



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

April 5, 2017

Port of Tacoma  
ATTN: Ms. Jenn Stebbings  
PO Box 1837  
Tacoma, WA 98401-1837

RE: Second Amendment to Section 401 Water Quality Certification Order No. 9244 for U.S. Army Corps of Engineers Reference No. NWS-2011-0089, Pile Repair and Replacement Program, Hylebos, Blair, and Sitkum Waterways of Commencement Bay, Tacoma, Pierce County, Washington

Dear Ms. Stebbings:

Enclosed is the second amendment to Water Quality Certification Order No. 9244, issued on August 29, 2012 and amended on November 29, 2012, for the above project.

The purpose of this amendment is to respond to a request from the Port of Tacoma (Port) to extend the timeframe for the Section 401 Water Quality Certification until February 14, 2018. This extension will allow the Port to conduct the authorized activities during the 2017 in-water work window while preparing an updated permit application package for future work.

If you have any questions, please contact Lori Kingsbury at (360) 407-6926. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

Brenden McFarland, Section Manager  
Shorelands and Environmental Assistance Program

Enclosure

by certified mail 91 7199 9991 7037 0278 3225



April 5, 2017  
Page 2

cc: Brian Hooper, U.S. Army Corps of Engineers  
Chris Waldbillig, WDFW

e-cc: Lori Kingsbury, Ecology-SWRO  
Loree' Randall – HQ  
ecyrefedpermits@ecy.wa.gov  
DMMP@dnr.wa.gov  
Laura Inouye, Ecology

**IN THE MATTER OF GRANTING** ) **ORDER No. 9244, Second Amendment**  
**A WATER QUALITY** ) **Corps Reference No. 2011-0089-WRD**  
**CERTIFICATION TO** ) **Programmatic Piling Repair Project**  
***Port of Tacoma*** )  
In accordance with 33U.S.C. 1341 )  
(FWPCA §401), RCW 90.48.120, RCW )  
90.48.260 and Chapter 173-201A WAC )

TO: Port of Tacoma  
ATTN: Ms. Jenn Stebbings  
PO Box 1837  
Tacoma, WA 984011837

On August 29, 2012 the Washington Department of Ecology (Ecology) issued a Section 401 Water Quality Certification (WQC) to the Port of Tacoma for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request on February 17, 2017 to extend the timeframe for the WQC until February 14, 2018.

Administrative Order No. 9244 dated August 29, 2012 is hereby amended as follows:

Condition number E.2. that reads:

- This Order shall remain in effect for a period of 5 years from the date of issuance.

Is replaced with:

- This Order shall remain in effect until February 14, 2018.

No other conditions or requirements of the above-mentioned order are affected by this amendment.

Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this amended Order may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amended Order.

### YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.


You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

### ADDRESS AND LOCATION INFORMATION

| Street Addresses   | Mailing Addresses   |
|--|---|
| <b>Department of Ecology</b><br>Attn: Appeals Processing Desk<br>300 Desmond Drive SE<br>Lacey, WA 98503 | <b>Department of Ecology</b><br>Attn: Appeals Processing Desk<br>PO Box 47608<br>Olympia, WA 98504-7608 |
| <b>Pollution Control Hearings Board</b><br>1111 Israel RD SW<br>STE 301<br>Tumwater, WA 98501            | <b>Pollution Control Hearings Board</b><br>PO Box 40903<br>Olympia, WA 98504-0903                       |

### SIGNATURE

Dated this 5<sup>th</sup> day of April, 2017 at the Department of Ecology, Lacey Washington



---

Brenden McFarland, Section Manager  
Environmental Review and Transportation  
Shorelands and Environmental Assistance Program  
Headquarters





REPLY TO  
ATTENTION OF

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

FILE COPY

APR 24 2017

Regulatory Branch

Mr. Tony Warfield  
Port of Tacoma  
P.O. Box 1837  
Tacoma, Washington 98401-1837

Reference: NWS-2011-89-WRD  
Tacoma, Port of  
(Programmatic Piling  
Repair)

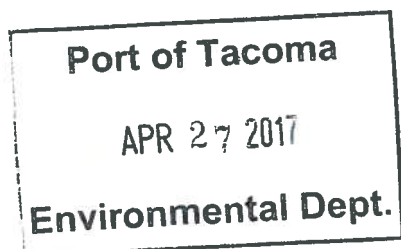
Dear Mr. Warfield:

We have received your request for a permit modification to extend the time limit for completing the work authorized by the above-referenced Department of the Army permit. The permit authorizes certain maintenance activities at 12 wharf/pier structures in Sitcum Waterway, Blair Waterway, Hylebos Waterway, and Commencement Bay at Tacoma, Washington. The original time limit for completing the authorized work is scheduled to expire on October 25, 2017. You have requested a modification of the permit to extend the time limit for completing the work to February 14, 2018. Your request for a time extension is approved. The new time limit for completing the authorized work ends on February 14, 2018.

All other terms and conditions contained in the original permit remain in full force and effect. If you have any questions, please contact Mr. Brian Hooper at (206) 316-3975 or at [brian.d.hooper@usace.army.mil](mailto:brian.d.hooper@usace.army.mil).

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

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





REPLY TO  
ATTENTION OF

Regulatory Branch

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

OCT 25 2012

Port of Tacoma

OCT 26 2012

Environmental Dept.

Mr. Mark Rettmann  
Port of Tacoma  
P.O. Box 1837  
Tacoma, Washington 98401-1837

Reference: NWS-2011-0089-WRD  
Tacoma, Port of  
(Pile Replacement  
Program)

Dear Mr. Rettmann:

Enclosed is a Department of the Army permit which authorizes the performance of the work described in your referenced application. You are cautioned that any change in the location or plans of the work will require submittal of revised plans to this office for approval prior to accomplishment. Deviation from the approved plans may result in imposition of criminal or civil penalties.

Your attention is drawn to General Condition 1 of the permit which specifies the expiration date for completion of the work. Upon completing the authorized work, please fill out and return the enclosed *Certificate of Compliance with Department of the Army Permit* form.

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](http://www.nws.usace.army.mil) select "Regulatory Branch Permit Information".

If you have any questions please contact Ms. Olivia Romano, at (206) 764-6960 or email at [olivia.h.romano@usace.army.mil](mailto:olivia.h.romano@usace.army.mil).

Sincerely,

Michelle Walker  
Chief, Regulatory Branch

Enclosures

# DEPARTMENT OF THE ARMY PERMIT

**Permittee:** Port of Tacoma

**Permit No:** NWS-2011-0089-WRD

**Issuing Office:** Seattle District

Mr. Mark Rettmann  
Post Office Box 1837  
Tacoma, Washington 98401-1837

**NOTE:** The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:** To conduct maintenance activities at 12 wharf/pier structures over a five year period including the replacement of up to 1,000 piles (fender piles, dolphin piles, and/or support piles), and associated pile caps, chock, whalers, and rub strips at structures and place up to 600 cubic yards of sand in any holes left from the pile removal, at AMP Terminals, Terminal 7, Olympic Container Terminal, Husky Terminal (Terminal 3 and 4), Washington United Terminal, Blair Dock, Trident Pier 24 and 25, BRAC, Parcel 86, Parcel 99, Parcel 105, and Parcel 115 (in accordance with the plans and drawings dated July 02, 2012 attached hereto which are incorporated in and made a part of this permit). The purpose of the project is to maintain function and structural integrity of the existing wharf/pier structures.

**Project Location:**

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

**Permit Conditions:**

*General Conditions:*

1. The time limit for completing the work authorized ends on OCT 25 2017. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in accordance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification to this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your

permit.

7. After a detailed and careful review of all the conditions contained in this permit, the permittee acknowledges that, although said conditions were required by the Corps, nonetheless the permittee agreed to those conditions voluntarily to facilitate issuance of the permit; the permittee will comply fully with all the terms of all the permit conditions.

*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 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, 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.

c. The permittee must provide a completed "*Port of Tacoma Piling Replacement Program Compliance Form*" by March 15th of each year in which work under this permit is conducted. This completed form must be submitted to U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington 98124-3755.

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 the Comprehensive Environmental Response, Compensation and Liability Act, 42 United States Code (U.S.C.) 9601 et seq. (CERCLA) or the Model Toxics Control Act, R.C.W. 70.105 (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 CERCLA or the 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 Sitcum, Blair, and Hylebos Waterways and Commencement Bay.

e. The permittee must provide site specific pre-construction information (number of piles to be removed and replaced, size of piles, type of piles, location of piles within the facility, etc) on the following facilities: Trident Piers 24 and 25; BRAC facility; Parcel 99/Arkema Chemical; Washington United Terminal, and Terminal 3. This information must be provide to the U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington 98124-3755, a minimum of 60 days prior to construction in any year this permit is valid to allow for coordination with Environmental Protection Agency (EPA) CERCLA RPMs. Pile replacement at these facilities may not be conducted until CERCLA coordination has been completed and the Port receives written approval to proceed from the Corps.

f. You must implement and abide by the enclosed Best management Practices for Piling Removal and Disposal, dated March 1, 2007, with the exception of BMP 3B.

g. You must implement and abide by the Endangered Species Act (ACT) requirements and/or agreements set forth in the ESA Technical Memorandum, "*Programmatic Biological Evaluation, Port of Tacoma Pile Replacement Program, NWS-2011-89-WRD*", dated November 2011 – Revised April 2012, in its entirety. The U.S. Fish and Wildlife Service concurred with a finding of "may affect, not likely to adversely affect" based on this document on May 24, 2012 (USFWS Reference #01EWF00-2012-I-0111). The National Marine Fisheries Service concurred with a finding of "may affect, not likely to adversely affect" based on this document on July 12, 2012

(NMFS Reference # 2012/00218). Both agencies will be informed of this permit issuance and will enforce any know violations of the commitments made in this document pursuant to the ESA.

h. In order to protect Puget Sound Chinook, Puget Sound steelhead, and Coastal-Puget Sound bull trout, the permittee may conduct the authorized activities from 16 July through 28 February in any year this permit is valid. The permittee shall not conduct work authorized by this permit from 1 March through 15 July in any year this permit is valid.

**Further Information:**

1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:

- ☒ Section 10 of the Rivers and Harbor Act of 1899 (33 U.S.C. 403).
- ☒ Section 404 of the Clean Water Act (33 U.S.C. 1344).
- ☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, State, or local authorization required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted activities or from natural causes.
- b. Damages 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.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of the permit.
- b. The information provided by you in support of your application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 Code of Federal Regulations (CFR), Part 325.7 or enforcement procedures such as those contained in 33 CFR, Parts 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR, Part 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.


6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

X   
NAME OF PERMITTEE

X Oct. 22, 2012  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

for   
Bruce A. Estok  
Colonel, Corps of Engineers  
District Engineer

25 OCTOBER 2012  
(DATE)

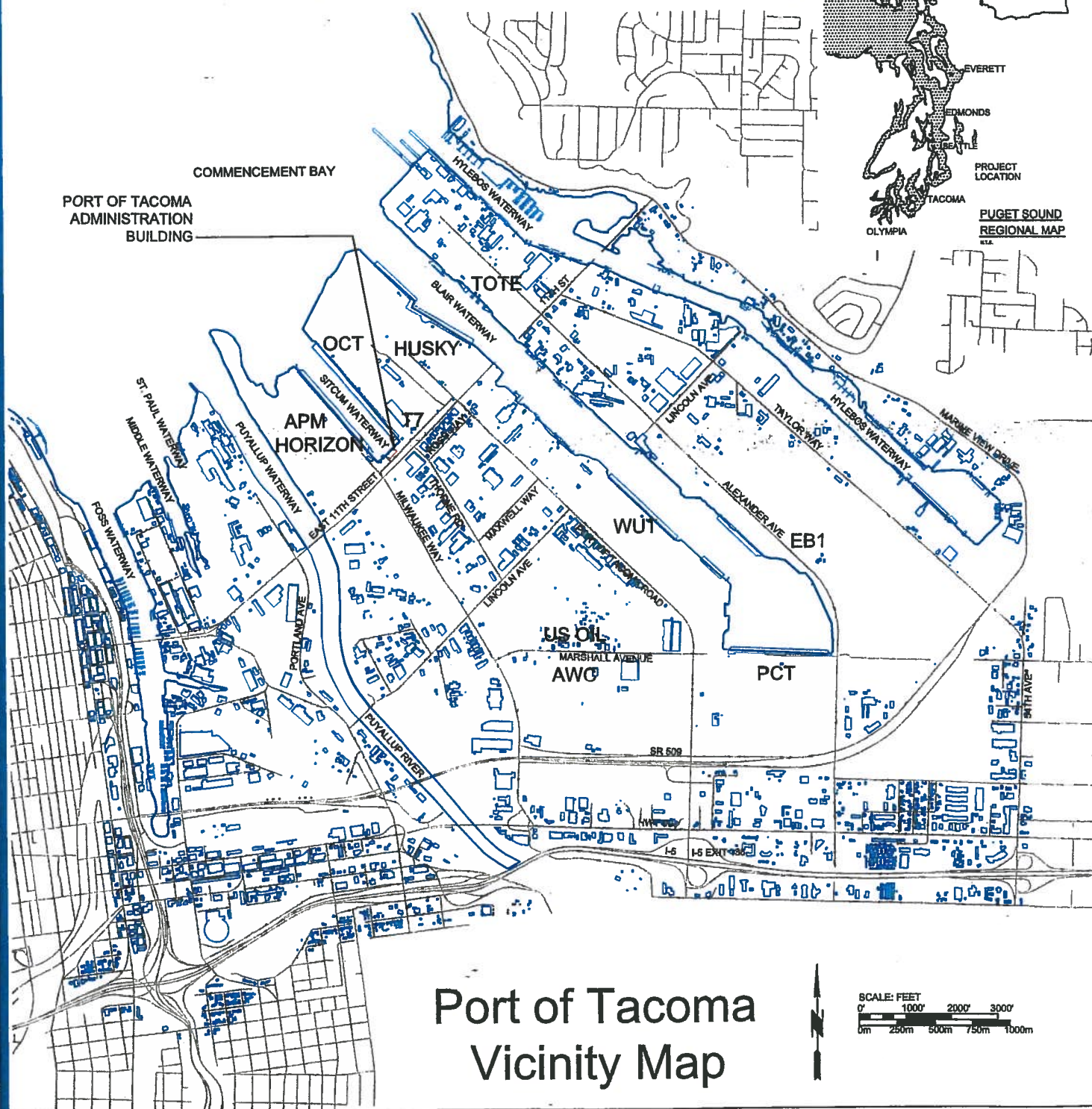
When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEREE)

\_\_\_\_\_  
(DATE)



# PROGRAMMATIC PILING REPLACEMENT PROJECT - VICINITY MAP



DATE OF PRINT: Oct 07, 2011 1:02:06pm - BY: barcher - FILE LOCATION: L:\PTac Projects\11 General Projects\110105\_0005 - Programmatic Piling Replacement Project\CAD\PTac Programmatic Piling Rep Proj - VMap.dwg

Reference: NWS-2011-0089-WRD



**PORT OF TACOMA**  
P.O. BOX 1837 TACOMA, WA 98401  
(253)383-5841

**FIGURE**

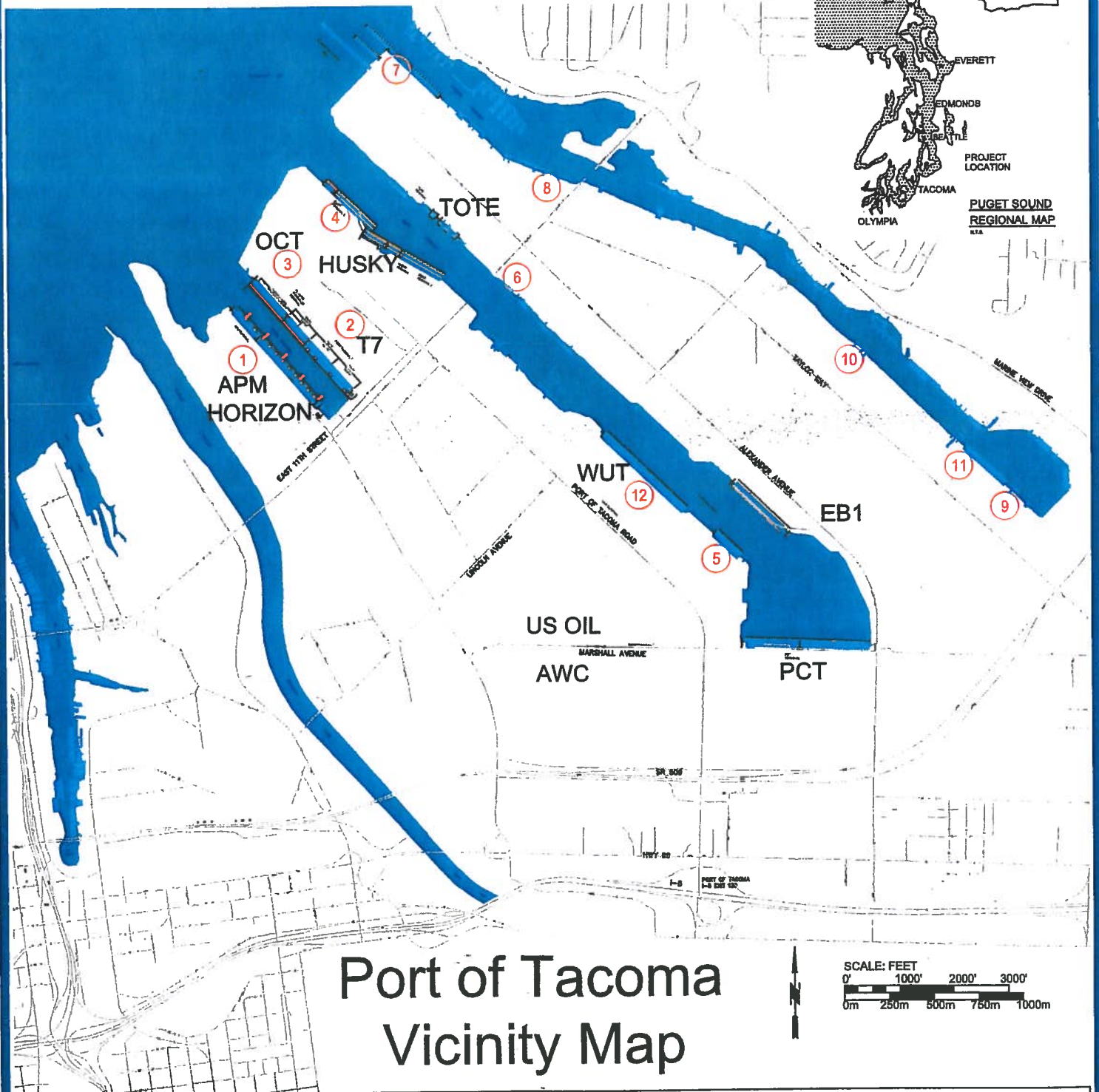
**01**

STATE: WA  
COUNTY: PIERCE  
CITY/PORT: PORT OF TACOMA  
LOCATION: PORT OF TACOMA  
PURPOSE: PILING REPLACEMENT PROJECT

PROJECT NO: N/A  
SHEET: 1 OF 10

DATE: 7/02/12

# PROGRAMMATIC PILING REPLACEMENT PROJECT - SITE PLAN



## Port of Tacoma Vicinity Map

DATE OF PRINT: Oct 07, 2011 2:21:10pm - BY: barcher - FILE LOCATION: L:\PTac Projects\11 General Projects\110105\_0005 - Programmatic Piling Replacement Project\CAD\PTac Programmatic Piling Rep Proj - Location Maps.dwg

- |                  |                 |              |
|------------------|-----------------|--------------|
| ① APM TERMINALS  | ⑤ BLAIR DOCK    | ⑨ PARCEL 88  |
| ② TERMINAL 7     | ⑥ PARCEL 115    | ⑩ PARCEL 99  |
| ③ OCT            | ⑦ TRIDENT       | ⑪ PARCEL 105 |
| ④ HUSKY TERMINAL | ⑧ BRAC PROPERTY | ⑫ WUT        |

Reference: NWS-2011-0089-WRD



**PORT OF TACOMA**  
P.O. BOX 1837 TACOMA, WA 98401  
(253)383-5841

### FIGURE

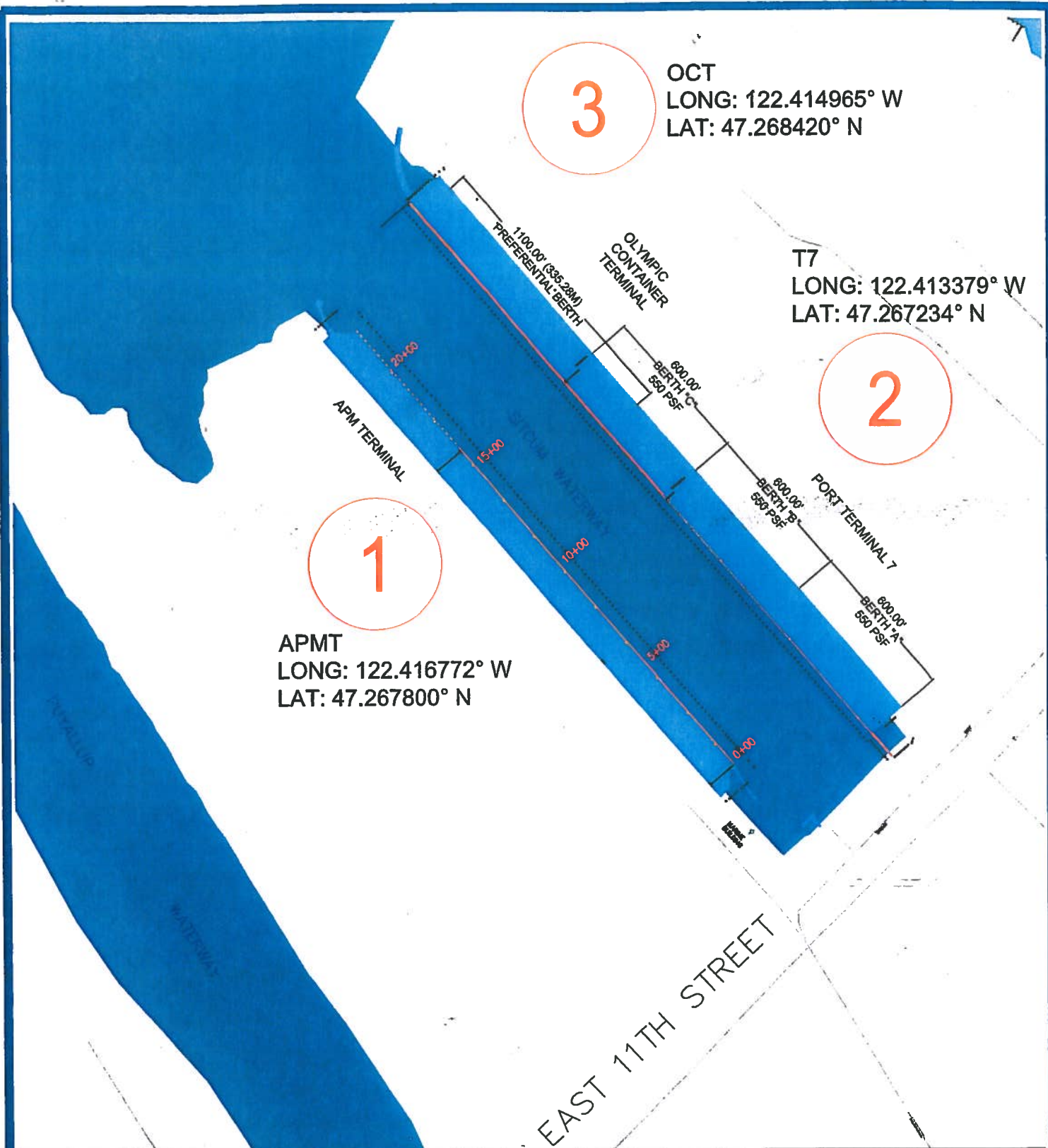
02

STATE: WA  
COUNTY: PIERCE  
CITY/PORT: PORT OF TACOMA  
LOCATION: PORT OF TACOMA  
PURPOSE: PILING REPLACEMENT PROJECT

PROJECT NO: N/A  
SHEET: 2 OF: 10

DATE: 7/02/12





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- ① APM TERMINAL
- ② T7 TERMINAL
- ③ OCT TERMINAL

Reference: NWS-2011-0089-WRD

0' 500' 1000'



**PORT OF TACOMA**  
P.O. BOX 1837 TACOMA, WA 98401  
(253)383-5841

## FIGURE

03

STATE: WA  
COUNTY: PIERCE  
CITY/PORT: PORT OF TACOMA  
LOCATION: PORT OF TACOMA  
PURPOSE: PILING REPLACEMENT PROJECT

PROJECT NO: N/A  
SHEET: 3 OF: 10

DATE: 7/02/12

SLIP 1 NEARSHORE CONFINED  
DISPOSAL FACILITY AND BERM

TOTE  
TERMINAL

PORT  
TERMINAL 3

4

HUSKY  
LONG: 122.410196° W  
LAT: 47.274250° N

HUSKY  
TERMINAL

PORT  
TERMINAL 4

OLYMPIC  
CONTAINER  
TERMINAL

1100.00' (355.28M)  
PREFERRED BERTH

800.00'  
BERTH 'C'  
550 PSF

800.00'  
BERTH 'B'  
550 PSF

PORT TERMINAL 7

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④ HUSKY TERMINAL

Reference: NWS-2011-0089-WRD

**PORT OF TACOMA**  
P.O. BOX 1837 TACOMA, WA 98401  
(253)383-8841

**FIGURE 04**

STATE: WA  
COUNTY: PIERCE  
CITY/PORT: PORT OF TACOMA  
LOCATION: PORT OF TACOMA  
PURPOSE: PILING REPLACEMENT PROJECT

PROJECT NO: N/A  
SHEET: 4 OF: 10  
REVISED 07/02/2012



PORT OF TACOMA ROAD  
WUT TERMINAL

12

WUT  
LONG: 122.390649° W  
LAT: 47.263025° N

5

BLAIR DOCK  
LONG: 122.390649° W  
LAT: 47.263025° N

MARSHALL AVENUE

3002 MARSHALL AVENUE

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12 WUT  
5 BLAIR DOCK

Reference: NWS-2011-0089-WRD

0' 500' 1000'



PORT OF TACOMA  
P.O. BOX 1837 TACOMA, WA 98401  
(253)383-5841

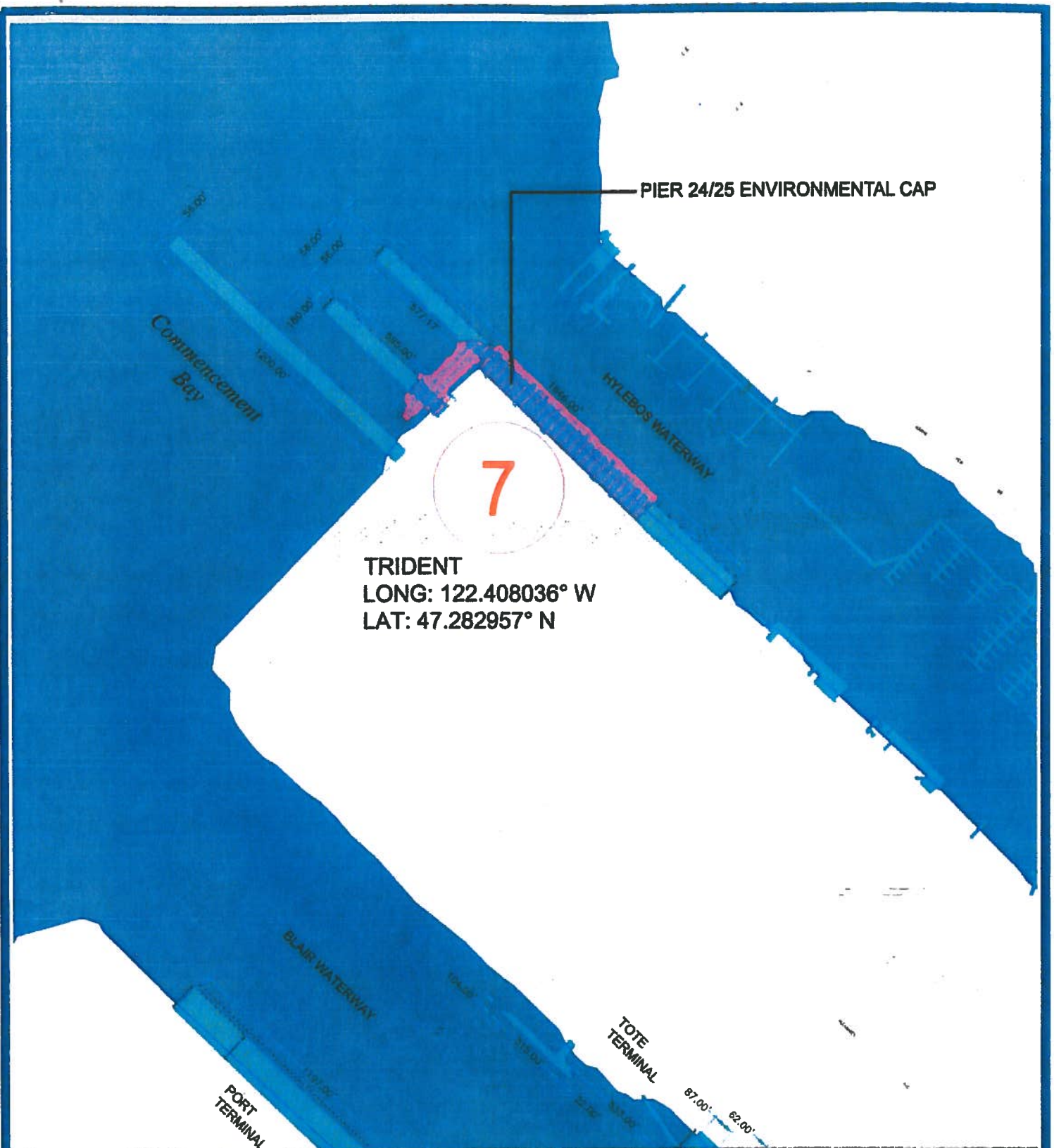
FIGURE

05

STATE: WA  
COUNTY: PIERCE  
CITY/PORT: PORT OF TACOMA  
LOCATION: PORT OF TACOMA  
PURPOSE: PILING REPLACEMENT PROJECT

PROJECT NO: N/A  
SHEET: 5 OF: 10

DATE: 7/02/12



DATE OF PRINT: Nov 22, 2011 7:48:35am - BY: barcher - FILE LOCATION: L:\PTac Projects\11 General Projects\110105\_0005 - Programmatic Piling Replacement Project\CAD\PTac Programmatic Piling Rep Proj - Location Maps.dwg

7 TRIDENT

Reference: NWS-2011-0089-WRD

0' 500' 1000'



PORT OF TACOMA

P.O. BOX 1837 TACOMA, WA 98401  
(253)363-5841

FIGURE

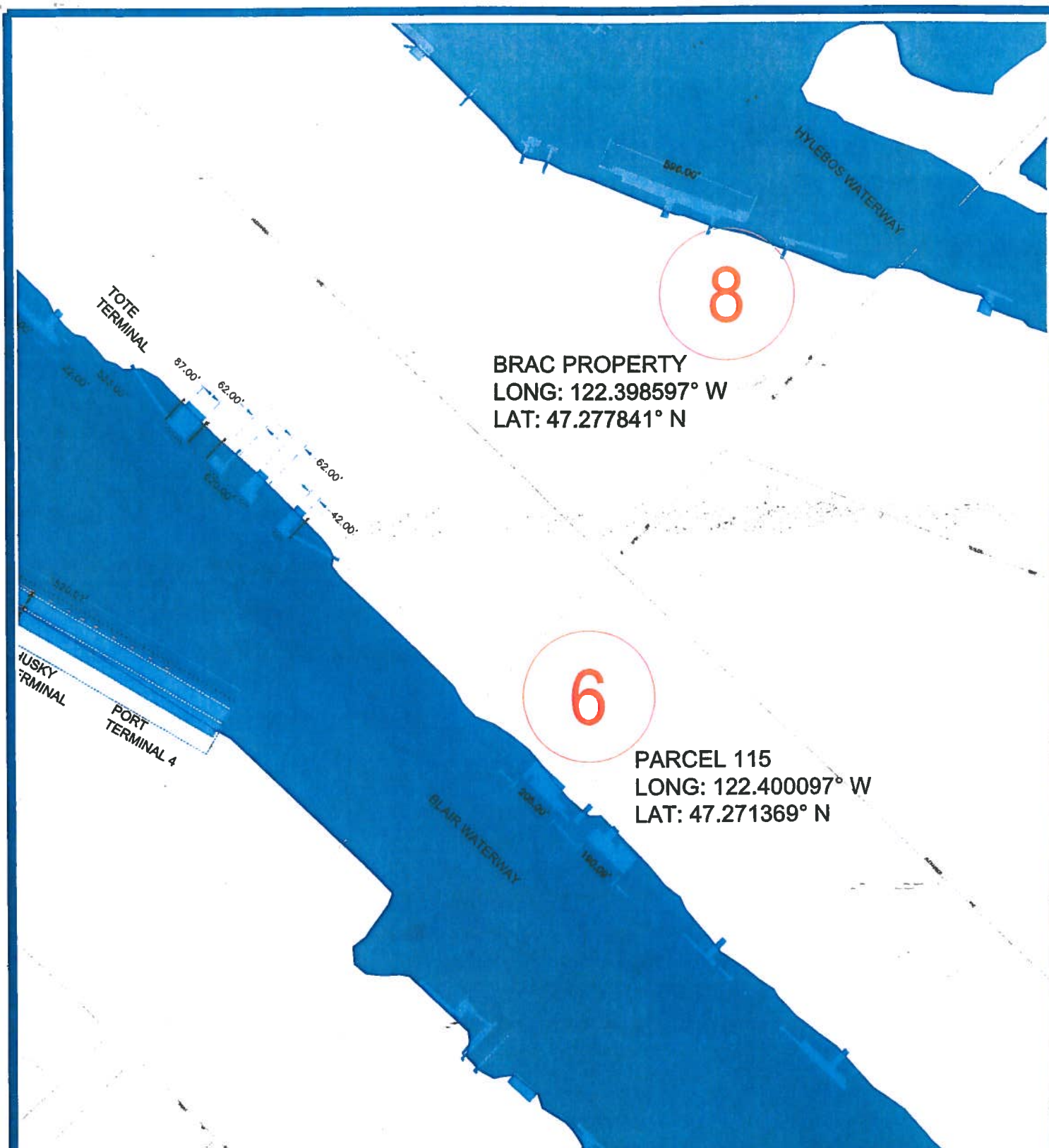
06

STATE: WA  
COUNTY: PIERCE  
CITY/PORT: PORT OF TACOMA  
LOCATION: PORT OF TACOMA  
PURPOSE: PILING REPLACEMENT PROJECT

PROJECT NO: N/A  
SHEET: 8 OF: 10

7/02/12  
REVISED





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8 BRAC PROPERTY  
6 PARCEL 115

Reference: NWS-2011-0089-WRD

0' 500' 1000'



**PORT OF TACOMA**  
P.O. BOX 1837 TACOMA, WA 98401  
(253)383-5841

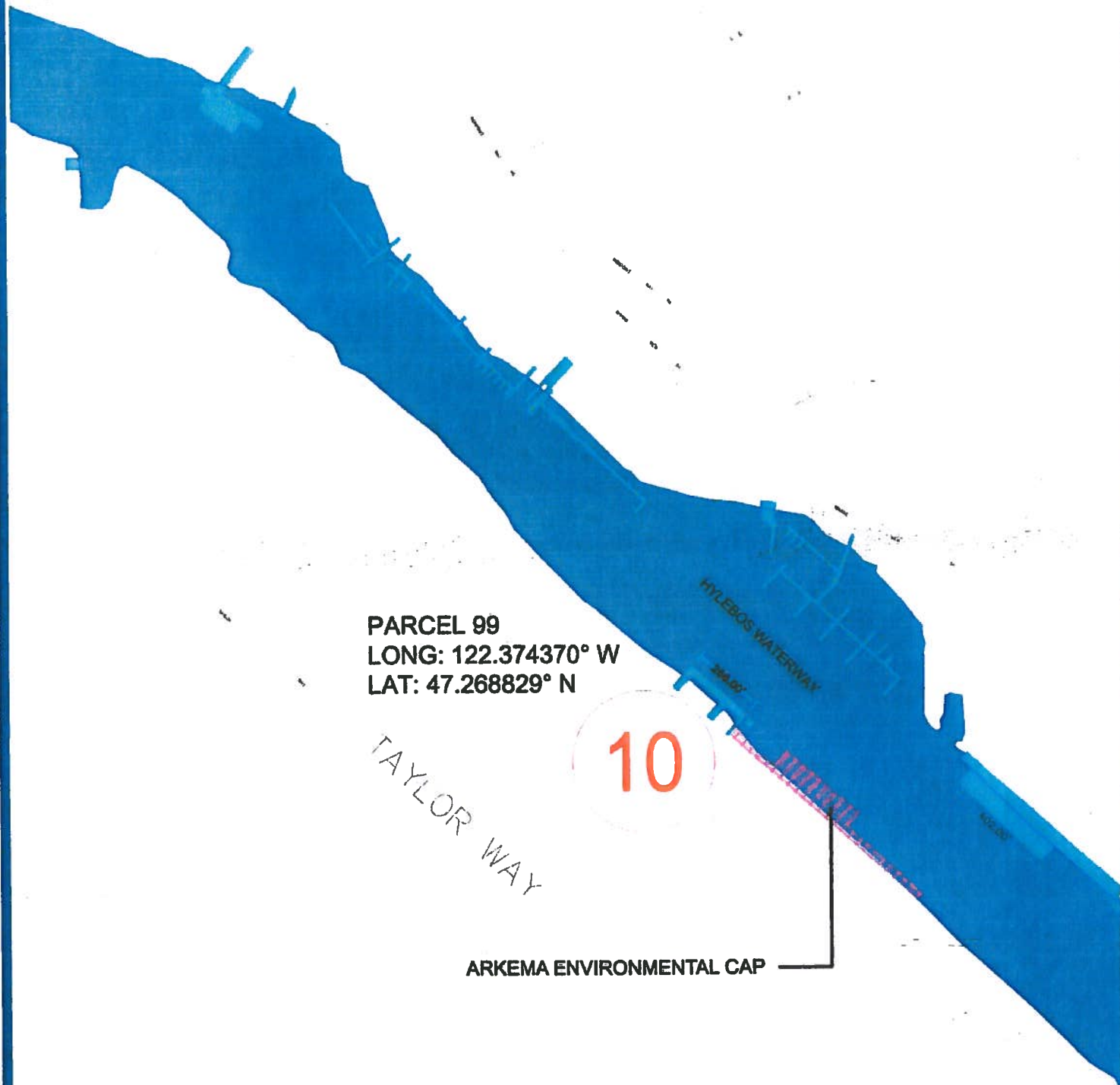
## FIGURE

07

STATE: WA  
COUNTY: PIERCE  
CITY/PORT: PORT OF TACOMA  
LOCATION: PORT OF TACOMA  
PURPOSE: PILING REPLACEMENT PROJECT

PROJECT NO: N/A  
SHEET: 7 OF: 10

DATE: 7/02/12



PARCEL 99  
 LONG: 122.374370° W  
 LAT: 47.268829° N

TAYLOR WAY

10

ARKEMA ENVIRONMENTAL CAP

DATE OF PRINT: Nov 22, 2011 7:49:30am - BY: barcher - FILE LOCATION: L:\PTac Projects\11 General Projects\110105\_0005 - Programmatic Piling Replacement Project\CAD\PTac Programmatic Piling Rep Proj - Location Maps.dwg

10 PARCEL 99

Reference: NWS-2011-0089-WRD

0' 500' 1000'



PORT OF TACOMA  
 P.O. BOX 1837 TACOMA, WA 98401  
 (253)363-5841

FIGURE

08

STATE: WA  
 COUNTY: PIERCE  
 CITY/PORT: PORT OF TACOMA  
 LOCATION: PORT OF TACOMA  
 PURPOSE: PILING REPLACEMENT PROGRAM

PROJECT NO: N/A  
 SHEET: 8 OF: 10

7/02/12  
 REVISED

MARINE VIEW DRIVE

PARCEL 105

LONG: 122.365105° W

LAT: 47.263186° N

11

9

PARCEL 86

LONG: 122.361809° W

LAT: 47.261298° N

HYLBOS WATERWAY

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11 PARCEL 105  
9 PARCEL 86

Reference: NWS-2011-0089-WRD

0' 500' 1000'



PORT OF TACOMA

P.O. BOX 1837 TACOMA, WA 98401  
(253)383-5841

FIGURE

09

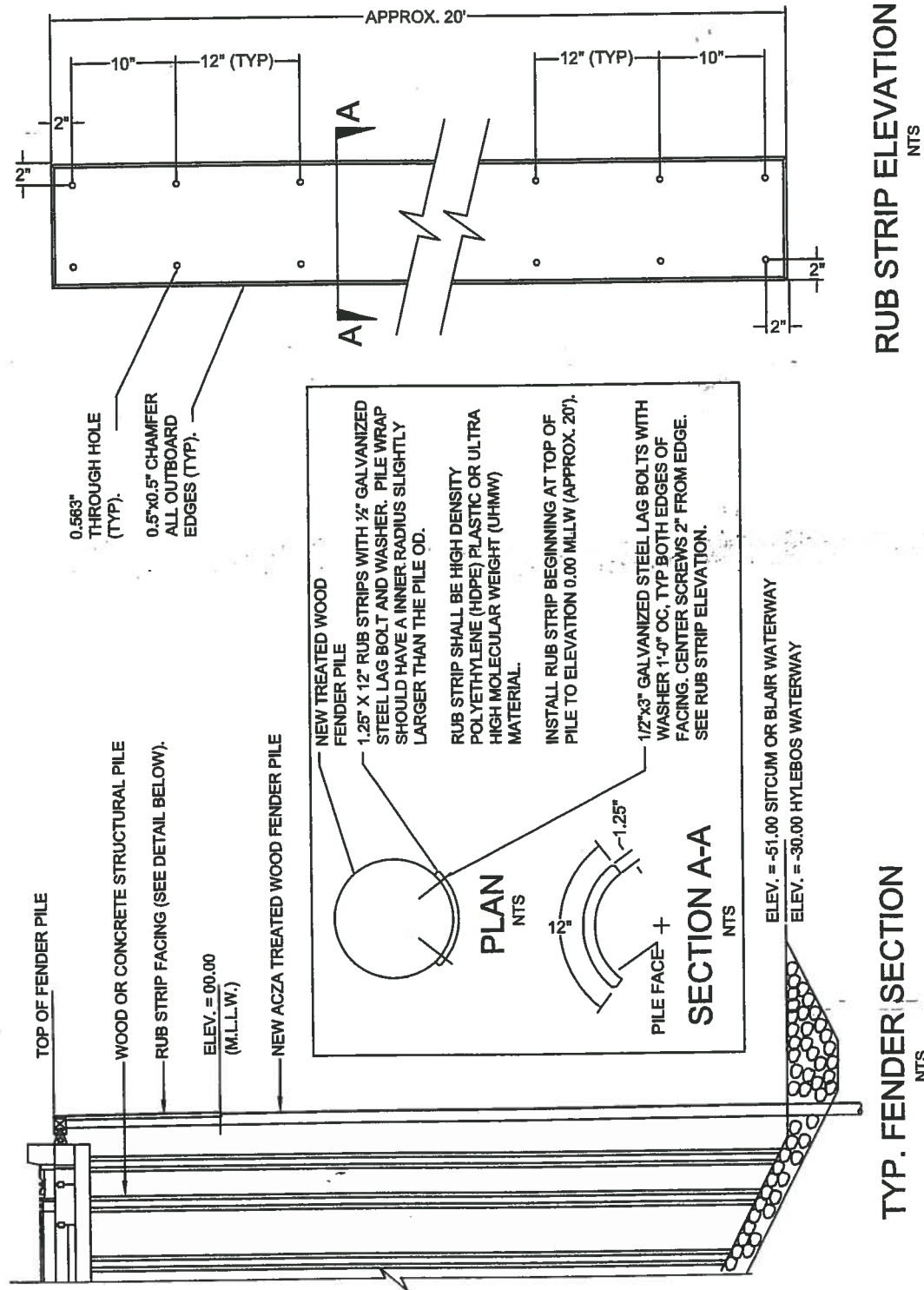
STATE: WA  
COUNTY: PIERCE  
CITY/PORT: PORT OF TACOMA  
LOCATION: PORT OF TACOMA  
PURPOSE: PILING REPLACEMENT PROGRAM

PROJECT NO: N/A  
SHEET: 9 OF: 10

DATE:

7/02/18





DATE OF PRINT: Oct 07, 2011 2:28:03pm - BY: bercher - FILE LOCATION: L:\PTac Projects\11 General Projects\110105\_0005 - Programmatic Piling Replacement Project\CAD\PTac Programmatic Piling Rep Proj - Typical Section.dwg

Reference: NWS-2011-0089-WRD



**PORT OF TACOMA**  
P.O. BOX 1837 TACOMA, WA 98401  
(253)383-5841

**FIGURE**

**10**

STATE: WA  
COUNTY: PIERCE  
CITY/PORT: PORT OF TACOMA  
LOCATION: PORT OF TACOMA  
PURPOSE: PILING REPLACEMENT PROJECT

PROJECT NO: N/A  
SHEET: 10 OF: 10

DATE: 7/02/12





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

August 29, 2012

Port of Tacoma  
Attn: Mr. Mark Rettmann  
PO Box 1837  
Tacoma WA 98401-1837

RE: Water Quality Certification - Order #9244/Corps Public Notice # NWS-2011-0089-  
WRD – Programmatic Piling Repair Project

Dear Mr. Rettmann:

The above-referenced public notice for proposed work in waters of the state has been reviewed in accordance with all pertinent rules and regulations. On behalf of the State of Washington, we certify that the work proposed in the public notice complies with applicable provisions of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended, and other appropriate requirements of State law. This certification is subject to the conditions contained in the enclosed Order and may be appealed by following the procedures described in the Order.

Please note that this Order does not cover CERLCA coordination, which will be conducted as part of the Corps of Engineers 404 process, and may have additional monitoring or sampling requirements dependent on location and numbers of pilings being removed.

If you have any questions concerning the content of this letter, please contact Helen Pressley at (360) 407-6076.

Sincerely,

A handwritten signature in black ink, appearing to read "Brenden McFarland".

Brenden McFarland, Section Manager  
Shorelands & Environmental Assistance Program  
Headquarters Office - Ecology  
State of Washington

Order #9244 Corps # NWS-2011-089-WRD  
Page 2 of 2  
August 29, 2012

by Certified Mail 7010 2780 0000 2503 4195

Enclosure  
Attachment

cc: Olivia Romano, Corps  
Chris Waldbillig, WDFW

ecc: Loree' Randall, Ecology  
Helen Pressley, Ecology  
Laura Inouye, Ecology  
Alex Callender, Ecology  
DMMP@dnr.wa.gov  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)

**IN THE MATTER OF GRANTING A  
WATER QUALITY  
CERTIFICATION TO  
PORT OF TACOMA**  
in accordance with 33 U.S.C. 1341  
(FWPCA § 401), RCW 90.48.120, RCW  
90.48.260 and Chapter 173-201A WAC

**ORDER #9244**

**Corps Reference No. NWS-2011-0089-WRD**  
Programmatic maintenance, repair, and  
replacement of up to 200 pilings per year  
throughout the Port of Tacoma property in  
Tacoma, Pierce County, Washington

TO: Port of Tacoma  
Attn: Mr. Mark Rettmann  
PO Box 1837  
Tacoma WA 98401-1837

On March 23, 2011 the Port of Tacoma submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. A joint public notice regarding the request was distributed by the Army Corps of Engineers (Corps) for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on February 3, 2012.

The proposed work will include maintenance activities at 11 wharf/pier structures over a five year period. Work includes the replacement of up to 200 piles per year (fender piles, dolphin piles, and/or support), and associated pile caps, chocks, whalers, and rub strips at structures located at AMP Terminals, Terminal 7, Olympic Container Terminal, Husky Terminal (Terminal 3 and 4), Blair Dock, Trident Piers 24 and 25, BRAC, Parcel 86, Parcel 99, Parcel 105, and Parcel 115.

Replacement piles would range from 18-inch diameter to 24-inch diameter and include ACZA-treated wood and concrete piles. Piles would be extracted with a vibratory hammer or by pulling with a choke chain. Piles that break during extraction would be cut off 3-feet below the mudline and the location would be capped with clean sand. Up to 120 cubic yards of clean sand may be placed per year. New piles would be installed with a vibratory hammer. However, some piles may be proofed with an impact hammer and in some instances may be entirely installed with an impact hammer. Up to 1,000 piles could be replaced and up to 600 cubic yards of sand could be placed over the five year period. Work will be done in Hylebos, Blair, and Sitcum Waterways, and Commencement Bay, in Tacoma, Pierce County, Washington.

#### **AUTHORITIES:**

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has examined this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §1311, 1312, 1313, 1316, and 1317 (FWPCA § 301, 302, 303, 306 and 307);

2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. §1313 and by Chapter 90.48 RCW, and with other applicable state laws; and
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

#### **WATER QUALITY CERTIFICATION CONDITIONS:**

Through issuance of this Order, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will meet the applicable water quality standards and other appropriate requirements of state law. In view of the foregoing and in accordance with 33 U.S.C. § 1341, RCW 90.48.120, RCW 90.48.260, Chapter 173-200 WAC and Chapter 173-201A WAC, water quality certification is granted to the Applicant subject to the conditions within this Order.

Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments occurring as a result of project construction or operations.

#### **A. General Conditions:**

1. For purposes of this Order, the term "Applicant" shall mean the Port of Tacoma and its agents, assignees and contractors.
2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Headquarters Office, Attn: 401/CZM Federal permit coordinator, P.O. Box 47600 Olympia, WA 98504-7600 and/or [hpre461@ecy.wa.gov](mailto:hpre461@ecy.wa.gov). Any submittals shall reference Order #9244 and Corps Reference # NWS-2011-0089-WRD.
3. Work authorized by this Order is limited to the work described in the Joint Aquatic Resources Permit Application (JARPA) received by Ecology on March 23, 2011. The Applicant will be out of compliance with this Order and must submit an updated JARPA if the information contained in the JARPA is voided by subsequent changes to the project not authorized by this Order.
4. Within 30 days of receipt of an updated JARPA, Ecology will determine if the revised project requires a new water quality certification and public notice or if a modification to this Order is required.
5. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue an individual 404 and/or Section 10 permit for the project.

6. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and lead workers, and state and local government inspectors.
7. The Applicant shall provide access to the project site upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.
8. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines that further actions are necessary to implement the water quality laws of the state. Furthermore, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified or if additional conditions are necessary to further protect water quality.
9. The Applicant shall ensure that all appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins at the project.
10. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, except as specifically provided for in conditions of this Order.
11. Failure of any person or entity to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce its terms.

**B. Water Quality Conditions:**

1. This order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-210(1)(e)(i).
  - The area of mixing established for marine waters is a 150 foot radius surrounding the in-water activity. Turbidity occurring outside that zone that is more than 5 nephelometric turbidity units (NTU) over background when the background is 50 NTU or less, or a 10% increase in turbidity when the background turbidity is more than 50 NTU is a violation of the turbidity water quality standard.

**C. Water Quality Monitoring:**

1. Turbidity shall be monitored visually in all areas, except those in or adjacent to CERCLA clean-up areas (condition C.2. of this certificate). Visible turbidity anywhere at or beyond the 150 ft point of compliance from the activity shall be considered to be an exceedance of the standard. Visual monitoring shall be conducted during all in-water activities.
2. Turbidity monitoring within CERCLA clean-up areas shall be conducted in accordance to an approved water quality monitoring plan. The Applicant shall submit a water quality monitoring plan (see condition A2) at least 30 days prior to in-water activities. The water quality monitoring plans shall be approved by Ecology prior to start of any in-water work. These areas include:
  - a) Area 4, which is adjacent to the Slip 4 CERCLA cleanup.
  - b) Area 7 which includes piling removals in Parcel 99-Arkema Chemicals, a completed CERCLA cleanup.
  - c) Area 8 which is adjacent to the Trident Piers 24/25 CERCLA cleanup.
  - d) Area 10 which is adjacent to the BRAC Navy CERCLA cleanup.
3. Turbidity monitoring reports shall be sent weekly to the 401/CZM Federal permit coordinator at the address or e-mail in A2. The permit coordinator shall be contacted within 24 hours if an exceedance occurs.

**D. Piling Replacement and Repair:**

1. All work shall be done so as to minimize turbidity, erosion, and other water quality impacts.
2. During pile removal and pile driving, a containment boom shall be placed around the perimeter of the work area to capture wood debris and other materials released into the water as a result of project activities. All accumulated debris shall be collected and disposed of upland at an approved disposal site. Absorbent pads shall be deployed should any sheen be observed.
3. The Applicant shall use tarps or other containment methods when cutting, drilling, or construction over-water to prevent debris, sawdust, concrete rubble, and other materials from entering the water.
4. Machinery and equipment used during piling removal and replacement shall be serviced, fueled, and maintained on uplands wherever possible in order to prevent contamination of surface water. Where practicable, machinery and equipment used during project activities shall use biodegradable hydraulic fluid.

5. Where possible, work shall be prioritized by the severity of the problem so that water quality can be protected.
6. The work surface on the uplands or barge shall include a containment basin for piles and any liquid or sediment removed during pulling of the piling. Basins may be constructed of durable plastic sheeting with sidewalls supported by hay bales or support structure to contain all sediment and liquid. Water left in the basins shall not be discharged into waters of the state.
7. Piles removed from substrate shall be moved immediately from the water onto the upland or barge. The pile shall not be shaken, hosed-off, left hanging to drip or any other action intended to clean or remove adhering material from the pile. All excavated piles shall be disposed of at an approved upland disposal site.
8. The Applicant shall deploy a bubble curtain or other BMP(s) to protect marine life while placing or proofing new piling.
9. During dredging, the Applicant shall have a boat available on site at all times to retrieve debris from the water.

**E. Timing Requirements:**

1. All in-water work shall be completed by the work window identified in the most current HPA issued for this project. Any project change that requires a new or revised HPA should also be sent to Ecology for review.
2. This Order shall remain in effect for a period of 5 years from date of issuance.

**F. Notification Requirements:**

1. The Applicant shall provide notice to Ecology's 401/CZM Federal permit coordinator at least 7 days prior to the start of maintenance, repairs, or installation of new tide gates and within 14 days after completion of work at the last project site every year this permit is in force. Notification should be made using all the information required in Condition A2.
2. The Applicant shall provide to Ecology a yearly report by January 31 of the following year. This report shall include details of the outfalls worked on in the previous year including photos, details of any problems and how they were solved, and a list of the outfalls planned to be cleaned in the next calendar year.

**G. Emergency/Contingency Measures:**

1. The Applicant shall develop a spill prevention and containment plan for this project, and shall have spill cleanup materials and an emergency call list available on site.

2. Any work that is out of compliance with the provisions of this Order, or conditions causing distressed or dying fish, or any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited. If these occur, the Applicant or operator shall immediately take the following actions:
  - a. Cease operations that are causing the compliance problem.
  - b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
  - c. In the event of finding distressed or dying fish, the applicant shall collect fish specimens and water samples in the affected area within the first hour of the event. These samples shall be held in refrigeration or on ice until the applicant is instructed by Ecology on what to do with them. Ecology may require analyses of these samples before allowing the work to resume.
  - d. In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, containment and cleanup efforts shall begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials.
  - e. Immediately notify Ecology's 24-Hour Spill Response Team at 1-800-258-5990, and within 24 hours of spills or other events Ecology's 401/CZM Federal permit coordinator at (360) 407-6076.
  - f. Submit a detailed written report to Ecology within five (5) days that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.
3. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters, including wetlands.
4. If at any time during work the proponent finds buried chemical containers, such as drums, or any unusual conditions indicating disposal of chemicals, the proponent shall immediately notify Ecology using the above phone numbers.

#### **YOUR RIGHT TO APPEAL**

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.



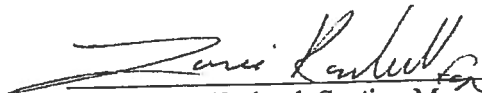
Order #9244, Corps No.NWS-2011-0089-WRD  
Port of Tacoma piling maintenance and replacement  
August 29, 2012  
Page 7 of 7

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

**ADDRESS AND LOCATION INFORMATION**

| Street Addresses   | Mailing Addresses   |
|--|---|
| <b>Department of Ecology</b><br>Attn: Appeals Processing Desk<br>300 Desmond Drive SE<br>Lacey, WA 98503 | <b>Department of Ecology</b><br>Attn: Appeals Processing Desk<br>PO Box 47608<br>Olympia, WA 98504-7608 |
| <b>Pollution Control Hearings Board</b><br>1111 Israel RD SW<br>STE 301<br>Tumwater, WA 98501            | <b>Pollution Control Hearings Board</b><br>PO Box 40903<br>Olympia, WA 98504-0903                       |

DATED August 29, 2012 at Olympia, Washington.

  
Brenden McFarland, Section Manager  
Shorelands & Environmental Assistance Program  
Headquarters Office – Ecology  
State of Washington

**ATTACHMENT A**

**Port of Tacoma  
Programmatic Stormwater Outfall Repairs  
Water Quality Certification Order #9244**

**Statement of Understanding of  
Water Quality Certification Conditions**

I have read and understand the conditions of Order #9244 Section 401 Water Quality certification for programmatic stormwater outfall repairs. I have also read and understand all permits, plans, documents, and approvals associated with the project referenced in this order.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Company

\_\_\_\_\_  
Title



US Army Corps  
of Engineers  
Seattle District

## CERTIFICATE OF COMPLIANCE WITH DEPARTMENT OF THE ARMY PERMIT



Permit Number: NWS-2011-0089-WRD

Name of Permittee: Port of Tacoma

Date of Issuance: OCT 25 2012

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.<br>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).<br>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: \_\_\_\_\_



## HYDRAULIC PROJECT APPROVAL

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

Issued Date: March 10, 2016  
Project End Date: February 15, 2018

Permit Number: 2016-6-119+01  
FPA/Public Notice Number: N/A  
Application ID: 7030

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

**Project Name:** Programmatic Piling Replacement and Repair Program

**Project Description:** Load-bearing and fender piling may be damaged by the impact of ships against the piling or the pier faces, or through the actions of marine borers, necessitating their replacement to prevent further damage to the pier. Without replacement of damaged pile, the docks and piers could quickly degrade to the point that they are no longer useful, or become dangerous to human health and safety. Annual maintenance is required and piling will be replaced on an as-needed basis to maintain the function and structural integrity of the various docks and marginal wharves within the Port of Tacoma (Port). The number and location of piling replaced annually is dependent upon the number damaged in the preceding year, and the locations of the damaged piling. Annualized replacement rates give an estimate of the annual replacement average, though the actual number may be higher or lower in a given year. The annualized replacement rates are included in the attached copy of the 2011 JARPA for the Port's programmatic pile program, previously approved by WDFW. As the numbers may vary from the annualized replacement rates, no more than 200 piles will be replaced in a single year under this application.

### PROVISIONS

#### AUTHORIZED WORK TIMES

1. **TIMING LIMITATION:** To protect fish and shellfish habitats at the job site, work below the ordinary high water line must occur from July 16 and February 14 of any year.
2. **APPROVED PLANS:** Work must be accomplished per plans and specifications submitted with the application and approved by the Washington Department of Fish and Wildlife, entitled Programmatic Piling Replacement and Repair Program, dated 3/3/2016, except as modified by this Hydraulic Project Approval.

Approved actions covered by this permit are:

1. Replacement of up to 200 damaged or deteriorating piling annually in locations listed in the approved JARPA/Plans with new concrete, steel, untreated or ACZA-treated wood piling.

You must have a copy of these plans available on site during all phases of the project proposal.

#### NOTIFICATION

3. **PRE- AND POST-CONSTRUCTION NOTIFICATION:** You, your agent, or contractor must contact the Washington Department of Fish and Wildlife by e-mail at [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov); mail to Post Office Box 43234, Olympia, Washington 98504-3234; or fax to (360) 902-2946 at least three business days before starting work, and again within seven days after completing the work. The notification must include the permittee's name, project location, starting date



## HYDRAULIC PROJECT APPROVAL

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for work or date the work was completed, and the permit number. The Washington Department of Fish and Wildlife may conduct inspections during and after construction; however, the Washington Department of Fish and Wildlife will notify you or your agent before conducting the inspection.

**4. FISH KILL/ WATER QUALITY PROBLEM NOTIFICATION:** If a fish kill occurs or fish are observed in distress at the job site, immediately stop all activities causing harm. Immediately notify the Washington Department of Fish and Wildlife of the problem. If the likely cause of the fish kill or fish distress is related to water quality, also notify the Washington Military Department Emergency Management Division at 1-800-258-5990. Activities related to the fish kill or fish distress must not resume until the Washington Department of Fish and Wildlife gives approval. The Washington Department of Fish and Wildlife may require additional measures to mitigate impacts.

### STAGING, JOB SITE ACCESS AND EQUIPMENT

5. Establish the staging area (used for activities such as equipment storage, vehicle storage, fueling, servicing, and hazardous material storage) in a location and manner that will prevent contaminants like petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.

6. Clearly mark boundaries to establish the limit of work associated with site access and construction.

7. Confine the use of equipment to specific access and work corridor shown in the approved plans.

8. Check equipment daily for leaks and complete any required repairs before using the equipment in or near the water.

9. Lubricants composed of biodegradable base oils such as vegetable oils, synthetic esters, and polyalkylene glycols are recommended for use in equipment operated in or near water.

10. Operate vessels during tidal elevations that are adequate to prevent grounding of the barge.

11. Do not deploy anchors or spuds in seagrass or kelp.

12. Maintain anchor cable tension, set and retrieve anchors vertically, and prevent mooring cables from dragging to avoid impacts to seagrass and kelp.

### CONSTRUCTION-RELATED SEDIMENT, EROSION AND POLLUTION CONTAINMENT

13. Prevent contaminants from the project, such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials, from entering or leaching into waters of the state.

14. Use tarps or other methods to prevent treated wood, sawdust, trimmings, drill shavings and other debris from contacting the bed or waters of the state.

### CONSTRUCTION MATERIALS

15. To prevent leaching, construct forms to contain any wet concrete. Place impervious material over any exposed wet concrete that will come in contact with waters of the state. Forms and impervious materials must remain in place until the concrete is cured.

16. Do not use wood treated with oil-type preservative (creosote, pentachlorophenol) in any hydraulic project. Wood treated with waterborne preservative chemicals (ACZA, ACQ) may be used if the Western Wood Preservers Institute has approved the waterborne chemical for use in the aquatic environment. The manufacturer must follow the Western Wood Preservers Institute guidelines and the best management practices to minimize the preservative migrating from treated wood into aquatic environments. To minimize leaching, wood treated with a preservative by someone other than a manufacturer must follow the field treating guidelines. These guidelines and best management practices are available at [www.wwpinstitute.org](http://www.wwpinstitute.org).

### PILE REMOVAL, DRIVING

17. Remove the existing piling and dispose of them in an upland area above extreme high tide waters.



## HYDRAULIC PROJECT APPROVAL

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18. As specified in the approved plans, the replacement pilings must be similarly sized (as removed) diameter steel, concrete, untreated or Chemonite (ACZA) treated wood pilings.

19. Attach rubbing strips made of ultra high molecular weight (UHMW) type plastic, or high density polyethylene (HDPE) type plastic to the replacement fender system. Do not use rubber tires for the fender system.

20. Fit all pilings with devices to prevent perching by fish-eating birds.

21. The use of both a vibratory and/or an impact hammer is authorized for piling installation under this Hydraulic Project Approval, however a vibratory driver is preferred.

22. Sound attenuation methods are required for the driving or proofing of steel piles with an impact hammer below the ordinary high water line. For impact driving of steel piles that exceed the following criteria, a bubble curtain or other Washington Department of Fish and Wildlife approved sound attenuation device must be used. The specific criteria include sound pressure levels of:

- a) Greater than or equal to 206 dB (one micropascal squared per second) peak,
- b) Greater than or equal to 187 dB (one micropascal squared per second) accumulated sound exposure level (SEL) for fish greater than or equal to 2 grams, and
- c) Greater than or equal to 183 dB (one micropascal squared per second) (SEL) for fish less than 2 grams.
- d) Install a bubble curtain around the pile during all driving operations to ensure proper sound attenuation. The bubble curtain must distribute air bubbles around 100 percent of the perimeter of the piling over the full length of the pile in the water column.

23. Use appropriate sound attenuation when driving or proofing steel piling with an impact hammer.

a. For driving or proofing steel piling, 10 inches in diameter or less, install a 6 inch thick wood block, plastic or rubber between the piling and the impact hammer during impact pile driving operations or install a pile sleeve or bubble curtain around the piling during impact pile driving operations that distributes air bubbles around 100% of the perimeter of the piling over the full depth of the water column.

b. For driving or proofing steel piling greater than 10 inches in diameter, install a bubble curtain around the pile during piling impact driving operations that distributes air bubbles around 100% of the perimeter of the piling over the full depth of the water column.

24. To avoid attracting fish to light at night, limit impact pile driving to daylight hours whenever feasible.

25. Piling removal:

a. Vibratory or water jet extraction is the preferred method of pile removal.

b. Place the piling on a construction barge or other dry storage site after the piling is removed. The piling must not be shaken, hosed off, left hanging to dry or any other action intended to clean or remove adhering material from the piling near waters of the state.

c. If a treated wood piling breaks during extraction, remove the stump from the water column by fully extracting. If the stump cannot be fully extracted, remove the remainder of the stump with a clamshell bucket, chain, or similar means, or cut it off three feet below the mudline. Cap all buried cut stumps and fill holes left by piling extraction with clean sand.

d. When removing creosote piling, containment booms and absorbent booms (or other oil absorbent fabric) must be placed around the perimeter of the work area to capture wood debris, oil, and other materials released into marine waters as a result of construction activities to remove creosote pilings. All debris on the bed and accumulated in containments structures must be collected and disposed upland at an approved disposal site.

### DEMOBILIZATION/CLEANUP

26. Remove all trash and unauthorized fill in the project area, including concrete blocks or pieces, bricks, asphalt, metal, treated wood, glass, floating debris, and paper, that is waterward of the ordinary high water line and deposit upland.

27. Reshape beach area depressions created during project activities to preproject beach level upon project completion.



## HYDRAULIC PROJECT APPROVAL

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Issued Date: March 10, 2016  
Project End Date: February 15, 2018

Permit Number: 2016-6-119+01  
FPA/Public Notice Number: N/A  
Application ID: 7030

28. Remove all debris or deleterious material resulting from construction from the beach area or bed and prevent from entering waters of the state.
29. Do not burn wood, trash, waste, or other deleterious materials waterward of the ordinary high water line.

### NOTES

NOTE: Ordinary High Water Line is defined as 'the mark on the shores of all waters that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in ordinary years as to mark upon the soil or vegetation a character distinct from the abutting upland. Provided, that in any area where the ordinary high water line cannot be found, the ordinary high water line adjoining saltwater is the line of mean higher high water and the ordinary high water line adjoining fresh water is the elevation of the mean annual flood (Revised Code of Washington, RCW 77.55.011(16); Washington Administrative Code, WAC 220-660-030(108)).

|                                |                |           |        |               |                   |         |
|--------------------------------|----------------|-----------|--------|---------------|-------------------|---------|
| LOCATION #1:                   | , , WA         |           |        |               |                   |         |
| WORK START:                    | March 10, 2016 |           |        | WORK END:     | February 15, 2018 |         |
| WRIA                           | Waterbody:     |           |        | Tributary to: |                   |         |
|                                |                |           |        |               |                   |         |
| 1/4 SEC:                       | Section:       | Township: | Range: | Latitude:     | Longitude:        | County: |
|                                |                |           |        |               |                   | Pierce  |
| Location #1 Driving Directions |                |           |        |               |                   |         |
|                                |                |           |        |               |                   |         |

### 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.



## HYDRAULIC PROJECT APPROVAL

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

Issued Date: March 10, 2016

Project End Date: February 15, 2018

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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.

**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 did 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 APP ID 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](mailto: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 did 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 APP ID 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 if 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 may email your request for a major modification to [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov), but must send a check or money order for payment by surface mail. You should allow up to 45 days for the department to process your request.

### APPEALS INFORMATION





## HYDRAULIC PROJECT APPROVAL

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Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
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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.

**A. INFORMAL APPEALS:** WAC 220-660-460 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 HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to [HPAapplications@dfw.wa.gov](mailto: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 220-660-470 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 HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to [HPAapplications@dfw.wa.gov](mailto: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.

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## HYDRAULIC PROJECT APPROVAL

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Application ID: 7030

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Habitat Biologist

matthew.curtis@dfw.wa.gov

Matthew Curtis

360-902-2578

A handwritten signature in black ink, appearing to be "JH AL".

for Director

WDFW

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**PORT OF TACOMA  
MARINE MAMMAL MONITORING PLAN  
FOR PROGRAMMATIC PILE REPLACEMENT ACTIVITIES**

## **INTRODUCTION**

The Port of Tacoma (Port) proposes to conduct pile replacement activities (the proposed action) at 12 wharf/dock structures located in the Sitcum, Blair, and Hylebos waterways and in inner Commencement Bay in Tacoma, Washington (Figure 1).

Figure 1 is an aerial photograph of the project vicinity and displays the action area for the proposed action, which has been established based on the extent of the zones of influence from the following components of the project (Temporary Effects Areas):

- Project Footprint (In-Water)
- Terrestrial Noise
- Underwater noise during impact pile installation (Impact Temporary Effect Area)
- Underwater noise during vibratory pile removal and installation (Vibratory Temporary Effect Area)

Noise levels during both impact pile installation and vibratory pile removal and/or installation could exceed the noise thresholds National Marine Fisheries Service (NMFS) has established for underwater disturbance of marine mammals within portions of the action area at each of the 12 sites. The Programmatic Biological Evaluation (PBE) prepared for this project states that a marine mammal monitoring plan will be implemented during pile removal or installation conducted between October 1 and February 14, to avoid impacts to orca (*Orcinus orca*), humpback whale (*Megaptera novaeangliae*), or Steller sea lions (*Eumatopius jubatus*). The areas in which monitoring is proposed in this plan is dependent upon the location and type of activity being conducted (vibratory removal and/or installation or impact installation). Some sites will not require monitoring.

## **DISCUSSION**

### **In-Water Vibratory Pile Removal and Installation**

The National Marine Fisheries Service (NMFS) has established an underwater noise disturbance threshold of 120 dB<sub>RMS</sub> for non-impulse, continuous industrial noises for cetaceans and pinnipeds.<sup>1</sup> Noise levels during vibratory pile removal and installation would exceed this

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<sup>1</sup> RMS=root mean square

threshold within a portion of the action area (Vibratory Temporary Effect Area) at each of the 12 sites.

The proposed action will consist of the removal and installation of up to 200 piles in each year of the program (July 16, 2012 to February 14, 2017). The proposed action will replace a combination of load-bearing structural piles and fender piles. Most of the piles are treated wood piles (including creosote-treated and ACZA-treated piles), but some are concrete. The proposed action will not install creosote-treated timber piling. ACZA-treated wood piling of a similar size and diameter will replace both creosote-treated and ACZA-treated wood piling. The largest timber piling to be replaced is 18 inches in diameter. Concrete piling of a similar size and diameter will replace concrete piling. The largest concrete piling that will be replaced is 24 inches in diameter. Most of the piling to be replaced is less than 18 inches in diameter. The proposed action will replace no more than an estimated 4 concrete piling with diameters 18 inches or greater in a single year.

There is little data available regarding underwater noise levels associated with vibratory removal or installation of 12- to 18-inch timber piles, or of 12-24-inch concrete piles. A review of existing literature including CALTRANS' Compendium of Pile Driving Data (Reyff 2007), and project specific data published by WSDOT (Laughlin 2007, 2011) indicate that 160 dB<sub>RMS</sub> is an appropriate worst case estimate of the maximum sound levels likely to be produced during vibratory removal or installation of timber or concrete piles, for the following reasons.

- In 2010 WSDOT collected hydroacoustic data during vibratory pile removal at its Port Townsend Ferry Terminal (Laughlin 2011). The results of this monitoring indicated that average dB<sub>RMS</sub> values during vibratory pile removal ranged between 149 and 152, with an overall average of 152 dB<sub>RMS</sub>.
- WSDOT reports that, on average, vibratory noise levels are between 10 and 20 dB lower than those produced by impact pile driving (WSDOT 2011). Underwater noise from impact installation of 12-18" timber piles typically produces maximum underwater noise levels of 170 dB<sub>RMS</sub>. Impact installation of concrete piles have been shown to produce a range of underwater sound levels (see below), but for purposes of this consultation have been assumed to not exceed 176 dB<sub>RMS</sub>. If a 10-16 dB reduction is assumed, on average, the underwater noise would be expected to not exceed 160 dB<sub>RMS</sub> during vibratory removal or installation of timber or concrete piles.
- Concrete and timber piles produce much lower underwater sound pressures than similarly sized steel piles (Reyff 2007). CALTRANS' Compendium of Pile Driving Data (Reyff 2007), provides information regarding vibratory installation of: 12-inch steel pipe

piles (150 dBRMS), 12-inch steel pipe piles (155 dBRMS), 24-inch AZ steel sheet pile (160 dBRMS), and 36-inch steel pipe piles (170 dBRMS). Given these sound pressure levels, it is safe to assume that the sound pressure levels associated with vibratory removal and/or installation of 12-18" timber piles or 12-24-inch concrete piles would not exceed 160 dBRMS on average.

The following assumptions underlay the vibratory pile removal and installation noise attenuation analysis:

- Background in-water noise levels in the action area are not available, so the analysis used a marine mammal vibratory guideline threshold of 120 dBRMS.
- A worst-case estimate of noise level from vibratory removal and installation of concrete and timber piles is 160 dBRMS.
- Noise will attenuate at a rate of 4.5 dB per doubling distance.
- Sound will stop when it reaches the nearest land mass.

The distance at which 160 dBRMS is expected to attenuate to 120 dBRMS using the practical spreading loss model is approximately 2.8 miles. Figures 2-13 show the Vibratory Temporary Effect Area for each of the 12 sites.

The Port may collect site-specific, in-water noise background data before the start of the project to determine if the monitoring area can be reduced.

### **In-Water Impact Pile Installation**

NMFS has established impact pile driving underwater noise injury thresholds of 180 dBRMS for cetaceans and 190 dBRMS for pinnipeds, and impact pile driving disturbance thresholds of 160 dBRMS for both cetaceans and pinnipeds. Noise levels during impact pile installation are not expected to exceed the injury thresholds for either pinnipeds or cetaceans, but will likely temporarily exceed the disturbance threshold of 160 dBRMS within a portion of the action area at each of the 12 sites (Impact Temporary Effect Area).

Data published by WSDOT indicates that impact installation of timber piles, irrespective of diameter, typically produces underwater noise levels as high as 180 dB<sub>Peak</sub>, 170 dBRMS, and 160 dB<sub>SEL</sub> (WSDOT 2011). This same data indicates that impact installation of concrete piles, irrespective of diameter, typically produces single strike sound pressure levels of 192 dB<sub>Peak</sub>, 176 dBRMS, and 174 dB<sub>SEL</sub> (WSDOT 2011). WSDOT has published project-specific data documenting significantly lower decibel levels (184 dB<sub>Peak</sub>, 170 dBRMS, and 159dB<sub>SEL</sub>) during impact driving of 24-inch concrete piles. This analysis uses higher decibel levels for a conservative estimate of the extent of underwater noise.

The distance at which 176 dB<sub>RMS</sub> is expected to attenuate to 160 dB<sub>RMS</sub> using the practical spreading model is approximately 382 feet. Figures 2-13 show the Impact Temporary Effect Area for each of the 12 sites.

## **SPECIES PRESENCE**

Orca, humpback whale, and Steller sea lions are not expected to be present within the Sitcum, Blair, or Hylebos waterways at any time, and are therefore unlikely to be exposed to elevated underwater noise associated with any pile removal or installation conducted at Parcels 86, 99, and 105 (sites 9, 10, and 11 on Figures 10, 11, and 12).

Additionally, pile removal or installation conducted at the Blair dock, Parcel 116, BRAC property, and the Washington United Terminal (WUT) (sites 5, 6, 8, and 12 on Figures 6, 7, 9, and 13) is only expected to elevate sound levels within Commencement Bay within a small area, where ESA-listed marine mammals are unlikely to be present, or within such a small area that the noise would be insignificant.

As presented in the PBE, orca, humpback whale, and Steller sea lion are unlikely to be present within Commencement Bay between July 16 and September 30, and pile removal and installation conducted during this time period would not be expected to affect any ESA-listed marine mammals (Osborne 2008; Mongillo 2012). Orcas are most commonly observed in Commencement Bay between approximately October and January, with the greatest potential for occurrence being the months of December and January (Osborne 2008). Humpback whales are sighted only occasionally in south Puget Sound, and are unlikely to occur within the waters of inner commencement Bay at any time of year. Similarly, Steller sea lions do not occur frequently in the inland waters of Washington, and occur only occasionally in the waters of Commencement Bay.

## **MONITORING SCHEDULE**

Marine mammal monitoring will be implemented between October 1 and February 14 to avoid impacts to orca, humpback whale, or Steller sea lion as determined by the PBE prepared for this project. The monitoring will be implemented at the pile replacement activity-specific locations identified below under Monitoring Areas and as detailed below under Monitoring Protocol.

## **MONITORING AREAS (VIBRATORY & IMPACT PILE REPLACEMENT ACTIVITIES)**

The sites at which vibratory pile removal and/or installation could potentially affect orca, humpback whale, or Steller sea lions are the APM Terminal, Terminal 7, Olympic Container Terminal (OCT), Husky Container Terminal and Trident piers 24 and 25 (sites 1-4 and 7 on Figures 2—5 and 8). Therefore, during any vibratory pile removal or installation conducted at these sites (sites 1-4 and 7 on Figures 2-5 and 8), the Vibratory Monitoring Area within the 120 dBRMS Vibratory Temporary Effect Area identified on the respective figures will be monitored and maintained as a marine mammal buffer area. Vibratory pile removal or installation will not commence or will be suspended temporarily if any orca, humpback whale, or Steller sea lion is present within the Vibratory Monitoring Area (i.e., marine mammal buffer) for the respective site at which vibratory pile replacement activities are being conducted (sites 1-4 and 7 on Figures 2-5 and 8).

The only site at which impact pile installation could potentially affect orca, humpback whale, or Steller sea lions is at Trident piers 24 and 25 (site 7 on Figure 8). Therefore, during any impact pile installation conducted at site 7, the respective Impact Monitoring Area within the 160 dBRMS Impact Temporary Effect Area identified on Figure 8 will be monitored and maintained as a marine mammal buffer area. Impact pile installation will not commence or will be suspended temporarily if any orca, humpback whale, or Steller sea lion is present within the site 7 (Figure 8) Impact Monitoring Area (i.e., marine mammal buffer).

The Port may collect site-specific in-water noise background data before the start of a pile replacement project, to determine if the monitoring areas can be reduced.

## **MONITORING PROTOCOL**

The Port will conduct the following marine mammal monitoring activities during the timeframe indicated under the Monitoring Schedule above, and at the locations and during the activities described above under Monitoring Areas:

1. Qualified biologists or other trained marine mammal observers who meet the attached list of qualifications for marine mammal observers will be present on site at all times during pile

removal/driving activities per the Monitoring Schedule and at the Monitoring Areas described above.

2. Two observers will monitor the Vibratory Monitoring Area as required by the Monitoring Schedule and Monitoring Areas detailed above (October 1 to February 14, see above for respective sites and figures). The first observer will be in the vicinity of the proposed pile replacement activity. The second observer will be either at a land-based location or on a boat travelling within the area of vibratory impact. The most likely land based locations for the second observer would be either at a location on Browns Point, along Marine View Drive, or along the southwestern shoreline of Commencement Bay.
3. A single observer will monitor the Impact Monitoring Area as required by the Monitoring Schedule and Monitoring Areas detailed above (October 1 to February 14, site 7 only, Figure 8).
4. The observer(s) will use binoculars and visual observation to scan the waters within the respective Monitoring Area.
5. The observer(s) will scan the waters 20 minutes before the beginning of pile removal/driving activities and during all pile removal/driving activities. The observer(s) will notify the on-site operator in charge if Southern Resident orca, humpback whale, or Steller sea lion enter or are observed within the respective Monitoring Area 20 minutes prior to or during pile driving. The operator in charge will require the contractor to not begin or to cease work until the animal has moved outside of the Monitoring Area.

#### **MINIMUM QUALIFICATIONS FOR MARINE MAMMAL OBSERVERS**

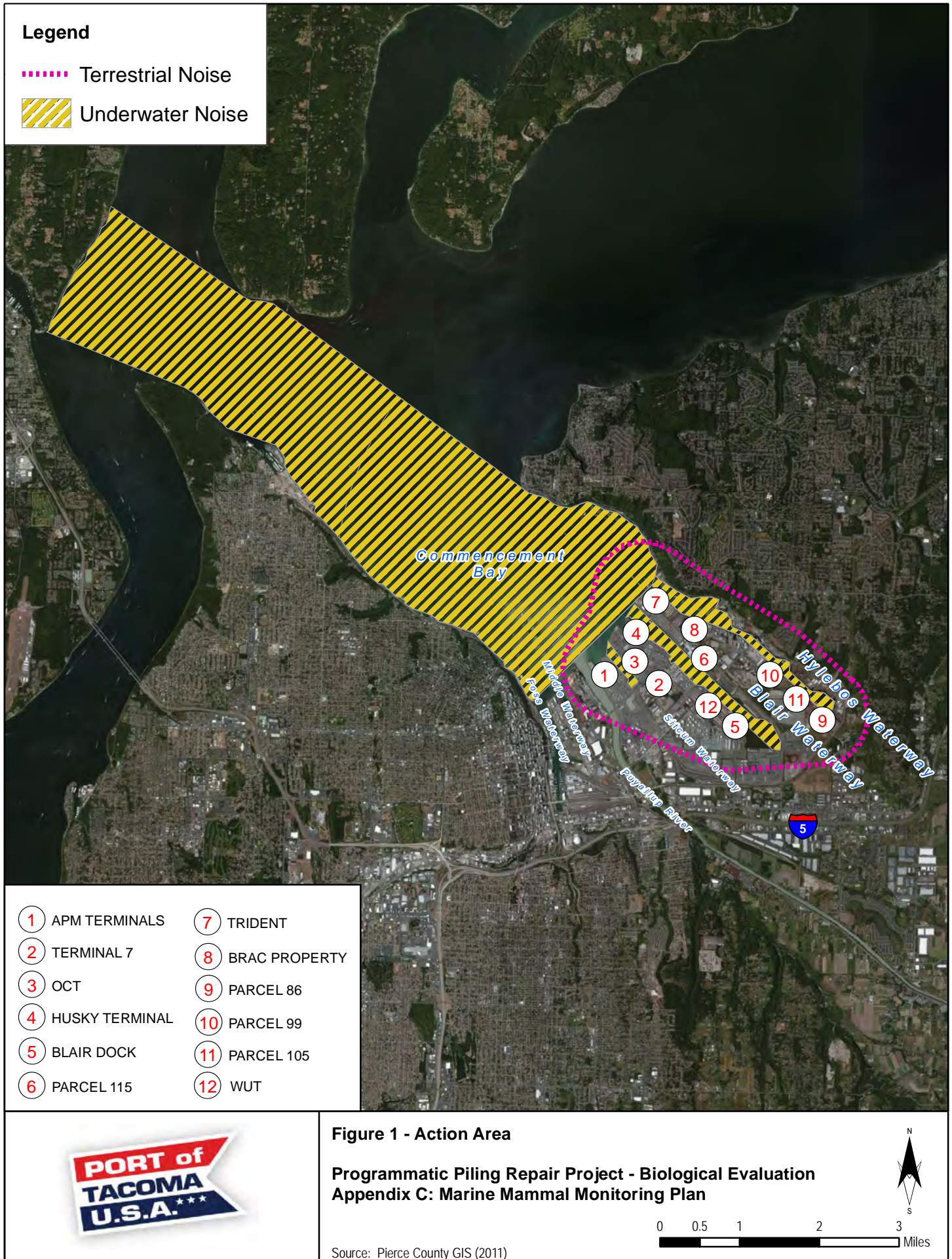
1. Visual acuity in both eyes (correction is permissible) sufficient to discern moving targets at the water's surface and to estimate target size and distance. Use of binoculars may be necessary to identify the target correctly.
2. Advanced education in biological science, wildlife management, mammalogy, or related field (bachelor's degree or higher is preferred).
3. Experience and ability to conduct field observations and collect data according to assigned protocols (this may include academic experience).
4. Experience or training in the field identification of marine mammals (cetaceans and pinnipeds).
5. Sufficient training, orientation, or experience with the construction operation to preserve personal safety during observations.
6. Ability to communicate orally, by radio or in person, with project personnel to provide real time information on marine mammals observed in the area as necessary.



## REFERENCES

- Laughlin, Jim. 2011. Port Townsend Dolphin Timber Pile Removal – Vibratory Pile Monitoring Technical Memorandum. January 3, 2011
- Laughlin, Jim. 2007. Underwater Sound Levels Associated With Driving Steel and Concrete Piles Near the Mukilteo Ferry Terminal. March 2007.
- Mongillo, Teresa. 2012. Personal communication between Teresa Mongillo (NMFS) and Dan Gunderson, BergerABAM on February 27, 2012.
- Osborne, R.W. 2008. The Whale Museum, Southern Resident Killer Whale Sighting Compilation, 1990-2008".
- Reyff, James. 2007. Compendium of Pile Driving Sound Data. Prepared for the California Department of Transportation, Sacramento, CA, by Illinworth & Rodkin, Petaluma, CA. September 27, 2007.
- Washington State Department of Transportation (WSDOT). 2011. Biological Assessment Preparation – Advanced Training Manual Version 02-2011. February 2011.




























-  Vibratory Temp. Effect Area (Removal/Installation)
-  Vibratory Monitoring Area (Removal/Installation)
-  Impact Temp. Effect Area (Installation)
-  Impact Monitoring Area (Installation)
-  Site

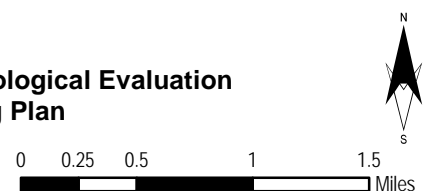
- |  |   |
|--|---|
|  1 APM TERMINALS  |  7 TRIDENT       |
|  2 TERMINAL 7     |  8 BRAC PROPERTY |
|  3 OCT            |  9 PARCEL 86     |
|  4 HUSKY TERMINAL |  10 PARCEL 99    |
|  5 BLAIR DOCK     |  11 PARCEL 105   |
|  6 PARCEL 115     |  12 WUT          |



**Figure 2 - Site 1**

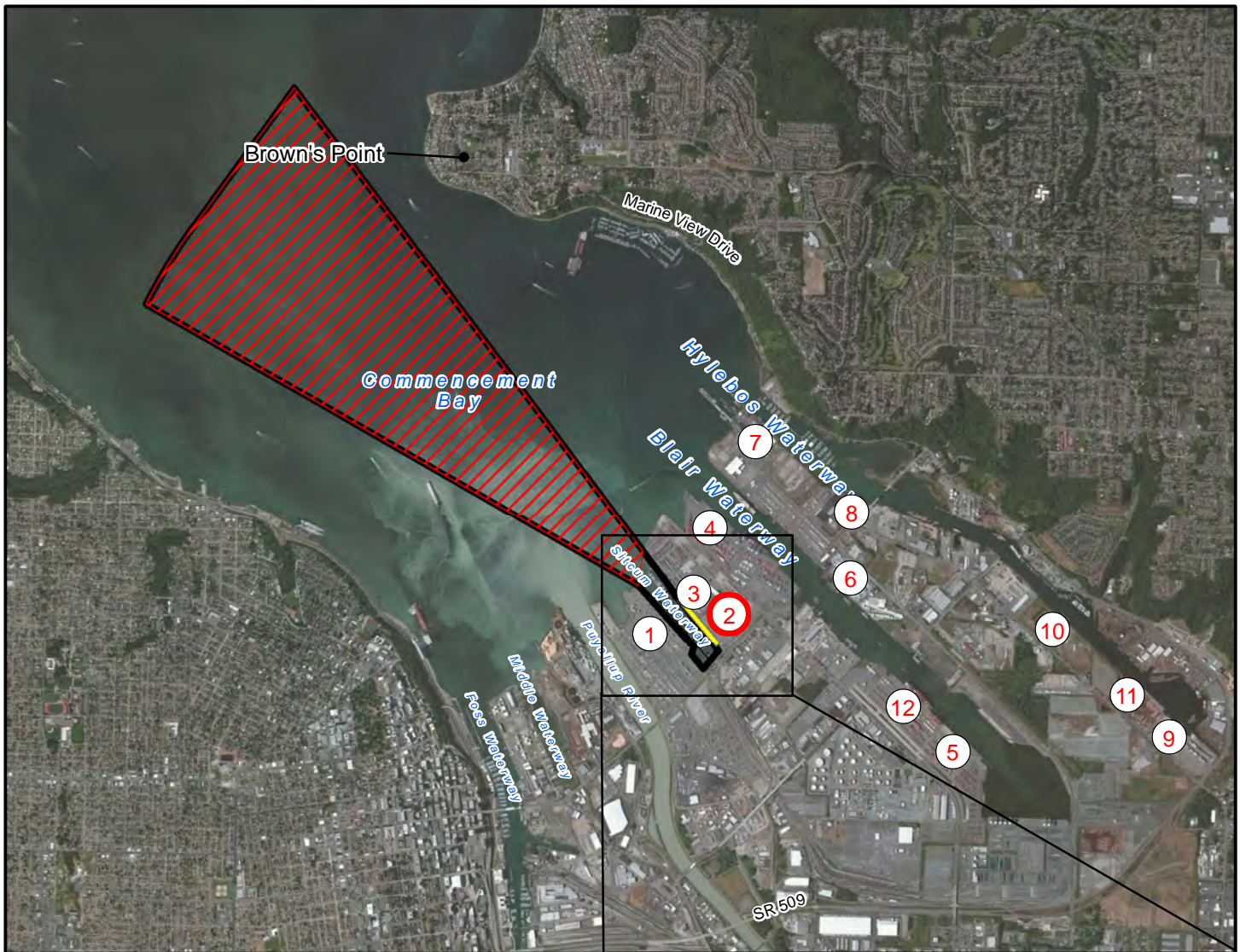
**Programmatic Piling Repair Project - Biological Evaluation  
Appendix C: Marine Mammal Monitoring Plan  
Temporary Effect and Monitoring Areas**

Source: Pierce County GIS (2011)









- Vibratory Temp. Effect Area (Removal/Installation)
- Vibratory Monitoring Area (Removal/Installation)
- Impact Temp. Effect Area (Installation)
- Impact Monitoring Area (Installation)
- Site

- |                     |                 |
|---------------------|-----------------|
| 1 APM TERMINALS     | 7 TRIDENT       |
| 2 <b>TERMINAL 7</b> | 8 BRAC PROPERTY |
| 3 OCT               | 9 PARCEL 86     |
| 4 HUSKY TERMINAL    | 10 PARCEL 99    |
| 5 BLAIR DOCK        | 11 PARCEL 105   |
| 6 PARCEL 115        | 12 WUT          |



**Figure 3 - Site 2**

**Programmatic Piling Repair Project - Biological Evaluation  
Appendix C: Marine Mammal Monitoring Plan  
Temporary Effect and Monitoring Areas**

Source: Pierce County GIS (2011)









- Vibratory Temp. Effect Area (Removal/Installation)
- Vibratory Monitoring Area (Removal/Installation)
- Impact Temp. Effect Area (Installation)
- Impact Monitoring Area (Installation)
- Site

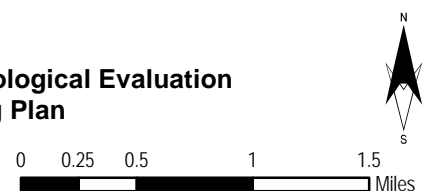
- |                  |                 |
|------------------|-----------------|
| 1 APM TERMINALS  | 7 TRIDENT       |
| 2 TERMINAL 7     | 8 BRAC PROPERTY |
| 3 OCT            | 9 PARCEL 86     |
| 4 HUSKY TERMINAL | 10 PARCEL 99    |
| 5 BLAIR DOCK     | 11 PARCEL 105   |
| 6 PARCEL 115     | 12 WUT          |



**Figure 4 - Site 3**

**Programmatic Piling Repair Project - Biological Evaluation  
Appendix C: Marine Mammal Monitoring Plan  
Temporary Effect and Monitoring Areas**






Source: Pierce County GIS (2011)









-  Vibratory Temp. Effect Area (Removal/Installation)
-  Vibratory Monitoring Area (Removal/Installation)
-  Impact Temp. Effect Area (Installation)
-  Impact Monitoring Area (Installation)
-  Site

- |                  |                 |
|------------------|-----------------|
| 1 APM TERMINALS  | 7 TRIDENT       |
| 2 TERMINAL 7     | 8 BRAC PROPERTY |
| 3 OCT            | 9 PARCEL 86     |
| 4 HUSKY TERMINAL | 10 PARCEL 99    |
| 5 BLAIR DOCK     | 11 PARCEL 105   |
| 6 PARCEL 115     | 12 WUT          |



**Figure 5 - Site 4**

**Programmatic Piling Repair Project - Biological Evaluation  
Appendix C: Marine Mammal Monitoring Plan  
Temporary Effect and Monitoring Areas**

Source: Pierce County GIS (2011)









- Vibratory Temp. Effect Area (Removal/Installation)
- Vibratory Monitoring Area (Removal/Installation)
- Impact Temp. Effect Area (Installation)
- Impact Monitoring Area (Installation)
- Site

- |                  |                 |
|------------------|-----------------|
| 1 APM TERMINALS  | 7 TRIDENT       |
| 2 TERMINAL 7     | 8 BRAC PROPERTY |
| 3 OCT            | 9 PARCEL 86     |
| 4 HUSKY TERMINAL | 10 PARCEL 99    |
| 5 BLAIR DOCK     | 11 PARCEL 105   |
| 6 PARCEL 115     | 12 WUT          |



**Figure 6 - Site 5**

**Programmatic Piling Repair Project - Biological Evaluation  
Appendix C: Marine Mammal Monitoring Plan  
Temporary Effect and Monitoring Areas**

Source: Pierce County GIS (2011)









- Vibratory Temp. Effect Area (Removal/Installation)
- Vibratory Monitoring Area (Removal/Installation)
- Impact Temp. Effect Area (Installation)
- Impact Monitoring Area (Installation)
- Site

- |                  |                 |
|------------------|-----------------|
| 1 APM TERMINALS  | 7 TRIDENT       |
| 2 TERMINAL 7     | 8 BRAC PROPERTY |
| 3 OCT            | 9 PARCEL 86     |
| 4 HUSKY TERMINAL | 10 PARCEL 99    |
| 5 BLAIR DOCK     | 11 PARCEL 105   |
| 6 PARCEL 115     | 12 WUT          |



**Figure 7 - Site 6**

**Programmatic Piling Repair Project - Biological Evaluation  
Appendix C: Marine Mammal Monitoring Plan  
Temporary Effect and Monitoring Areas**

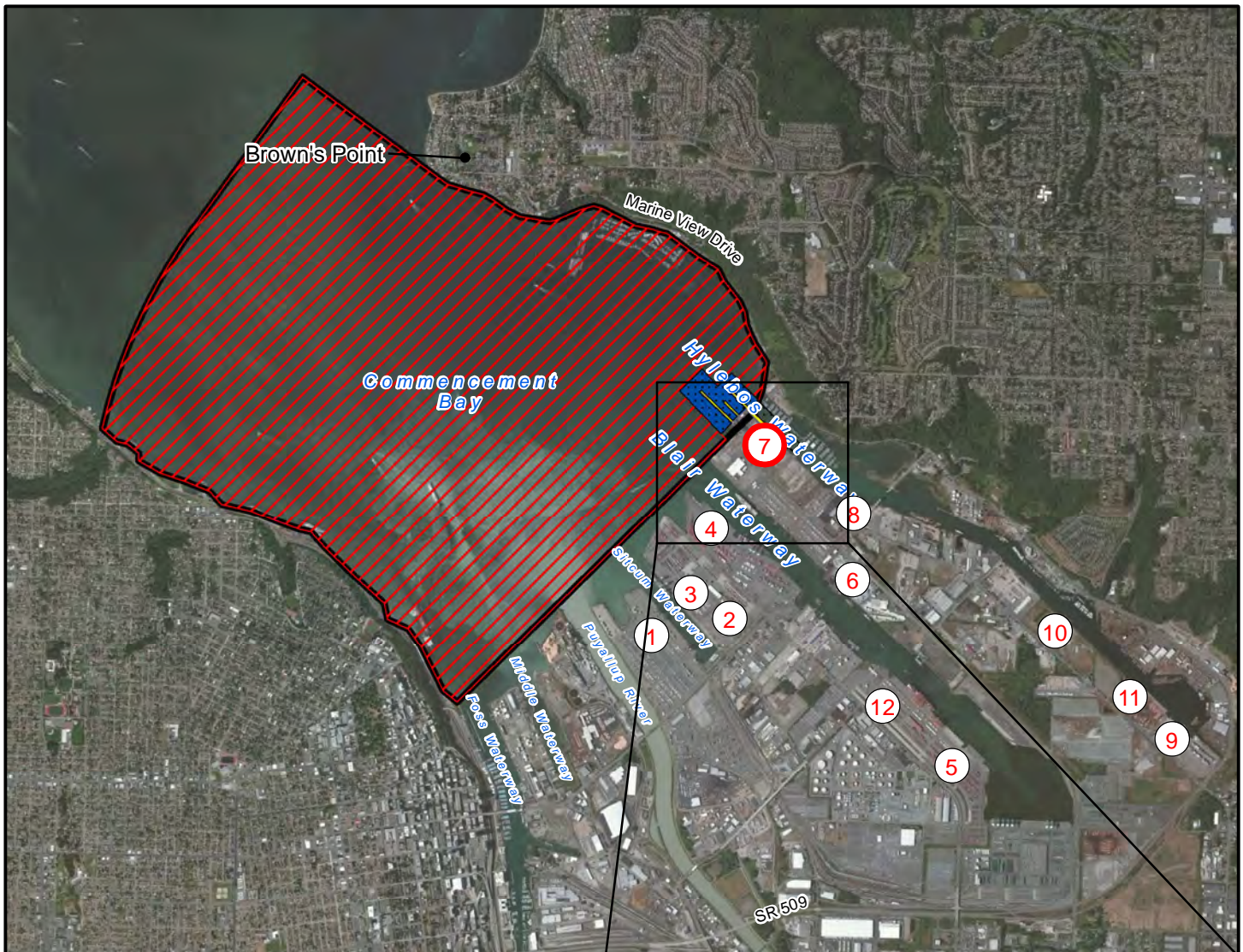
Source: Pierce County GIS (2011)

0 0.25 0.5 1 1.5  
Miles



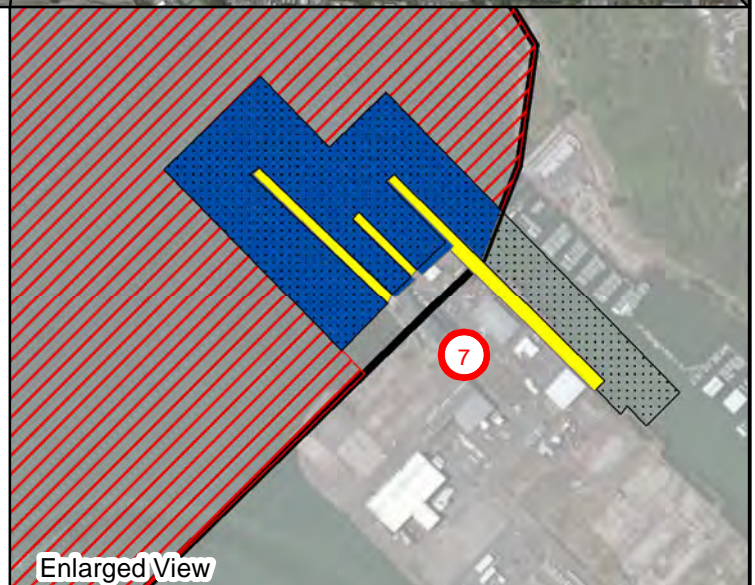






- Vibratory Temp. Effect Area (Removal/Installation)
- Vibratory Monitoring Area (Removal/Installation)
- Impact Temp. Effect Area (Installation)
- Impact Monitoring Area (Installation)
- Site

- |                  |                 |
|------------------|-----------------|
| 1 APM TERMINALS  | 7 TRIDENT       |
| 2 TERMINAL 7     | 8 BRAC PROPERTY |
| 3 OCT            | 9 PARCEL 86     |
| 4 HUSKY TERMINAL | 10 PARCEL 99    |
| 5 BLAIR DOCK     | 11 PARCEL 105   |
| 6 PARCEL 115     | 12 WUT          |



**Figure 8 - Site 7**

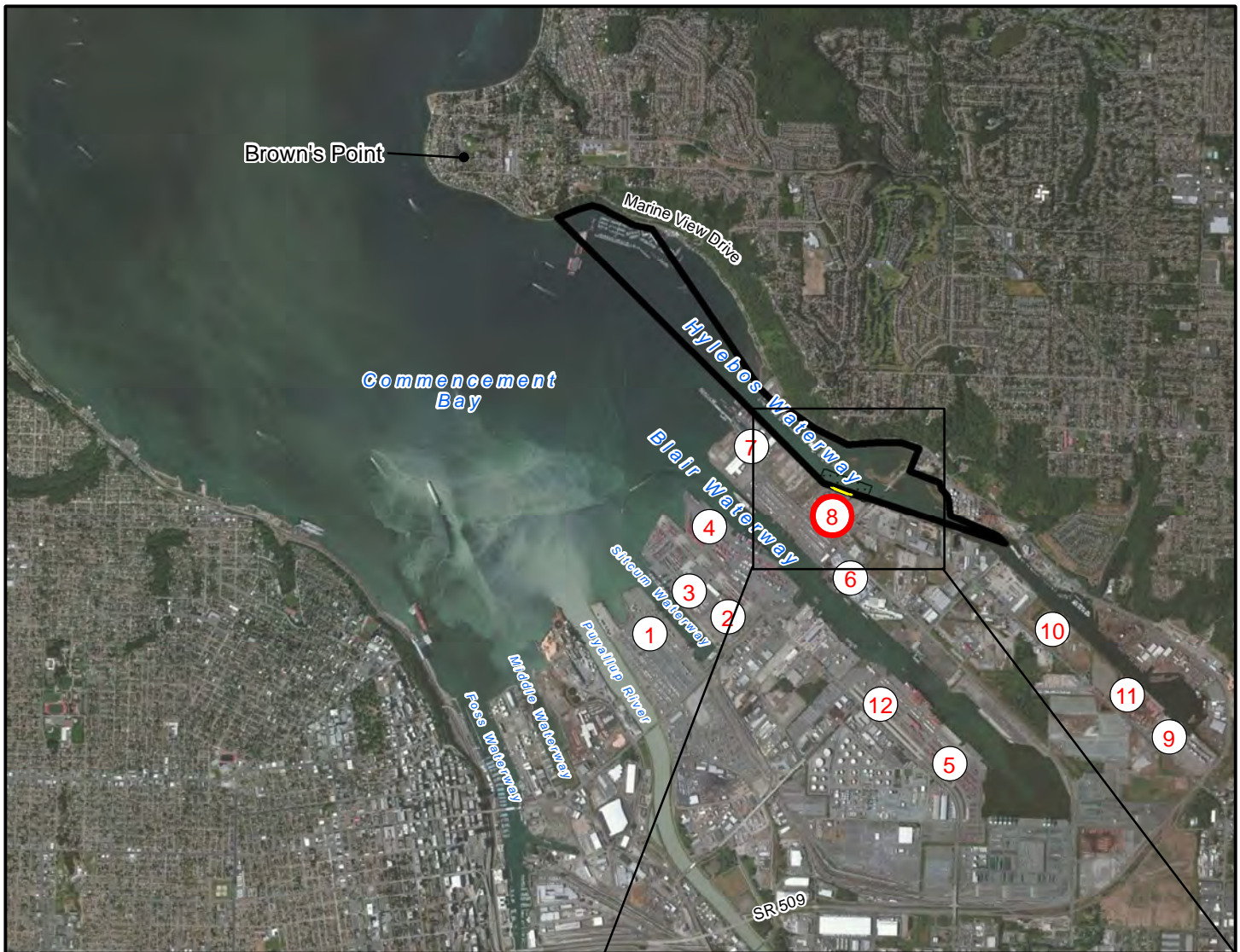
**Programmatic Piling Repair Project - Biological Evaluation  
Appendix C: Marine Mammal Monitoring Plan  
Temporary Effect and Monitoring Areas**

Source: Pierce County GIS (2011)









- Vibratory Temp. Effect Area (Removal/Installation)
- Vibratory Monitoring Area (Removal/Installation)
- Impact Temp. Effect Area (Installation)
- Impact Monitoring Area (Installation)
- Site

- |                  |                 |
|------------------|-----------------|
| 1 APM TERMINALS  | 7 TRIDENT       |
| 2 TERMINAL 7     | 8 BRAC PROPERTY |
| 3 OCT            | 9 PARCEL 86     |
| 4 HUSKY TERMINAL | 10 PARCEL 99    |
| 5 BLAIR DOCK     | 11 PARCEL 105   |
| 6 PARCEL 115     | 12 WUT          |



**Figure 9 - Site 8**

**Programmatic Piling Repair Project - Biological Evaluation  
Appendix C: Marine Mammal Monitoring Plan  
Temporary Effect and Monitoring Areas**






Source: Pierce County GIS (2011)









-  Vibratory Temp. Effect Area (Removal/Installation)
-  Vibratory Monitoring Area (Removal/Installation)
-  Impact Temp. Effect Area (Installation)
-  Impact Monitoring Area (Installation)
-  Site

- |                  |                 |
|------------------|-----------------|
| 1 APM TERMINALS  | 7 TRIDENT       |
| 2 TERMINAL 7     | 8 BRAC PROPERTY |
| 3 OCT            | 9 PARCEL 86     |
| 4 HUSKY TERMINAL | 10 PARCEL 99    |
| 5 BLAIR DOCK     | 11 PARCEL 105   |
| 6 PARCEL 115     | 12 WUT          |



**Figure 10 - Site 9**

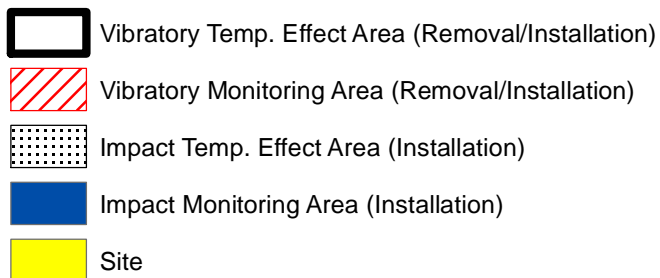
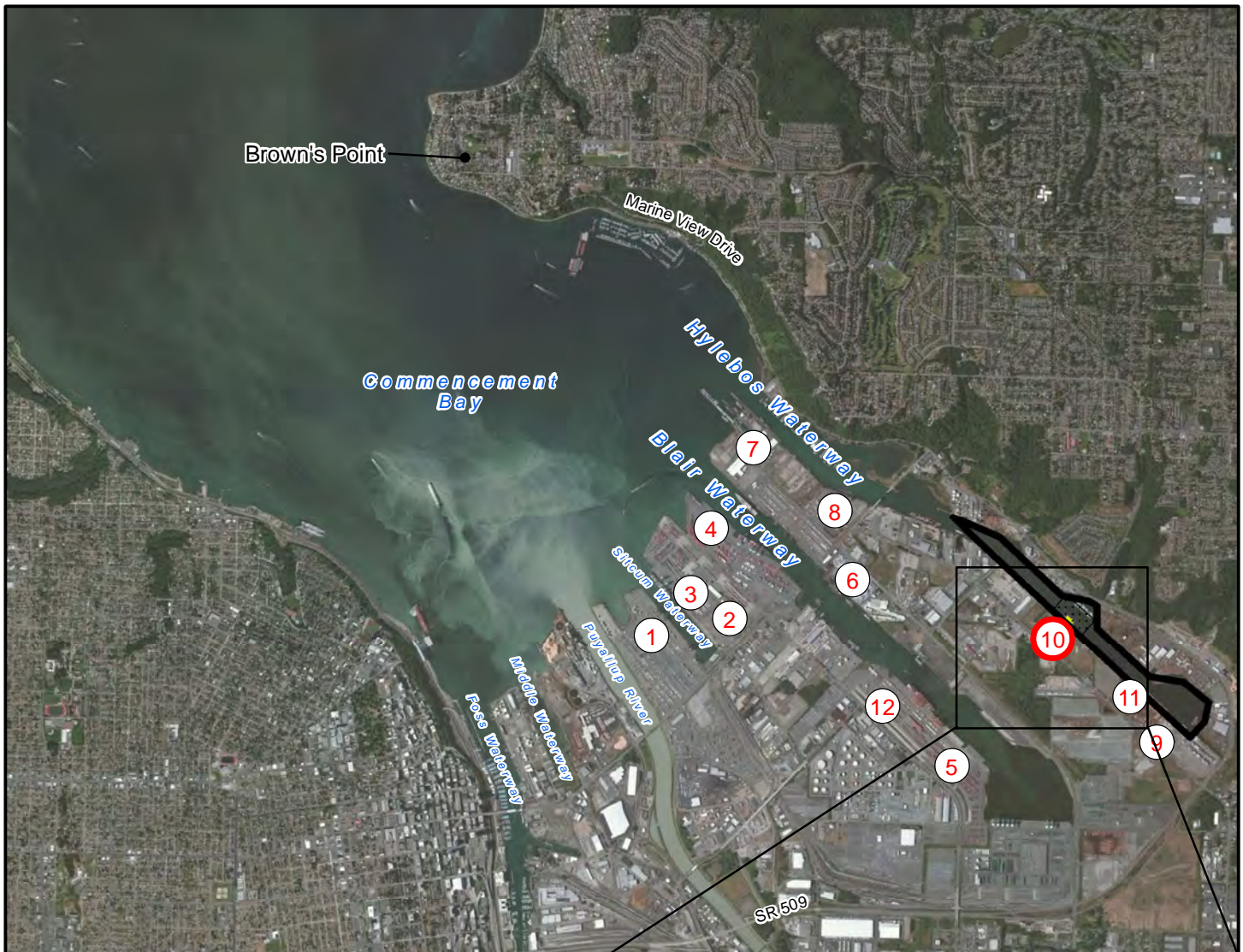
**Programmatic Piling Repair Project - Biological Evaluation  
Appendix C: Marine Mammal Monitoring Plan  
Temporary Effect and Monitoring Areas**

Source: Pierce County GIS (2011)









- |                  |                 |
|------------------|-----------------|
| 1 APM TERMINALS  | 7 TRIDENT       |
| 2 TERMINAL 7     | 8 BRAC PROPERTY |
| 3 OCT            | 9 PARCEL 86     |
| 4 HUSKY TERMINAL | 10 PARCEL 99    |
| 5 BLAIR DOCK     | 11 PARCEL 105   |
| 6 PARCEL 115     | 12 WUT          |



**Figure 11 - Site 10**

**Programmatic Piling Repair Project - Biological Evaluation  
Appendix C: Marine Mammal Monitoring Plan  
Temporary Effect and Monitoring Areas**






Source: Pierce County GIS (2011)









-  Vibratory Temp. Effect Area (Removal/Installation)
-  Vibratory Monitoring Area (Removal/Installation)
-  Impact Temp. Effect Area (Installation)
-  Impact Monitoring Area (Installation)
-  Site

- |                  |                 |
|------------------|-----------------|
| 1 APM TERMINALS  | 7 TRIDENT       |
| 2 TERMINAL 7     | 8 BRAC PROPERTY |
| 3 OCT            | 9 PARCEL 86     |
| 4 HUSKY TERMINAL | 10 PARCEL 99    |
| 5 BLAIR DOCK     | 11 PARCEL 105   |
| 6 PARCEL 115     | 12 WUT          |



**Figure 12 - Site 11**

**Programmatic Piling Repair Project - Biological Evaluation  
Appendix C: Marine Mammal Monitoring Plan  
Temporary Effect and Monitoring Areas**






Source: Pierce County GIS (2011)









-  Vibratory Temp. Effect Area (Removal/Installation)
-  Vibratory Monitoring Area (Removal/Installation)
-  Impact Temp. Effect Area (Installation)
-  Impact Monitoring Area (Installation)
-  Site

- |                  |                 |
|------------------|-----------------|
| 1 APM TERMINALS  | 7 TRIDENT       |
| 2 TERMINAL 7     | 8 BRAC PROPERTY |
| 3 OCT            | 9 PARCEL 86     |
| 4 HUSKY TERMINAL | 10 PARCEL 99    |
| 5 BLAIR DOCK     | 11 PARCEL 105   |
| 6 PARCEL 115     | 12 WUT          |



**Figure 13 - Site 12**

**Programmatic Piling Repair Project - Biological Evaluation  
Appendix C: Marine Mammal Monitoring Plan  
Temporary Effect and Monitoring Areas**

Source: Pierce County GIS (2011)









City of Tacoma  
Planning and Development Services

January 3, 2014

Mark Rettmann  
Port of Tacoma  
P.O. Box 1837  
Tacoma, WA 98401-1837

*also via electronic mail*

RE: Port of Tacoma Programmatic Piling Repair and Maintenance  
Shoreline Substantial Development Permit Exemption  
File No. SHR2013-40000215154

Dear Mr. Rettmann:

We have received and reviewed the JARPA and application letter for the above-noted proposal for the routine repair, maintenance, and replacement of piling at 12 sites throughout the Port of Tacoma over the next five years (see Attachment "A"). This request requires a Shoreline Substantial Development Permit Exemption and Critical Area Review pursuant to *Tacoma Shoreline Master Program (TSMP)* Chapter 2.3.3 as allowed per WAC 173-27-040 2(b). The *TSMP* allows that exemptions are typically valid for one year from issuance; however, longer periods may be allowed based upon the specifics of the proposal (Chapter 2.3.4).

**Proposal**

The specific request is for the repair and/or replacement of up to 200 damaged or broken fender and structural pile at the twelve identified sites. This would include pile caps, chokes, and whalers along with the piling itself. The purpose of the project is to maintain the integrity of existing pier, wharf, and fendering systems at Port properties, in support of water-dependent port and industrial activities as allowed in the "S-10" Shoreline District – Port Industrial.

As you have stated in the JARPA, the work will be conducted as follows:

- All work will occur within the authorized in-water work window;
- Pile removal BMPs may include the following:
  - Use of debris boom around the work area
  - Use of an absorbent boom
  - Cutting or driving broken pile below the mudline;
- Wood piling may be replaced with approved treated wood piling. All treated wood replacement piling will undergo required BMPs for treatment prior to placement in water;
- Concrete piling will be replaced with concrete piling which may be driven using a wood pillow atop;
- All fender piling will have an approved plastic rub strip fastened to the exposed face to prevent frictional losses of treated wood due to vessel movement;
- The contractor will have a spill containment kit on site; and
- No alteration of the existing bank/shoreline is proposed, nor will there be any dredging or filling associated with this project

### **Site Description (General)**

The sites are located within the “S-10” Shoreline District - Port Industrial and the “S-13” Shoreline District - Marine Waters of the State. The intent of the “S-10” 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. The intent of the “S-13” is to maintain these water bodies for the use by the public for navigation, commerce and recreation purposes and to manage in-water structures in a consistent manner throughout the City’s shorelines. All sites are currently developed with water-dependent port and industrial uses, including shipping terminals.

The sites all include work within the required 50-foot marine buffer per *TSMP* 6.4.3, and therefore require Critical Areas review. The proposal and historic permitting records were reviewed by Karla Kluge, Senior Environmental Specialist, for compliance with the provisions of the *TSMP* for critical areas within the shoreline. Ms. Kluge has concluded that the request meets the requirements for a repair and maintenance exemption. Ms. Kluge’s technical memorandum is included as Attachment “B” to this letter; conditions and advisory comments have been included herein.

### **Shoreline Substantial Development Permit Exemption**

Repair and maintenance actions associated with existing structures and developments including acts to prevent a decline, lapse, or cessation from a lawfully established condition are listed as exempt from a Substantial Development Permit according to the *Tacoma Shoreline Master Program (TSMP)* Chapter 2.3.3. Section 2.3.3(1) notes “an exemption from the Substantial Development Permit requirements does not constitute an exemption from the policies and use regulations of the Shoreline Management Act (*SMA*), the provisions of this Master Program (*TSMP*), and other applicable City, state, or federal permit requirements”.

*Shoreline Management Act* – *RCW* 90.58.020 sets forth the policy and priorities of the *SMA*. Within this section, development priority is allowed for Port uses, with an emphasis on best management practices to protect environmental functions of the shorelines. Given that the purpose of the proposal is to preserve established Port activities, and that all BMPs for repair and replacement will be followed, the request is in compliance with the stated goals and policies of the *SMA*.

*TSMP* – The Master Program sets forth allowed uses for the “S-10” District in Chapters 6.1, 7.6, and 9.12. Port activities – including shipping terminals – 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 applicant will meet all requirements of the *TSMP* and will pursue all required permits prior to starting work.

*Other Permits* – *WAC* 197-11-800(3) allows for SEPA exemptions for repair and replacement of existing development. This includes repair or replacement of piling, provided all other codes are complied with. The City of Tacoma will require building permits for some of the proposed work; you will need to obtain permits as necessary. Further, work will require permits from state and federal agencies; permitting is the responsibility of the applicant. You have indicated that you will comply with all other permitting requirements.

### **Conditions and Advisory Notes**

The proposed activities are consistent with the applicable regulations, plans, and policies of the City of Tacoma. Furthermore, the Shoreline Management Act (*SMA*) allows certain activities to be exempt from the Shoreline Substantial Development Permit requirements. Based on the above findings, the proposed 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.

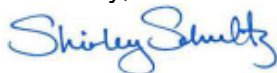
1. Replacement pilings shall be replaced on a one-to-one ratio with replacement pilings of the same or smaller diameter.
2. The applicant shall follow all proposed installation and construction methods and best management practices for minimizing unintended impacts during the repair and maintenance of the dock while installing and removing the piles. No construction materials or debris shall be allowed to enter the Waters of the State.
3. Construction material or debris shall be promptly removed and disposed of in an appropriate upland location.
4. All work must be completed within the approved in-water work window designated by the Washington State Department of Fish and Wildlife (WDFW).
5. The applicant shall notify the City of Tacoma and pertinent state or federal agencies should an unexpected spill of fuel or other chemical into the waterway.
6. Prior to issuance of construction permits, a copy of all permits required by or approvals provided by Washington State Department of Fish and Wildlife (WDFW), Department of Ecology (DOE), and U.S. Army Corps of Engineers (USACE) shall be provided to the City.
7. This exemption shall be valid for a period not to exceed five 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**

1. 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 *TMSP*.
2. 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 letter of exemption is being issued per the provisions of the *Tacoma Shoreline Master Program* to comply with the requirements of *WAC* 173-27-040 and *WAC* 173-27-050. 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 electronic mail:

Planning and Development Services, Peter Huffman, Reuben McKnight, Karla Kluge  
Washington Department of Ecology, Shorelands & Environmental Assistance Program, Alex Callender, SWRO, P.O. Box 47775, Olympia, WA 98504-7775 (acal461@ecy.wa.gov)  
Washington Department of Fish and Wildlife, Leonard Machut, 450 Port Orchard Boulevard, Suite 290, Port Orchard, WA 98366 (Leonard.Machut@dfw.wa.gov)  
U.S. Army Corps of Engineers, Attn: Regulatory Branch, CENWS-OD-RG ATTN: Lori Lull, P.O. Box C-3755, Seattle, WA 98124 (Lori.C.Lull@usace.army.mil)  
U.S. Fish & Wildlife Service, Attn: Judy Lantor, 510 Desmond Drive SE #102, Lacey, WA 98503 (judy\_lantor@fws.gov)

**Attachment “A” – Pile Repair/Replacement Sites**

| <b>Parcel Number</b>                   | <b>Address</b>   | <b>Waterway</b> | <b>Project Site</b>                   | <b>Critical Areas reviewed under permit number</b> |
|--|--|-----------------|---------------------------------------|--|
| <b>2275200610</b>                      | 1001 Port of Tacoma Rd                                     | Blair           | Husky Terminal                        | SHR2010-40000151874                                |
| <b>0321353016</b><br><b>0321353014</b> | 1815 Port of Tacoma Rd                                     | Blair           | Blair Dock                            | SHR2008-40000122326<br>SHR2009-40000127732         |
| <b>0321354035</b>                      | 2940 E Alexander Ave                                       | Blair           | Blair Dock (Additional Site 5)<br>WUT | SHR2010-40000156509                                |
| <b>2275200633</b>                      | 710 Port of Tacoma Rd<br>2209 East 11 <sup>th</sup> Street | Sitcum          | Terminal 7 & OCT                      | WET2010-40000141569<br>WET2010-40000138380         |
| <b>0321351053</b>                      | 2901 Taylor Way  | Hylebos         | Parcel 99                             | SHR2008-40000114953                                |
| <b>0321364024</b>                      | 3701 Taylor Way  | Hylebos         | Parcel 86                             | WET2008-40000125347                                |
| <b>5000350013</b>                      | 300 E Alexander Ave  | Hylebos         | Trident                               | SHR2009-40000130175                                |
| <b>2275200292</b>                      | 1110 E Alexander Ave                                       | Blair           | Parcel 115                            | SHR2009-40000130175                                |
| <b>2275200502</b>                      | 1001 E Alexander Ave                                       | Hylebos         | BRAC                                  | SHR2010-40000156509                                |
| <b>2275200620</b><br><b>8950000061</b> | 1901 E 11 <sup>th</sup> Street<br>1002 Milwaukee Way       | Sitcum          | APM Terminals                         | SHR2010-40000156509                                |
| <b>0321362046</b>                      | 3401 Taylor Way  | Hylebos         | Parcel 105                            | WET2010-4000146808                                 |





**City of Tacoma**  
**Planning and**  
**Development Services**

**Technical Memorandum**

**TO:** Shirley Schultz, Principal Planner

**FROM:** Karla Kluge, Senior Environmental Specialist

**SUBJECT:** **Port of Tacoma Programmatic Piling Repair and Maintenance**  
**Shoreline Substantial Development Permit Exemption**  
**File No. SHR2013-40000215154**

**DATE:** January 2, 2013

**Project Description**

The applicant has applied for a Shoreline Substantial Development Permit Exemption for support piling maintenance and repair. The applicant is requesting an annual maintenance exemption to replace up to 200 damaged or broken fender and structural piling. This exemption will cover the pile, pile caps, chokes, and whalers at 12 wharf/dock facilities. An exemption previously issued included 11 sites. An additional site at the Blair Dock (site 5) is also included under this request.

Note: An identical exemption request was previously analyzed by the City's Environmental Specialist, Misty Blair. A new Shoreline Master Program and Code (TSMP) was recently adopted and approved by the Department of Ecology necessitating an updated review and analysis under the recently approved TSMP. This Technical Memorandum contains similar information contained within the previous analysis and was prepared in collaboration with Ms. Blair.

The applicant asserts that this maintenance project is necessary to maintain the structural integrity of the pier, wharf or fendering system the piling supports. The subject sites are located along the Blair, Hylebos and Sitcum Waterways within the S-10 Shoreline District. The subject sites are currently used by Port of Tacoma or their various tenants in a commercial capacity. As described by the applicant, the pier/wharf/dock structures are located on the following parcels:

| <b>Parcel Number</b>                   | <b>Address</b>   | <b>Waterway</b> | <b>Project Site</b>                   | <b>Critical Areas reviewed under permit number</b> |
|--|--|-----------------|---------------------------------------|--|
| <b>2275200610</b>                      | 1001 Port of Tacoma Rd                                     | Blair           | Husky Terminal                        | SHR2010-40000151874                                |
| <b>0321353016</b><br><b>0321353014</b> | 1815 Port of Tacoma Rd                                     | Blair           | Blair Dock                            | SHR2008-40000122326<br>SHR2009-40000127732         |
| <b>0321354035</b>                      | 2940 E Alexander Ave                                       | Blair           | Blair Dock (Additional Site 5)<br>WUT | SHR2010-40000156509                                |
| <b>2275200633</b>                      | 710 Port of Tacoma Rd<br>2209 East 11 <sup>th</sup> Street | Sitcum          | Terminal 7 & OCT                      | WET2010-40000141569<br>WET2010-40000138380         |
| <b>0321351053</b>                      | 2901 Taylor Way  | Hylebos         | Parcel 99                             | SHR2008-40000114953                                |
| <b>0321364024</b>                      | 3701 Taylor Way  | Hylebos         | Parcel 86                             | WET2008-40000125347                                |

|                   |                                |         |            |                     |
|-------------------|--------------------------------|---------|------------|---------------------|
| <b>5000350013</b> | 300 E Alexander Ave            | Hylebos | Trident    | SHR2009-40000130175 |
| <b>2275200292</b> | 1110 E Alexander Ave           | Blair   | Parcel 115 | SHR2009-40000130175 |
| <b>2275200502</b> | 1001 E Alexander Ave           | Hylebos | BRAC       | SHR2010-40000156509 |
| <b>2275200620</b> | 1901 E 11 <sup>th</sup> Street | Sitcum  | APM        | SHR2010-40000156509 |
| <b>8950000061</b> | 1002 Milwaukee Way             |         | Terminals  |                     |
| <b>0321362046</b> | 3401 Taylor Way                | Hylebos | Parcel 105 | WET2010-4000146808  |

As described by the applicant, this project will utilize the following precautions and should have no negative impact on the FWHCA or the associated marine buffer:

- All work will occur within the authorized in-water work window
- Pile removal BMPs may include the following:
  - Use of debris boom around the work area
  - Use of an absorbent boom
  - Cutting or driving broken pile below the mudline
- Wood piling maybe replaced with approved treated wood piling. All treated wood replacement piling will undergo required BMPs for treatment prior to placement in water
- Concrete piling will be replaced with concrete piling which may be driven using a wood pillow atop
- All fender piling will have an approved plastic rub strip fastened to the exposed face to prevent frictional losses of treated wood due to vessel movement
- The contractor will have a spill containment kit on site
- No alteration of the existing bank/shoreline is proposed, nor will there be any dredging or filling associated with this project

#### **Documents provided to the City**

The applicant submitted the following reports and supporting documents:

- Shoreline Substantial Development Permit Exemption (SHR2011-400000158452) and Critical Areas Preservation Ordinance Exemption (WET2011-40000160132)
- Original JARPA with Plan/Figures
- Exemption Request Letter dated December 23, 2013

#### **Findings**

1. The following Shoreline and Critical Areas permit files and previous Wetland/Stream/FWHCA site reviews and information are applicable to this exemption request:  
  
SHR2000-00033, SHR2005-40000061724, SHR2008-40000114953, SHR2008-40000122326, WET2008-40000125347, SHR2009-40000127732, SHR2009-40000130175, WET2010-40000138380, SHR2010-40000146808, SHR2010-40000151874, WET2010-40000141569 and SHR2010-40000156509.
2. These sites are developed and the proposal will not increase this intensity or create additional permanent impacts. This maintenance and repair work is taking place water-ward of the Ordinary High Water Mark (OHWM). The shoreline itself is armored with existing concrete bulkheads, rip rap or other protective measures along

the shore. As described by the applicant these facilities contain a total of approximately 20,000 piling, therefore the proposal is for an annual replacement of 1% of the total pile. This seems to be a reasonable estimation of the needed annual replacement rate for facilities of this size. In addition, these wharfs, docks, and piers are utilized for industrial shipping needs and subject to damage from impacts of marine vessels and/or floating debris as well as typical deterioration.

3. The applicant identified the following listed threatened and endangered species as occurring within the vicinity of the project area: Chinook salmon, steelhead, bull trout, marbled murrelet, bald eagles, stellar sea lion, and orca. Additionally the applicant identified that rockfish may be present further out in Commencement Bay. The applicant goes on to state that no priority habitats are present within the project area and the proposed work is extremely unlikely to impact any priority species.

#### **Applicable Tacoma Shoreline Master Program and Code (TSMP)**

4. The parcels referenced above are located within the S-10 Port Industrial Area Shoreline District and the S-13 Marine Waters of the State.
5. 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.
6. The intent of the S-13 Marine Waters of the State Shoreline District is to maintain these water bodies for the use by the public for navigation, commerce and recreation purposes and to manage in-water structures in a consistent manner throughout the City's shorelines.
7. *TSMP 6.4.3 requires a 50-foot marine buffer for S-10 Port Industrial Area Shoreline District.*
8. *Under TSMP 2.1, proposed actions that would alter designated critical areas or their buffers, as established by the Program (TSMP Section 6.4) shall be reviewed for compliance with the provisions of this program. An applicable critical area report and/or mitigation plan and/or habitat management plan shall be prepared consistent with the requirements of TSMP Section 2.4.2 and submitted as part of the development application or request for statement of exemption. The critical area review shall be conducted and processed in conjunction with the highest threshold of review that is applicable to the primary development proposed*
9. *Under TSMP 2.3.2 Exemptions from a 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.*
10. *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 or excavation, docks, shore stabilization, or activities deemed to be located within a critical area or buffer.*

11. *Under TSMP 2.3.3 (WAC173-27-040 (2)(b)(b)) 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.*
12. *Under TMSP 6.4.4 Fish and Wildlife Habitat Conservation Areas (FWHCA's), lands containing priority habitats and species and critical saltwater habitats are classified as Fish and Wildlife Habitat Conservation Areas.*
13. *Under TMSP 6.4.4 FWHCA standards, 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 TMSP 2.4.2, the Director shall determine whether these reports are necessary based upon the activities associated with the project.*

## **Conclusions**

14. The Blair, Hylebos and Sitcum Waterways are considered FWHCAs and as such are provided a 50 foot buffer per *TSMP 6.4.3*. In this case, the FWHCA and its buffer that are located within the shoreline district are eligible for the maintenance and repair exemption from the Shoreline Substantial Development Permit.
15. The new pile placement will occur as a pile for pile replacement and impacts will be temporary and limited during the active construction. Impacts that may occur will be unavailability of habitat due to noise and turbidity in the work zone. No permanent adverse impacts are anticipated. No new additional structures are proposed, and there is no expansion or increase to the water dependent use.
16. Species listed under the Endangered Species Act that may occur within the vicinity of the project include Puget Sound Chinook salmon (*Onchorhynchus tshawaytscha*), Coastal-Puget Sound bull trout (*Salvelinus confluentus*), Puget Sound Steelhead trout (*O. mykiss*), Stellar Sea Lion (*Eumetopias jubatus*), Southern Resident Killer Whale (*Orcinus orca*), Humpback whale (*Megaptera novaeangliae*), Leatherback Sea turtle (*Dermochelys coriacea*), Bocaccio (*Sebastes paucispinis*), Canary rockfish *S. pinniger*, and Yelloweye rockfish (*S. ruberrimus*).



17. Species that may be temporarily affected due to noise and turbidity include the Harbor Seal, Bald Eagle, Coho Salmon, Chum Salmon, and Pink Salmon.
18. The project site 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 additional floodplain mitigation is required.
19. The applicant argues that the characteristic uses of the water body will not be adversely affected by the proposed project. All work within Commencement Bay will occur during in-water work windows approved by the Army Corps of Engineers, U.S. Fish and Wildlife Service, NOAA Fisheries, and Washington Department of Fish and Wildlife to avoid and minimize impacts on essential and designated habitats as well as fish, marine mammals, and avian species utilizing the coastal environment. Increases in water column turbidity caused by suspended sediments during pile removal and driving will be localized and temporary.
20. The project will not result in any permanent loss of habitat and will not compromise the fish and wildlife habitat conservation area or buffer functions; therefore no compensatory mitigation is required.
21. (WAC) 173-27-040(2)(b) exempts "Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements." Furthermore, (WAC) 173-27-040(2)(b) exempts "Replacement of a structure or development ... where such replacement is the common method of repair for the type of structure or development ... and the replacement does not cause substantial adverse effects to shoreline resources or environment." These repairs are considered typical and will conform to the size, shape, configuration, location and general appearance of the existing structures. The project (as described above) is generally consistent with the Shoreline Substantial Development Permit Exemption requirements.
22. Based on the above findings, the proposed programmatic proposal to remove and replace pilings over five years is consistent with the policies of the *Tacoma Master Shoreline Program*. The proposal, as described by the applicant, is not likely to cause substantial adverse impacts to the shoreline. Therefore, if properly conditioned, this project can be approved without the need for a Shoreline Substantial Development Permit.

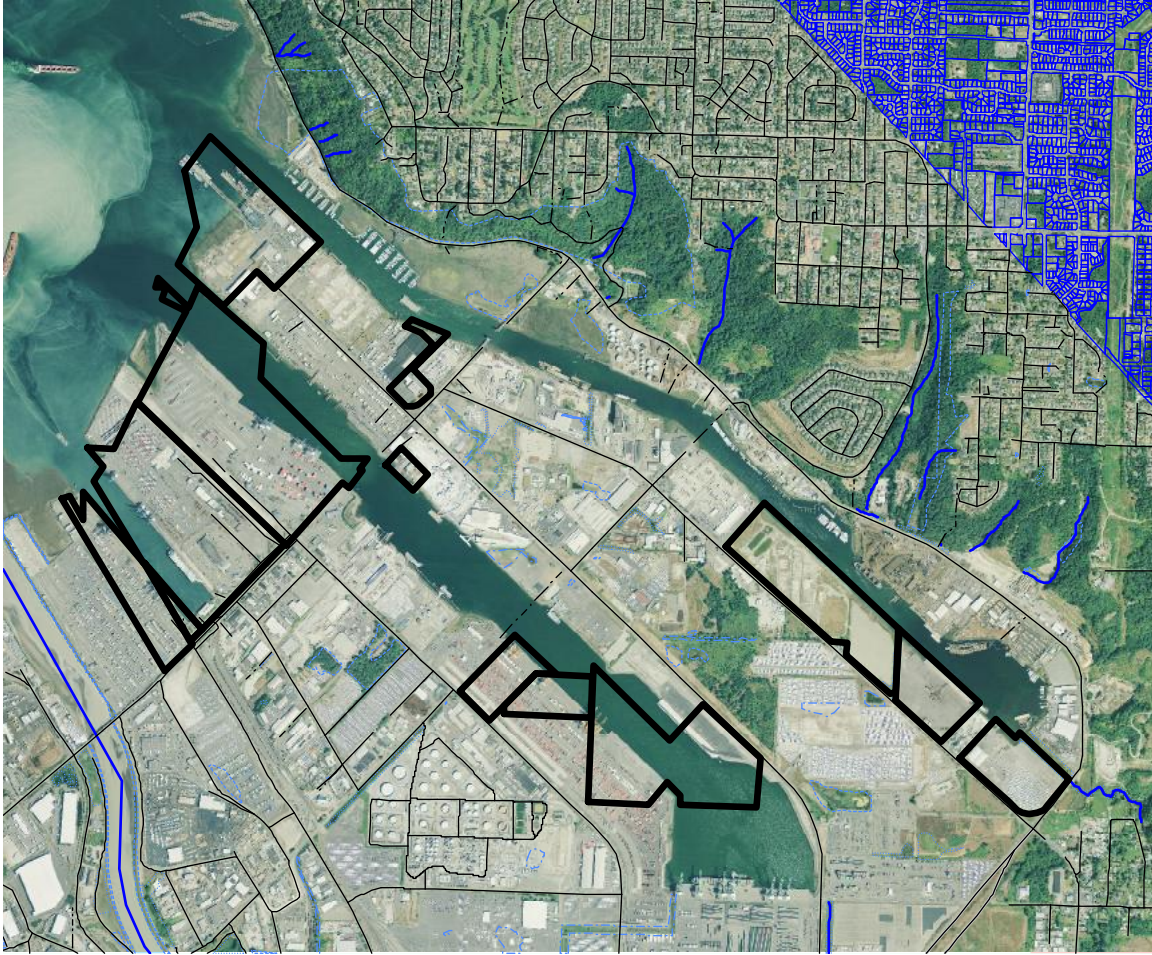
### **Conditions**

1. Replacement pilings shall be replaced on a one-to-one ratio with replacement pilings of the same or smaller diameter.
2. The applicant shall follow all proposed installation and construction methods and best management practices for minimizing unintended impacts during the repair and maintenance of the dock while installing and removing the piles. No construction materials or debris shall be allowed to enter the Waters of the State.
3. Construction material or debris shall be promptly removed and disposed of in an appropriate upland location.

4. All work must be completed within the approved in-water work window designated by the Washington State Department of Fish and Wildlife (WDFW).
5. The applicant shall notify the City of Tacoma and pertinent state or federal agencies should an unexpected spill of fuel or other chemical into the waterway.
6. Prior to issuance of construction permits, a copy of all permits required by or approvals provided by Washington State Department of Fish and Wildlife (WDFW), Department of Ecology (DOE), and U.S. Army Corps of Engineers (USACE) shall be provided to the City.
7. This exemption shall be valid for a period not to exceed five 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**

1. 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 *TMSP*.
2. 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.





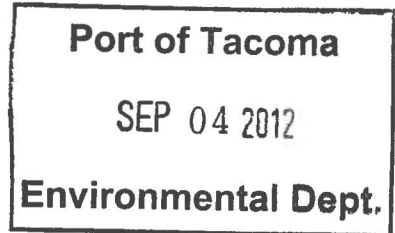
STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

August 29, 2012

Port of Tacoma  
Attn: Mr. Mark Rettmann  
PO Box 1837  
Tacoma WA 98401-1837



RE: Water Quality Certification - Order #9244/Corps Public Notice # **NWS-2011-0089-WRD** – Programmatic Piling Repair Project

Dear Mr. Rettmann:

The above-referenced public notice for proposed work in waters of the state has been reviewed in accordance with all pertinent rules and regulations. On behalf of the State of Washington, we certify that the work proposed in the public notice complies with applicable provisions of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended, and other appropriate requirements of State law. This certification is subject to the conditions contained in the enclosed Order and may be appealed by following the procedures described in the Order.

Please note that this Order does not cover CERLCA coordination, which will be conducted as part of the Corps of Engineers 404 process, and may have additional monitoring or sampling requirements dependent on location and numbers of pilings being removed.

If you have any questions concerning the content of this letter, please contact Helen Pressley at (360) 407-6076.

Sincerely,

Brenden McFarland, Section Manager  
Shorelands & Environmental Assistance Program  
Headquarters Office - Ecology  
State of Washington





Order #9244 Corps # NWS-2011-089-WRD  
Page 2 of 2  
August 29, 2012

by Certified Mail 7010 2780 0000 2503 4195

Enclosure  
Attachment

cc: Olivia Romano, Corps  
Chris Waldbillig, WDFW

ecc: Loree' Randall, Ecology  
Helen Pressley, Ecology  
Laura Inouye, Ecology  
Alex Callender, Ecology  
DMMP@dnr.wa.gov  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)

|                                    |   |  |
|------------------------------------|---|--|
| <b>IN THE MATTER OF GRANTING A</b> | ) | <b>ORDER #9244</b>                           |
| <b>WATER QUALITY</b>               | ) | <b>Corps Reference No. NWS-2011-0089-WRD</b> |
| <b>CERTIFICATION TO</b>            | ) | Programmatic maintenance, repair, and        |
| <b>PORT OF TACOMA</b>              | ) | replacement of up to 200 pilings per year    |
| in accordance with 33 U.S.C. 1341  | ) | throughout the Port of Tacoma property in    |
| (FWPCA § 401), RCW 90.48.120, RCW  | ) | Tacoma, Pierce County, Washington            |
| 90.48.260 and Chapter 173-201A WAC | ) |  |

TO: Port of Tacoma  
 Attn: Mr. Mark Rettmann  
 PO Box 1837  
 Tacoma WA 98401-1837

On March 23, 2011 the Port of Tacoma submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. A joint public notice regarding the request was distributed by the Army Corps of Engineers (Corps) for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on February 3, 2012.

The proposed work will include maintenance activities at 11 wharf/pier structures over a five year period. Work includes the replacement of up to 200 piles per year (fender piles, dolphin piles, and/or support), and associated pile caps, chocks, whalers, and rub strips at structures located at AMP Terminals, Terminal 7, Olympic Container Terminal, Husky Terminal (Terminal 3 and 4), Blair Dock, Trident Piers 24 and 25, BRAC, Parcel 86, Parcel 99, Parcel 105, and Parcel 115.

Replacement piles would range from 18-inch diameter to 24-inch diameter and include ACZA-treated wood and concrete piles. Piles would be extracted with a vibratory hammer or by pulling with a choke chain. Piles that break during extraction would be cut off 3-feet below the mudline and the location would be capped with clean sand. Up to 120 cubic yards of clean sand may be placed per year. New piles would be installed with a vibratory hammer. However, some piles may be proofed with an impact hammer and in some instances may be entirely installed with an impact hammer. Up to 1,000 piles could be replaced and up to 600 cubic yards of sand could be placed over the five year period. Work will be done in Hylebos, Blair, and Sitcum Waterways, and Commencement Bay, in Tacoma, Pierce County, Washington.

#### **AUTHORITIES:**

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has examined this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §1311, 1312, 1313, 1316, and 1317 (FWPCA § 301, 302, 303, 306 and 307);

2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. §1313 and by Chapter 90.48 RCW, and with other applicable state laws; and
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

#### **WATER QUALITY CERTIFICATION CONDITIONS:**

Through issuance of this Order, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will meet the applicable water quality standards and other appropriate requirements of state law. In view of the foregoing and in accordance with 33 U.S.C. § 1341, RCW 90.48.120, RCW 90.48.260, Chapter 173-200 WAC and Chapter 173-201A WAC, water quality certification is granted to the Applicant subject to the conditions within this Order.

Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments occurring as a result of project construction or operations.

#### **A. General Conditions:**

1. For purposes of this Order, the term "Applicant" shall mean the Port of Tacoma and its agents, assignees and contractors.
2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Headquarters Office, Attn: 401/CZM Federal permit coordinator, P.O. Box 47600 Olympia, WA 98504-7600 and/or hpre461@ecy.wa.gov. Any submittals shall reference Order #9244 and Corps Reference # NWS-2011-0089-WRD.
3. Work authorized by this Order is limited to the work described in the Joint Aquatic Resources Permit Application (JARPA) received by Ecology on March 23, 2011. The Applicant will be out of compliance with this Order and must submit an updated JARPA if the information contained in the JARPA is voided by subsequent changes to the project not authorized by this Order.
4. Within 30 days of receipt of an updated JARPA, Ecology will determine if the revised project requires a new water quality certification and public notice or if a modification to this Order is required.
5. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue an individual 404 and/or Section 10 permit for the project.

6. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and lead workers, and state and local government inspectors.
7. The Applicant shall provide access to the project site upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.
8. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines that further actions are necessary to implement the water quality laws of the state. Furthermore, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified or if additional conditions are necessary to further protect water quality.
9. The Applicant shall ensure that all appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins at the project.
10. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, except as specifically provided for in conditions of this Order.
11. Failure of any person or entity to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce its terms.

**B. Water Quality Conditions:**

1. This order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-210(1)(e)(i).
  - The area of mixing established for marine waters is a 150 foot radius surrounding the in-water activity. Turbidity occurring outside that zone that is more than 5 nephelometric turbidity units (NTU) over background when the background is 50 NTU or less, or a 10% increase in turbidity when the background turbidity is more than 50 NTU is a violation of the turbidity water quality standard.



**C. Water Quality Monitoring:**

1. Turbidity shall be monitored visually in all areas, except those in or adjacent to CERCLA clean-up areas (condition C.2. of this certificate). Visible turbidity anywhere at or beyond the 150 ft point of compliance from the activity shall be considered to be an exceedance of the standard. Visual monitoring shall be conducted during all in-water activities.
2. Turbidity monitoring within CERCLA clean-up areas shall be conducted in accordance to an approved water quality monitoring plan. The Applicant shall submit a water quality monitoring plan (see condition A2) at least 30 days prior to in-water activities. The water quality monitoring plans shall be approved by Ecology prior to start of any in-water work. These areas include:
  - a) Area 4, which is adjacent to the Slip 4 CERCLA cleanup.
  - b) Area 7 which includes piling removals in Parcel 99-Arkema Chemicals, a completed CERCLA cleanup.
  - c) Area 8 which is adjacent to the Trident Piers 24/25 CERCLA cleanup.
  - d) Area 10 which is adjacent to the BRAC Navy CERCLA cleanup.
3. Turbidity monitoring reports shall be sent weekly to the 401/CZM Federal permit coordinator at the address or e-mail in A2. The permit coordinator shall be contacted within 24 hours if an exceedance occurs.

**D. Piling Replacement and Repair:**

1. All work shall be done so as to minimize turbidity, erosion, and other water quality impacts.
2. During pile removal and pile driving, a containment boom shall be placed around the perimeter of the work area to capture wood debris and other materials released into the water as a result of project activities. All accumulated debris shall be collected and disposed of upland at an approved disposal site. Absorbent pads shall be deployed should any sheen be observed.
3. The Applicant shall use tarps or other containment methods when cutting, drilling, or construction over-water to prevent debris, sawdust, concrete rubble, and other materials from entering the water.
4. Machinery and equipment used during piling removal and replacement shall be serviced, fueled, and maintained on uplands wherever possible in order to prevent contamination of surface water. Where practicable, machinery and equipment used during project activities shall use biodegradable hydraulic fluid.

5. Where possible, work shall be prioritized by the severity of the problem so that water quality can be protected.
6. The work surface on the uplands or barge shall include a containment basin for piles and any liquid or sediment removed during pulling of the piling. Basins may be constructed of durable plastic sheeting with sidewalls supported by hay bales or support structure to contain all sediment and liquid. Water left in the basins shall not be discharged into waters of the state.
7. Piles removed from substrate shall be moved immediately from the water onto the upland or barge. The pile shall not be shaken, hosed-off, left hanging to drip or any other action intended to clean or remove adhering material from the pile. All excavated piles shall be disposed of at an approved upland disposal site.
8. The Applicant shall deploy a bubble curtain or other BMP(s) to protect marine life while placing or proofing new piling.
9. During dredging, the Applicant shall have a boat available on site at all times to retrieve debris from the water.

**E. Timing Requirements:**

1. All in-water work shall be completed by the work window identified in the most current HPA issued for this project. Any project change that requires a new or revised HPA should also be sent to Ecology for review.
2. This Order shall remain in effect for a period of 5 years from date of issuance.

**F. Notification Requirements:**

1. The Applicant shall provide notice to Ecology's 401/CZM Federal permit coordinator at least 7 days prior to the start of maintenance, repairs, or installation of new tide gates and within 14 days after completion of work at the last project site every year this permit is in force. Notification should be made using all the information required in Condition A2.
2. The Applicant shall provide to Ecology a yearly report by January 31 of the following year. This report shall include details of the outfalls worked on in the previous year including photos, details of any problems and how they were solved, and a list of the outfalls planned to be cleaned in the next calendar year.

**G. Emergency/Contingency Measures:**

1. The Applicant shall develop a spill prevention and containment plan for this project, and shall have spill cleanup materials and an emergency call list available on site.

2. Any work that is out of compliance with the provisions of this Order, or conditions causing distressed or dying fish, or any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited. If these occur, the Applicant or operator shall immediately take the following actions:
  - a. Cease operations that are causing the compliance problem.
  - b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
  - c. In the event of finding distressed or dying fish, the applicant shall collect fish specimens and water samples in the affected area within the first hour of the event. These samples shall be held in refrigeration or on ice until the applicant is instructed by Ecology on what to do with them. Ecology may require analyses of these samples before allowing the work to resume.
  - d. In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, containment and cleanup efforts shall begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials.
  - e. Immediately notify Ecology's 24-Hour Spill Response Team at 1-800-258-5990, **and** within 24 hours of spills or other events Ecology's 401/CZM Federal permit coordinator at (360) 407-6076.
  - f. Submit a detailed written report to Ecology within five (5) days that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.
3. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters, including wetlands.
4. If at any time during work the proponent finds buried chemical containers, such as drums, or any unusual conditions indicating disposal of chemicals, the proponent shall immediately notify Ecology using the above phone numbers.

#### **YOUR RIGHT TO APPEAL**

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:


- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

**ADDRESS AND LOCATION INFORMATION**

| <b>Street Addresses</b>  | <b>Mailing Addresses</b>  |
|--|---|
| <b>Department of Ecology</b><br>Attn: Appeals Processing Desk<br>300 Desmond Drive SE<br>Lacey, WA 98503 | <b>Department of Ecology</b><br>Attn: Appeals Processing Desk<br>PO Box 47608<br>Olympia, WA 98504-7608 |
| <b>Pollution Control Hearings Board</b><br>1111 Israel RD SW<br>STE 301<br>Tumwater, WA 98501            | <b>Pollution Control Hearings Board</b><br>PO Box 40903<br>Olympia, WA 98504-0903                       |

DATED August 29, 2012 at Olympia, Washington.

  
Brenden McFarland, Section Manager  
Shorelands & Environmental Assistance Program  
Headquarters Office – Ecology  
State of Washington





## **ATTACHMENT A**

### **Port of Tacoma Programmatic Stormwater Outfall Repairs Water Quality Certification Order #9244**

#### **Statement of Understanding of Water Quality Certification Conditions**

I have read and understand the conditions of Order #9244 Section 401 Water Quality certification for programmatic stormwater outfall repairs. I have also read and understand all permits, plans, documents, and approvals associated with the project referenced in this order.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Company

\_\_\_\_\_  
Title

