Request for Clean Water Act
Section 401 Water Quality Certification
Washington State Department of Ecology
Phone: (360) 407-6076 or E-mail: ecyrefedpermits@ecy.wa.gov

AGENCY USE ONLY
Date Received: 10/16/2026
Aquatics ID No.: 146506
County: Whatcom
Complete Request: 10/21/2026

This Section 401 Water Quality Certification (WQC) request form must be submitted as part of a WQC request and identifies information needed for review. Please see Department of Ecology's (Ecology) webpage[1] for more information about the WQC request process and additional information regarding the request requirements. Contact Ecology if an example plan or template would be helpful in preparing your WQC request.

Submit this WQC Request form along with the supporting information identified below to ecyrefedpermits@ecy.wa.gov.

Request packages must be sent in by email. Mail submissions will not be accepted. Supporting information should not be consolidated into one large file, if your documents are consolidated into one file, please separate them before submitting[2].

Per the 2023 EPA Water Quality Certification rule, Ecology, as the certifying authority,[3] may identify the contents of a request for certification relevant to water quality related impacts from the activity. Items listed in Section D are always required for a complete application. If notified by Ecology prior to submittal of this request, items listed in Section E are also required. If this information has been provided to Ecology as part of your federal permit application, you do not need to submit them again. However, please indicate in Section D how they were provided. Ecology will provide acknowledgement of receipt of a complete WQC request to the project proponent. Once Ecology confirms we have received all the required information, our review time will begin.

A. Project Information

Project Name: Seefeld Smith Creek Hydro Electric Facility

Ecology Aquatics ID Number: 146506

Project Location (Please attach a project location map when submitting this form):

Project Address: 5633 Smith Creek Road County: Whatcom

[1] https://ecology.wa.gov/Regulations-Permits/Permits-certifications/401-Water-quality-certification
[2] To submit documents over 25MB, e-mail ecyrefedpermits@ecy.wa.gov to request a secure link. Ecology does not accept outside links. Please include the Aquatics ID and project name when requesting a link.
[3] If the proposed work is on federal or Tribal land, it is up to the project proponent to confirm land ownership and provide the federal agency with a WQC from the appropriate Section 401 certifying authority. Ecology will proceed with processing your request unless we are notified that we are not the certifying authority.

To request an ADA accommodation, contact Ecology by phone at (360) 407-6076 or email at ecyrefedpermits@ecy.wa.gov, or visit https://ecology.wa.gov/accessibility.
For Relay Service or TTY call 711 or 877-833-6341.

Si necesita este formulario en español, por favor, llámenos a (360) 407-6076
o envíenos un correo electrónico a: ecyrefedpermits@ecy.wa.gov

B. Federal Permit Application

A copy of the federal permit application must be submitted with your request (40 CFR 121.5(a)(1)(i)). This can be done by copying Ecology (ecyrefedpermits@ecy.wa.gov) when you submit your application to the federal agency or forwarding the confirmation email from the federal agency with a copy of your application.

☑ I have copied Ecology on my federal permit application submitted on date: 06/17/2026 or,
☐ I forwarded the confirmation email from the federal agency along with a copy of my application, or
☐ Other, please explain.

Federal Permit or License Reference Number, if known: 5982

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

Identify the U.S. Army Corps permit, if applicable: ☐ Nationwide Permit ☐ Individual ☐ Other: _____
If Nationwide Permit which one(s)? NWP(s) # _____

C. A Pre-Filing Meeting Request must be submitted to Ecology at least 30-days prior to submitting a WQC request unless otherwise approved.

☑ A pre-filing meeting request was submitted on date: 06/12/2026

D. Supporting information required for all projects. Please indicate where the following documents or information can be found within this WQC request or if it was submitted previously to Ecology. If not a specific plan or report, indicate the name and page number of the document where the information can be found.

	Within this WQC request	Previously submitted to Ecology and is still up to date	Indicate where the information can be found within the submission
Complete up to date JARPA or other accepted application form	☐	☑ Date: 05/20/2026 ECY rec'd JARPA on 6/12/2026	The complete JARPA form has been previously submitted to the Dept. of Ecology
Status of State Environmental Policy Act (SEPA) determination and/or exemption	☐	☐ Date: 05/20/2026	Submitted to Whatcom County--waiting for response
Project location map and drawings	☐	☐ Date:	Map and Photos attached
Best management practices (BMPs)	☐	☐ Date:	No ground disturbance required. Work will be completed in the dry season.
Construction methodologies	☐	☐ Date:	See attached Contractor Proposal
Requirements for In-Water Work			
Water quality monitoring plan **or** Water Quality Monitoring Protection Plan	☐	☐ Date:	Work to be done in the dry season with no stream bed alteration.
Aquatic resource avoidance and minimization identified (e.g. eelgrass)	☐	☐ Date:	No aquatic resource on the site.

Riparian revegetation, restoration, and management measures	☐	☐ Date:	No stream side vegetation will be disturbed
Requirements for Work in Wetlands			
Wetland delineation report with data sheets	☐	☐ Date:	No Wetlands on site
Wetland ratings	☐	☐ Date:	Not Applicable
Wetland mitigation plan, including avoidance and minimization measures, for wetland, stream, and/or other aquatic resources	☐	☐ Date:	Not Applicable
Riparian planting and monitoring and measures	☐	☐ Date:	Not Applicable

E. Required by project type or when identified as needed by Ecology. Please indicate where the following documents or information can be found within this WQC request or if it was submitted previously to Ecology. If not a specific plan or report, indicate the name and page number of the document where the information can be found.

	Within this WQC request	**Previously submitted to Ecology and is still up to date**	**Indicate where the information can be found within the submission**
Mitigation			
Wetland mitigation bank use plan	☐	☐ Date:	No Wetlands on the site
In-lieu (ILF) use plan	☐	☐ Date:	Not Applicable
Upland Work			
Erosion and sediment control plan	☐	☐ Date:	Not Applicable
Stormwater pollution prevention plan	☐	☐ Date:	Not Applicable
De-Watering			
Flow diversion, cofferdam, and dewatering system plan	☐	☐ Date:	Work to be done in dry season. Not Applicable
Stream bypass plan	☐	☐ Date:	Not Applicable
Water dispersion/infiltration plan	☐	☐ Date:	Not Applicable
Water treatment plan (Chitosan, aeration, dry ice, etc.)	☐	☐ Date:	Not Applicable
Culverts and Bridges			
Bridge demolition and construction plans	☐	☐ Date:	Not Applicable
Culvert removal and replacement plans	☐	☐ Date:	Not Applicable
Dredging			
Dredging and excavation plans	☐	☐ Date:	None.. Not Applicable

Status of Suitability determination	☐	☐ Date:	Not Applicable
Sediment testing and characterization reports	☐	☐ Date:	Not Applicable
Other			
Stone column installation plan	☐	☐ Date:	Not Applicable
Horizontal direction drill (HDD) inadvertent return plan	☐	☐ Date:	Not Applicable
Spill prevention control and countermeasures plan	☐	☐ Date:	Not Applicable
Levee repair and bank stabilization plan	☐	☐ Date:	Not Applicable
Piling removal and installation plan	☐	☐ Date:	Not Applicable
Wastewater servicing for marina operations	☐	☐ Date:	Not Applicable
Aquatic invasive species management plan	☐	☐ Date:	Not Applicable
Engineer Design Report for cleanup projects	☐	☐ Date:	Not Applicable

F. Project Proponent Information

Project Proponent

First/Last Name: Tom Hanson

Organization: Seefeld Corporation

Phone #: 206 300 9711 E-mail: tom.hanson@arborinfo.com

Agent/Consultant

First/Last Name: Tom Hanson

Organization: Seefeld Corporation

Phone #: 206 300 9711 E-mail: tom.hanson@arborinfo.com

G. Required 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.

The project proponent hereby requests that the certifying authority review and act on this WQC request within the applicable reasonable period of time.

Signature: Thomas Hanson Date: 10/16/2026

Print Name: Thomas Hanson

Rec'd WQC request form 10/16/2026

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: 6/12/2026 edoc
INFO - Rec'd w/ PFMR

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]
Seefeld Smith Creek Hydro Electric Facilty

Part 2–Applicant

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

2a. Name (Last, First, Middle)			
Tom Hanson			
2b. Organization (If applicable)			
Seefeld Corporation			
2c. Mailing Address (Street or PO Box)			
1501 4th Ave , Suite 2880			
2d. City, State, Zip			
Seattle, WA 98101			
2e. Phone (1)	**2f.** Phone (2)	**2g.** Fax	**2h.** E-mail
206 300 9711	206 682 4850		Tom.hanson@arborinfo.com

[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 https://www.oria.wa.gov/jarpa-forms.

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)			
Hanson, Thomas M.			
3b. Organization (If applicable)			
Seefeld Corporation			
3c. Mailing Address (Street or PO Box)			
2406 N. Castle Way			
3d. City, State, Zip			
Lynnwood, WA 98036			
3e. Phone (1)	**3f.** Phone (2)	**3g.** Fax	**3h.** E-mail
206 300 9711			

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)			
Seefeld Corporation			
4c. Mailing Address (Street or PO Box)			
1501 4th Ave , Suite 2880			
4d. City, State, Zip			
Seattle, WA 98101			
4e. Phone (1)	**4f.** Phone (2)	**4g.** Fax	**4h.** E-mail
206 682 4840			jjohnston@bbjsllp.com

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]

5633 Smith Creek Road

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

Everson, WA 98247

5d. County [help]

Whatcom

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

¼ Section	Section	Township	Range
NW	26	39N	4E

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)

48.844208 N lat 122.256372 W long

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

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

390426-229507-0000 and 390423-23367372-0000 on Seefeld: 390426337461 on Justin West

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)
Justin West	229 S. Garden Terrace, Bellingham, WA 98225	3904-26337461-0000

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]

Smith Creek

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]

Native Forest tree growth including Western red cedar, Douglas-fir, Black Cottonwood
Native plant growth including salmon berry, salal, sword fern
Non-native Himalayan blackberry

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

The upland property where the penstock intake is located is designated forest land managed for forest products.
The lowland property where the penstock ends is a residential lot with a single-family residence.
The mid property owned by Justin West is designated forest land.

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

Forest Land

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

Log house single family residence. Excellent Condition
Generator building- Fair condition

16" underground pipe on the adjacent Justin West Property.

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

State Highway 542 14 miles northeast from Bellingham toward Deming WA. Turn North on Smith Creek Road and proceed ¼ mile to the lower penstock outlet and generator building.

Part 6–Project Description

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

Seefeld wishes to surrender the existing Hydro Power Exemption License #5982 and remove infrastructure such as the intake penstock within the creek, then cap above the water line. The penstock passes underground through the adjacent West property private ownership.. Removal of the buried penstock will increase the potential for land disturbance above the creek but may be required by FERC or West. Remove the generators and generator building to the concrete slab floor.

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

This project was initiated by previous property owners in 1982. Seefeld acquired the property in 2000. The Facility was not operated until 2010 when Seefeld entered into a Commercial Lease Agreement with Cascade Clean Energy to operate the plant. That continued until 2020 when CCE did not renew the agreement. The facility was no longer operated. CCE has essentially abandoned the facility. During the 10-year tenure, there was but minimal income to Seefeld. A new operator has not stepped up to operate the facility and Seefeld does not have that expertise. Seefeld wishes to remove the infrastructure that could be a liability and/or environmental issue.

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

☒ Other: Micro hydro power facility with partial creek diversion into a 16” penstock and outfall after generator encounter back into the creek.

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.

No new construction is planned. This is a decommissioning project. The intake pipe is planned to be removed from the creek and capped above the creek bank. A steel settling tank at that point is to be hauled out across the neighboring property. The penstock is underground and may be left on site to reduce slope instability. The generators are planned to be removed and either scrapped or sold. The generator building will be dismantled leaving the concrete floor in place.

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 2026 End Date: September 2026 ☐ See JARPA Attachment D

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

Total costs are estimated at $25,000 to $50,000. This does not include the cost of electrical disconnection by Puget Sound Energy (this process is already underway and partially completed.) The cost assumes the penstock passing underground on the adjacent property might need to be removed.

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

None needed

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

No mitigation is needed as there will be no disturbance within the creek or the highwater mark other than human ingress to remove the penstock section in the creek. No power equipment will be used in the creek.

Mitigation, if needed and required on the Justin West property will be stabilization of the pipe line bed after pipe removal.

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]

NA

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]

NA

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

Dismantling the intake can be accomplished by hand with little or no in creek work. Any debris will be removed across the interim adjacent property (recorded easement for ingress and egress is on file with the county) by wheelbarrow or small track skidder.

Dismantling the generator building will not occur within the stream bed. A track skidder will be used to remove the debris about 50 feet from the building to the access road.

The pipeline does not cross or pass adjacent to the stream bed.

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

☒ Yes ☐ No

Impacts to Smith Creek will only be the removal of the intake penstock within the creek. This will be accomplished by hand tools.

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

Not applicable. There will be no machine entry into Smith Creek. The Penstock inlet will be removed by hand. (dismantling braces, cutting and capping the pipe). The settling tank that is not within the creek high water mark can be removed by hand and a small track skidder. The generator building can be dismantled by hand. The generators can be unbolted and removed by a track skidder above the creek bank.

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]

There is no mitigation needed as there is no entry other than by foot into the creek.

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
NA				none	none

[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]

NA

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]

NA

8h. Have you prepared a Water Quality Monitoring Plan (WQMP) for all in-water work (below ordinary high water), over water work or discharges to waters of the state?

☐ Yes ☒ No

If NO describe the monitoring that you will be conducting including parameters, equipment and locations, or explain why monitoring will not be necessary. [help]

No equipment other than hand tools 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
Puget Sound Energy	Scott Brownlie	360 220 6830	4/20/2026
WA. Dept of Ecology	Scott Bohling	554 559 8971	3/9/2026
WA Dept. Fish and Wildlife	Elliot Winter	360 280 6622	4/17/2026

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

Mapped area is downstream of the hydro facility

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.

HUC10:1711000405

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 #.

WRIA #1

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: 2025 SWMMWW

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

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

☐ Yes ☒ No

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

Designated forest land with one single family residence.

9k. Is the project located in or adjacent to a designated state or federal contaminated site or clean-up site. (e.g. MTCA or CERCLA)?

- **If Yes**, provide any additional details below.

☐ Yes ☒ No

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

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

☒ Yes ☐ No

See Attached Map.

9m. 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]
None
9n. 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]
None

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? _____ ☐ 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): No substantial work within the shoreline of Smith Creek

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

☒ Authorization to impact waters of the state, including wetlands (Check this box if the proposed impacts are to waters not subject to the federal Clean Water Act)

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)

United States Coast Guard:

For projects or bridges over waters of the United States, contact the U.S. Coast Guard at:

☐ Bridge Permit: D13-SMB-D13-BRIDGES@uscg.mil

☐ Private Aids to Navigation (or other non-bridge permits): D13-SMB-D13-PATON@uscg.mil

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)

John P. Johnston	John P Johnston	05/19/2026
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.

Thomas M. Hanson		05/18/2026
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

Seefeld Corporation
c/o BBJS
1501 4th Ave , Suite 2880
Seattle, WA 98101

July 28, 2026

Rebecca M. Martin
Environmental Protection Specialist
Federal Energy Regulatory Commission
Division of Hydropower Administration and Compliance
888 First Street NE
Washington D.C. 20426

RE: Snith Creek Hydroelectric Facility
FERC Exemption Permit 5982-000 Decommissioning Request
Whatcom County, Washington

Dear Ms. Martin:

I represent Seefeld Corporation as it's agent with respect to the above referenced request. Seefeld Corporation is a family-owned timber landowner in Whatcom County that incidentally includes the Smith Creek Hydroelectric intake and power generation facility. Seefeld has not the capability to operate the facility that has stood idle since 2014.

Project History:

The original Grant of Exemption of this Small Hydro Electric Project was granted to Robert Shipp (deceased) on August 25, 1982, who operated the facility until 2000. Seefeld Corporation acquired the Shipp property, including the Hydro facility on March 28, 2000. The facility was operated sporadically until 2010, when Seefeld entered into a 10 year Commercial Lease Agreement with Cascade Clean Energy (CCE) to operate the facility. In 2021 Seefeld offered to extend the Lease Agreement with CCE but they did not respond. In fact, CCE did not maintain or operate the agreement after 2014. The plant has been inoperative since that time and CCE has been in contract term violations since then but has become unresponsive to Seefeld's communications with them.

Reason for Requesting the Exemption Surrender:

During the time that Seefeld owned the facility and was the apparent Exempt permit holder the facility produced little or no income. The lack of maintenance has left areas of the facility (intake and penstock) in disrepair. No other operator has come forth to continue the operation. As a result, there are liability concerns with the abandoned facilities.

Facility Description:

The facility consists of a 15-inch plastic penstock pipe embedded in a 3-foot-high concrete weir. A bypass pipe allows for constant water flow down the creek. A screen and settling tank are part of the intake equipment. The pipe passes underground for about 1,600 feet (much of this on adjacent ownership) dropping 150-feet in elevation to the generating equipment. That equipment consists of two GE 404T frame, 60KW, 460 V Duty motors. These were then connected to the grid operated by Puget Sound Energy Co. The generators are housed in an 8-foot by 12-foot wooden building with concrete floor and 4-foot high concrete block stub walls.

Facility Removal Plan:

Removal of the facilities is planned for the dry season of July through mid-September 20026. The intake pipe and weir will be removed by hand tools. No machinery will be with in the creek bed. Pipe anchors will be unbolted and or cut flush with the boulders to which they are attached. The pipe will be cut off above the highwater bank and filled with concrete. The concrete will be hand mixed in a wheelbarrow. The contractor will have a pollution spill kit on site. A silt fence, straw wattle and plastic sheeting will be available on site for immediate deployment if needed. The pipe under the adjacent ownership that is essentially under a dirt roadway is proposed to be left in place with any debris from various repair attempts removed from the site. The settling tank (which stands above the high-water mark) and all debris, refuse etc. will be demolished by a small tractor and hauled off site and disposed of. The stream bed will remain intact with no grading or fill within the highwater mark.

The electrical panel and connections to the grid will be removed by Puget Sound Energy. The generators will be removed by the contractor and Seefeld will attempt to sell or auction these. Until a new owner is found they will be stored on site under temporary protection. The wooden portion and the stub walls of the generator building will be demolished by hand and small tractor and disposed of. (Note this step may be delayed until a disposition plan for the generators is completed). This facility is above the creek high water mark.

Mitigation:

There will be no fill or excavation within the creek bed or high-water mark. There are no wetlands near the facility. By leaving the penstock pipe undisturbed to the extent possible, side slopes of the creek will remain stable. The roadbed will be shaped and water-barred to allow surface water to pass without creating erosion spots.

Agency Contacts:

On May 20, 2026, Joint Aquatic Resources Permit Application (JARPA) and Hydraulic Project Approval (HPA) was sent to the following agencies with their responses noted. In addition, a Section 401 Water Quality Certification Permit application was submitted to the Washington State Department of Ecology and a separate SEPA check list sent to Whatcom County.

Elliott Winter
Assistant Regional Habitat Manager
Washington Department of Fish and Wildlife
Region A
Elliot.Winter@dfw.wa.gov
No response to date

Scott Bohling
Hydro Power Project Manager
Department of Ecology NWRO
PO Box 33016
Shoreline, WA 98133-9716
shoh461@ECY.WA.Gov
Site visit on 2/29/026—Visit summary prepared and on file
Several phone conversations
Prefiling request form submitted on 6/12/2026
Form 401 Application submitted 7/17/2026—in process

Mike Maudlin
Resource Protection Manager
Nooksack Tribe
5016 Deming Road
Deming, WA 98244
Verbal request to remove intake apparatus from stream

Mark Personius, ACIP
Whatcom County Planning and Development Services
5280 Northwest Drive
Bellingham, WA 98226
PDS@co.whatcom.wa.us
No réponse

Andrew Hicks
Shoreline Administrator
Whatcom County, Washington
ahicks@co.whatcom.wa.us
County Prescreen request submitted 3/30/2026—No response
SEPA checklist submitted 5/20/2026—no response

Puget Sound Energy
Scott Brownlie
2131 Nevada St.,
Bellingham, WA 98229
360 220 6833

3/20/2026 On site Inspection
5/14/2026 verbal acknowledgement of grid disconnect
Notification of job (removal of all PSE equipment) 7/14/2026

Justin West
Landowner under which the penstock lies
Telephone contact 4/9/2026
Discussion of penstock status

There have been numerous telephone and email communications with various agency personnel leading up to the above list of contacts and activities. I have the permit applications on file for your review if needed. Let me know if you need additional documentation or application files.

Please send all communications to me at:

Tom Hanson
2406 N. Castle Way
Lynnwood, WA 98036
tom.hanson@arborinfo.com
206 300 9711

Sincerely,

Tom Hanson

Thomas M. Hanson
Agent, Seefeld Corporation

Encl:
Agent Authorization
Copy of Exemption
Location map

SEEFELD CORPORATION
11415 NE 128th Street, Suite 110 * Kirkland, WA 98034 * (425) 820-3420

April 29, 2026

To whom it may concern:

Seefeld Corporation is the licensee of record for the Facility; Federal Energy Regulatory Commission (FERC) # 5982 located at 5633 Mt. Baker Highway, Everson, Washington.

Seefeld is seeking to surrender the Exemption and remove the Facility. Thomas M. Hanson is the agent of Seefeld assisting with this matter and is authorized to act on behalf of Seefeld Corporation.

Sincerely,

John P Johnston

John P. Johnston
President, Seefeld Corporation

Document Accession #: 19820713-0212 Filed Date: 07/09/1982

POOR QUALITY ORIGINAL(S)

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Robert B. Shipp) Project No. 5982-000

ORDER GRANTING EXEMPTION FROM LICENSING OF A SMALL HYDROELECTRIC PROJECT OF 5 MW OR LESS

JUL 9 - 1982

The Applicant 1/ filed an application for exemption from all or part of Part I of the Federal Power Act pursuant to 18 C.F.R. Part 4 SUBPART K (1980) implementing in part Section 408 of the Energy Security Act (Act) of 1980 for a project as described in the attached public notice. 2/ 3/

Notice of the application was published in accordance with Section 408 of the Act and the Commission's regulations and comments were requested from interested Federal and State agencies including the U. S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and petitions to intervene that were filed have been considered. No agency has any objection relevant to issuance of this exemption.

Standard Article 2 included in this exemption, requires compliance with any terms and conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. The terms and conditions referred to in Article 2 are contained in any letters of comment by these agencies which have been forwarded to the Applicant in conjunction with this exemption.

1/ Robert B. Shipp, Project No. 5982, filed on February 16, 1982.

2/ Pub. Law 96-294, 94 Stat. 611, Section 408 of the ESA amends inter alia, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).

3/ Authority to act on this matter is delegated to the Deputy Director, Office of Electric Power Regulation under §375.308 of the Commission's regulations 45 Fed. Reg. 21216 (1980), as amended by Order No. 112 in Docket No. RM81-5, issued November 21, 1980, (45 Fed. Reg. 79024).

FERC - DOCKETED
JUL 9 1982

8207130212

DC-A-13

Should the Applicant contest any terms or conditions that were proposed by Federal or State agencies in their letters of comment as being outside the scope of Article 2, the Commission shall determine whether the disputed terms or conditions are outside the scope of Article 2.

It is ordered that:

(A) Smith Creek Micro-Hydroelectric Project No. 5982-000 as described and designated in Robert B. Shipp's application filed on February 16, 1982, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106 of the Commission's regulations attached hereto as Form E-2, 18 C.F.R. §4.106 45 Fed. Reg. 76115 (November 18, 1980), and the following article designated Article 6.

Article 6. The construction, operation, and maintenance of the exempt project may be reviewed by the Commission and subjected to further requirements for consistency with the terms and conditions of the regional fish and wildlife plan developed pursuant to the Pacific Northwest Electric Power Planning and Conservation Act. Inconsistencies between the regional plan and the mandatory conditions under Article 2 will be resolved by the Commission.

(B) This order is final unless a petition appealing it to the Commission is filed within 30 days from the date of its issuance, as provided in Section 1.7(d) of the Commission's regulations, 18 C.F.R. 1.7(d)(1981), as amended, 44 Fed. Reg. 46449 (1981). The filing of a petition appealing this order to the Commission or an application for rehearing as provided in Section 313(a) of the Act does not operate as a stay of the effective date of this order, except as specifically ordered by the Commission.

Harold A. Cross

For Robert B. Cackowski
Deputy Director, Office of
Electric Power Regulation

Document Accession #: 19820713-0212 Filed Date: 07/09/1982

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Robert B. Shipp) Project No. 5982-000

NOTICE OF APPLICATION FOR EXEMPTION FOR SMALL HYDROELECTRIC POWER PROJECT UNDER 5 MW CAPACITY

(March 25, 1982)

Take notice that on February 16, 1982, Robert B. Shipp (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5982) would be located on Smith Creek, Whatcom County, Washington. Correspondence with the Applicant should be directed to: Mr. Robert B. Shipp, 1807 Lakeway Drive, Bellingham, Washington 98226.

Project Description - The proposed project would consist of: (1) a 4-foot high diversion structure with a 16-inch diameter submerged intake pipe; (2) a 2,000-foot long, 16-inch diameter steel penstock; (3) a powerhouse containing one generating unit with a rated capacity of 93 KW and (4) a 200-foot long transmission line from the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy production would be 471 MWh.

Purpose of Exemption - An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments - The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Washington Department of Fisheries and the Washington Department of Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

DC-A-10

Competing Application - Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before MAY 1 7 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 C.F.R. §4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 C.F.R. §4.33(a) and (d) (1980).

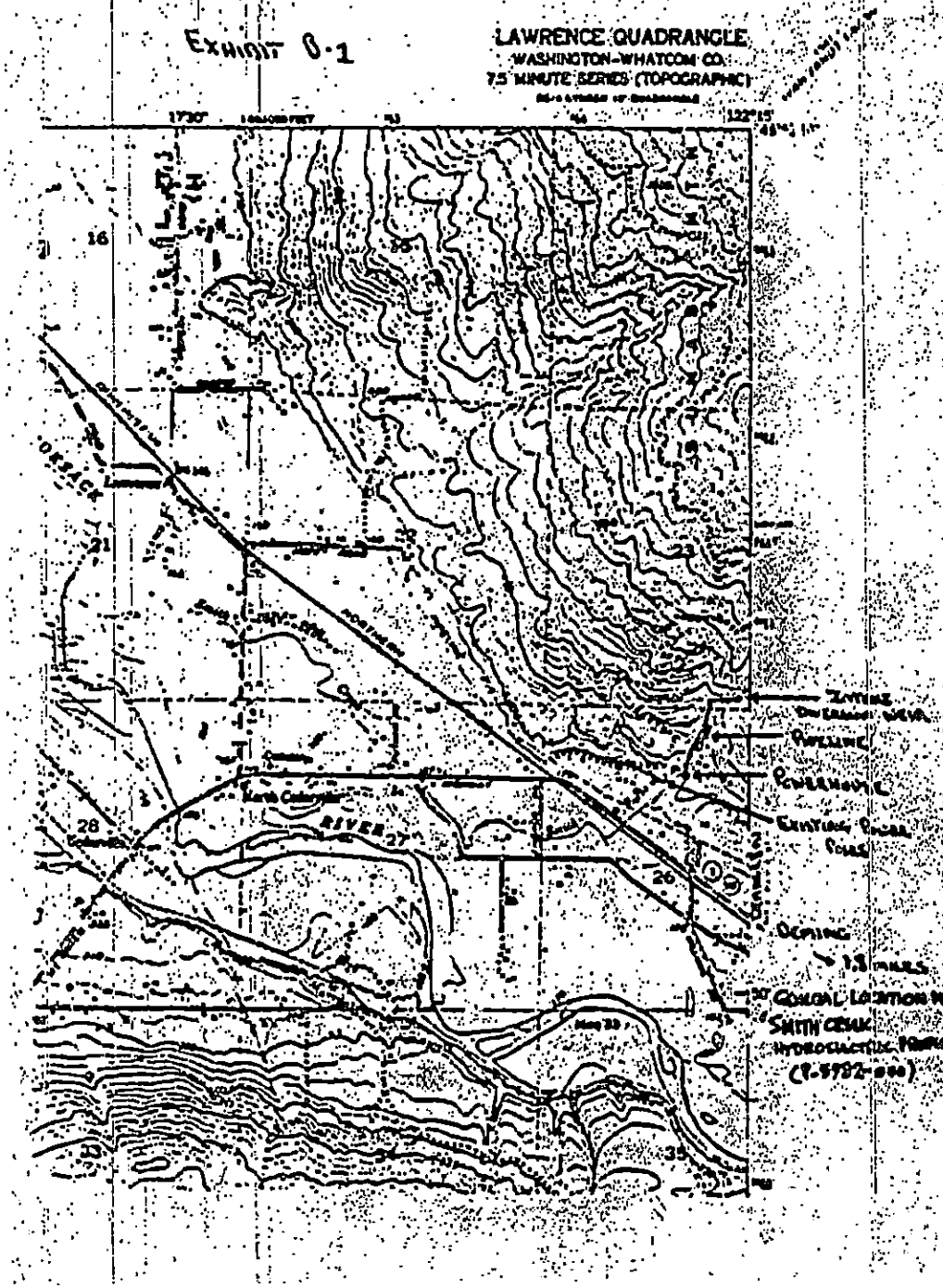
Comments, Protests, or Petitions to Intervene - Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §1.8 or §1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before MAY 1 2 1982.

Filing and Service of Responsive Documents - Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary

Document Accession #: 19820713-0212 Filed Date: 07/09/1982

EXHIBIT B-1



Document Accession #: 19820713-0212 **Filed Date: 07/09/1982**

Document Content(s)

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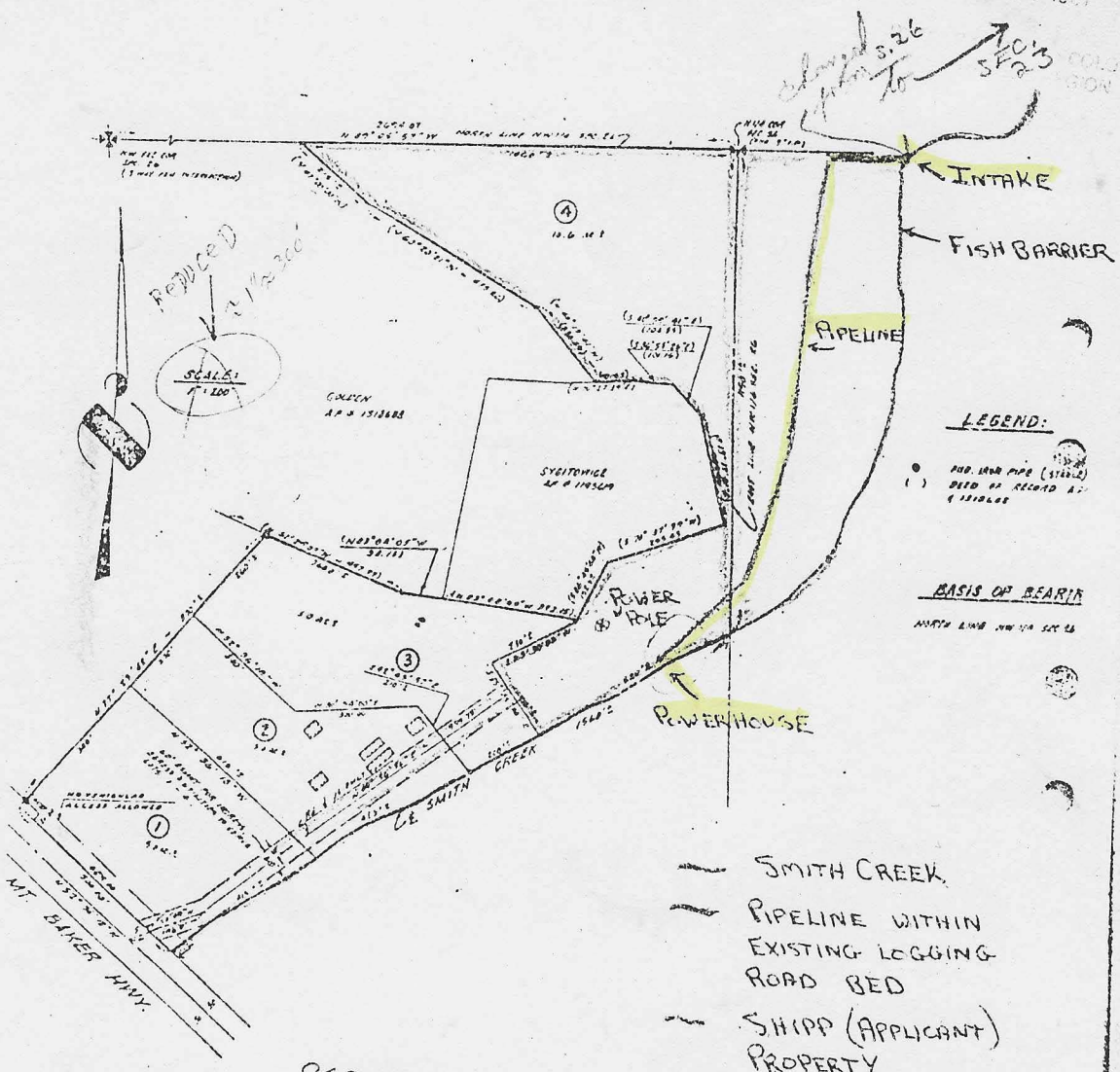
METROKAS SHORT PLAT

PTN. OF NW 1/4 SEC. 26, TWP. 39 N., RANGE 4 E., W. M.
WHATCOM COUNTY, WASHINGTON



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P.2/12
To:3606475567
5035522799
FEB-05-2010 11:38 From:FERC PRO

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Robert B. Shipp) Project No. 5982-000

ORDER GRANTING EXEMPTION FROM LICENSING OF A SMALL HYDROELECTRIC PROJECT OF 5 MW OR LESS

(Issued July 9, 1982)

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Standard Article 2 included in this exemption, requires compliance with any terms and conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. The terms and conditions referred to in Article 2 are contained in any letters of comment by these agencies which have been forwarded to the Applicant in conjunction with this exemption.

1/ Robert B. Shipp, Project No. 5982, filed on February 16, 1982.

2/ Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends inter alia, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).

3/ Authority to act on this matter is delegated to the Deputy Director, Office of Electric Power Regulation under §375.308 of the Commission's regulations 45 Fed. Reg. 21216 (1980), as amended by Order No. 112 in Docket No. RM81-5, issued November 21, 1980, (45 Fed. Reg. 79024).

DC-A-13

FEDERAL ENERGY REGULATORY COMMISSION
AUG 25 1982
SAN FRANCISCO, CALIFORNIA

Keliher
Bark Herm
Brit Lamb
Leac
Chas Lutt
Chen Over
Fols Sno
Gamb Scot
Gol

Should the Applicant contest any terms or conditions that were proposed by Federal or State agencies in their letters of comment as being outside the scope of Article 2, the Commission shall determine whether the disputed terms or conditions are outside the scope of Article 2.

It is ordered that:

(A) Smith Creek Micro-Hydroelectric Project No. 5982-000 as described and designated in Robert B. Shipp's application filed on February 16, 1982, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106 of the Commission's regulations attached hereto as Form E-2', 18 C.F.R. §4.106 45 Fed. Reg. 76115 (November 18, 1980), and the following article designated Article 6.

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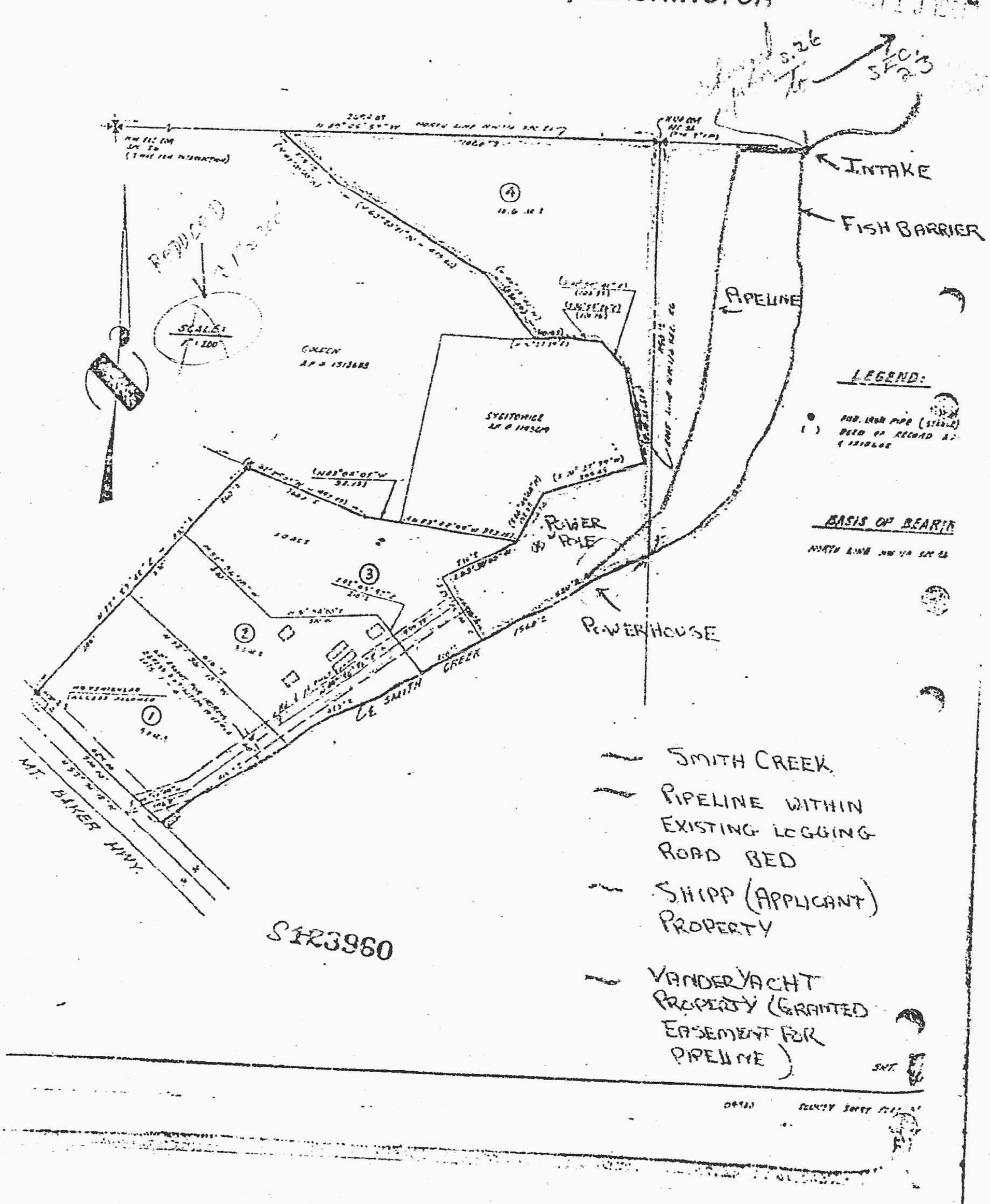
(B) This order is final unless a petition appealing it to the Commission is filed within 30 days from the date of its issuance, as provided in Section 1.7(d) of the Commission's regulations, 18 C.F.R. 1.7(d)(1981), as amended, 44 Fed. Reg. 46449 (1981). The filing of a petition appealing this order to the Commission or an application for rehearing as provided in Section 313(a) of the Act does not operate as a stay of the effective date of this order, except as specifically ordered by the Commission.

Ronald A. Corso
for Robert E. Cackowski
Deputy Director, Office of
Electric Power Regulation

METROKAS SHORT PLAT

PTN. OF NW 1/4 SEC. 26, TWP. 39 N., RANGE 4 E., W. M.
WHATCOM COUNTY, WASHINGTON



SHR3960

BOUNDARY SURVEY PLAN

PTN. OF NW 1/4 SEC. 26, TWP. 39 N., RANGE 4 E., W. M.
WHATCOM COUNTY, WASHINGTON

H.C. GRNF ...

SHIPP

VANDERYACHT

START OF EAST LINE

Current Intake

Generator Site.

Pipe Line

2604.01
N 89° 05' 57" W
NORTH LINE NW1/4 SEC. 26
1060'±

NW SEC. COR SEC. 26. (3 WAY FOR INTERSECTION)

N1/4 COR SEC. 26 (FOUND 3" I.P.)

1150'± NW 1/4 SEC. 26

EAST LINE NW 1/4 SEC. 26

(N 43° 00' 00" W)
(N 60° 30' 00" W - 475.00')

(S 40° 29' 41" E)
(104.85')

(S 54° 58' 26" E)
(104.16')

(N 40° 29' 41" W)
(N 54° 58' 26" W)
(104.85')

(N 27° 30' 00" E)

(N 83° 08' 05" W
93.15')

(S 70° 37' 30" W)
205.03'

(N 27° 30' 00" E - 462.99')
360.0'±

N 82° 48' 00" W 393.15'

(S 26° 48' 28" W)
155.52'

260'±

870'±

N 27° 53' 48" E - 870'±
330'

N 52° 36' 10" W
340'

N 82° 45' 57" E
210'±

S 65° 30' 00" W
210'±

S 55° 15' 00" E
350'±

N 82° 45' 00" E
340.00'

820'±

1560'±

500'±

415'±

N 52° 36' 10" W
415'±

60' EASEMENT FOR INGRESS & EGRESS & UTILITIES IN FAVOR OF GRANTEE

CAT & ELECTRIC LINE

N 89° 30' 52" E

S 89° 30' 52" E

NO VEHICULAR ACCESS ALLOWED

SCALE:
1" = 200'

GOLDEN
A.F.# 1318688

SYGITOWICZ
A.F.# 1105090

SOAC±

10.6 AC.±

1 SOAC±

2 SOAC±

3 SOAC±

4 10.6 AC.±

LT SMITH CREEK

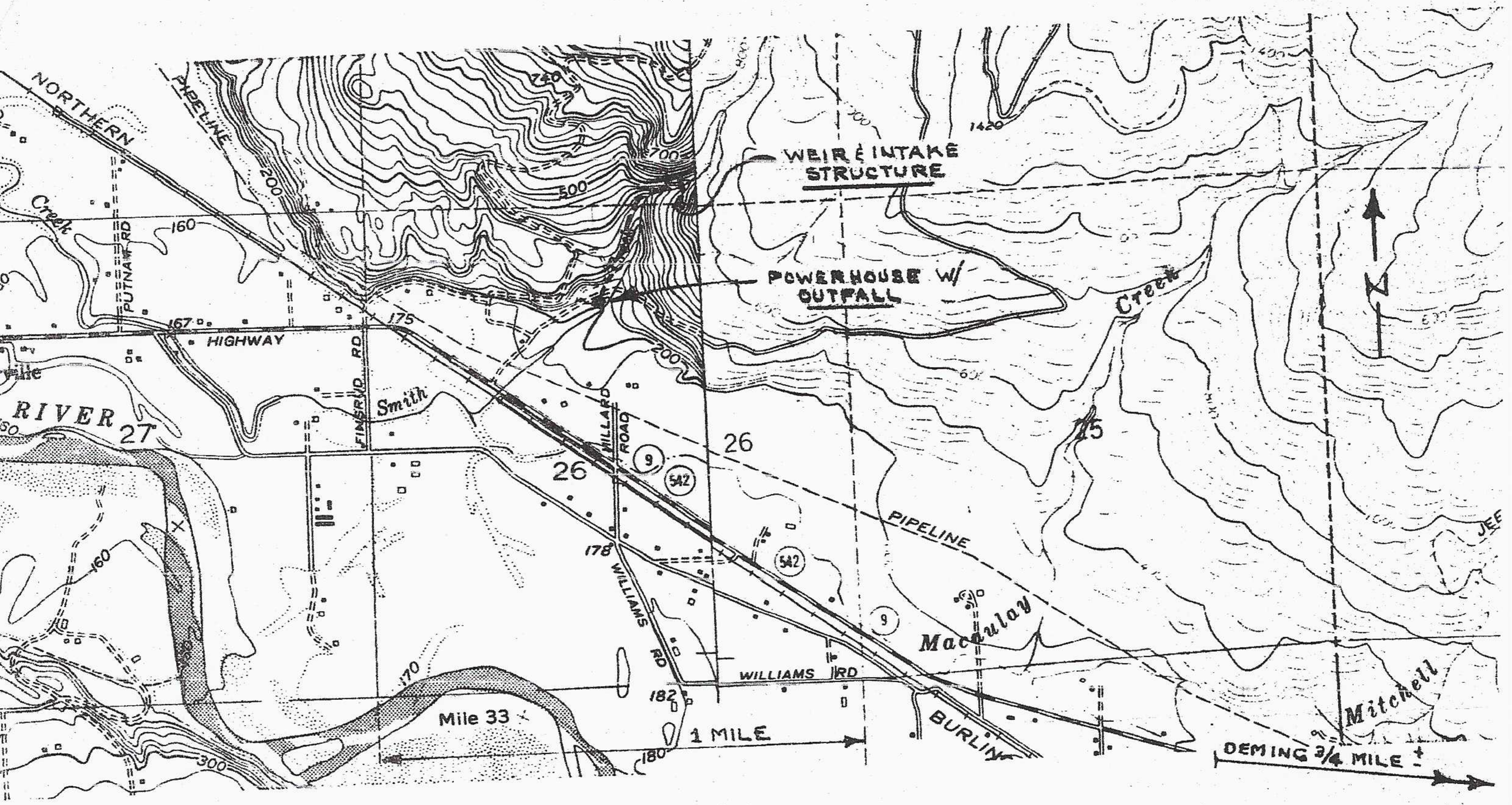
LEGEND:

- FND. IRON PIPE (STEEL)
( ) DEED OF RECORD A.F.# 1318688

BASIS OF BEARI

NORTH LINE NW 1/4 SEC 26

- EXISTING LOGGING ROADS
- SMITH CREEK
- H.C. GRNF ...
- SHIPP
- VANDERYACHT



LOCATION MAP

PURPOSE:
DEVELOP SMALL HYDRO-ELECTRIC GENERATING FACILITY (LESS THAN 100 KW)

DATUM:
N.G.V.D OF 1929 = 0.0'

ADJACENT PROPERTY OWNERS
1. INTERNATIONAL FORESTRY CONSULTANTS
2. DUANE VANDERYACHT

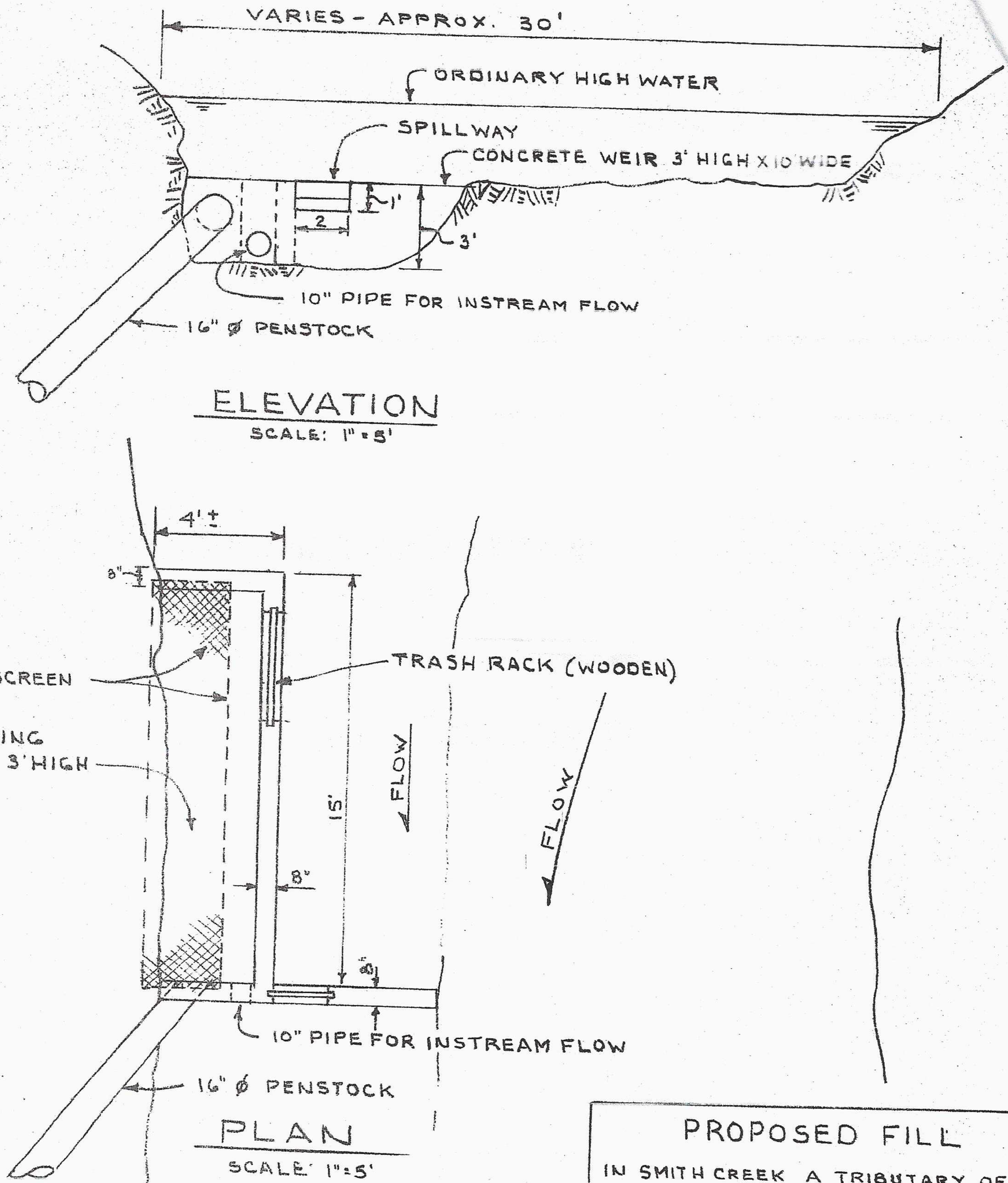
NOTES:
1. THE LOCATION OF THE CONCRETE WEIR WILL BE UPSTREAM OF A NATURAL FISH BARRIER (A 10' HIGH FALLS)
2. THE ENTIRE 1600' OF 16" ø PENSTOCK WILL BE ON THE WEST STREAM BANK OR BURIED UNDER THE EXISTING LOGGING ROAD, LANDWARD OF THE ORDINARY HIGH WATER LINE.
3. PLACEMENT OF CONCRETE WEIR WILL OCCUR IN THE DRY STREAM BED (LATE SUMMER)
4. POWERHOUSE WILL BE CONSTRUCTED ON THE WEST BANK, LANDWARD OF THE ORDINARY HIGH WATER LINE

PROPOSED FILL

IN SMITH CREEK A TRIBUTARY OF THE NOOKSACK RIVER
NEAR DEMING
COUNTY OF WHATCOM STATE OF WA
APPLICATION BY: ROBERT B. SHIPP

DATE 8 MAR 1982 SH 1 of 2

Robert B Shipp



PROPOSED FILL

IN SMITH CREEK A TRIBUTARY OF THE NOOKSACK RIVER

NEAR: DEMING

COUNTY OF WHATCOM STATE OF WA

APPLICATION BY: ROBERT B SHIPP

DATE 8 MAR 1982 SH 2 of 2

Robert B. Shipp

US Army Corps
of Engineers

Seattle District
Regulatory Functions Branch
P. O. Box C-3755
Seattle, Washington 98124
(206) 764-3495

Public Notice of Application for Permit



Public Notice Date: 23 March 1982
Expiration Date: 22 April 1982
Reference: 071-OYB-4-007945
Name: Shipp, Robert B.

Interested parties are hereby notified that application has been received for Department of the Army permit in accordance with Section 404 of the Clean Water Act for certain work described below and shown on the inclosed prints.

APPLICANT - Mr. Robert B. Shipp
1807 Lakeway Drive
Bellingham, WA 98226
telephone (206) 671-7850

LOCATION - In Smith Creek, a tributary of the Nooksack River, near Deming, Whatcom County, Washington.

WORK - Construct concrete weir.

PURPOSE (PER APPLICANT) - Develop small hydroelectric generating facility.

EIS DETERMINATION - Preliminary review by the Seattle District indicates that this work will not significantly affect the quality of the human environment. The preparation of a Federal Environmental Impact Statement is not anticipated at this time.

ENDANGERED SPECIES - Preliminary determinations indicate that the activity will not affect endangered species, or their critical habitat, designated as endangered or threatened (Endangered Species Act of 1973). Formal consultation under Section 7 of the Act is not required.

CULTURAL RESOURCES - Presently unknown archeological, scientific, prehistorical or historical data may be lost or destroyed by work to be accomplished under the requested permit. The work is not located on a property registered in the National Register of Historic Places.

PUBLIC HEARING - Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

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ADDITIONAL INFORMATION - The State of Washington is reviewing this work for consistency with the approved Washington Coastal Zone Management Program.

The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act.

EVALUATION - The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, esthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

COMMENT AND REVIEW PERIOD - Comments on these factors will be accepted and made part of the record and will be considered in determining whether it would be in the best public interest to grant a permit. Comments should refer to the reference number shown above and reach this office, Attn: Regulatory Functions Branch, not later than the expiration date of this public notice to insure consideration.

1 Incl
Prints (2)