



HYDRAULIC PROJECT APPROVAL

North Puget Sound
16018 Mill Creek Boulevard
Mill Creek, WA 98012-1296
(425) 775-1311

RCW 77.55.021 - See appeal process at end of HPA

Issue Date: February 03, 2011

Control Number: 115191-2

Project Expiration Date: November 03, 2013

FPA/Public Notice #: N/A

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
Pacific International Terminals, Inc. ATTENTION: Skip Sahlin 1131 SW Klickitat Way Seattle, WA 98134 206-654-3510	AMEC Earth & Environmental, Inc. ATTENTION: Kristie Dunkin 11810 North Creek Parkway North Bothell, WA 98011 206-979-5032

Project Name: PIT Geotechnical Survey and Investigation

Project Description: Collect geotechnical samles of the seafloor at Cherry Point.

PROVISIONS

NOTE: This Hydraulic Project Approval (HPA) pertains only to the provisions of the Washington State Fisheries and Wildlife Codes. It is the permittee's responsibility to apply for and obtain any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

NOTE: This HPA is a time extension of the original HPA issued November 3, 2008. See provision 1.

PROVISIONS

1. TIMING LIMITATIONS: The project may begin immediately and shall be completed by November 3, 2011.
 - A. Work below the ordinary high water line shall not occur from March 15 through June 30 of any year for the protection of migrating juvenile salmonids, herring spawning and herring spawn.
2. This project is approved as illustrated in your application and project plans subject to the following provisions.
3. The sampling barge or vessel shall not shade any portion of eelgrass habitat for a continuous period longer than 4 days.
4. The sampling barge or vessel shall be restricted to tide elevations adequate to prevent grounding of the sampling barge or vessel.
5. The sampling barge or vessel anchors and/or spuds shall not be placed in eelgrass habitat.
6. In areas where eelgrass, kelp and macro algae habitats are present, the sampling barge or vessel operation shall be restricted to tidal elevations adequate to prevent prop scour damage to the marine vegetation habitats.



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7. In areas where eelgrass, kelp and macro algae habitats are present, minimal propulsion power shall be used when maneuvering the sampling barge or vessel to avoid damage to the marine vegetation habitats.
8. Wastewater and drilling fluids resulting from the geotechnical sampling shall not be discharged into waters of the state.
9. Soil cuttings resulting from the geotechnical sampling shall not be disposed of or discharged into waters of the state.
10. Any devised used for pumping or diverting water from fish bearing waters shall be equipped with a fish guard to prevent fish from entering the pump or being trapped against the screen pursuant to RCW 77.16.220 and RCW 77.55.040. The screen mesh shall be 1/8 inch or smaller with sufficient surface area to ensure pass through water velocity does not exceed 0.4 feet per second. Screens shall remain in place until pump is removed from the water and shall be maintained in good working order.
11. If a drilling water recycle system is used, the system shall be self-contained. The drilling water recycle system shall be designed, operated, and maintained such that recycle water does not enter the surface waters of the state.
12. No petroleum products or other deleterious materials shall enter waters of the state.
13. Project activities shall be conducted to minimize siltation of the beach area and bed.
14. If a fish kill occurs or fish are observed in distress, the project activity shall immediately cease and WDFW Habitat Program shall be notified immediately.
15. Project activities shall not degrade water quality to the detriment of fish life.
16. Water quality is not to be degraded to the detriment of fish life as a result of this project.

PROJECT LOCATIONS

Location #1

WORK START: February 03, 2011				WORK END: November 03, 2013			
WRIA: 01.9000		Waterbody: Wria 01 Marine			Tributary to: puget Sound		
1/4 SEC: All	Section: 19	Township: 39 N	Range: 01 E	Latitude: N 47.0392	Longitude: W 122.8914	County: Whatcom	
Location #1 Driving Directions							



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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 (formerly RCW 77.20). Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

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

This Hydraulic Project Approval does not authorize trespass.

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

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

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

Requests for any change to an unexpired HPA must be made in writing. Requests for new HPAs must be made by submitting a new complete application. Send your requests to the department by: mail to the Washington Department of Fish and Wildlife, Habitat Program, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor.

APPEALS INFORMATION

If you wish to appeal the issuance, denial, conditioning, or modification of a Hydraulic Project Approval (HPA), Washington Department of Fish and Wildlife (WDFW) recommends that you first contact the department employee who issued or denied the HPA to discuss your concerns. Such a discussion may resolve your concerns without the need for further appeal action. If you proceed with an appeal, you may request an informal or formal appeal. WDFW encourages you to take advantage of the informal appeal process before initiating a formal appeal. The informal appeal process includes a review by department management of the HPA or denial and often resolves issues faster and with less legal complexity than the formal appeal process. If the informal appeal process does not resolve your concerns, you may advance your appeal to the formal process. You may contact the HPA Appeals Coordinator at (360) 902-2260 for more information.

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



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

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

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

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

ENFORCEMENT: Sergeant Mullins (33) P1

Habitat Biologist
Brian Williams

360-466-4345

for Director
WDFW

CC: