



HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - See appeal process at end of HPA

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

Issue Date: October 28, 2011

Control Number: 122833-3

Project Expiration Date: December 31, 2012

FPA/Public Notice #: N/A

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
Pacific International Terminals Inc ATTENTION: Mark Knudsen 1131 SW Klickitat Wy Seattle, WA 98134 800-422-3505 Fax: 206-381-5186	

Project Name: Pacific International Terminals ADCP

Project Placement of an acoustic Doppler Current Profiler (ADCP) on the bottom near the location of the proposed Gateway Pacific Terminal to collect data on wave, current, and water depth for approximately 6 months.

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 Hydraulic Project Approval (HPA) is a time extension of HPA No. 122833 which was originally issued February 7, 2011 and last modified May 31, 2011. See provision 1.

PROVISIONS

1. **TIMING LIMITATIONS:** The project may begin immediately and shall be completed by December 31, 2012.
2. This project is approved as illustrated in your application, Acoustic Doppler Current Profiler (ADCP) Plan, and Surficial Sediment Sampling Plan subject to the following provisions.
3. The proposed ADCT shall be deployed at the location indicated in your application.
4. Under no circumstances shall the ADCT be deployed at a site different from the approved location without prior approval from the Area Habitat Biologist listed below.
5. The ADCT system shall be designed and deployed in such a manner to prevent dragging or loss of the system for the life of the project.
6. Deployment and retrieval of the ADCT shall be conducted to minimize disturbance of



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the bed.

7. The ADCT shall be completely removed from the water immediately upon project completion.
8. Surficial sediment sampling shall be primarily conducted with a Van Veen sediment grab sampler. Nearshore samples shall be taken with a hand coring device.
9. The 47 surficial sediment samples shall be taken at the locations illustrated in Figure 2 of your Surficial Sediment Sampling Plan.
10. Wastes sediments samples shall not be returned to the water column. Waste sediments shall be disposed of at an appropriate upland location.
11. Sediment sampling equipment shall be appropriately cleaned and decontaminated prior to, during and after sampling.
12. 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: October 28, 2011				WORK END: December 31, 2012		
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	Longitude:	County: Whatcom
<u>Location #1 Driving Directions</u>						

APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW (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.



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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) 902-2534 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.

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.



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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) P3

Habitat Biologist Brian Williams	360-466-4345		for Director WDFW
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CC: