



HYDRAULIC PROJECT APPROVAL

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

Issued Date: March 23, 2020
Project End Date: March 22, 2025

Permit Number: 2020-6-141+01
FPA/Public Notice Number: N/A
Application ID: 20957

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

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

Project Description: This is a permit renewal request for HPA 2015-6-274+01 (APP ID 2310). The Port of Tacoma is seeking approval to allow routine maintenance and repair of existing structures and utilities located on terminal facilities and along the shoreline. The purpose for this project is to streamline the approval process for the Port of Tacoma's commonly performed maintenance and repair activities. Permitting routine maintenance and repair activities individually is an inefficient use of both agency and Port resources.

PROVISIONS

AUTHORIZED WORK TIMES

1. **TIMING LIMITATION:** Work landward of the ordinary high water line (OHWL) may occur at any time. Work waterward of the OHWL may occur without timing restrictions provided no hydraulic machinery operates in water, otherwise work shall not occur from February 15 through July 15 of any year for the protection of migrating juvenile salmonids.
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 "20200225_NWS-2014-1149-WRD_PmtDrawings", uploaded to APPS on February 25, 2020, except as modified by this Hydraulic Project Approval. You must have a copy of these plans available on site during all phases of the project construction.
3. **AUTHORIZED WORK:** This HPA authorizes routine repair and maintenance of the following parts of the Port of Tacoma properties listed in this HPA:
 - a.) Hanging and bolt-on fender systems and rub strips
 - b.) Bull rails
 - c.) Bollards
 - d.) Utilities (excluding stormwater infrastructure)
 - e.) Power/gear switches
 - f.) Crane rails
 - g.) Dock surfaces (planks, pavement)
 - h.) Other existing paved and impervious surfaces
 - i.) Building exteriors
 - j.) Containment berms
 - k.) Light poles
 - l.) Safety equipment and platforms
 - m.) Navigation lights
 - n.) Cathodic protection systems



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4. This HPA is for repair or replacement of the existing structures only and must not result in expansion of the structures.

NOTIFICATION

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

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

6. **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

7. 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.

8. Retain all natural habitat features on the beach larger than twelve inches in diameter including trees, stumps, logs, and large rocks. These natural habitat features may be moved during construction but they must be placed near the preproject location before leaving the job site.

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

10. 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.

11. Operate vessels with minimal propulsion power to avoid prop scour damage to the bed and marine vegetation habitats.

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

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

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

15. Relocate vessels moored over seagrass between March 21 and September 21 every 4th day to minimize shading of seagrass.

16. Do not operate motorized equipment on the beach below the ordinary high water line.

CONSTRUCTION-RELATED SEDIMENT, EROSION AND POLLUTION CONTAINMENT

17. Do not conduct project activities when the work area is inundated by tidal waters.



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18. 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.

19. 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.

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

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

CONSTRUCTION MATERIALS

22. 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.

23. 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.

24. Use treated wood for structural elements is authorized. Treated wood structural elements subject to abrasion by vessels, floats, or other objects must incorporate design features such as rub strips to minimize abrasion of the wood.

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

26. Road surface deck repair work includes removal and replacement of existing concrete or asphalt overlay of the deck road surface, gutters, and sidewalks only where a structurally sound subsurface exists that will prevent existing or new overlay material from entering state waters. A debris, material, and substance collection containment structure is required if any of these materials may enter state waters. This work does not allow: Debris, materials, or substances entering state waters; new construction activities, or replacement of stringers and/or other structural supports.

DEMOBILIZATION/CLEANUP

27. 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.

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

29. Remove all debris or deleterious material resulting from repairs and replacements and prevent from entering waters of the state.

LOCATION #1:	Site Name: Port of Tacoma Admin Building PO Box 1837, Tacoma, WA 98401-1837		
WORK START:	March 23, 2020	WORK END:	March 22, 2025



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<u>WRIA</u>		<u>Waterbody:</u>			<u>Tributary to:</u>	
10 - Puyallup - White		Wria 10 Marine				
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
All	34	21 N	03 E	47.265425	-122.412512	Pierce
<u>Location #1 Driving Directions</u>						
Directions to the Administration Building: From I-5, take Portland Avenue Exit. Follow Portland Avenue north to Lincoln Avenue; turn right onto Lincoln Avenue and cross Puyallup River Bridge; turn right onto Lincoln Loop Road (first stoplight after bridge); turn right at first stop sign to stay on Lincoln Loop Road; turn left at second stop sign onto Milwaukee Way; follow Milwaukee Way north to Sitcum Way and turn right onto Sitcum Way. Port Administration Building will be on the left.						

APPLY TO ALL HYDRAULIC PROJECT APPROVALS

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

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

This Hydraulic Project Approval does not authorize trespass.

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

Failure to comply with the provisions of this Hydraulic Project Approval could result in civil action against you, including, but not limited to, a stop work order or notice to comply, and/or a gross misdemeanor criminal charge, possibly punishable by fine and/or imprisonment.

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



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MINOR MODIFICATIONS TO THIS HPA: You may request approval of minor modifications to the required work timing or to the plans and specifications approved in this HPA unless this is a General HPA. If this is a General HPA you must use the Major Modification process described below. 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. 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. 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 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, and the requestor's signature. Send your written request 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. You should allow up to 45 days for the department to process your request.

APPEALS INFORMATION

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

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.



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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 HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; 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 may conduct an informal hearing or review 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, PO Box 43234, Olympia, Washington 98504-3234; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, you may request a formal appeal within 30 days from the date you receive the Director's or designee's written decision in response to the informal appeal.

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

Habitat Biologist elizabeth.bockstiegel@dfw.wa.gov
Elizabeth Bockstiegel 360-480-2908

for Director
WDFW