Request for Clean Water Act Section 401 Water Quality Certification
WA State Department of Ecology

Phone: (360) 407-6076 or E-mail: ecyrefedpermits@ecy.wa.gov

AGENCY USE ONLY

Date Received: 1/13/2022
Aquatics ID#: 138721
Team: WA DOT
Valid Request: 1/13/2022

A. Identify the applicable federal license or permit:

Permit or License Number (if known): NWS-2016-545

Federal Agency triggering the Water Quality Certification (WQC):

- ☑ U.S. Army Corps of Engineers
- ☐ U.S. Coast Guard
- ☐ U.S. Environmental Protection Agency
- ☐ Federal Energy Regulatory Commission
- ☐ Other: _____

B. Project Information:

Name: Eagle Harbor Maintenance Facility Slip F Drive-on Slip Improvement Project County: Kitsap

C. Documentation showing that the pre-filing meeting request was submitted at least 30 days prior to submitting this Section 401 WQC Request: ☑ Attached

D. Applicable Additional Information (Attached):

- ☑ Completed, signed, and dated Joint Aquatic Resources Permit Application (JARPA)
- ☑ Water Quality Monitoring Plan or WQ Monitoring and Protection Plan
- ☐ Mitigation Plan
- ☐ Wetland Delineation Report and ratings
- ☐ Copy of the federal permit or license application, including all accompanying information
- ☐ Suitability Determination for dredging projects with in-water disposal
- ☐ Dewatering Plan
- ☐ Revegetation/Restoration Plan
- ☐ Erosion and Sediment Control Plan
- ☐ SEPA and/or NEPA decision

E. Certification Statements:

The project proponent hereby certifies that all information contained herein is true, accurate, and complete, to the best of my knowledge and belief.

Initial AS

The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.

Initial AS

Signature: Adrienne Stutes Date: August 14, 2021

Print Name: Adrienne Stutes

Submit this CWA §401 Certification Request form along with a JARPA and supporting information to ecyrefedpermits@ecy.wa.gov and cc the federal permitting agency.

WASHINGTON STATE
Joint Aquatic Resources Permit Application (JARPA) Form[1,2] [help]

US Army Corps of Engineers ®
Seattle District

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.

AGENCY USE ONLY

Date received: 1/13/2022 edoc
Verified Section 401

Agency reference #: _____

Tax Parcel #(s): _____

Part 1–Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [help]
Eagle Harbor Maintenance Facility Slip F Drive-on Slip Improvement Project

Part 2–Applicant

The person and/or organization responsible for the project. [help]

2a. Name (Last, First, Middle)			
Bartoy, Kevin			
2b. Organization (If applicable)			
Washington State Ferries			
2c. Mailing Address (Street or PO Box)			
2901 3rd Ave			
2d. City, State, Zip			
Seattle, WA 98121-1042			
2e. Phone (1)	**2f.** Phone (2)	**2g.** Fax	**2h.** E-mail
206-515-3856	206-251-4427		bartoyk@wsdot.wa.gov

[1]Additional forms may be required for the following permits:
- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

[2]To access an online JARPA form with [help] screens, go to http://www.epermitting.wa.gov/site/alias__resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx.

For other help, contact the Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.

Part 3–Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [help]

3a. Name (Last, First, Middle)			
Stutes, Adrienne			
3b. Organization (If applicable)			
Washington State Ferries			
3c. Mailing Address (Street or PO Box)			
2901 3rd Avenue			
3d. City, State, Zip			
Seattle, Washington 98121-1042			
3e. Phone (1)	**3f.** Phone (2)	**3g.** Fax	**3h.** E-mail
206-515-3756	206-473-7996		stutesa@wsdot.wa.gov

Part 4–Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [help]

☒ Same as applicant. (Skip to Part 5.)

☐ Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)

☐ There are multiple upland property owners. Complete the section below and fill out JARPA Attachment A for each additional property owner.

☐ Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete JARPA Attachment E to apply for the Aquatic Use Authorization.

4a. Name (Last, First, Middle)			
4b. Organization (If applicable)			
4c. Mailing Address (Street or PO Box)			
4d. City, State, Zip			
4e. Phone (1)	**4f.** Phone (2)	**4g.** Fax	**4h.** E-mail

Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [help]

☐ There are multiple project locations (e.g. linear projects). Complete the section below and use JARPA Attachment B for each additional project location.

5a. Indicate the type of ownership of the property. (Check all that apply.) [help]

☐ Private
☐ Federal
☒ Publicly owned (state, county, city, special districts like schools, ports, etc.)
☐ Tribal
☐ Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E)

5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [help]

497 Harbor View Drive SE

5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]

Bainbridge Island, WA 98110

5d. County [help]

Kitsap

5e. Provide the section, township, and range for the project location. [help]

¼ Section	Section	Township	Range
	26	25N	02E

5f. Provide the latitude and longitude of the project location. [help]

- Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83)

47.621111 N Lat / -122.513056 W Long

5g. List the tax parcel number(s) for the project location. [help]

- The local county assessor's office can provide this information.

262502-3-112-2004, 262502-3-149-2001, 262502-3-113-2003

5h. Contact information for all adjoining property owners. (If you need more space, use JARPA Attachment C.) [help]

Name	Mailing Address	Tax Parcel # (if known)
Eagle Harbour Condominiums BAM CORP	490 Madison Avenue North, Suite 106 Bainbridge Island, WA 98110	8021-000-000-0008, 8050-000-000-0002
Kitsap Transit & City of Bainbridge Island	60 Washington Avenue, Suite 200 Bremerton, WA 98337	262502-3-099-2001
Quay Bainbridge LLC	901 Hildebrand Lane Northeast, Unit 102 Bainbridge Island, WA 98110	4114-005-001-0003
City of Bainbridge Island	280 Madison Avenue North Bainbridge Island, WA 98110	262502-3-098-2002, 4114-002-001-0000

5i. List all wetlands on or adjacent to the project location. [help]

None

5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]

Eagle Harbor, Ravine Creek, and Puget Sound

5k. Is any part of the project area within a 100-year floodplain? [help]

☒ Yes ☐ No ☐ Don't know

5l. Briefly describe the vegetation and habitat conditions on the property. [help]

Ravine Creek (aka Canyon/Winslow) flows into Eagle Harbor at the northwest corner of the maintenance facility property into an inlet that is lined with large overhanging wood vegetation on the west. There is little to no shoreline vegetation in the remaining area of the maintenance facility. The east side of the inlet adjacent to the maintenance facility property is lined with riprap and gravel, covered with a habitat mix along much of the bank. Shoreline vegetation east of the maintenance facility is characterized by grass above a bulkhead. Shoreline vegetation within the area is variable ranging from undeveloped areas with mature trees overhanging the upper intertidal zone to grass lawns behind a vertical bulkhead.

Substrate conditions adjacent to the maintenance facility are highly variable. Substrate beneath the facility is sandy silt, gravel, and shell. Propeller scour has removed most fine material leaving coarse sand, gravel, and shell debris. The depth/slope in the area is relatively flat with shallow depths (especially in the western portion of the harbor) and shoaling near the outlet to Puget Sound on the east side of the harbor. Offshore depths of maintenance facility structures are: head of Pier 1 (-35.8 feet MLLW), Pier 2 (-30.0 feet MLLW), and Slip E (-25.4 feet MLLW). Maximum depth for fixed dolphins is -37.0 feet MLLW.

No eelgrass occurs around the maintenance facility. While there are no eelgrass or kelp (Laminaria sp.) communities in the area near the maintenance facility, both are present at the mouth of Eagle Harbor near Wing Point, approximately 0.95 miles away. Based on a 1999 dive survey, macroalgae were relatively abundant and likely provide habitat for benthic and demersal species in areas landward of -22 feet MLLW. Sparse cover of unattached Ulva and Porphyra perforate was observed from -6 feet MLLW to -22 feet MLLW. No macroalgae was observed deeper than -22 feet MLLW. Other types of macroalgae that are typical of Puget Sound are expected throughout the harbor. As part of a seep remediation, much of the bank along the east edge was re-graded in August 2006 to provide a better slope for habitat. The shallow inlet supports macroalgae growth.

5m. Describe how the property is currently used. [help]

The property is currently occupied by the Eagle Harbor Maintenance Facility. The Eagle Harbor Maintenance Facility is located on Bainbridge Island, on the Eagle Harbor shoreline just west of the Bainbridge Island Ferry Terminal. The Eagle Harbor Maintenance Facility provides routine and emergency maintenance services for all WSF ferries and terminals.

5n. Describe how the adjacent properties are currently used. [help]

Adjacent properties include condominiums, park, trail, and undeveloped land.

5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [help]

Features of the facility include maintenance buildings and parking areas for contractors and employees. The facility has six slips, two slips have vehicle loading capability and one is a passenger-only ferry tie-up slip. Wingwalls, dolphins, and other support structures for mooring, navigation, and operations are located in and adjacent to the slips.

5p. Provide driving directions from the closest highway to the project location, and attach a map. [help]

From Interstate 5 in Tacoma, take SR 16 west towards the Tacoma Narrows. Continue on SR 16 west to SR 3 east in Gorst. Take SR 3 east towards Bremerton and continue on SR 3 east to SR 305 in Poulsbo. Take SR 305 towards Bainbridge Island. Just prior to reaching the Bainbridge Island Ferry Terminal, turn right onto Harborview Drive Southeast, which ends at the Eagle Harbor Maintenance Facility.

Part 6–Project Description

6a. Briefly summarize the overall project. You can provide more detail in 6b. [help]

The Eagle Harbor Maintenance Facility has six vessel slips whose purpose is to maintain the Washington State Ferry system's vessels. Two of the slips are vehicle drive-on slips. The vehicle drive-on slips require continual adjustment for tides whenever a vessel is in the slip. The four slips that are not vehicle drive-on have an overhead boom attached to a 3 foot gangplank. This overhead boom and gangplank enable materials to be loaded onto the vessels for repair work.

The last seven vessels built for the WSF fleet have evacuation slides on the passenger deck. These require the use of a vehicle drive-on slip or side access to allow changing out these slides. The ability to provide more flexibility in accomplishing the various maintenance activities on the vessels is crucial to making the WSF system as reliable as possible. The design life of this project is 75 years. The project will not result in additional ferry trips or capacity.

Trestle and Transfer Span. The vehicle transfer span is the link for vehicles to load and unload from the fixed trestle to the vehicle deck of the ferry vessel. At Eagle Harbor, the existing Slip F gangplank system will be replaced with a new pile supported trestle and a transfer span adjustable with a mechanical system.

The trestle will be 50 feet long and 14 feet (center to center) wide to accommodate a minimum of an 11 foot driving surface which includes a minimum of 3 feet of solid decking for work bicycling, walking and hand carts. The transfer span will include grated decking that is 82 percent open, thus increasing the amount of light reaching the surface of the water. The majority of the transfer span will be 12 to 15 feet above Mean Lower Low Water (MLLW), with the headframe at 40 feet above MLLW. The headframe will also include grated decking that is 82 percent open.

Design of the span is to accommodate operation at all tides and all types of vessels for the location, and includes accommodation for future sea level rise.

To place the transfer span at the desired location along the Trask Pier, a trestle will be installed to move the vessel berthing into deeper water. This structure will be approximately 15 feet wide and 80 feet long, and will provide a 12 foot wide driving lane, also with a minimum 3 foot wide solid decking section for work bicycling, walking, and hand carts. The trestle driving lane will include grated decking that is 82 percent open, thus increasing the amount of light reaching the surface of the water.

Wingwalls and Dolphins. The existing pair of timber dolphins will be replaced with a new pair of steel wingwalls. Two new fixed pile dolphins will be constructed adjacent to the Trask Pier.

The wingwalls design will consist of four 36-inch diameter steel reaction piles and two 36-inch diameter fender piles. A steel and concrete diaphragm, rubber marine fenders, chains, and UHMW-Polyethylene rub surfaces will complete the structures by tying the piles together and providing energy absorption capacity.

Two fixed dolphins will be constructed adjacent to the Trask Pier to provide protection to the pier and mooring lines for tie-up.

The dolphin design will consist of four 30-inch diameter steel reaction piles and one 36-inch diameter fender pile. A steel and concrete diaphragm, rubber marine fenders, chains, and UHMW-Polyethylene rub surfaces will complete the structures by tying the piles together and providing energy absorption capacity.

Removal of Timber Walkway, Timber Dolphins, and U-Float. This project will include the removal of a currently existing timber walkway/trestle, four timber pile dolphins, and a U-float. The timber trestle removal includes 52 12-inch diameter timber piles, the four dolphins include a total of 134 12-inch diameter timber piles, and the U-float consists of four 18-inch diameter steel piles.

Tables 1-3 show the number of piles installed and removed, including the removal of the creosote timber piles.

Table 1
New Permanent Pile Installation

Project Element	Diameter	Pile Type	Number of Piles	Benthic Area in Sq. Ft.	Over-water Coverage in Sq. Ft.
Trestle and Transfer Span	24-in	Steel	9	42.41	1889
	36-in	Steel	2	14.14	
Wingwall	30-in	Steel	8	39.27	380
	36-in	Steel	4	28.27	
Intermediate Dolphin	30-in	Steel	4	19.63	194
	36-in	Steel	1	7.07	
Outer Dolphin	30-in	Steel	4	19.63	
	36-in	Steel	2	14.14	

Table 2
Relocated Float (Removed and Installed)

Project Element	Diameter	Pile Type	In-water Piles	Benthic Area	Over-water Coverage
Relocated Float	18-in	Steel	3	5.3	2162

Table 3
Existing Piles Removed

Project Element	Diameter	Pile Type	In-water Piles	Benthic Area in Sq. Ft.
Timber Walkway	12-in	Creosote-treated Timber	52	47.9
Timber Dolphin	12-in	Creosote-treated Timber	134	123.5
U-Float Steel Piling	18-in	Steel	4	7.07

The number of permanent piles decreases with the proposed project, and there will be a decrease in the net benthic footprint. The permanent benthic area coverage will decrease by about 8 square feet. Table 4 summarizes the benthic areas of the existing and permanent.

Table 4
Benthic Footprint at the Eagle Harbor Maintenance Facility Slip F Drive-On Project

Benthic Area of Piles Removed (ft^2)	Benthic Area of Piles Installed (ft^2)	Net Change (decrease) (ft^2)
178	170	8

Permanent overwater coverage will decrease with the proposed project. The final project will result in a 138 sq. ft. reduction in overwater coverage. The new overwater coverage is partially grated, while the removed overwater coverage was solid decking. Table 5 shows the overwater coverage amounts resulting from the existing and replacement structures.

Table 5
Overwater Coverage at the Eagle Harbor Maintenance Facility Slip F Drive-On Project

Overwater Area of Structure Removed (ft2)	Overwater Area of Structure Installed (ft2)	Net Change (decrease) (ft2)
4,853	4,716	138

6b. Describe the purpose of the project and why you want or need to perform it. [help]

The purpose of this project is to develop a limited access drivable movable span so that repair equipment can load and unload onto the vessel from the front of the boat and the side on the Trask Pier during a range of tides. The new span will allow walk on access to vessels at all tides. The system used for holding the span in place when no vessel is in the slip and when the vessel is in the slip shall not require adjustments based on tidal action.

6c. Indicate the project category. (Check all that apply) [help]

☐ Commercial ☐ Residential ☐ Institutional ☒ Transportation ☐ Recreational
☐ Maintenance ☐ Environmental Enhancement

6d. Indicate the major elements of your project. (Check all that apply) [help]

☐ Aquaculture ☐ Bank Stabilization ☐ Boat House ☐ Boat Launch ☐ Boat Lift ☐ Bridge ☐ Bulkhead ☐ Buoy ☐ Channel Modification	☐ Culvert ☐ Dam / Weir ☐ Dike / Levee / Jetty ☐ Ditch ☐ Dock / Pier ☐ Dredging ☐ Fence ☒ Ferry Terminal ☐ Fishway	☐ Float ☐ Floating Home ☐ Geotechnical Survey ☐ Land Clearing ☐ Marina / Moorage ☐ Mining ☐ Outfall Structure ☒ Piling/Dolphin ☐ Raft	☐ Retaining Wall (upland) ☐ Road ☐ Scientific Measurement Device ☐ Stairs ☐ Stormwater facility ☐ Swimming Pool ☐ Utility Line
☐ Other:			

6e. Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [help]

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year floodplain.

Installation of Trestle and Transfer Span. The proposed trestle and transfer span will consist of a combination of solid and grated decking. The foundations for these structures will consist of steel piles that are 24- and 36 inches in diameter. The steel piles will be vibrated to within 5 feet of tip elevation and then impacted the remaining depth to verify bearing capacity.

Installation of Wingwall and Dolphins. Two steel wingwalls and two fixed dolphins will be constructed using 30- and 36-inch diameter steel piles. temporary walkway will be constructed to maintain overhead loading operations while the new walkway is being constructed. The piles will be installed with a vibratory hammer only.

Relocated Float. A float currently located adjacent to the Trask Pier will be relocated and decreased in size. The relocated float will required vibratory removal and subsequent vibratory installation of 18-inch piles.

Removal of the Timber Walkway, Timber Dolphins, and U-Float. The removal of these structures will result in the removal of 186 creosote timber piles and four 18-inch steel piles. The piles will be removed with a vibratory hammer.

6f. What are the anticipated start and end dates for project construction? (Month/Year) [help]

- If the project will be constructed in phases or stages, use JARPA Attachment D to list the start and end dates of each phase or stage.

Start Date: August 1, 2021 End Date: February 15, 2022 ☐ See JARPA Attachment D

6g. Fair market value of the project, including materials, labor, machine rentals, etc. [help]

Approximately $4.5 million

6h. Will any portion of the project receive federal funding? [help]

- **If yes**, list each agency providing funds.

☐ Yes ☒ No ☐ Don't know

Part 7–Wetlands: Impacts and Mitigation

☐ Check here if there are wetlands or wetland buffers on or adjacent to the project area. (If there are none, skip to Part 8.) [help]

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [help]

☐ Not applicable

7b. Will the project impact wetlands? [help]

☐ Yes ☐ No ☐ Don't know

7c. Will the project impact wetland buffers? [help]

☐ Yes ☐ No ☐ Don't know

7d. Has a wetland delineation report been prepared? [help]

- **If Yes**, submit the report, including data sheets, with the JARPA package.

☐ Yes ☐ No

7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [help]

- **If Yes**, submit the wetland rating forms and figures with the JARPA package.

☐ Yes ☐ No ☐ Don't know

7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [help]

- **If Yes**, submit the plan with the JARPA package and answer 7g.
- **If No, or Not applicable**, explain below why a mitigation plan should not be required.

☐ Yes ☐ No ☐ Don't know

7g. Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [help]

7h. Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [help]

Activity (fill, drain, excavate, flood, etc.)	Wetland Name[1]	Wetland type and rating category[2]	Impact area (sq. ft. or Acres)	Duration of impact[3]	Proposed mitigation type[4]	Wetland mitigation area (sq. ft. or acres)

[1] If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.
[2] Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.
[3] Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.
[4] Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available: _____

7i. For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [help]

7j. For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [help]

Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, "waterbodies" refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [help]

☒ Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [help]

☐ Not applicable

As described in 6a above, the completed project will have a permanent reduction of overwater coverage of 138 square feet. 186 creosote-treated timber piles will be permanently removed from the marine environment. There will be permanent decrease of 8 square feet in benthic coverage.

WSF activities are subject to federal, state, and local permit conditions and all in-water work will only occur within the permitted work window.

All permit conditions will be followed as well as WSDOT BMPs (best management practices). WSF uses the BMPs listed below to accomplish the necessary work while avoiding and minimizing environmental effects to the greatest extent possible.

Best Management Practices

WSF must comply with all Washington State Department of Ecology (Ecology) water quality regulations. General and specific conditions to protect water quality that apply to the project shall be reviewed with all contractors prior to the start of the project, and kept on the job site at all times during construction.

Timing restrictions are used to avoid in-water work when ESA-listed species are most likely to be present. Work windows are typically imposed by WDFW, the Corps and/or Services if data indicates that listed species are present in the area and by WDFW if forage fish spawning is known to occur near the terminals.
WSF has identified eelgrass (*Zostera marina* L.) beds in Eagle Harbor near the terminal, but none are located at the project site. Eelgrass beds are protected under local, state, and federal law. When work will occur near eelgrass beds, WSF will provide plan sheets showing eelgrass boundaries to the contractor. WSF shall exercise extreme caution when working in the area indicated on the plans as "Eelgrass Beds." The contractor shall adhere to the following restrictions during the life of the contract. The contractor shall not:

- Place derrick spuds or anchors in the area designated as "Eelgrass."
- Shade the eelgrass beds for a period of time greater than 3 consecutive days during the growing season (generally March through September).
- Allow debris or any type of fuel, solvent, or lubricant in the water.
- Perform activities that could cause significant levels of sediment to cover the eelgrass beds.
- Conduct activities that may cause scouring of sediments within the eelgrass beds or other types of sediment transfer out of or into the eelgrass beds.

WSF will obtain a Hydraulic Project Approval (HPA) from WDFW. All HPA requirements will be complied with during the proposed construction activities.

Additional general mininimization measures for all activities include:

- The contractor shall be responsible for the preparation of a Spill Prevention, Control, and Countermeasures (SPCC) Plan to be used for the duration of the project. The plan shall be submitted to the project engineer prior to the commencement of any construction activities. A copy of the SPCC Plan with any updates will be maintained at the work site by the contractor.
- The SPCC Plan shall identify construction planning elements, and recognize potential spill sources at the site. The SPCC shall outline BMPs, responsive actions in the event of a spill or release, and notification and reporting procedures. The SPCC shall also outline contractor management elements such as personnel responsibilities, project site security, site inspections, and training.
- The SPCC will outline what measures shall be taken by the contractor to prevent the release or spread of hazardous materials, either found on site and encountered during construction

but not identified in contract documents, or any hazardous materials that the contractor stores, uses, or generates on the construction site during construction activities. These items include, but are not limited to, gasoline, oils, and chemicals. Hazardous materials are defined in Regional Code of Washington (RCW) 70.105.010 under “hazardous substance.”

- The contractor shall maintain, at the job site, the applicable spill response equipment and material designated in the SPCC Plan.
- No petroleum products, fresh cement, lime, concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter surface waters.
- WSF will comply with water quality restrictions imposed by Ecology (Chapter 173-201A WAC), which specify a mixing zone beyond which water quality standards cannot be exceeded. Compliance with Ecology’s standards is intended to ensure that fish and aquatic life are being protected to the extent feasible and practicable.
- If beach access is required**,** use of equipment on the beach area shall be held to a minimum and confined to designated access corridors that minimize foot traffic on the upper beach.
- Barge operations shall be restricted to tide elevations adequate to prevent grounding of the barge.
- Wash water resulting from washdown of equipment or work areas shall be contained for proper disposal, and shall not be discharged into state waters unless authorized through a state discharge permit.
- Equipment that enters the surface water shall be maintained to prevent any visible sheen from petroleum products appearing on the water.
- There shall be no discharge of oil, fuels, or chemicals to surface waters, or onto land where there is a potential for reentry into surface waters.
- No cleaning solvents or chemicals used for tools or equipment cleaning shall be discharged to ground or surface waters.
- The contractor shall regularly check fuel hoses, oil drums, oil or fuel transfer valves, fittings, etc. for leaks, and shall maintain and store materials properly to prevent spills.
- Projects and associated construction activities will be designed so potential effects to species and habitat are avoided and minimized.

8b. Will your project impact a waterbody or the area around a waterbody? [help]

☒ Yes ☐ No

8c. Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies? [help]

- **If Yes**, submit the plan with the JARPA package and answer 8d.
- **If No, or Not applicable,** explain below why a mitigation plan should not be required.

☐ Yes ☒ No ☐ Don't know

A mitigation plan is not required since the project results in less overwater coverage and less benthic coverage.

8d. Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g you do not need to restate your answer here. [help]

8e. Summarize impact(s) to each waterbody in the table below. [help]

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name[1]	Impact location[2]	Duration of impact[3]	Amount of material (cubic yards) to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected
Slip F Drive-On Improvements	Eagle Harbor	In-water	The in-water work will last for approximately one in-water work window (August 1 – February 15)	186 creosote-treated timber piles will be removed. A total of 38 permanent steel piles will be installed for the new slip.	There will be a permanent decrease of 138 sq. ft. of overwater coverage and a benthic footprint decrease of 8 sq. ft.

[1] If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.
[2] Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.
[3] Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

8f. For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [help]

No fill material is proposed as part of the project.

8g. For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [help]

No dredging activities are required.

Part 9–Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

9a. If you have already worked with any government agencies on this project, list them below. [help]

Agency Name	Contact Name	Phone	Most Recent Date of Contact

9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? [help]

- **If Yes,** list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d.

☒ Yes ☐ No

Per the 2008 Water Quality Assessment, Washington's 303(d) list of polluted waters were placed under Category 5 in the approved assessment. The 303(d) List contains Bacteria and copper (water) and arsenic (tissue) at Eagle Harbor.

9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [help]

- Go to http://cfpub.epa.gov/surf/locate/index.cfm to help identify the HUC.

Puget Sound Watershed (17110019)

9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [help]

- Go to https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up to find the WRIA #.

15 - Kitsap

9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help]

- Go to https://ecology.wa.gov/Water-Shorelines/Water-quality/Freshwater/Surface-water-quality-standards/Criteria for the standards.

☒ Yes ☐ No ☐ Not applicable

9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help]

- If you don't know, contact the local planning department.
- For more information, go to: https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-laws-rules-and-cases.

☒ Urban ☐ Natural ☐ Aquatic ☐ Conservancy ☐ Other: _____

9g. What is the Washington Department of Natural Resources Water Type? [help]

- Go to http://www.dnr.wa.gov/forest-practices-water-typing for the Forest Practices Water Typing System.

☒ Shoreline ☐ Fish ☐ Non-Fish Perennial ☐ Non-Fish Seasonal

9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [help]

- **If No**, provide the name of the manual your project is designed to meet.

☐ Yes ☒ No

Name of manual: The project will meet the requirements of the WSDOT Highway Runoff Manual.

9i. Does the project site have known contaminated sediment? [help]

- **If Yes**, please describe below.

☒ Yes ☐ No

Portions of Eagle Harbor, including some areas of the maintenance facility, are within the Wyckoff Eagle Harbor Superfund site. Within the Superfund site, PAHs and mercury are the primary chemicals of potential concern. Cleanup of the West Harbor, including the maintenance facility, was driven by mercury concentrations that exceeded state Sediment Management Standards (SMS). Remediation consisted of dredging and capping. The project area lies within the capped area of the West Harbor.

9j. If you know what the property was used for in the past, describe below. [help]

The property currently occupied by the Eagle Harbor Maintenance Facility has been used as a shipyard and vessel maintenance facility since 1902 when the Hall Brothers constructed a new shipyard there. In 1951, Washington State Ferries was created and took over the Eagle Harbor Facility, which had been operated previously by the private ferry company, Black Ball Ferry Line.

9k. Has a cultural resource (archaeological) survey been performed on the project area? [help]

- **If Yes**, attach it to your JARPA package.

☐ Yes ☒ No For a reporting Nationwide Permit (NWP), WSDOT and USACE have a Memorandum of Record dated 11/6/2008 allowing WSDOT Cultural Resource Specialists to make a determination of No Potential to Cause Effect (NPCE) for compliance with Section 106 of the National Historic Preservation Act under the Track A process provided a NPCE determination rationale is included with the notification process. These activities fall under Exemption B-2 Replacement of Existing Structures from the WSDOT, FHWA, FTA, SHPO, and ACHP PA if the project was funded by FHWA or FTA and has No Potential to Cause Effect to historic properties. See attached Rationale for NPCE Memo for more details.

9l. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [help]

Species	Status	Agency
Puget Sound Chinook salmon (*Oncorhynchus tshawytscha*)	Threatened (Puget Sound ESU)	NMFS
Puget Sound Chinook salmon Critical Habitat	Designated (Puget Sound ESU)	NMFS
Steelhead (*O. mykiss)*	Threatened (Puget Sound DPS)	NMFS
Hood Canal Summer-run Chum (*O. mykiss)*	Threatened (Puget Sound ESU)	NMFS
Southern Resident (SR) killer whale *(Orcinus orca)*	Endangered (Southern Resident DPS)	NMFS
SR killer whale Critical Habitat	Designated (Southern Resident DPS)	NMFS
Humpback whale *(Megaptera novaeangliae*)	Endangered	NMFS
North American green sturgeon *(Acipenser medirostris)*	Threatened (Southern DPS)	NMFS
Eulachon/Columbia River Smelt (*Thaleichthys pacificus*)	Threatened (Southern DPS)	NMFS
Bocaccio Rockfish (*Sebastes paucispinis*)	Endangered (Georgia Basin DPS)	NMFS
Yelloweye Rockfish (*Sebastes ruberrimus*)	Threatened (Georgia Basin DPS)	NMFS
Bull trout *(Salvelinus confluentus)*	Threatened (Coastal-Puget Sound DPS)	USFWS
Marbled murrelet *(Brachyramphus marmoratus)*	Threatened	USFWS
DPS = distinct population segment ESU = Evolutionarily Significant Unit		

9m. Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [help]

Bivalves (Bivalva)
Butter Clam *Saxidomus giganteus*
Geoduck *Panopea abrupta*
Native Littleneck Clam *Protothaca abrupta*
Olympia Oyster *Ostrea conchaphila*

Crustaceans (Crustacea)
Dungeness Crab *Cancer magister*
Pandalid Shrimp *Pandalus* spp.

Lamprey (Petromyzontidae)
Pacific Lamprey *Lampetra tridentata*
River Lamprey *Lampetra ayresi*

Herring (Clupeidae)
Pacific Herring *Clupea pallasi*

Smelt (Osmeridae)
Eulachon *Thaleichthys pacificus*
Longfin Smelt *Spirinchus thaleichthys*
Surf Smelt *Hypomesus pretiosus*

Trout, Salmon, Whitefish (Salmonidae)
Bull Trout/Dolly Varden
Salvelinus confluentus/*S. malma*
Chinook *Oncorhynchus tshawytscha*
Chum Salmon Oncorhynchus keta
Coastal Resident/Searun Cutthroat
Oncorhynchus clarki clarki
Coho *Oncorhynchus kisutch*
Kokanee *Oncorhynchus nerka*
Pink Salmon *Oncorhynchus gorbuscha*
Steelhead *Oncorhynchus mykiss*
Sockeye Salmon *Oncorhynchus nerka*

Cod (Gadidae)
Pacific Cod *Gadus macrocephalus*
Pacific Hake *Merluccius productus*
Walleye Pollock *Theragra chalcogramma*

Rockfish (Scorpaenidae)
Black Rockfish *Sebastes melanops*
Bocaccio Rockfish *Sebastes paucispinis*
Brown Rockfish *Sebastes auriculatus*
Copper Rockfish *Sebastes caurinus*
Greenstriped Rockfish *Sebastes elongatus*
Quillback Rockfish *Sebastes maliger*
Redstripe Rockfish *Sebastes proriger*
Tiger Rockfish *Sebastes nigrocinctus*
Yellowtail Rockfish *Sebastes flavidus*

Greenling (Hexagrammidae)
Lingcod *Ophiodon elongatus*

Sand Lance (Ammodytidae)

Pacific Sand Lance *Ammodytes hexapterus*

Right-eye Flounder (Pleuronectidae)
English Sole *Parophrys vetulus*
Rock Sole *Lepidopsetta bilineata*

Marine Birds
Common Murre *Uria aalge*
Marbled Murrelet *Brachyramphus marmoratus*
Tufted Puffin *Fratercula cirrhata*
Western grebe *Aechmophorus occidentalis*
Western Washington breeding concentrations of: Cormorants, Storm-petrels, Terns, Alcids
Western Washington nonbreeding concentrations of: Loons, Grebes, Cormorants, Fulmar, Shearwaters, Storm-petrels, Alcids

Herons (Ardeidae)
Great Blue Heron *Ardea herodias* 89

Waterfowl (Anseriformes)
Brant *Branta bernicla*
Cavity-nesting ducks: Wood Duck, Barrow's Goldeneye, Common Goldeneye, Bufflehead, Hooded Merganser
Harlequin Duck *Histrionicus histrionicus*
Trumpeter Swan *Cygnus buccinator*
Tundra Swan *Cygnus columbianus*
Western Washington nonbreeding concentrations of: Barrow's Goldeneye, Common Goldeneye, Bufflehead

Hawks, Falcons, and Eagles (Falconiformes)
Bald Eagle *Haliaeetus leucocephalus*

Shorebirds (Charadriiformes)
Western Washington nonbreeding concentrations of: Charadriidae, Scolopacidae, Phalaropodidae

Non-native Species
Manila Clam *Tapes philippinarum*
Pacific Oyster *Crassostrea gigas*

Aquatic Habitats
Nearshore – Puget Sound

Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at http://apps.oria.wa.gov/opas/.
- Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.
- For a list of addresses to send your JARPA to, click on agency addresses for completed JARPA.

10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [help]

- For more information about SEPA, go to https://ecology.wa.gov/regulations-permits/SEPA-environmental-review.

☐ A copy of the SEPA determination or letter of exemption is included with this application.

☐ A SEPA determination is pending with _____ (lead agency). The expected decision date is _____.

☐ I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [help]

☒ This project is exempt (choose type of exemption below).

☒ Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt? WAC 197-11-800 (26)(a) and (b) State Transportation Projects

☐ Other: _____

☐ SEPA is pre-empted by federal law.

10b. Indicate the permits you are applying for. (Check all that apply.) [help]

LOCAL GOVERNMENT

Local Government Shoreline permits:

☐ Substantial Development ☐ Conditional Use ☐ Variance

☒ Shoreline Exemption Type (explain): exempt per RCW 90.58.356

Other City/County permits:

☐ Floodplain Development Permit ☒ Critical Areas Ordinance

STATE GOVERNMENT

Washington Department of Fish and Wildlife:

☒ Hydraulic Project Approval (HPA) ☐ Fish Habitat Enhancement Exemption – Attach Exemption Form

Washington Department of Natural Resources:

☐ Aquatic Use Authorization

Complete JARPA Attachment E and submit a check for $25 payable to the Washington Department of Natural Resources. **Do not send cash.**

Washington Department of Ecology:

☒ Section 401 Water Quality Certification

FEDERAL AND TRIBAL GOVERNMENT

United States Department of the Army (U.S. Army Corps of Engineers):

☐ Section 404 (discharges into waters of the U.S.) ☒ Section 10 (work in navigable waters) NWP#3

United States Coast Guard:

☐ General Bridge Act Permit ☐ Private Aids to Navigation (for non-bridge projects)

United States Environmental Protection Agency:

☐ Section 401 Water Quality Certification (discharges into waters of the U.S.) on tribal lands where tribes do not have treatment as a state (TAS)

Tribal Permits: (Check with the tribe to see if there are other tribal permits, e.g., Tribal Environmental Protection Act, Shoreline Permits, Hydraulic Project Permits, or other in addition to CWA Section 401 WQC)

☐ Section 401 Water Quality Certification (discharges into waters of the U.S.) where the tribe has treatment as a state (TAS).

Part 11–Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [help]

11a. Applicant Signature (required) [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. _____ (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. _____ (initial)

Kevin Bartoy		4/6/2020
Applicant Printed Name	Applicant Signature	Date

11b. Authorized Agent Signature [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

Adrienne Stutes	Adrienne Stutes	4/6/2020
Authorized Agent Printed Name	Authorized Agent Signature	Date

11c. Property Owner Signature (if not applicant) [help]

Not required if project is on existing rights-of-way or easements (provide copy of easement with JARPA).

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

Property Owner Printed Name	Property Owner Signature	Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ORIA-16-011 rev. 09/2018