



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

Regulatory Branch

July 2, 2020

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

Reference: NWS-2014-1149-WRD
Tacoma, Port of (Terminal
and Shoreline
Maintenance)

Dear Ms. Stebbings:

We have reviewed your application to perform routine maintenance and repair of existing structures and utilities located on terminal facilities as needed over a five year period. Maintenance and repair activities would be performed on fender systems, rub strips, bull rails, bollards, utilities, power/switch gears, crane rails, deck repairs, re-paving, buildings, containment berms, light poles, safety equipment, navigation lights, safety platforms, and cathodic protection systems. The proposed work would occur in 20 locations, West Sitcum Terminal, Port Admin Building, Pier 7, Husky Terminal, Washington United Terminal, Blair Dock, Pacific Coast Terminal, EB-1, GP Gypsum, Parcel 115, Tote, Trident, Puget Sound Energy, Parcel 99, Parcel 105, Parcel 86, TEMCO, Youth Marine, Wattles, and GOG-LE-HI-TE, all located in Tacoma, Washington 98421. Waterbodies where the work would occur include Commencement Bay, Blair Waterway, Hylebos Waterway, Sitcum Waterway, Thea Foss Waterway, Wheeler-Osgood Waterway, and the Puyallup River. Based on the information you provided to us, this "Letter of Permission" (LOP) permit authorizes your proposal as depicted on the enclosed drawings dated February 11, 2020, which are made part of this permit. In order for this LOP authorization to be valid, you must ensure that the work is performed in accordance with the enclosed *Letter of Permission General Conditions* and the following special conditions:

- a. You shall provide a copy of the permit transmittal letter, permit form, and permit drawings to all contractors involved in the authorized work.
- b. If future operations by the United States require the removal, relocation, or other alteration of the 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, you will be required, upon due notice from the U. S Army Corps of Engineers, to remove, relocate, or alter the structural work or

obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

c. You shall notify the Environmental Protection Agency as outlined in the e-mail from Justine Barton dated May 21, 2020 and attached to this Letter of Permission.

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 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.

e. You shall abide by the Best Management Practices listed in Section 8.a. of the Joint Aquatic Resources Permit Application (JARPA) signed February 13, 2020.

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

Commencement Bay, Blair Waterway, Hylebos Waterway, Sitcum Waterway, Thea Foss Waterway, Wheeler-Osgood Waterway, and the Puyallup River are waters of the U.S. The Section 10 jurisdictional boundaries are shown on the enclosed permit drawings. If you believe these boundaries are inaccurate, you may request a preliminary or approved jurisdictional determination (JD). If one is requested, please be aware that we may require the submittal of additional information to complete the JD and work authorized in this letter may not occur until the JD has been completed.

Any change in the plans for this work will require that you submit revised drawings to this office and receive our written approval of those changes prior to conducting the work. If you object to any terms or conditions of this LOP or the JD, you may request an administrative appeal under our regulations (33 CFR Part 331) as described in the enclosed *Notification of Administrative Appeal Options and Process and Request for Appeal* form.

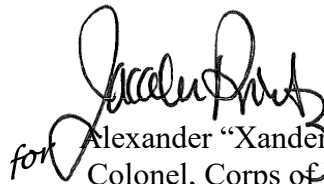
Your authorization to conduct the proposed work under this permit expires 5 years from the date of this letter. Within 30 days of completing the authorized work, you must fill out and return the enclosed *Certificate of Compliance with Department of the Army Permit* form to the address indicated on the form. Your signature on this form is our assurance you have conducted the work and any required mitigation in accordance with the terms and conditions of this LOP,

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

Thank you for your cooperation during the permitting process. We are interested in your experience with our Regulatory Program and encourage you to complete a customer service survey form. This form and information about our program is available on our website at: www.nws.usace.army.mil (select "Regulatory Branch, Permit Information").

While this project will not require further authorization from us, please note that it must comply with all local, State, and other Federal requirements that may apply. If you have any questions about this letter or our regulatory program, please contact Mr. Jason Sweeney at jason.t.sweeney@usace.army.mil or by phone at (206) 764-3450.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:


for Alexander "Xander" L. Bullock
Colonel, Corps of Engineers
District Engineer

Enclosures