------------------|
| Port of Tacoma ATTENTION: Jennifer Stebbings PO Box 1837 Tacoma, WA 98401-1837 | |

Project Name: Port of Tacoma Terminal and Shoreline Area Routine Maintenance and Repair

Project Description: The purpose for this project is to streamline the approval process for the Port of Tacoma's commonly performed maintenance and repair activities. Permitting routine maintenance and repair activities individually is an inefficient use of both agency and Port resources. The following routine maintenance and repair activities are needed to maintain the integrity of Port infrastructure and to operate safely and efficiently.

Hanging fender systems and rub strip repair: Fenders and rub strips are located on the outer surface of a dock and prevent the vessel or dock from being damaged during the mooring process and while the vessel is berthed. Fenders and rub strips must be maintained and replaced as they become damaged and worn.

Bolt-on fender systems and rub strip repair: Fenders and rub strips must be maintained and replaced as they become damaged and worn.

Bull rail repairs/maintenance: Bull rails run along the edge of a dock and are used as a curb to prevent objects and people from falling into the water. These must be maintained and occasionally replaced for safety.

Bollard installation/relocation (includes mooring hardware): Bollards must be installed and/or relocated to provide mooring capabilities at a facility. Bollards are placed in berthing locations that will allow better utilization of the existing wharf by vessels. Ship lengths vary and are trending toward being much larger, which require the addition of bollards in more strategic locations to accommodate those ships.

Utility maintenance (excluding stormwater): Utilities associated with the existing uses must be maintained, including the repair and replacement of electric, domestic water, fire water, communications and warning system such as speaker arrays, strobes and control cabinets. Replacement is limited to that needed to maintain the original condition and use and does not include significant expansion of capacity.

Power/Switch gear maintenance: Routine maintenance is required periodically to maintain functionality, including upgrades and increasing capacity allowed per code. Routine maintenance is limited to existing structures.

Crane rail repairs: A crane rail is a track located on the wharf upon which a top running crane moves. Rails must be maintained to ensure proper operation of the cranes.

Deck repairs including re-planking of dock surfaces (wood): Deteriorated timber pieces need to



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be replaced to maintain existing docks and preserve structural integrity.

Re-paving existing paved areas: Paved areas on the pier surface must be resurfaced to maintain integrity.

Exterior building repairs and maintenance: Existing buildings must be maintained to prevent their decline. Maintenance and repair will include windows, doors, siding, landscaping, roofing, and associated equipment (e.g., HVAC, etc.).

Containment berm installation and maintenance: Containment berms are paved and used to control stormwater flows. Repairs and maintenance is limited to work that does not alter the flow to or from a critical area.

Light pole maintenance: Light poles must be maintained and replaced, including increases in height when needed to maintain safe operations.

Safety equipment maintenance: Safety equipment, including safety ladders, life rings, and flotation devices, must be maintained to operate safely and meet state and federal code requirements. Maintenance may include the installation and relocation of safety ladders and life rings.

Navigation light maintenance and replacement: Navigation lights are located on piling and must be maintained and replaced as needed for safety. This does not include pile replacement.

Safety platform maintenance: Platforms, such as line handling platforms, must be maintained and/or relocated for safety. A significant increase in overwater coverage is not included as maintenance.

Cathodic protection system repair/maintenance: Cathodic protection systems are installed to extend the life of dock steel piles. The system

PROVISIONS

TIMING WINDOW(S):

1. Work landward of the ordinary high water line (OHWL) may occur at any time. Work waterward of the OHWL may occur without timing restrictions provided no hydraulic machinery operates in water, otherwise work shall not occur from February 15 through July 15 of any year for the protection of migrating juvenile salmonids

NOTIFICATION REQUIREMENTS:

2. The Area Habitat Biologist (AHB: Matt Curtis; email: matthew.curtis@dfw.wa.gov or fax: 360-902-2496) shall receive written notification from the person to whom this HPA is issued (permittee) or the agent/contractor no less than three working days prior to the start of construction. Applicant shall contact the AHB at the conclusion of project. All notifications shall include the permittee's name, project location, starting date for work, and the control number for this HPA.

3. Officer Prater shall receive written notification (e-mail: dustin.prater@dfw.wa.gov or FAX: 360-876-1894) from the person to whom this HPA is issued (permittee) or the agent/contractor no less than three working days prior to start of work, and again within seven days of completion of work to arrange for a compliance inspection. The notification shall include the permittee's name, project location, starting date for work or completion date of work, and the control number for this HPA.



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4. If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), work shall stop immediately except for efforts to control the spill and prevent additional toxic substances from entering the water. Immediate notification shall be made to the Washington Military Department's Emergency Management Division at 1-800-258-5990, and to the Area Habitat Biologist listed above.

5. The permittee, agent or contractor shall contact WDFW by e-mail: HPAapplications@dfw.wa.gov; mail: PO Box 43234, Olympia, Washington 98501; or fax: 360-902-2946 within seven days of work completion. The notification shall include the permittee's name, project location, completion date for the work, and the HPA control number. WDFW may conduct a compliance inspection; however, WDFW will notify the permittee or agent prior to the inspection.

APPROVED PLANS:

6. Except as modified by this HPA, work shall be accomplished per plans and specifications approved by WDFW entitled "Port of Tacoma Terminal and Shoreline Area Routine Maintenance and Repair" and received by WDFW December 5, 2014. A copy of these plans shall be available on site during construction.

7. This HPA authorizes routine repair and maintenance of the following parts of the Port of Tacoma properties listed in this HPA:

- a.) Hanging and bolt-on fender systems and rub strips
- b.) Bull rails
- c.) Bollards
- d.) Utilities (excluding stormwater infrastructure)
- e.) Power/gear switches
- f.) Crane rails
- g.) Dock surfaces (planks, pavement)
- h.) Other existing paved and impervious surfaces
- i.) Building exteriors
- j.) Containment berms
- k.) Light poles
- l.) Safety equipment and platforms
- m.) Navigation lights
- n.) Cathodic protection systems

8. This HPA is for repair or replacement of the existing structures only and shall not result in expansion of the structure.

9. **REPORTING REQUIREMENT:** The permittee or contractor shall submit to the WDFW Habitat Biologist list below, a calendar year annual report of all maintenance activities performed under this Hydraulic Project Approval by January 31 of the following year or in the final year of the HPA, within 30 days after the expiration date. An annual report is also required if no work is performed. At any time if problems are experienced with implementation of this HPA, either the permittee or WDFW may request a joint review meeting. The annual report shall include:

- a. General: Reporting agency, contact person, address, telephone number, date of report, time period;
- b. Summary: The control number for the HPA, total number of individual projects;
- c. Problem(s) encountered: Provision violation, notification, corrective action, impacts to fish life and water quality from problem;
- d. Recommendations for improvement to BMP's and mitigation;
- e. List of individual projects completed: Location, brief description of each maintenance activity performed, and date each activity occurred.

GENERAL PROVISIONS:

10. Road surface deck repair work includes removal and replacement of existing concrete or asphalt overlay of the deck road surface, gutters, and sidewalks only where a structurally sound subsurface exists that will prevent existing or new overlay material from entering state waters. A debris, material, and substance collection containment structure is



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required if any of these materials may enter state waters. This work does not allow: Debris, materials, or substances entering state waters; new construction activities, or replacement of stringers and/or other structural supports.

11. Fresh concrete or concrete by-products shall be prevented from entering waters of the state. All forms for any concrete shall be completely sealed to prevent leaching of wet concrete. Impervious materials shall be placed over any exposed concrete not lined with forms that will come in contact with state water. Form and impervious materials shall remain in place until concrete is cured.

12. All piling, lumber, and other materials treated with preservatives shall be sufficiently cured to minimize leaching into the water or bed. The use of wood treated with creosote or pentachlorophenol is not authorized.

13. All lumber to be used for the project shall meet or exceed the standards established in the most recent version of 'Best Management Practices For the Use of Treated Wood in Aquatic and Wetland Environments' developed by the Western Wood Preservers Institute, Wood Preservation Canada, Southern Pressure Treaters' Association, and Southern Forest Products Association. As of January, 2012, the latest version is dated November 1, 2011.

14. Trash, waste, chemically treated wood treated, or other deleterious materials resulting from construction shall not be burned below the ordinary high water line.

15. Work that would result in debris or substances entering state waters, including but not restricted to treated wood sawdust and cuttings, shall include a containment structure (ie tarps or other impervious materials capable of collecting all such debris or substances) and prevented from contact with the beach, bed, or waters of the state.

16. Any deployed containment, boom, or filter structure shall be routinely inspected and repaired as necessary to ensure its function. Debris and substances collected in the containment, boom, or filter structure shall be removed from the structure at least daily, whenever accumulation place the structure at risk, and before relocation or the removal of the structure.

17. If a containment structure cannot be used because of restricted or difficult location or type of structure, a containment boom shall be placed around the work area to capture debris and cuttings.

18. The fenders and rub strips shall be composed of ultra high molecular weight (UHMW), or high density polyethylene (HDPE) plastic.

19. The existing structures to be replaced shall be removed and disposed of at an approved site.

HABITAT FEATURES:

20. Eelgrass and kelp shall not be adversely impacted due to any project activities (e.g., barge shall not ground, equipment shall not operate, and other project activities shall not occur in eelgrass and kelp).

21. All natural habitat features on the beach larger than 12 inches in diameter, including trees, stumps, logs, and large rocks, shall be retained on the beach following construction. These habitat features may be moved during construction if necessary.

22. Intertidal wetland vascular plants shall not be adversely impacted due to project activities (e.g., barge shall not ground, equipment shall not operate, and other activities shall not occur in intertidal wetland vascular plants). If such vegetation is adversely impacted, it shall be replaced using proven methodology.

23. Project activities shall be conducted to minimize siltation of the beach area and bed.

WATER QUALITY:

24. All manmade debris on the beach shall be removed and disposed of upland such that it does not enter waters of the state.

25. No petroleum products or other deleterious materials shall enter surface waters. An emergency spill containment kit must be located on site along with a pollution prevention plan detailing planned fueling, materials storage, and equipment storage. Waste storage areas must be prepared to address prevention and cleanup of accidental spills.

26. All equipment used on this site, including excavator, barge deck, and hand tools, shall be thoroughly cleaned



HYDRAULIC PROJECT APPROVAL

Washington Department of
Fish & Wildlife
PO Box 43234
Olympia, WA 98504-3234
(360) 902-2200

Issued Date: April 28, 2015
Project End Date: April 27, 2020

Permit Number: 2015-6-274+01
FPA/Public Notice Number: N/A
Application ID: 2310

before arriving at the site. Equipment shall also be clean after leaving the site and before moving to a new construction site. All water and chemicals used to clean equipment should be properly disposed of to prevent the spread of invasive species.

27. Project activities shall not degrade water quality to the detriment of fish life.

| | | | | | | |
|---------------------------------------|-----------------|-------------------|---------------|--------------------------|----------------------|----------------|
| LOCATION #1: | , , WA | | | | | |
| WORK START: | April 28, 2015 | | | WORK END: April 27, 2020 | | |
| <u>WRIA</u> | | <u>Waterbody:</u> | | | <u>Tributary to:</u> | |
| | | | | | | |
| <u>1/4 SEC:</u> | <u>Section:</u> | <u>Township:</u> | <u>Range:</u> | <u>Latitude:</u> | <u>Longitude:</u> | <u>County:</u> |
| | | | | | | Pierce |
| <u>Location #1 Driving Directions</u> | | | | | | |
| | | | | | | |

APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW. Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.

The person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this Hydraulic Project Approval.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day and/or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All Hydraulic Project Approvals issued under RCW 77.55.021 are subject to additional restrictions, conditions, or revocation if the Department of Fish and Wildlife determines that changed conditions require such action. The person(s) to whom this Hydraulic Project Approval is issued has the right to appeal those decisions. Procedures for filing appeals are listed below.



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MINOR MODIFICATIONS TO THIS HPA: You may request approval of minor modifications to the required work timing or to the plans and specifications approved in this HPA. Any approved minor modification will require issuance of a letter documenting the approval. A minor modification to the required work timing means any change to the work start or end dates of the current work season to enable project or work phase completion. Minor modifications will be approved only if spawning or incubating fish are not present within the vicinity of the project. You may request subsequent minor modifications to the required work timing. A minor modification of the plans and specifications means any changes in the materials, characteristics or construction of your project that does not alter the project's impact to fish life or habitat and does not require a change in the provisions of the HPA to mitigate the impacts of the modification. Minor modifications do not require you to pay additional application fees or be issued a new HPA. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a minor modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you do not use APPS you must submit a written request that clearly indicates you are seeking a minor modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the control number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234, or by email to HPAapplications@dfw.wa.gov. Do not include payment with your request. You should allow up to 45 days for the department to process your request.

MAJOR MODIFICATIONS TO THIS HPA: You may request approval of major modifications to any aspect of your HPA. Any approved change other than a minor modification to your HPA will require issuance of a new HPA. If you paid an application fee for your original HPA you must pay an additional \$150 for the major modification. If you did not pay an application fee for the original HPA, no fee is required for a change to it. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a major modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you do not use APPS you must submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the control number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, payment of the application the original application was subject to an application fee, and the requestor's signature. Send your written request and payment, if applicable, by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. You should allow up to 45 days for the department to process your request.

APPEALS INFORMATION

If you wish to appeal the issuance, denial, conditioning, or modification of a Hydraulic Project Approval (HPA), Washington Department of Fish and Wildlife (WDFW) recommends that you first contact the department employee who issued or denied the HPA to discuss your concerns. Such a discussion may resolve your concerns without the need for further appeal action. If you proceed with an appeal, you may request an informal or formal appeal. WDFW encourages you to take advantage of the informal appeal process before initiating a formal appeal. The informal appeal process includes a review by department management of the HPA or denial and often resolves issues faster and with less legal complexity than the formal appeal process. If the informal appeal process does not resolve your concerns, you may advance your appeal to the formal process. You may contact the HPA Appeals Coordinator at (360) 902-2534 for more information.



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A. INFORMAL APPEALS: WAC 220-110-340 is the rule describing how to request an informal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete informal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request an informal appeal of that action. You must send your request to WDFW by mail to the Washington Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. WDFW must receive your request within 30 days from the date you receive notice of the decision. If you agree, and you applied for the HPA, resolution of the appeal may be facilitated through an informal conference with the WDFW employee responsible for the decision and a supervisor. If a resolution is not reached through the informal conference, or you are not the person who applied for the HPA, the HPA Appeals Coordinator or designee will conduct an informal hearing and recommend a decision to the Director or designee. If you are not satisfied with the results of the informal appeal, you may file a request for a formal appeal.

B. FORMAL APPEALS: WAC 220-110-350 is the rule describing how to request a formal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete formal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request a formal appeal of that action. You must send your request for a formal appeal to the clerk of the Pollution Control Hearings Boards and serve a copy on WDFW within 30 days from the date you receive notice of the decision. You may serve WDFW by mail to the Washington Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, you may request a formal appeal within 30 days from the date you receive the Director's or designee's written decision in response to the informal appeal.

C. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS: If there is no timely request for an appeal, the WDFW action shall be final and unappealable.

Habitat Biologist matthew.curtis@dfw.wa.gov
Matthew Curtis 360-902-2578

for Director
WDFW



City of Tacoma
Planning and Development Services

March 17, 2015

Jennifer Stebbings
Port of Tacoma
P.O. Box 1837
Tacoma, WA 98401

RE: Shoreline Substantial Development Permit Exemption
File No. SHR2014-40000237530, Facilities Maintenance, Multiple Sites

Dear Ms. Stebbings:

You have requested an exemption from a Shoreline Substantial Development Permit to allow the repair and maintenance of Port facilities at multiple sites within the Port of Tacoma, all within the "S-10" Port Industrial and "S-13" Waters of the State Shoreline Districts.

The repair and maintenance activities include the following:

- Hanging and bolt-on fender systems and rub strip repair
- Bull rail repairs/maintenance/replacement
- Bollard installation/relocation (includes mooring hardware)
- Utility maintenance (excluding stormwater), including the repair and replacement of electric, domestic water, fire water, communications and warning systems
- Power/Switch gear maintenance, including upgrades and increasing capacity allowed per code
- Crane rail repairs
- Deck repairs including re-planking of dock surfaces (wood)
- Re-surfacing existing impervious areas (paved areas and gravel areas)
- Exterior building repairs and maintenance, including windows, doors, siding, landscaping, roofing, and associated equipment (e.g., HVAC, etc.).
- Containment berm installation and maintenance
- Light pole maintenance
- Safety equipment maintenance, including safety ladders, life rings, and floatation devices and navigation lights
- Safety platform maintenance
- Cathodic protection system repair/maintenance

The majority of the work is anticipated to take place on or from the surface of existing piers and wharves, which are above or adjacent to the waterway and within the floodplain. Work on existing buildings and paved areas will be landward of the OHWM. Exceptions to this include replacement of navigation lights, done from boats, and any in-water work for the relocation of bollards.

For each maintenance project, best practices will be used to ensure no debris enters the waters of the state, and will comply with water quality standards and habitat protection standards per

the State of Washington. Port of Tacoma employees and/or its contractors will prepare spill prevention plans. Further, following work, each site will be returned to its current state.

Attachment "A" shows the locations of the proposed work.

The *Tacoma Shoreline Master Program (TSMP)* designates the sites of the proposed activity as "High Intensity" environment and provides policy guidance maintenance, repair, and demolition activities. The proposed repairs are consistent with the policies of the *TSMP*, as they are intended to prevent the cessation of lawfully-established Port uses, and, except where required by code, do not increase the capacity of the systems being repaired.

The Master Program sets forth allowed uses for the "S-10" District in Chapters 6.1, 7.6, and 9.12. Port activities and the maintenance and repair thereof are allowed development activities within that district. Work within the "S-13" District is allowed in conjunction with permitted uses and activities at the upland locations. The proposed shoreline maintenance work meets all these requirements. The applicant will meet all requirements of the *TSMP* and will pursue all required permits prior to starting work.

Pursuant to WAC 197-11-800, subsection (3) and the City of Tacoma's SEPA Procedures, this proposed action is categorically exempt from the Threshold Determination and Environmental Impact Statement requirements of SEPA.

The site is also located within a Fish and Wildlife Habitat Conservation Area. The site has been reviewed by Theresa Dusek, Natural Resource Consultant. Ms. Dusek concludes that the proposed project is not likely to cause substantial adverse impacts to the shoreline environment. See Attachment "B" for a copy of Ms. Dusek's technical memorandum.

Based on the above findings, the requested exemption to the City's Shoreline Substantial Development Permit requirement is consistent with the policies of the *SMA*, the policies and implementing regulations of the *TSMP* and with the criteria set forth in the *WAC* and *RCW* for the authorization of such permits.

The following are conditional **requirements**:

Conditions

1. The applicant shall apply for and receive approval of any required building permit from the City of Tacoma prior to any work.
2. The applicant shall follow all proposed installation and construction methods and best management practices for minimizing unintended impacts during repair and maintenance of all structures.
3. All trash and unauthorized fill, including concrete blocks or pieces, bricks, asphalt, metal, treated wood, glass, floating debris, and paper, below the OHWM in and around the applicant's repair project areas shall be removed and deposited at an approved upland disposal site.
4. No stockpiling or staging of materials will occur below the OHWM of any water body.
5. All shoreline work shall be completed within the approved work windows designated by the Washington State Department of Fish and Wildlife (WDFW).
6. The applicant shall notify the City of Tacoma and pertinent state and federal agencies should an unexpected spill of fuel or other chemicals occur in Commencement Bay or associated waterways.

7. The City of Tacoma is not the only agency with jurisdiction over the project area. The applicant is responsible for coordinating any required reviews and/or approvals with the WDFW, Washington State Department of Ecology, and U. S. Army Corps of Engineers and shall provide documentation to the City of Tacoma.
8. This exemption shall be valid for a period not to exceed 5 years from the date of issuance. Should the Shoreline Master Program be revised prior to the completion of this project, additional review may be required.

In addition, the applicant is advised of the following:

- This permit is only applicable to the proposed project as described above and based upon the information submitted by the applicant. Modifications to this proposal and future activities or development within the regulated buffers may be subject to further review and additional permits as required in accordance with the *Tacoma Municipal Code*.
- The applicant must obtain other approvals prior to construction as required by other local, state and federal agencies. The City of Tacoma is not the only reviewing agency with jurisdiction over the project area. The Army Corps of Engineers and State Department of Fish and Wildlife have requirements regarding work within regulated waters that may be applicable to the project.
- This exemption is applicable only to areas within 200 feet of the OHWM of waters of the state. It is not meant to constitute an exemption from *TMC* 13.11 Critical Areas. Should work outside the Shoreline jurisdiction occur within vicinity of a non-associated critical area, additional review may be required.

We are issuing this letter of exemption per the provisions of *TMC* Section 13.10 to comply with the requirements of *WAC* 173-27-050 and *WAC* 173-27-040. Should you have any further questions or requests please do not hesitate to contact me at 253-591-5121.

Sincerely,



Shirley Schultz
Principal Planner

cc via regular and electronic mail:

Planning and Development Services, Peter Huffman, Steven Atkinson, Theresa Dusek
Washington Department of Ecology, Shorelands & Environmental Assistance Program, Alex Callender, SWRO, P.O. Box 47775, Olympia, WA 98504-7775
Washington Department of Fish and Wildlife, Matthew Curtis, 600 Capitol Way N., Olympia, WA 98501-1091
U.S. Army Corps of Engineers, Attn: Regulatory Branch, CENWS-OD-RG ATTN: Jessica Winkler, P.O. Box C-3755, Seattle, WA 98124
U.S. Fish & Wildlife Service, Attn: Judy Lantor, 510 Desmond Drive SE #102, Lacey, WA 98503



SCALE 1: 50,000

2 Miles

Map Produced 12/03/2014 By

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DISCLAIMER: The information included on this map has been compiled by Port of Tacoma staff from a variety of sources and is subject to change without notice. These data are intended for informational purposes and should not be considered authoritative for engineering, navigational, legal and other site-specific uses. The Port of Tacoma makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information.




Legend

- Building Footprints
- Port Parcels

Notes

Highlighted areas are Port parcels included in permit application. Some Port parcels are within the Shoreline zone but are not included in this permit application.

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|  | City of Tacoma Public Works Department | Technical Memorandum |
|---|---|---------------------------------|

TO: Shirley Schultz, Principal Planner

FROM: Theresa Dusek
Natural Resource Consultant

SUBJECT: **Memorandum for Routine Maintenance and Repair of Existing Structures and Utilities Shoreline Substantial Development Permit Programmatic Exemption SHR2014-40000237530 Multiple Locations within S-10 Shorelines in the Port of Tacoma**

DATE: March 11, 2015

Project Descriptions

The applicant has applied for both a Shoreline Substantial Development Permit Programmatic Exemption under the Shoreline Master Program set forth under *Tacoma Municipal Code (TMC)* Chapter 13.10. The applicant is requesting this programmatic maintenance exemption for a 5 year period. No increase in footprint or overwater coverage is proposed.

Wetland Reports and Supporting Documents

The applicant submitted the following reports and supporting documents:

- Joint Aquatic Resource Permit Application dated December 3, 2014
- Application for Land Use Permit dated December 3, 2014
- SEPA Exemption - Terminal and Shoreline Area Routine Maintenance and Repair dated November 20, 2014.
- Port of Tacoma Terminal and Shoreline Area Routine Maintenance and Repair Map dated December 3, 2014.

Shoreline Findings

1. The repair and maintenance activities for the shoreline areas within 200 feet of the ordinary high water marks of Commencement Bay, Puyallup, Hylebos, Blair, Sitcum, Middle and Thea Foss Waterways include the following:

| Activity | Construction Methods | Activity Specific Best Management Practices |
|---|--|---|
| <p>Hanging fender systems and rub strip repair: Fenders and rub strips are located on the outer surface of a dock and prevent the vessel or dock from being damaged during the mooring process and while the vessel is berthed. Fenders and rub strips must be maintained and replaced as they become damaged and worn</p> | <p>Work will occur from existing piers located above and adjacent to marine waters and in the 100-year floodplain. To replace the fenders and rub strips, a derrick is maneuvered as close as possible to the wing wall where it holds the replacement fender or rub strip while the bolts are removed by hand. The original fender or rub strip is then lowered and loaded onto a barge or truck and removed from the site. The replacement fender or rub strip is then held and bolted into place.</p> | <p>A small barge, wood and/or cloth barrier will be used to catch debris to prevent it from falling into the water.</p> |
| <p>Bolt-on fender systems and rub strip repair: Fenders and rub strips must be maintained and replaced as they become damaged and worn.</p> | <p>Work will occur from existing piers located above and adjacent to marine waters and in the 100-year floodplain. To replace the fenders and rub strips, a derrick is maneuvered as close as possible to the wing wall where it holds the replacement fender or rub strip while the bolts are removed by hand. The original fender or rub strip is then lowered and loaded onto a barge or truck and removed from the site. The replacement fender or rub strip is then held and bolted into place.</p> | <p>A small barge, wood and/or cloth barrier will be used to catch debris to prevent it from falling into the water.</p> |
| <p>Bull rail repairs/maintenance: Bull rails run along the edge of a dock and are used as a curb to prevent objects and people from falling into the water. These must be maintained and occasionally replaced for</p> | <p>Work will occur from existing piers located above and adjacent to marine waters and in the 100-year floodplain. No parts of the bull rail are in contact with the water. The bull rail and decking are generally installed manually using</p> | <p>A small barge, wood and/or cloth barrier will be used to catch debris to prevent it from falling into the water.</p> |

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| safety. | hand tools from the dock surface. However, on occasion, it will be necessary to use a forklift or backhoe to remove heavy sections. | |
| Bollard installation/relocation (includes mooring hardware): Bollards must be installed and/or relocated to provide mooring capabilities at a facility. Bollards are placed in berthing locations that will allow better utilization of the existing wharf by vessels. Ship lengths vary and are trending toward being much larger, which require the addition of bollards in more strategic locations to accommodate those ships. | Work will occur from existing piers located above and adjacent to marine waters and in the 100-year floodplain. The concrete of the bull rail and pile cap will be chipped away to expose the rebar, and holes will be drilled in the broken concrete surface. Dowels will be epoxied into the holes to provide solid anchoring points for the new concrete to help integrate the old and the new as one structure. The new bollard will be placed in position and integrated into the existing rebar and concrete and the pour will be formed up, then the new concrete will be poured and finished. | <p>Stormwater BMPs will be in place to ensure that concrete dust is not carried through the deck drains on the wharf/pier, and to ensure that stormwater does not contact wet or fresh concrete.</p> <p>A small barge, wood and/or cloth barrier will be used to catch the concrete as it is chipped to prevent it from falling into the water. Concrete forms will be completely sealed on the bottom and sides to prevent wet concrete from escaping and dropping into the water. Wash water and leftover concrete product will not be allowed to drain onto the deck or into storm drains or allowed to drain to waters of the state.</p> |
| Utility maintenance (excluding stormwater): Utilities associated with the existing uses must be maintained, including the repair and replacement of electric, domestic water, fire water, communications and warning system such as speaker arrays, strobes and control cabinets. Replacement is limited to that needed to maintain the original condition and use and does not include significant expansion of capacity. | Work can occur from existing piers located above and adjacent to marine waters and within the 100-year floodplain. Maintenance in areas landward of the Ordinary High Water Mark (OHWM) may include trenching, backfilling and repaving. Repair or replacement of underground utilities will require existing pavement to be saw cut and removed for trenching. Trenching will remove the subgrade material to allow access to the existing utilities. Once repairs are complete the trench will be backfilled with | <p>Work that could result in debris and substances entering waters of the state shall include a containment structure capable of collecting all debris and substances.</p> <p>Stormwater BMPs will be in place to ensure that concrete dust is not carried through the deck drains on the pier/wharf, and to ensure that stormwater does not contact wet or fresh concrete.</p> <p>Slurry, cuttings, or process water will not be allowed to drain to waters of the state or stormwater conveyance systems.</p> |

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| | <p>excavated material or new clean imported material. All excavated material not used will be stockpiled for testing and proper disposal offsite. Repaving will be conducted to match the existing surface, grade, and asphalt thickness.</p> <p>Maintenance and repair of electrical equipment will be conducted based on the associated building and common industrial standard. Warning system equipment maintenance and repair includes work on speaker arrays, strobes, and control cabinets that are located on poles in upland locations.</p> | |
| <p>Power/Switch gear maintenance: Routine maintenance is required periodically to maintain functionality, including upgrades and increasing capacity allowed per code. Routine maintenance is limited to existing structures.</p> | <p>Work may occur from existing piers located above and adjacent to marine waters and within the 100-year floodplain.</p> <p>Maintenance and repair of electrical equipment will be conducted based on the associated building and common industrial standard.</p> | <p>Stormwater BMPs will be in place to ensure that concrete dust is not carried through the deck drains on the pier/wharf, and to ensure that stormwater does not contact wet or fresh concrete.</p> <p>Wash water and leftover concrete product will not be allowed to drain onto the deck or into storm drains or allowed to drain to waters of the state.</p> |
| <p>Crane rail repairs: A crane rail is a track located on the wharf upon which a top running crane moves. Rails must be maintained to ensure proper operation of the cranes.</p> | <p>Work will occur from existing paved wharfs located above and adjacent to marine waters and within the 100-year floodplain. All work will occur from the surface of the existing paved wharf.</p> | <p>Work that could result in debris and substances entering waters of the state shall include a containment structure capable of collecting all debris and substances.</p> <p>Stormwater BMPs will be in place to ensure that concrete dust is not carried through the deck drains on the pier/wharf, and to ensure that stormwater does not contact wet or fresh concrete.</p> <p>Slurry, cuttings, or process</p> |

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| | | <p>water will not be allowed to drain to waters of the state or stormwater conveyance systems.</p> <p>Concrete forms will be completely sealed on the bottom and sides to prevent wet concrete from escaping and dropping into the water. Wash water and leftover concrete product will not be allowed to drain to deck or storm drains or allowed to drain to waters of the state.</p> |
| <p>Deck repairs including re-planking of dock surfaces (wood): Deteriorated timber pieces need to be replaced to maintain existing docks and preserve structural integrity.</p> | <p>Work will occur above and adjacent to marine waters and within the 100-year floodplain. Specifically, deteriorated timber planks will be removed and replaced with new timber planks. No in-water work will occur; all equipment will be positioned on the dock itself; and no increase in footprint or overwater coverage is proposed. The deteriorated timber will be removed by cutting with a chainsaw and lifting out either by hand or with a truck mounted davit. Due to the severe constraints beneath the dock, the Port will not be able to employ work floats or tarps to capture falling debris; however, workers will operate a vacuum while using power tools to cut decking, and skim any debris that may escape the vacuum to minimize impacts to the waterbody. Replacement timbers will be installed using hand tools.</p> | <p>Work floats or tarps will be used to capture any falling debris to prevent any material from entering the waterway. Where such space or worker safety constraints preclude the use of such structures, workers will operate a vacuum while using power tools to cut or drill, and will skim any debris that may escape the vacuum to minimize waterbody impacts.</p> <p>Excess or waste materials will not be allowed to enter waters of the state. All such materials will be collected and recycled or disposed of at an approved upland facility.</p> <p>Wood treated with creosote or pentachlorophenol will not be used.</p> <p>Any deck overlay removal and/or replacement must have a sound subsurface that will prevent existing or new overlay material from entering waters of the state.</p> |
| <p>Re-paving existing paved areas: Paved areas on the pier surface must be resurfaced to maintain</p> | <p>Work will occur landward of the OHWM and may occur within the 100-year floodplain. The old surface</p> | <p>Slurry, cuttings, or process water will not be allowed to drain to waters of the state or stormwater conveyance</p> |

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| integrity. | will be milled away. An application of a tack coat will be applied and a new layer asphalt will then be laid down with paving machines and rollers. | systems. Wash water and leftover concrete product will not be allowed to drain to deck or storm drains or allowed to drain to waters of the state. |
| Exterior building repairs and maintenance: Existing buildings must be maintained to prevent their decline. Maintenance and repair will include windows, doors, siding, landscaping, roofing, and associated equipment (e.g., HVAC, etc.). | Work will occur above and adjacent to marine waters and within the 100-year floodplain. Maintenance and repair work will be conducted from improved areas surrounding existing buildings. Typical equipment may include lifts, scaffolding, and trucks. Landscaping maintenance is limited to the immediate area surrounding buildings and parking areas that are not part of a restoration, mitigation, or other area that is not already regularly maintained. | Slurry, cuttings, or process water will not be allowed to drain to waters of the state or stormwater conveyance systems. Work that could result in debris and substances entering state water shall include a containment structure capable of collecting all debris and substances. |
| Containment berm installation and maintenance: Containment berms are paved and used to control stormwater flows. Repairs and maintenance is limited to work that does not alter the flow to or from a critical area. | Work will occur landward of the OHWM and may occur within the 100-year floodplain. Typical equipment used to construct a containment berm includes trucks and paving equipment. | Slurry, cuttings, or process water will not be allowed to drain to waters of the state or stormwater conveyance systems. |
| Light pole maintenance: Light poles must be maintained and replaced, including increases in height when needed to maintain safe operations. | Work will occur above and adjacent to marine waters and within the 100-year floodplain. Typical equipment will include lifts and trucks. | Slurry, cuttings, or process water will not be allowed to drain to waters of the state or stormwater conveyance systems. |
| Safety equipment maintenance: Safety equipment, including safety ladders, life rings, and floatation devices, must be maintained to operate safely and meet state and federal code requirements. Maintenance may include the installation and | Work will occur above and adjacent to marine waters and within the 100-year floodplain. Safety equipment will be installed using hand tools on the dock surface or with the use of a boom truck operated from the dock or a barge. Workers will operate | A small barge, wood and/or cloth barrier will be used to catch debris to prevent it from falling into the water. |

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| relocation of safety ladders and life rings. | a vacuum while using power tools to cut decking in over water areas and skim any debris that may escape the vacuum to minimize waterbody impacts. Safety ladders are approximately 30 feet long and 24 inches wide and are mounted to the face of the wharf or pier. Life rings and their housing is approximately 2 feet by 2 feet and is mounted to the top of the wharf or pier. | |
| Navigation light maintenance and replacement: Navigation lights are located on piling and must be maintained and replaced as needed for safety. This does not include pile replacement. Safety platform maintenance: Platforms, such as line handling platforms, must be maintained and/or relocated for safety. A significant increase in overwater coverage is not included as maintenance. | Navigation light maintenance and replacement work will occur above and adjacent to marine waters and within the 100-year floodplain. Navigation lights will be accessed by boat and replaced with hand tools. Safety platform maintenance work will occur above and adjacent to marine waters and within the 100-year floodplain. Line platforms will be accessed from the pier and will be maintained with hand tools and/or use of a boom truck operated from the pier. | Work that could result in debris and substances entering waters of the state shall include a containment structure capable of collecting all debris and substances. For safety platform maintenance a small barge, wood and/or cloth barrier will be used to catch debris to prevent it from falling into the water. |
| Cathodic protection system repair/maintenance: Cathodic protection systems are installed to extend the life of dock steel piles. The system works by connecting protected metal to a more easily corroded "sacrificial metal" to act as the anode. The sacrificial metal corrodes instead of the protected metal. Without the protection system, corrosion can occur in the piling splash | Work will occur within the 100 year floodplain above and in marine waters. Repair and maintenance will be done with hand tools from a floating work platform and/or by divers. | Work that could result in debris and substances entering waters of the state shall include a containment structure capable of collecting all debris and substances. |

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| <p>zone. A typical system includes pile wraps located on each pile from the concrete pile caps to below the Mean Lower Low Water (MLLW) elevation. All of the cathodic protection piles have a bolt welded at the top, which will allow bond wires to be attached between each pile. Ananode attachment is located below the subtidal water line.</p> | | |
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2. The applicant asserts that these routine maintenance and repair activities are needed to maintain the integrity of Port infrastructure and to operate safely and efficiently. The parcels are located in the Port of Tacoma along the shorelines of Commencement Bay, Puyallup, Hylebos, Blair, Sitcum, Middle and Thea Foss Waterways within the S-10 Shoreline District.
3. The Port of Tacoma will ensure that the maintenance activities do not harm wildlife, vegetation or other elements of the shoreline environment. In addition to the following BMPs, the maintenance activities will be designed to comply with applicable federal, state and local laws and regulations to avoid and minimize adverse impacts to the aquatic environment. The following BMPs apply to all shoreline maintenance activities:
 - Each activity will comply with the Washington Department of Fish and Wildlife Hydraulic Project Approval requirements including timing restrictions to protect juvenile salmonid migration.
 - Each activity will comply with water quality restrictions imposed by the Washington Department of Ecology and implement corrective measures if water quality standards are exceeded.
 - If a contractor performs the maintenance activities, they will be required to prepare a Spill Prevention, Control and Countermeasures plan (SPCC). The SPCC plan will describe how the contractor will store all fuels and hazardous substances that may be onsite during construction. It will include procedures that the contractor will follow in the event of a fuel or chemical spill, and will require the contractor to have a spill response kit that will prevent spilled material from entering surface waters. The plan will also include emergency phone numbers and contacts that will be made in the event of a spill.
 - No petroleum products, hydraulic fluids, chemicals, or any other polluting substances shall be allowed to enter waters of the state.
 - Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., will be checked regularly for drips or leaks, and shall be maintained and stored properly with secondary containment to prevent spills.
 - Once the activity is complete, all temporary work structures, devices, equipment, materials, manmade debris and wastes from the project shall be completely removed from the shoreline.

- Temporary floating work platforms will not disturb eelgrass, kelp, and/or intertidal wetland vascular plants.
 - Work that could result in debris and substances entering waters of the state shall include a containment structure capable of collecting all debris and substances. Where space or worker safety constraints preclude the use of such structures, workers will operate a vacuum while using power tools to cut or drill, and will skim any debris that may escape the vacuum to minimize waterbody impacts.
 - No stockpiling or staging of materials will occur water ward of the OHWM of any waterbody, except for when work is occurring on a paved wharf/pier. Stockpiles will be covered with plastic to prevent contact with the elements and erosion.
 - All areas for equipment fuel storage will be located 150 feet from open water or wetlands.
 - Fueling and servicing of all equipment will be confined to an established staging area that is at least 150 feet from open water or wetlands.
 - A spill kit with oil-absorbent materials is on site to be used in the event of a spill.
 - Deck and storm drain inlets will be protected to prevent sediment and contaminants from entering the waterways or storm drain system.
 - Proper BMPs such as a silt fence and/or straw wattles will be used to provide a physical barrier to sediment and prevent runoff.
4. There are wetlands located within the Port of Tacoma adjacent to areas where shoreline maintenance and repair work will occur; however, no work will occur in wetlands. The work is limited to repair and maintenance activities to ensure the continued use of existing structures and improvements. The project will avoid impacts to wetlands by using proper Best Management Practices (BMPs) and confining work to already developed and improved areas. No wetland vegetation or soils will be disturbed and drainage patterns will not be altered.
 5. The shoreline project sites are highly modified and contain armored/hardened shorelines, piers/wharfs and impervious surfaces typical of the Shoreline Port Industrial (S-10) Port Maritime and Industrial (PMI) zone. The shoreline project areas are within the state designated shoreline district and FEMA designated floodplain. These Environmental Designations and the existing conditions were considered in evaluating potential indirect impacts to determine if mitigation is necessary. The shoreline maintenance activities are not anticipated to result in permanent impacts to adjacent wetlands or buffers; therefore, no compensatory mitigation is proposed.
 6. The applicant identified listed Threatened and endangered salmonid species as occurring within the vicinity of the project areas. Chinook salmon, steelhead, bull trout, killer whale, and humpback whale may occur in the area; however, the applicant shall follow work windows required under an approved HPA. Portions of the waterways within the project areas are mapped as Estuarine Zone and Estuarine Intertidal which are a listed Priority Habitats. WDFW Priority Species that may be present in the vicinity include bald eagle, peregrine falcon, cormorant, alcids, great blue heron, Steller sea lion, Dungeness crab, surf smelt, coho and chum salmon and the ESA species listed above; however, there are no haulout sites, breeding areas, nests or roosting areas on or in the immediate vicinity of the shoreline project sites. The location of the work on developed lands adjacent to a highly developed waterway and the use of proper BMPs make it extremely unlikely that any of the above species or habitat would be affected.

Applicable Tacoma Shoreline Master Program and Code

7. The project parcels are located in the S-10 Shoreline District with a High Intensity Environmental Designation.
8. The intent of the S-10 Port Industrial Area Shoreline District is to allow the continued development of the Port Industrial Area, with an increase in the intensity of development and a greater emphasis on terminal facilities within the City.
9. Under TSMP 2.3.2 Exemptions from Shoreline Substantial Development Permit. All uses within shoreline jurisdiction must be consistent with the regulations of this Master Program whether or not they require a Shoreline Substantial Development Permit. An exemption from the Substantial Development Permit requirements does not constitute an exemption from the policies and use regulations of the Shoreline Management Act, the provisions of this Master Program, and other applicable City, state, or federal permit requirements. Also, Letters of exemption may contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of the Program and Act.
10. Under TSMP 2.3.2 Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment. Relocation and reconfiguration of the structure or development may be performed within the existing property boundaries if the relocation or reconfiguration results in a measurable and sustainable ecological improvement.
11. Under TSMP 2.3.4 Letter of Exemption. Exempt activities related to any of the following shall not be conducted until a letter of exemption has been obtained from the Director or designated signatory: dredging, flood control works, in-water structures, archaeological or historic site alteration, clearing and ground disturbing activities such as filling and excavation, docks, shore stabilization, or activities determined to be located within a critical area or buffer.
12. Under TSMP 6.4.4 Fish and Wildlife Habitat Conservation Areas (FWHCAs), lands containing priority habitats and species and critical saltwater habitats are classified as FWHCAs. Whenever activities are proposed within or adjacent to a habitat conservation area with which state or federally endangered, threatened, or sensitive species have a primary association, such area shall be protected through the application of protection measures in accordance with a critical area report and habitat management plan prepared by a qualified professional and approved by the

City. And, under TSMP 2.4.2, the Director shall determine whether these reports are necessary based upon the activities associated with the project.

Conclusions

13. The shoreline project sites are located in the S-10 shoreline district and are eligible for the maintenance and repair exemption from the Shoreline Substantial Development Permit.
14. The impacts associated with the proposed repair and maintenance projects will be temporary and limited during the active maintenance work. No permanent adverse impacts are anticipated. No new additional structures are proposed and there is no expansion or increases to water dependent use.
15. Species listed under the Endangered Species Act that may occur in the vicinity of the projects include Chinook Salmon (*Oncorhynchus tshawytscha*), Steelhead (*Oncorhynchus mykiss*), Bull Trout (*Salvelinus confluentus*), Steller Sea Lion (*Eumatopius jubatus*), Southern Resident Orca (*Orcinus orca*), Humpback Whale (*Megaptera novaeangliae*), Marbled Murrelet (*Brachyramphus marmoratus*), Bocaccio (*Sebastes paucispinis*), Yellow Rockfish (*Sebastes ruberrimus*), Canary Rockfish (*Sebastes pinniger*) and Pacific Eulachon (*Thaleichthys pacificus*). Species may be temporarily affected by turbidity; however, it is likely that they would temporarily vacate the areas when active work commences.
16. The project lies within an identified FEMA floodplain area (Commencement Bay); however, no vegetation removal or increase in impervious surface is proposed. Project impacts are being avoided and minimized; therefore, no floodplain mitigation is required.
17. The applicant indicates that the water body will not be adversely affected by the proposed projects. All work in Commencement bay and associated waterways will occur during lower tidal elevations with a silt curtain installed. Work will be limited to Fish and Wildlife in-water work windows and no impacts to priority habitats or species are anticipated. Increase turbidity potentially caused by the proposed project will be localized and temporary.
18. The project as proposed will not result in any permanent loss of habitat and will not compromise FWHCAs or buffer functions; therefore, compensatory mitigation is not required.
19. WAC 173-27-040(2)(b) exempts "*Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and*

external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment". The proposed repairs are considered typical and will conform to the size, shape, configuration, location, and general appearance of the existing structures. The project as described by the applicant is generally consistent with the Substantial Shoreline Development Permit Exemption requirements.

20. Based on the above findings, the proposed programmatic proposal to conduct repair and maintenance activities over five years is consistent with the policies Tacoma Shoreline Master Program. The proposal as described by the applicant is not likely to cause adverse impacts to the shoreline; therefore, if properly conditioned, this project can be approved without the need for a Shoreline Substantial Development Permit.

Conditions

1. The applicant shall apply for and receive approval of any required building permit from the City of Tacoma prior to any work.
2. The applicant shall follow all proposed installation and construction methods and best management practices for minimizing unintended impacts during repair and maintenance of all structures within the shoreline jurisdiction in the S-10 District.
3. All trash and unauthorized fill, including concrete blocks or pieces, bricks, asphalt, metal, treated wood, glass, floating debris, and paper, below the ohwm in and around the applicant's repair project areas shall be removed and deposited at an approved upland disposal site.
5. No stockpiling or staging of materials will occur below the ohwm of any water body.
6. All shoreline work shall be completed within the approved work windows designated by the Washington State Department of Fish and Wildlife (WDFW).
7. The applicant shall notify the City of Tacoma and pertinent state and federal agencies should an unexpected spill of fuel or other chemicals occur in Commencement Bay or associated waterways.
8. The City of Tacoma is not the only agency with jurisdiction over the project area. The applicant is responsible for coordinating any required reviews and/or approvals with the WDFW, Washington State Department of Ecology, and U. S. Army Corps of Engineers and shall provide documentation to the City of Tacoma.
9. This exemption shall be valid for a period not to exceed 5 years from the date of issuance. Should the Shoreline Master Program be revised prior to the completion of this project, additional review may be required.

Advisory Notes

- The applicant shall apply for and receive approval of any required building permits prior to any work.
- The applicant is advised that all local, State and Federal permits or approvals required for the project must be obtained prior to starting site work.