



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • PO Box 330316 • Shoreline, Washington 98133-9716 • (206) 594-0000  
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March 29, 2022

bp Cherry Point Refinery  
Attn: Rebecca Hardie  
4519 Grandview Road  
Blaine, WA 98230

RE: Water Quality Certification Order No. **21088** for Corps Reference No. **NWS-2021-838**, bp  
Cherry Point Refinery Advance Mitigation Project 4, Whatcom County, Washington

Dear Rebecca Hardie:

On August 20, 2021, bp Cherry Point Refinery submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the bp Cherry Point Refinery Advance Mitigation Project 4, Whatcom County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Water Quality Certification Request and supplemental documents complies with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and applicable state laws. This certification is subject to the conditions contained in the enclosed Order.

Please ensure that anyone doing work under this Order has read, is familiar with, and is able to follow all of the provisions within the attached Order.

If you have any questions about this decision, please contact Chris Luerkens at (360) 410-4807. The enclosed Order may be appealed by following the procedures described within the Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Burcar".

Joe Burcar, Section Manager  
Northwest Regional Office  
Shorelands and Environmental Assistance Program

Enclosure

E-cc: Rebecca Hardie, bp Cherry Point Refinery  
Randel Perry, Corps of Engineers  
Joel Ingram, Washington Department of Fish and Wildlife  
Jackie Bourgault, bp Cherry Point Refinery

bp Cherry Point Refinery

March 29, 2022

Page 2

Amy de Vera, ERM

Fiona McNair, GeoEngineers

Amy Dearborn, Whatcom County Planning & Development Services

Shingo Yamazaki, Ecology

Rachel McCrea, Ecology

Chris Luerkens, Ecology

Patricia Johnson, Ecology

ECY RE FEDPERMITS – Aquatics # 21088

<b>IN THE MATTER OF GRANTING A</b>	)	<b>WQC ORDER No. 21088</b>
<b>WATER QUALITY</b>	)	<b>Corps Reference No. NWS-2021-838</b>
<b>CERTIFICATION TO</b>	)	bp Cherry Point Refinery Advance Mitigation
bp Cherry Point Refinery	)	Project 4, Wetlands located in Whatcom County,
pursuant to 33 U.S.C. 1341 (FWPCA	)	Washington.
§ 401), RCW 90.48.120, RCW 90.48.260	)	
and Chapter 173-201A WAC	)	
	)	

bp Cherry Point Refinery  
 Attn: Rebecca Hardie  
 4519 Grandview Road  
 Blaine, WA 98230

On August 20, 2021, bp Cherry Point Refinery submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act to the Department of Ecology (Ecology) for the bp Cherry Point Refinery Advance Mitigation Project 4, Whatcom County, Washington. The following processing dates are referenced below:

- On August 24, 2021, the U.S. Army Corps of Engineers (Corps) sent a permit notification to Ecology that indicated that they would be processing the project under Nationwide Permit (NWP) #27.
- On October 29, 2021, Ecology issued a public notice for the project.

The project proposes to construct an approximately 103.31 acre advance wetland mitigation site and establish credits for future wetland impacts. The mitigation plan proposes to establish credits through 10.34 acres of wetland creation, 42.89 acres of wetland rehabilitation, and 37.71 acres of upland enhancement over approximately 90.95 acres of the site. Approximately 10.99 acres of perimeter buffer will be established around the mitigation site.

The project site is located north of Grandview Road between Blaine Road and a spur of the BNSF Railway Company Railroad in Whatcom County, Washington, Section 5, Township 39N., Range 01 E., within Water Resource Inventory Area (WRIA) 1 Nooksack.

**AUTHORITIES**

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has reviewed this WQC request pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §§1311, 1312, 1313, 1316, and 1317

2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. §1313 and by Chapter 90.48 RCW, and with other applicable state laws; and
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.
4. Conformance with Washington’s prohibition on discharges that cause or tend to cause pollution of waters of the state of Washington. RCW 90.48.080.
5. The Applicant of the project authorized is responsible for obtaining all other permits, licenses, and certifications that may be required by federal, state, local or tribal authorities.

With this Water Quality Certification Order (WQC Order), Ecology is granting with conditions, bp Cherry Point Refinery’s request for a Section 401 Water Quality Certification for the bp Cherry Point Refinery Advance Mitigation Project 4, wetlands located in Whatcom County. Ecology has determined that the proposed discharge(s) will comply with all applicable state water quality requirements, provided the project is conducted in accordance with the Section 401 Water Quality Certification request that Ecology received on August 20, 2021, the supporting documents referenced in Table 1 below, **and the conditions of this WQC Order.**

**Table 1.** Supporting Documents

<b>Date Received</b>	<b>Document Type</b>	<b>Title &amp; Date</b>	<b>Author</b>
8/20/2021	Joint Aquatic Resources Permit Application (JARPA) Form	JARPA (dated 8/5/2021)	bp Cherry Point Refinery
8/20/2021	Wetland Delineation	Critical Areas Assessment Report: Wetlands and Habitat Conservation Areas, bp Advance Mitigation Project 4 (dated 6/14/2021)	Miller Environmental Services, LLC
2/28/2022	Drawings	bp Products North America Inc, Cherry Point Refinery Advance Mitigation Phase-4 Site Plan (dated revised 2/16/2022)	Cascade Engineering Group, P.S., Inc.
2/28/2022	Planting Plan	bp Products North America Inc, Cherry Point Refinery Advance Mitigation Phase-4 Planting Plan	Cascade Engineering Group

		(dated revised 2/16/2022)	
3/8/2022	State Environmental Policy Act	SEPA Mitigated Determination of Nonsignificance (dated 2/11/2022)	Whatcom County
3/21/2022	Construction Stormwater General Permit	Coverage under Construction Stormwater General Permit WAR311117 (dated 3/18/2022)	Ecology
3/24/2022	Mitigation Plan	Third Revised Advance Mitigation Plan, bp Cherry Point Advance Mitigation Project 4, bp Cherry Point Refinery (dated 3/23/2022)	GeoEngineers

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize bp Cherry Point Refinery to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this Section 401 Water Quality Certification absolves the bp Cherry Point Refinery from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

The following conditions will be incorporated into the Corps permit and strictly adhered to by bp Cherry Point Refinery.

**A. General Conditions**

1. In this WQC Order, the term “Applicant” shall mean bp Cherry Point Refinery and its agents, assignees, and contractors and the term “AWMS” shall mean the Advance Wetland Mitigation Site, which includes the perimeter buffer.
2. All submittals required by this WQC Order shall be sent to Ecology’s Headquarters Office, Attn: Federal Permit Manager, via e-mail to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) and cc to [chris.luerkens@ecy.wa.gov](mailto:chris.luerkens@ecy.wa.gov). The submittals shall be identified with WQC Order #21088 and include the Applicant’s name, Corps permit number, project name, project contact, and the contact phone number.
3. Work authorized by this WQC Order is limited to the work described in the WQC request package received by Ecology on August 20, 2021 and the supporting documentation identified in Table 1.
4. The Applicant shall keep copies of this WQC Order on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and lead workers, and state and local government inspectors.

5. The Applicant shall provide access to the AWMS upon request by Ecology personnel for site inspections, monitoring, and/or necessary data collection, to ensure that conditions of this WQC Order are being met.
6. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines that further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (*e.g.*, violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect water quality.
7. In the event of changes or amendments to the state water quality, ground water quality, or sediment standards, or changes in or amendments to the state Water Pollution Control Act (RCW 90.48) or the federal Clean Water Act, Ecology may issue an amendment to this Order to incorporate any such changes or amendments applicable to this project.
8. The Applicant shall ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand relevant conditions of this WQC Order and all permits, approvals, and documents referenced in this WQC Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) before construction begins.
9. This WQC Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, except as specifically provided for in conditions of this WQC Order.
10. Failure of any person or entity to comply with the WQC Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the state's water quality standards.
11. The Applicant shall provide Ecology documentation for review and approval before undertaking any major changes to the proposed project that could significantly and adversely affect water quality, other than those project changes required by this WQC Order.
12. The Applicant shall send (per A.2.) a copy of the final Corps permit to Ecology's Federal Permit Manager within two weeks of receiving it.
13. Nothing in this WQC Order waives Ecology's discretionary authority to issue additional Orders if Ecology determines that further actions are necessary to implement the water quality laws of the state.

**B. Notification Requirements**

1. The following notification shall be made via phone or e-mail (e-mail is preferred) to Ecology's Federal Permit Manager via e-mail to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) and cc to [chris.luerkens@ecy.wa.gov](mailto:chris.luerkens@ecy.wa.gov). Notifications shall be identified with WQC Order #21088 Corps reference #, and include the Applicant name, project name, project location, project contact and the contact phone number.
  - a. Immediately following a violation of state water quality standards or when the project is out of compliance with any conditions of this WQC Order.
  - b. At least ten (10) days prior to all pre-construction meetings
  - c. At least ten (10) days prior to conducting initial work at the AWMS.
  - d. Within seven (7) days of completing work at the AWMS.
2. In addition to the phone or e-mail notification required under B.1.a. above, the Applicant shall submit a detailed written report to Ecology within five (5) days that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.
3. If the AWMS construction is not completed within 13 months of issuance of this WQC Order, the Applicant shall submit per Condition A2 a written construction status report and submit status reports every 12 months until construction and mitigation are completed.

**C. Advance Wetland Mitigation Site Conditions:**

1. The Applicant shall implement the *Third Revised Advance Mitigation Plan, bp Cherry Point Advance Mitigation Project 4, bp Cherry Point Refinery, Blaine, Washington* (hereafter called the "Mitigation Plan"), prepared by GeoEngineers, and dated March 23, 2022, or as modified by this WQC Order or revised and approved by Ecology.
2. The Applicant shall submit any proposed changes to the Mitigation Plan in writing to Ecology (see A2) for review and approval before implementing the changes.
3. The Applicant shall have a qualified wetland professional at the AWMS to supervise during construction and planting.
4. The Applicant shall ensure all excess excavated site material is disposed of in an appropriate location outside of wetlands and their buffers and landward of the 100-year floodplain, unless otherwise provided for in the Mitigation Plan.
5. The Applicant shall ensure no material is stockpiled within existing wetlands or their buffers at the AWMS at any time, unless provided for in the Mitigation Plan.

6. The Applicant shall not use polyacrylamide at the AWMS.
7. The Project Proponent shall not use hay or straw on exposed or disturbed soil at the mitigation site(s), unless otherwise approved by Ecology.
8. Aquatic herbicides can be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category.
  - a. Applicators are required to be permitted under Ecology's Noxious Weed Control Permit.
  - b. Applicators shall comply with all conditions of the Noxious Weed Control Permit.
8. If weed-barrier fabric is used on the site, the Applicant shall use only water permeable, fully biodegradable, non-toxic weed-barrier fabric for the entire site and/or individual plant weed control, unless otherwise approved by Ecology. If non-biodegradable plastic weed-barrier fabric is approved by Ecology, it shall be used only at the base of individual plants and shall be removed before it starts to break down, before it interferes with plant growth, or before the end of the monitoring period, whichever comes first.
9. If seeding is used for temporary erosion control, it must be a seed mix consisting of native, annual, non-invasive plant species, unless otherwise approved by Ecology.
10. The Applicant shall not use solid or mesh plant protector tubes at the AWMS, unless otherwise approved by Ecology.
11. The Applicant shall place signs protecting the AWMS per the Mitigation Plan, Section 5.1. Protection of Installed Mitigation Features and Control of Public Access.
12. Upon completion of site grading and prior to planting, the Applicant shall submit to Ecology per Condition A2 written confirmation (email or signed letter) from a surveyor or project engineer that the finished grades are consistent with the approved Mitigation Plan or subsequent Ecology-approved plan changes and also indicate how final elevations were determined.
13. After completing construction and planting of the AWMS, the Applicant shall submit to Ecology (see A2) an as-built report, including plan sheets documenting site conditions at Year Zero. The as-built report must:
  - a. Be submitted within 90 days of completing construction and planting.
  - b. Include the information listed in Attachment B (Information Required for As-built Reports).
  - c. Include a draft legal mechanism required in Condition C14.
14. The Applicant shall provide Ecology with documentation of a recorded restrictive covenant for the AWMS. The Applicant shall:



- a. Request a restrictive covenant template from Ecology or use an appropriate alternative to develop a draft restrictive covenant.
- b. Send the draft restrictive covenant to Ecology for review and approval.
- c. Record the Ecology-approved restrictive covenant with the County Recording Office, Registrar of Deeds, or other official responsible for maintaining records for, or interest in, real property.
- d. Record the restrictive covenant with a figure that corresponds with the legal description showing the area that is being protected, a copy of this Order, and a site map showing the location of wetlands and their buffers that are being protected.
- e. Send a copy of the recorded restrictive covenant to Ecology prior to use of credits (see D4).

#### Monitoring and Maintenance

15. The Applicant shall water and maintain all plantings so as to meet the Mitigation Plan's performance standards. If an irrigation system is installed, it shall be removed by the end of year three unless Ecology authorizes in writing the system to remain for a longer period.
16. The Applicant shall monitor the AWMS for a minimum of 10 years.
17. The Applicant shall submit to Ecology (see A2) monitoring reports documenting the AWMS conditions for years 1, 2, 3, 5, 7, and 10. The monitoring reports must:
  - Be submitted by December 31 of each monitoring year.
  - Include the information listing in Attachment C (Information Required for Monitoring Reports).
18. The Applicant shall provide post-construction groundwater/hydrologic monitoring summary data with the monitoring reports.
19. The Applicant shall implement the Mitigation Plan's contingency measures if the Plan's goals, objectives, or performance standards are not being met.
20. Prior to implementing contingency measures not specified in the Mitigation Plan, the Applicant shall consult with and obtain written approval from Ecology for the contingency measures.
20. When necessary to meet the performance standards, the Applicant shall replace dead or dying plants with the same species, or an appropriate native plant alternative, during the current or upcoming planting season and note species, numbers, and approximate locations of all replacement plants in the subsequent monitoring report.
21. For monitoring years five (5) and ten (10), the Applicant shall use the currently approved federal wetland delineation manual and appropriate regional supplement to delineate all wetlands on the AWMS and include delineation information (e.g., data sheets, maps, etc.) in the monitoring reports.

22. If the Applicant has not met all conditions, including performance standards for the AWMS, at the end of the monitoring period, Ecology may require additional maintenance and monitoring.

**D. Mitigation Credit Use:**

1. All future bp Cherry Point Refinery projects that propose to impact wetlands and use the AWMS to offset those impacts will be evaluated individually under applicable state regulations and will be required to avoid and minimize wetland impacts to the greatest extent practicable.
2. Only bp Cherry Point Refinery will be allowed to use mitigation credits from the AWMS to offset wetland impacts associated with bp Cherry Point Refinery projects. No other entity can use or purchase mitigation credits at the AWMS.
3. Ecology will determine, on a case-by-case basis, whether mitigation credits generated by the AWMS will be considered suitable compensation to offset bp Cherry Point Refinery's proposed wetland impacts. This Order does not guarantee Ecology will deem the AWMS suitable compensation for any specific wetland impact.
4. No mitigation credits may be authorized for use to offset wetland impacts until after the Ecology-approved restrictive covenant has been recorded per Condition C14 and a copy submitted to Ecology per A2.
5. bp Cherry Point Refinery must maintain a ledger of all mitigation credits available, used, and remaining at the AWMS per the Mitigation Plan. bp Cherry Point Refinery must submit an updated copy of this ledger to Ecology each time mitigation credit is used at the AWMS and include a current copy of the ledger with each monitoring report.
6. Documentation demonstrating attainment of performance standards will be submitted to Ecology for review and approval as a condition of Ecology's authorization of use of mitigation credits to offset wetland impacts. Documentation can typically be included in required monitoring reports. Ecology reserves the right to visit the site to confirm whether the monitoring report reflects conditions at the AWMS.
7. If the Applicant has not met all conditions, including performance standards for the AWMS, at the end of the monitoring period, Ecology may require additional compensation to ensure wetland impacts associated with projects that used AWMS mitigation credits are adequately offset.

### **E. Water Quality Monitoring & Criteria**

1. This WQC Order does not authorize the Applicant to exceed applicable water quality standards beyond the limits established in WAC 173-201A.

### **F. Construction**

#### General Conditions

1. All work in and near waters of the state shall be conducted to minimize turbidity, erosion, and other water quality impacts. Construction stormwater, sediment, and erosion control Best Management Practices (BMPs) suitable to prevent exceedances of state water quality standards shall be in place before starting maintenance and shall be maintained throughout the duration of the activity.
2. All clearing limits, stockpiles, staging areas, and trees to be preserved shall clearly be marked and maintained until all work is completed for the project.
3. No stockpiling or staging of materials shall occur at or below the OHWM of any waterbody.
4. The Project Proponent shall comply with the conditions of the current Construction Stormwater General Permit (National Pollutant Discharge Elimination System - NPDES) issued for this project (permit WAR311117).
5. All construction debris, excess sediment, and other solid waste material shall be properly managed and disposed of in an upland disposal site approved by the appropriate regulatory authority.

#### Equipment & Maintenance

6. No equipment shall enter, operate, be stored or parked within any sensitive area except as specifically provided for in this WQC Order.
7. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters.
8. Wash water containing oils, grease, or other hazardous materials resulting from washing of equipment or working areas shall not be discharged into state waters. The Applicant shall set up a designated area for washing down equipment.

### **G. Emergency/Contingency Measures**

1. The Applicant shall develop and implement a spill prevention and containment plan for this project.
2. The Applicant shall have adequate and appropriate spill response and cleanup materials available on site to respond to any release of petroleum products or any other material into waters of the state.
3. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters.
4. Work causing distressed or dying fish and discharges of oil, fuel, or chemicals into state waters or onto land with a potential for entry into state waters is prohibited. If such work, conditions, or discharges occur, the Applicant shall notify Ecology's Federal Permit Manager per condition A2 and immediately take the following actions:
  - a. Cease operations at the location of the non-compliance.
  - b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and prevent further environmental damage.
  - c. In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, containment and cleanup efforts shall begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials.
  - d. Immediately notify Ecology's Regional Spill Response Office and the Washington State Department of Fish & Wildlife with the nature and details of the problem, any actions taken to correct the problem, and any proposed changes in operation to prevent further problems.
  - e. Immediately notify the National Response Center at 1-800-424-8802, for actual spills to water only.
5. Notify Ecology's Regional Spill Response Office immediately if chemical containers (e.g. drums) are discovered on-site or any conditions present indicating disposal or burial of chemicals on-site that may impact surface water or ground water.

### **H. Timing**

1. This WQC Order is valid until the end of the monitoring period or until all mitigation credits (as defined in the Mitigation Plan) have been used, and upon receipt of a closeout letter from Ecology.

### **Your right to appeal**

You have a right to appeal this WQC Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this WQC Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this WQC Order:

- File your appeal and a copy of this WQC Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this WQC Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Address and location information.

### **Filing an appeal with the PCHB**

**Mailing Address:**

Pollution Control Hearings Board  
PO Box 40903  
Olympia, WA 98504-0903

**Street Address:**

Pollution Control Hearings Board  
1111 Israel RD SW  
STE 301  
Tumwater, WA 98501

**Serving a copy of the appeal on Ecology:**

**Mailing Address:**

Department of Ecology  
Attn: Appeals Processing Desk  
PO Box 47608  
Olympia, WA 98504-7608

**Street Address:**

Department of Ecology  
Attn: Appeals Processing Desk  
300 Desmond Drive SE  
Lacey, WA 98503

### **Contact Information**

Please direct all questions about this WQC Order to:

Chris Luerkens  
Department of Ecology  
(360) 410-4807

[Chris.luerkens@ecy.wa.gov](mailto:Chris.luerkens@ecy.wa.gov)

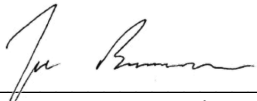
### **More Information**

- **Pollution Control Hearings Board Website**  
<http://www.eluho.wa.gov/Board/PCHB>
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**  
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>

- **Chapter 371-08 WAC – Practice and Procedure**  
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**  
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**  
<http://app.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 WAC – Sediment Management Standards**  
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>
- **Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington**  
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>
- **Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**  
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

**Signature**

Dated this 29th day of March 2022 at the Department of Ecology, Shoreline Washington



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Joe Burcar, Section Manager  
Shorelands and Environmental Assistance Program  
Northwest Regional Office

**Attachment A**

**Statement of Understanding  
Water Quality Certification Conditions**

bp Cherry Point Refinery Advance Mitigation Project 4

Water Quality Certification WQC Order # 21088

As the Applicant for (bp Cherry Point Refinery Advance Mitigation Project 4 project, I have read and understand the conditions of Washington State Department of Ecology WQC Order # 21088, and any permits, plans, documents, and approvals referenced in the WQC Order. I have and will continue to ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand the conditions of this WQC Order and any permits, plans, documents, and approvals referenced in the WQC Order.

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Title Phone

\_\_\_\_\_  
Company

## **Attachment B**

### **Information Required for As-built Reports**

bp Cherry Point Refinery Advance Mitigation Project 4  
Ecology Order # 21088  
And  
Corps Reference # NWS-2021-838

Ecology requires the following information for as-built reports submitted under this Order. Ecology will accept additional information that may be required by other agencies.

#### **Background Information**

1. Project name.
2. Ecology Order number and the Corps reference number.
3. Name and contact information of the person preparing the as-built report. Also, if different from the person preparing the report, include the names of:
  - a) The applicant
  - b) The landowner
  - c) Wetland professional on site during construction of the mitigation site(s).
4. Date the report was produced.

#### **Mitigation Project Information**

5. Brief description of the **final** mitigation project with any changes from the approved plan made during construction. Include:
  - a) **Actual** acreage of Cowardin classes and mitigation type(s) (re-establishment, rehabilitation, creation, enhancement, preservation, upland, buffers).
  - b) Important dates, including:
    - i. Start of project construction.
    - ii. When work on the mitigation site began and ended.
    - iii. When different activities such as grading, removal of invasive plants, installing plants, and installing habitat features began and ended.
6. Description of any problems encountered and solutions implemented (with reasons for changes) during construction of the mitigation site(s).
7. List of any follow-up actions needed, with a schedule.
8. Vicinity map showing the geographic location of the site(s) with landmarks.
9. Mitigation site map(s), 8-1/2" x 11" or larger, showing the following:
  - a) Boundary of the site(s).
  - b) Topography (with a description of how elevations were determined).
  - c) Installed planting scheme (quantities, densities, sizes, and approximate locations of plants, as well as the source(s) of plant material).
  - d) Location of habitat features.
  - e) Location of permanent photo stations and any other photos taken.



Include the month and year when each map was produced or revised. The site map(s) should reflect on-the-ground conditions after the site work is completed.

10. Photographs taken at permanent photo stations and other photographs, as needed. Photos must be dated and clearly indicate the direction from which each photo was taken. Photo pans are recommended.
11. A copy of any deed notifications, conservation easements, or other approved site protection mechanism.

## **Attachment C**

### **Information Required for Monitoring Reports**

bp Cherry Point Refinery Advance Mitigation Project 4  
Ecology Order # 21088  
And  
Corps Reference # NWS-2021-838

Ecology requires the following information for monitoring reports submitted under this Order. Ecology will accept additional information that may be required by other agencies.

#### **Background Information**

1. Project name.
2. Ecology Order number and the Corps reference number.
3. Name and contact information of the person preparing the monitoring report. Also, if different from the person preparing the report, include the names of:
  - a) The applicant
  - b) The landowner
  - c) The party responsible for the monitoring activities.
4. Dates the monitoring data were collected.
5. Date the report was produced.

#### **Mitigation Project Information**

6. Brief description of the mitigation project, including acreage of Cowardin classes and mitigation type(s) (re-establishment, rehabilitation, creation, enhancement, preservation, upland, buffers).
7. Description of the monitoring approach and methods. For each performance standard being measured provide the following information:
  - a) Description of the sampling technique (e.g., monitoring point for soil or hydrology, line or point intercept method, ocular estimates in individually placed plots). If you are using a standardized technique, provide a reference for that method.
  - b) Size and shape of plots or transects.
  - c) Number of sampling locations and how you determined the number of sampling locations to use.
  - d) Percent of the mitigation area being sampled.
  - e) Locations of sampling (provide a map showing the locations), how you determined where to place the sampling locations (e.g., simple random sample), and whether they are permanent or temporary.
  - f) Schedule for sampling (how often and when).
  - g) Description of how the data was evaluated and analyzed.
8. Summary table(s) comparing performance standards with monitoring results and whether each standard has been met.
9. Discussion of how the monitoring data were used to determine whether the site(s) is meeting performance standards.

10. Goals and objectives and a discussion of whether the project is progressing toward achieving them.
11. Summary, including dates, of management actions implemented at the site(s), for example, maintenance and corrective actions.
12. Summary of any difficulties or significant events that occurred on the site that may affect the success of the project.
13. Specific recommendations for additional maintenance or corrective actions with a timetable.
14. Photographs taken at permanent photo stations and other photographs, as needed. Photos must be dated and clearly indicate the direction the camera is facing. Photo pans are recommended.
15. Vicinity map showing the geographic location of the site(s) with landmarks.
16. Mitigation site map(s), 8-1/2" x 11" or larger, showing the following:
  - a) Boundary of the site(s).
  - b) Location of permanent photo stations and any other photos taken.
  - c) Data sampling locations, such as points, plots, or transects.
  - d) Approximate locations of any replanted vegetation.
  - e) Changes to site conditions since the last report, such as areas of regrading, a shift in the location of Cowardin classes or habitat features, or a change in water regime.

Include the month and year when each map was produced or revised. The site map(s) should reflect on-the-ground conditions during the most recent monitoring year.