



WASHINGTON STATE

Joint Aquatic Resources Permit Application (JARPA) Form^{1,2}

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



US Army Corps of Engineers
Seattle District

AGENCY USE ONLY

Date received:

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]
Port of Neah Bay Makah Spill Response Dock Extension

Part 2–Applicant

The person and/or organization responsible for the project. [\[help\]](#)

2a. Name (Last, First, Middle)			
Parkin, Jr., William S.			
2b. Organization (If applicable)			
Makah Indian Tribe			
2c. Mailing Address (Street or PO Box)			
P.O. Box 115			
2d. City, State, Zip			
Neah Bay, Washington 98357			
2e. Phone (1)	2f. Phone (2)	2g. Fax	2h. E-mail
(360) 645-3019	()	(360) 645-3016	Bill.Parkin@makah.com

¹Additional 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.
- If your project might affect species listed under the Endangered Species Act, you will need to fill out a Specific Project Information Form (SPIF) or prepare a Biological Evaluation. Forms can be found at <http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PermitGuidebook/EndangeredSpecies.aspx>.
- 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.

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

For other help, contact the Governor's Office of Regulatory Assistance at 1-800-917-0043 or help@ora.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)			
England, Victoria Renée			
3b. Organization (If applicable)			
BergerABAM			
3c. Mailing Address (Street or PO Box)			
33301 Ninth Avenue South, Suite 300			
3d. City, State, Zip			
Federal Way, Washington 98003			
3e. Phone (1)	3f. Phone (2)	3g. Fax	3h. E-mail
(206) 357-5621	(206) 920-8307	(206) 357-5601	victoria.england@abam.com

Part 4—Property Owner(s)

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

- Same as applicant. (Skip to Part 5.)
- Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)
- There are multiple upland property owners. Complete the section below and fill out [JARPA Attachment A](#) for each additional property owner.
- Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete JARPA Attachment E to apply for the Aquatic Use Authorization.

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

Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [\[help\]](#)

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

5a. Indicate the type of ownership of the property. (Check all that apply.) [help]			
<input type="checkbox"/> Private <input type="checkbox"/> Federal <input type="checkbox"/> Publicly owned (state, county, city, special districts like schools, ports, etc.) <input checked="" type="checkbox"/> Tribal <input checked="" type="checkbox"/> 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]			
1091 Bayview Avenue. On the north side of the intersection of Bayview Avenue and Wispoo Street.			
5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]			
Neah Bay, Washington 98357			
5d. County [help]			
Clallam County			
5e. Provide the section, township, and range for the project location. [help]			
¼ Section	Section	Township	Range
	11	33N	15W
5f. Provide the latitude and longitude of the project location. [help]			
<ul style="list-style-type: none"> Example: 47.03922 N lat./-122.89142 W long. (Use decimal degrees - NAD 83) 			
Proposed Dock Extension and Dredge Area - Latitude: 48.36746 N, Longitude: -124.61416 W			
Northwest Beach Enhancement and Intertidal Habitat Creation - Latitude: 48.376292 N, Longitude: -124.61416 W			
5g. List the tax parcel number(s) for the project location. [help]			
<ul style="list-style-type: none"> The local county assessor's office can provide this information. 			
Not applicable.			
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)	
Makah Indian Tribe	P.O. Box 115 Neah Bay, Washington 98357		
5i. List all wetlands on or adjacent to the project location. [help]			
There are no wetlands on or adjacent to the project location.			
5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]			
Neah Bay			
5k. Is any part of the project area within a 100-year floodplain? [help]			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't know			

5l. Briefly describe the vegetation and habitat conditions on the property. [\[help\]](#)

The project location site conditions and components are shown on Sheets 1 through 9.

The project site is located within Neah Bay on the southern shore of the Strait of Juan de Fuca (Sheet 1). The shoreline of Neah Bay at the project site is protected with rock riprap extending east and west. There is very little aquatic or upland vegetation at the project site.

An underwater video survey of the habitat and conditions within the perimeter of the commercial fishing dock facility was performed 20 November 2016. No eelgrass was observed in project area during the survey; however, a large amount of debris was identified, including bottles, tires, fishing nets, piping, fishing gear, and various other items. Some debris was removed in conjunction with replacement of the commercial fishing dock in 2014. Debris that remains within the footprint of the new dock extension and dredging will be removed as part of this project.

The area near the proposed dredged material placement area was also video surveyed for eelgrass presence. Eelgrass was identified to the west of the proposed placement area as shown on Sheet 8.

5m. Describe how the property is currently used. [\[help\]](#)

The project site is open water of Neah Bay.

5n. Describe how the adjacent properties are currently used. [\[help\]](#)

The adjacent property to the south and east of the project site is a commercial fishing dock used for tribal and non-tribal fishing operations, including loading ice, materials, and equipment; unloading and ice-packing fish; and loading trucks for transport to market in Seattle. The property to the east of the fishing dock is a commercial marina.

The adjacent property to the north and west of the project site is Neah Bay. The east dock located to the east is a fuel dock operated by the Makah Tribe.

The adjacent property to the south of the project site is upland developed with commercial business and Bayview Avenue.

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

There are no structures on the property.

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

From Port Angeles, turn left onto US-101 West/North Lincoln Street (signs for Forks); go 1 mile and continue straight onto US-101 West/East Lauridsen Boulevard; continue to follow US-101 West; go 43.1 miles and turn right onto WA-113 North/Burnt Mountain Road; go 10 miles and continue straight onto WA-112 West/Strait of Juan de Fuca Highway; continue to follow WA-112 West for 22.4 miles; continue onto Bayview Avenue to the Port of Neah Bay. The site is on the northern side of the intersection of Bayview Avenue and Wispoo Street.

Part 6–Project Description

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

The project consists of construction of an extension to the existing commercial fishing dock to accommodate an emergency response towing vessel (ERTV) and other associated spill response vessels. These vessels provide critical oil spill response capability in the Strait of Juan de Fuca as incorporated in Washington State Department of Ecology's (Ecology) Geographical Response Plan (GRP). The vessels are currently moored at the Makah Marina, which does not allow for as flexible and rapid loading and deployment as needed. The proposed project would provide a permanent mooring location for the vessels that is fully functional in allowing for spill response equipment loading combined with rapid deployment. The extension and finger piers will be fixed, pile-supported structures extending northwestward from the trestle associated with the existing fishing dock (Sheet 3).

The proposed extension will connect to the existing fishing dock trestle approximately 40 feet south of the fishing dock and will be approximately 563 feet in length extending to the northwest as shown on Sheet 3. Two finger piers, of

approximate 325-foot and 340-foot lengths, will extend to the north from the angled dock extension. Two floating docks (each approximately 180 feet long) for berthing small crafts will be located on the north side of the dock extension. The floating docks will be held in place by fastening them to 18-inch-diameter steel piles.

The new dock extension will be constructed using steel piles and concrete decking that will be paved with an asphalt overlay to minimize the amount of on-site placement of concrete. An area of on-deck grating will allow stormwater to discharge directly to the bay. The direct discharge is allowed due to the minimal traffic that will travel the new dock extension. The deck was designed with a solid surface because a fully grated surface could not support the berth and occasional traffic loads when supplies are brought to and from the vessels at berth and because the number of piles would triple if the deck surface was completely grated. The new dock extension will be supported by up to 220 steel pipe piles, which includes eighty-five 24-inch-diameter piles, and one hundred thirty-five 18-inch-diameter piles (see Sheets 3 through 5). The dock extension and associated moorings will include utility hookups and fire protection systems extended from the shoreline.

A maximum of approximately 208,000 cubic yards of material will be dredged from project area. The project will require dredging to increase the depth of the berth area to elevations ranging from -15 to -25 feet (plus 1 foot of allowable overdredge) mean lower low water (MLLW) to accommodate the drafts of the spill response vessels that will moor there. An area extending to the north will also be dredged to complete a channel with mudline elevation of -25 feet MLLW to the Neah Bay basin to allow for passage of the design vessels. The proposed dredge area is shown on Sheet 6.

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

The purpose of the proposed project is to provide adequate, dedicated infrastructure to support enhanced oil spill response capability in Neah Bay and the Strait of Juan de Fuca. The dock expansion project is a high priority for the Makah Tribe, the Port of Neah Bay, oceangoing mariners, and the public that all rely on maintaining superlative spill and emergency response in the region. Over 2 million gallons of oil have been spilled in the Makah Treaty Area since the 1970s and, with the pattern of shipping vessel traffic in the Strait of Juan de Fuca, a need to maintain vigilant spill response capabilities will continue into the foreseeable future. The dock expansion will allow the moorage of storage barges and response vessels and more functionality at the dock. Recovered oil/fuel from a spill is collected and stored in barges pending delivery to an oil refinery in Port Angeles that is equipped with a large capacity oil-water separator and suitable storage facilities. The additional barge moorage capacity planned at the dock extension will increase the storage capacity and decrease response time when vessels are responding to a spill.

The project site was chosen to minimize the amount of new construction required. Building the spill dock extension from the existing fishing dock trestle eliminates the need for a new trestle or dock that connects to the shore. The proposed design also allows the spill dock extension to be constructed in deeper water, and thereby minimizes the amount of dredging necessary to accommodate vessel berthing and transit. The structure will be constructed over shallow subtidal and deep subtidal habitat in existing water depths ranging from approximately -6 feet to -19 feet MLLW (existing, pre-dredge mudline).

An ERTV and associated vessels have been stationed at Neah Bay since 1999 under contract to Ecology. Owners or operators of vessels transiting through the Strait of Juan de Fuca (except for transits extending no further west than Race Rocks Light, Canada) can contract the ERTV for compliance with state Ecology oil spill response contingency plan regulations and during vessel emergencies. The tugboat Jeffery Foss is stationed at the marina in Neah Bay under charter to the Washington State Maritime Cooperative as per a service agreement with the ERTV Compliance Group³. Vessel emergencies in addition to spills include propulsion and steering failures, groundings, fires, structural failures, and collisions.

Neah Bay is a critical staging area for oil spill response resources (including response vessels) under the Strait of Juan de Fuca GRP⁴. Pursuant to both Ecology and U.S. Coast Guard regulations (WAC 172-183 and 33 CFR 155, respectively), the total oil capacity (both storage and engine fuel) of vessels transiting Neah Bay and waters of the strait is limited by spill resources staged within various response times. Applicable standards for Neah Bay are summarized in Table 1, below. Because of infrastructure limits on staging capacity for response resources, the 6-hour planning standards are not met for Neah Bay (primarily the lack of storage capacity for recovered oil). As an interim measure, Ecology has allowed an

³ Background information on the ERTV Compliance Group and associated regulations are found here: <http://www.marexps.com/supporting/ertv>

⁴ See http://www.ecy.wa.gov/programs/spills/preparedness/GRP/StraitJuanDeFuca/strait_juan.htm

alternative capacity limit determined by considering additional resources arriving from Port Angeles by hour-9, post spill event.

Table 1. Washington Response Planning Standards for Neah Bay and Local Waters of the Strait of Juan de Fuca⁵

Time (Hours)	Boom/Assessment	Minimum Oil Recovery Rate (% of WCS volume per 24 hours)	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of open-water boom (or four times the length of the largest vessel, whichever is less) to be used for containment, protection, or recovery could have arrived		
Time (Hours)	Boom/Assessment	Minimum Oil Recovery Rate (% of WCS volume per 24 hours)	Minimum Storage Volume
6	Additional 6,000 feet of boom with at least 4,000 feet of open-water boom for containment, protection, and recovery could have arrived	Capacity to recover the lesser of 3% of worst-case spill volume or 12,500 barrels within a 24-hour period could have arrived. All of the recovery devices must be able to work in open-water environments.	1 time the estimated daily recovery capacity (EDRC)
12	Additional 20,000 feet of boom combination of types appropriate for containment, protection, and recovery could have arrived	Capacity to recover the lesser of 10% of worst-case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 60% of the skimming capability must be able to work open-water environments.	1.5 times the EDRC
24	Additional 20,000 feet combination of appropriate types of boom for containment, protection, and recovery could have arrived	Capacity to recover the lesser of 14% of worst-case spill volume or 48,000 barrels within 24-hour period could have arrived.	2 times the EDRC
48	More boom as necessary for containment, recovery, or protection	Capacity to recover the lesser of 25% of worst-case spill volume or 60,000 barrels within 24-hour period could have arrived.	More, as necessary to not slow the response

The ERTV tug stationed in Neah Bay since 1999 is critically important for emergency and oil spill response. However, its spill response capabilities are limited without dedicated oil skimming equipment and interim recovered oil storage resources to support it. In order to meet pending federal requirements⁵, as well as otherwise maintaining robust response capability in this critical area, a spill response barge, associated oil recovery equipment, and a dedicated oil spill response vessel⁶ are planned to be located in Neah Bay. To support these resources, additional moorage capacity, situated to provide quick and flexible loading and deployment, is needed.

⁵ In 2011, under direction from Congress, the U.S. Coast Guard announced its intent to expand the higher volume port area (HVPA) designation for Puget Sound and the Strait of Juan de Fuca to include waters within a 50-mile radius of Cape Flattery, located 6 miles west of Neah Bay. Changes to the federal HVPA rule would require vessel response planholders to meet the spill response capacity for HVPA, which requires up to 12,500 barrels per day (bpd) of estimated daily recovery capacity (EDRC) for the operating area (note that 12,500 bpd is the “cap,” the actual requirement could be lower depending upon vessel size and type of oil transported). This EDRC requirement is the same as the State requirement for the Neah Bay staging area; however, the expansion of the HVPA to Cape Flattery would require this capacity to be available to respond to spills up to 50 miles seaward of Neah Bay.

⁶ For example, the Marine Spill Response Corporation’s *Park Responder*, currently stationed in Port Angeles, is an example of a dedicated oil spill response vessel.

Bathymetry and Dredging

Based on the most recent bathymetric survey (completed by Wilson Engineering, LLC 16 to 19 August 2016), the existing mudline elevations within the proposed dredge area range from approximately -3 feet MLLW at the shoreline side of the proposed dock extension to approximately -25 feet MLLW at the north end of the finger slips. Dredging is required to accommodate the spill response vessels to be moored at the dock extension. An additional area of dredging located on the southwest corner of the commercial fishing dock will be dredged to a depth of -15 feet MLLW (plus 1 foot of allowable overdredge) to accommodate response vessels, as needed (Sheets 6 and 7). The basins around the finger slips will be dredged to a depth of -25 feet MLLW (plus 1 foot of allowable overdredge) for a width of 300 feet from the face of the pier. An area to the north of the proposed docks, including a channel to Elevation -25 feet MLLW in the Neah Bay basin, will also be dredged to -25 feet MLLW (plus 1 foot of allowable overdredge).

The dredging will be completed using either mechanical (clamshell) or hydraulic pipeline dredging equipment. The majority of the dredged material (approximately 191,430 cubic yards of the 208,000 cubic yards) will be placed for beneficial use near the northwest corner of Neah Bay (Sheet 8). A portion of this material may also be stockpiled at a nearby upland site for future use by the Tribe. The suitable material will be placed at the beneficial use site and upland stockpile site using hydraulic pipeline equipment. This material is assumed to be suitable for in-water beneficial use based on an evaluation of sediment characterization results relative to the Dredged Material Management Program (DMMP) and Washington State Sediment Management Standards (SMS) screening levels. A suitability determination is pending with the Dredged Material Management Office (DMMO). The Sediment Characterization Report for the site is included as Appendix B.

The remaining approximately 16,570 cubic yards of the proposed dredged material was identified as unsuitable for in-water beneficial use based on sediment characterization results summarized in Tables 3 and 4 of the Sediment Characterization Report (Appendix B). This portion of the material is assumed to be unsuitable, in total, barring additional analytical sampling and results. This material is located in the southeast portion of the dredge prism as shown on Sheet 6. The unsuitable material will be dredged using either mechanical (clamshell) or hydraulic dredging equipment and will be placed at an upland landfill facility to be identified by the Tribe and in accordance with state and federal waste and disposal regulations.

The proposed dredging area is adjacent to the U.S. Army Corps of Engineers (USACE) marina access channel. The proposed project will not impact the USACE marina access channel.

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) [\[help\]](#)

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

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

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

The project will be constructed using materials and equipment brought to the site over land by truck and over water by barge. The equipment will be operated from work barges or temporary work platforms (in shallow water). The extension trestle will be approximately 20 feet wide and extend from the commercial dock trestle at an angle of 25 degrees to the northwest. The trestle will be composed of precast concrete channel beams spanning to precast concrete pile caps supported by steel pipe piles. The two pile-supported finger piers will be approximately 24 feet wide and will be composed of haunched deck panels spanning to precast pile caps supported by steel pipe piles. A small area of grating will be present on the finger piers that will allow stormwater to discharge directly to the bay. Both structures will have an asphalt surface. See Sheets 3 through 5.

Pile Installation

As many as 220 18- to 24-inch-diameter hollow steel piles will be installed to support the new structure. Piles will be installed using a vibratory hammer operated from either a temporary work platform (in shallow water) or from a barge (in deeper water). Piles will most likely be transported to the site and stored on site on a work barge.

Pile driving will be performed to the greatest extent possible using a vibratory hammer and will be driven to final tip elevation or proofed, as necessary, with an impact hammer. Because a geotechnical investigation has not yet been completed for the project, it is not possible to accurately determine how many piles, if any, may need supplemental impact driving to reach final tip elevation. For this reason, a conservative estimate has been made that up to 1,000 strikes per day may be necessary to impact-drive piles to their final tip elevation. Approximately 25 percent of the piles (55 piles) will be proofed. It may be necessary to impact-drive some piles to reach the designated penetration depth if very dense soils are encountered.

A bubble curtain or similarly effective noise attenuation device will be employed during all impact pile proofing or driving activities to reduce the potential effects of temporarily elevated underwater noise levels. All pile installation will be conducted during the approved in-water work window for the area (16 July–15 February).

Overwater Construction

After the new piles are installed, the pile caps, stringers, deck paneling, and associated structures will be installed. These elements will be precast concrete manufactured at an off-site facility with environmental controls and transported to the site via barge or truck. Using precast pile caps will reduce the amount of concrete placed over water by approximately 67 percent.

The decking will be covered with cast-in-place concrete and/or asphalt pavement with small areas grating on the finger piers. The decking is designed as a solid surface to support the loads from vessels at berth and from occasional vehicles delivering supplies to and from the spill response vessels. Stormwater from the new surface will flow directly into Neah Bay. Stormwater collection and treatment are not necessary due to the limited amount of traffic that will use the new structure.

Mooring and berthing loads will be resisted by a fender system and mooring fittings attached to the dock. A fender pile system will be used with an energy-absorbing rubber fender element because of the larger commercial vessel size and mix of vessels intended for this berth. A steel wale beam will connect each fender and distribute loads between piles and rubber units. Fender piles will be sleeved with polyethylene piping for long-term corrosion and abrasion protection.

Security lighting will be provided on a photocell with full cutoff, LED, pole-mounted fixtures. Additional operational lighting will be provided for night operations. Photocell and timer will control operational lighting and will be turned on only when needed. Lighting will be positioned to avoid light spillage from the dock onto adjacent waters. The existing commercial fishing dock has underpier lighting under the trestle from the shore to approximately 300 feet from shore. These lights are on a timer that turns them on only during daylight hours to enhance fish passage. The proposed dock extension will connect to the existing fishing dock approximately 300 feet from shore and, after dredging is completed, will be over a mudline at -25 to -26 feet MLLW. There is no plan to add underpier lighting under the spill dock extension due to its distance from shore and its position over relatively deep water.

Overwater activities will be conducted according to the best management practices (BMPs) established for the project, which will minimize any potential for impacts to water quality, such as spills or release of construction debris into the waters at the site. Overwater construction will not be limited to the in-water work window.

The dredging is described in 8a and 8g.

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: 16 July 2018 End date: 15 February 2020

See JARPA Attachment D

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

Approximately \$17,000,000

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

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

Yes No Don't know

A federal Department of Transportation grant (Transportation Investment Generating Economic Recovery, aka TIGER) was approved for funding project design and permitting. Other potential sources of construction funding are being considered at this time.

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 Not applicable

There are no wetlands in or adjacent to the proposed project area.

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

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

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

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

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

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

Not applicable

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. [\[help\]](#)

Not applicable

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

Impact Avoidance and Minimization Measures
 The proposed action includes the following measures, BMPs, and design features to avoid and minimize the potential for adverse environmental effects during and following construction.

- The construction of the dock extension from the existing fishing dock trestle will minimize impacts that would be associated with the construction of a separate trestle.
- The new structure will be designed to minimize the number of piles needed, thus, minimizing benthic impact, shading impacts, and construction noise.
- Overwater concrete placement will be minimized by incorporating precast structural elements for 67 percent of the concrete needed.
- Work barges will not be allowed to ground out.
- A temporary platform will be used to avoid damage to the shallow-water habitat during trestle construction.
- In-water work will be conducted only during the approved in-water work window for marine waters of Puget Sound and the Strait of Juan de Fuca where bull trout are present (16 July to 15 February).

- Project construction will be completed in compliance with Washington State Water Quality Standards (WAC 173-201A), including the following.
 - Petroleum products, fresh cement, lime, concrete, chemicals, or other toxic or deleterious materials will not be allowed to enter surface waters.
 - No oil, fuels, or chemicals will be discharged to surface waters or onto land where there is a potential for reentry into surface waters.
 - Fuel hoses, oil drums, oil or fuel transfer valves, fittings, etc., will be checked regularly for leaks, and materials will be maintained and stored properly to prevent spills.
- A spill prevention, control, and countermeasures (SPCC) plan will be prepared by the contractor and used during all demolition and construction operations. A copy of the plan, with any updates, will be maintained at the work site.
 - The SPCC plan will outline BMPs, responsive actions in the event of a spill or release, and notification and reporting procedures. The plan will also outline management elements, such as personnel responsibilities, project site security, site inspections, and training.
 - The SPCC plan will outline the measures to prevent the release or spread of hazardous materials used on site and/or encountered during construction and any hazardous materials that are stored, used, or generated on the construction site during construction activities. These items include, but are not limited to, gasoline, diesel fuel, oils, and chemicals.
 - Applicable spill response equipment and material designated in the SPCC plan will be maintained at the job site.
 - In the event of a spill, containment and cleanup efforts will begin immediately and will be completed in an expeditious manner, in accordance with all local, state, and federal regulations. Spill containment and cleanup will take precedence over normal work. Cleanup will include proper disposal of any spilled material and used cleanup material.
 - The cause of the spill will be ascertained and appropriate actions taken to prevent further incidents or environmental damage.
 - Spills will be reported to Ecology's Northwest Regional Spill Response Office at 425/649-7000.

See Neah Bay impacts minimization dredged material beneficial reuse summary in 8a.

General Best Management Practices

Typical construction BMPs for working in, over, and near water will be applied to the construction activities, including the following.

- Excess or waste materials will not be disposed of, or abandoned waterward of, ordinary high water or allowed to enter waters of the state. Waste materials will be disposed of in an appropriate manner consistent with applicable local, state, and federal regulations.
- Any materials dropped into the water during the project will be immediately removed by the contractor.
- Demolition and construction materials will not be stored where wave action or upland runoff can cause materials to enter surface waters.
- Oil-absorbent materials will be present on site for use in the event of a spill or if any oil product is observed in the water.

Pile Installation BMPs

Pile installation BMPs to be applied will include the following.

- A vibratory hammer will be used to drive steel piles, to the extent possible, to minimize noise levels.
- A bubble curtain or other similarly effective noise attenuation device will be employed during all impact pile proofing or installation.
- Marine mammal monitoring will be conducted during pile installation activities to reduce the potential for impacts to Endangered Species Act (ESA)-listed marine mammals.

- Pile installation will be conducted during the Washington Department of Fish and Wildlife (WDFW)-approved in-water work window for Tidal Reference Area 10 (16 July to 15 February), the period established to minimize impacts to aquatic species.

Overwater Concrete Placement Minimization and BMPs

On-site concrete placement will follow appropriate BMPs, including the following.

- Wet concrete will not come into contact with surface waters.
- Forms for any cast-in-place concrete structure will be constructed to prevent leaching of wet concrete.
- Concrete process water will not be allowed to enter the bay. Any process water/contact water will be routed to a contained area for treatment and will be disposed of at an upland location.

Dredging and Dredged Material Placement

Dredging may be completed using either clamshell bucket or hydraulic dredging equipment. BMPs associated with dredging may include, but are not limited to, the following.

Mechanical Dredging

- The dredge bucket will not overpenetrate surface sediments, which can cause sediment to be expelled from the vents in the bucket or cause sediment to become piled on top of the bucket and then become eroded during bucket retrieval.
- The bucket will be closed smoothly when it is collecting dredge material.
- The method of operating the dredge will be modified based on changing site conditions, such as tides, waves, currents, and wind.
- Multiple bites while the bucket is on the bottom will not be permitted.
- Dredged material aboard the barge will be observed daily for the presence of fish to ensure that they are not being impinged by the clamshell bucket. If impingement occurs, crane operation will be slowed to increase opportunity for fish to avoid the bucket.
- The barge will be managed such that the dredged sediment load does not exceed the capacity of the barge. The load will be placed in the barge to maintain an even keel and avoid listing.

Hydraulic Dredging

- The suction head of hydraulic dredge will be maintained at the mudline to the extent practicable.
- A buffer plate or other means will be used to reduce flow discharge of the hydraulic dredge at the placement area.

In-water Placement

- A video survey was completed at the placement site in the northwest corner of the bay in November 2016. The area of eelgrass identified during that survey is shown on Sheet 8. Eelgrass area boundaries will be clearly marked prior to placement to reduce the risk of dredged material placement on existing eelgrass.
- Hay bales, silt fences, or similar structures will be placed around the boundaries of the dredged material placement areas prior to dredged material placement. The structures will minimize turbidity impacts to the surrounding areas during dredged material placement. The dredged material placement area is shown on Sheets 8 and 9.

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

Yes No But all impacts will be mitigated as described herein.

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 Not applicable

Mitigation will consist of the following.

Mudline Cleanup

An underwater video survey completed in November observed debris around the existing commercial fishing dock. The debris observed during the video survey primarily consists of fishing gear, metal pipe, metal cables, tires, and glass bottles.

Debris identified in the footprint area of the project will either be removed with the dredged material identified for upland disposal (on the east, west, and south sides of the existing dock as shown on Sheet 6) or will be removed with a clamshell prior to hydraulic dredging (the material suitable for in-water use identified on the north side of the dock as shown on Sheet 7). The debris removal will occur during planned dredging by using a clamshell on an excavator operated from the trestle and dock of the existing commercial fishing dock, from a work barge, or temporary platform. The dredge material barge will also be equipped with a steel screen (“grizzly”) with 1-foot by 1-foot openings to separate any debris potentially present from the dredged material. Debris collected on the screen will be removed and placed in a separate debris barge pending disposal using a clamshell on an excavator operated from a work barge.

It is anticipated that removing such items as part of this project will result in improvements to the benthic habitat in an area of approximately 6,000 to 7,000 square feet.

Minimization Measures

Approximately 191,430 cubic yards of the proposed dredged material (total dredge = 208,000 cubic yards) is assumed suitable for in-water beneficial use based on the chemical analytical data results (Appendix B) from the sediment characterization. The DMMP Suitability Determination is pending upon their review of the sediment characterization report (Appendix B). This material will be beneficially reused as habitat enhancement in the northwest portion of the bay (Sheet 8) if it is found suitable by the DMMP. The beneficial use will improve habitat conditions within the bay, effectively minimizing the severity of impacts to habitat in the bay from the proposed project. The suitable dredged material will be placed as follows.

Habitat Enhancement and Beneficial Use

The project includes placement of approximately 191,430 cubic yards of dredged sediment at the following sites.

- In the northwest portion of Neah Bay – suitable dredge material will be placed to the east of the observed area of eelgrass and will improve the function and value of intertidal habitat by raising the mudline 1 to 8 feet to elevations ranging from -2 feet MLLW (waterward side of the area) to +1 foot MLLW (shore side of the area) depending upon the location of the dredge placement. The placement of the dredged material is still in development but will be a variation of this design.
- Upland stockpile area to be identified by the Tribe – dredged material will be placed at this location to create a temporary stockpile for later beneficial use by the Makah Tribe. The volume of material to be stockpiled will be determined by the Tribe prior to dredging.

The use of dredged material for beneficial use or habitat creation/enhancement will only be completed after the suitability determination is received from the DMMP stating that the material is suitable for that purpose.

The dredged material will be placed at these locations using a hydraulic pipeline to transport the dredge material from the site to the locations.

The beneficial reuse of the dredged material at the placement site in the northwest portion of the bay has the added benefit of keeping the dredged material within the bay-wide system where most of the sand sources have been modified or eliminated by development. The habitat enhancement/beneficial use area is shown on Sheet 8.

Additionally, approximately 16,570 cubic yards of assumed unsuitable dredged material will be removed from the marine environment and placed upland at a site identified by the Tribe in accordance with state and federal waste disposal and landfill regulations. The removal of this material from the marine environment will improve benthic habitat in an approximately 49,000-square-foot (1.12 acres) area by removing sediment with concentrations of contaminants of concern at levels greater than DMMP and SMS screening levels from the marine environment. The location of this material is shown on Sheet 6.

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. [\[help\]](#)

The proposed mitigation and minimization measures are described above.

The mitigation is intended to accomplish the following.

- Remove deleterious materials, such as metal debris, bottles, tires, and fishing gear, from approximately 6,000 to 7,000 square feet within the project area surrounding the existing commercial fishing dock. This will generally improve water quality and sediment quality in the project area, and will also provide access to benthic substrate for biological resources, allow improved light transmission to the substrate, and reduce benthic shading caused by large objects on the bottom.
- Remove approximately 16,570 cubic yards of sediment with concentrations of contaminants of concern greater than the DMMP and SMS screening levels from the marine environment and placing it upland. This will improve the benthic habitat at the mudline in an approximately 1.1-acre area, generally improve benthic habitat bay-wide, and generally improve water quality in the project area and bay-wide.

The mitigation includes removal of debris from the mudline of the project area and unsuitable sediment from the marine environment to offset the new overwater coverage and benthic habitat impacts (from pile installation) that will result from construction of the dock extension. The construction of the dock will only impact existing lower value shallow subtidal and deep subtidal habitat. No intertidal habitat will be impacted by the project. The mitigation plan was also developed to improve and increase habitat for anadromous and marine fish within, and passing through, Neah Bay. This approach represents a focus on increasing and improving habitat in the bay. As the proposed action occurs within the marine waters of Neah Bay, Section 323.3 (c)(v) of the USACE final mitigation rule (USACE 2008) also indicates that a watershed approach is not appropriate for mitigation site selection. The USACE final mitigation rule states that for “areas where watershed boundaries do not exist, such as marine areas...an appropriate spatial scale should be used to replace lost functions and services within the same ecological system” (USACE 2008).

The minimization also includes dredged material beneficial reuse in the northwest portion of the bay and is intended to increase the quality of intertidal habitat at the bay-wide level and improve the value of existing intertidal habitat in the northwest beach area.

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
Dredging to -15 ft. MLLW (nearshore) and -25 ft. MLLW offshore (plus 1 ft. of allowable overdredge)	Neah Bay	Below Ordinary High Water Mark (OHWM)	Permanent	208,000 cy of sediment will be dredged (the material unsuitable for beneficial use, approximately 16,570 cy, will be placed upland as discussed below).	The total area of dredging will be approximately 808,306 sf (18.6 acres) as shown on Sheet 6. No intertidal habitat will be impacted by the dredging. Approximately 0.6 acre of existing shallow subtidal habitat will be converted to tidal habitat by dredging. Approximately 12.6 acres of deep subtidal habitat (between -10 and -25 feet MLLW)

					will remain deep subtidal after dredging. The remainder of the area (approximately 5.4 acres) is tidal habitat that will remain so after dredging.
Intertidal habitat creation or improvement	Neah Bay	Below OHWM	Permanent	Suitable dredged sediment (up to approximately 191,430 cy) will be placed in the northwest portion of the bay to create intertidal habitat from shallow subtidal, substrate improvement (existing "mudline" is rocky) and/or stockpiled in a yet to be identified upland site pending identification of additional placement sites. Dredged material beneficial reuse will improve bay-wide habitat quality by increase the amount of usable intertidal habitat present in the bay.	Approximately 729,300 sf (16.74 acres) of intertidal habitat will be created from shallow subtidal habitat in the northwest portion of the bay.
Steel pipe pile installation (135 x 18-inch and 85 x 24-inch diameter) with vibratory hammer and impact proofing	Neah Bay	Below OHWM	Permanent	Up to 220 steel pipe piles will be installed to support the structure.	Approximately 688 sf (0.02 acre) of benthic impacts.
Removal of waste debris (metal piping, metal debris, tires, fishing nets, fishing gear, etc.) from the project area mudline	Neah Bay	Below OHWM	Permanent	6,000 to 7,000 sf of debris will be removed from beneath and adjacent to the existing structure.	5,000 to 6,000 sf (0.14 to 0.16 acre) of benthic habitat will be improved.
Removal of unsuitable sediment from the marine environment as part of the dredging.	Neah Bay	Below OHWM	Permanent	Approximately 16,570 cy of material that is unsuitable for in-water use will be dredged via clamshell and placed at an appropriate upland facility.	Approximately 1.12 acres of benthic habitat will be improved by the removal of the unsuitable material from the marine environment.
New Dock Extension	Neah Bay	Below OHWM	Permanent		Up to 30,380 sf (0.7 acre) of overwater coverage will be added after the dock is constructed. The table below summarizes the areas impacted by new overwater coverage.

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.

Table 8e.1 Overwater Coverage

Elevation	Type of Habitat (Existing)	Area of New Overwater Coverage
MHHW to -2 feet MLLW	Intertidal	NONE
-2 feet MLLW to -10 feet MLLW	Shallow subtidal	1,200 sf (0.03 acre)
-10 feet MLLW to -20 feet MLLW	Deep subtidal	29,180 sf (0.67 acre)

Table 8e.2 Dredge Area Impacts and Habitat Creation

Existing Elevation	Habitat Impacts (existing to post-dredge)	Area Impacted by Dredging (approximate)	Habitat Created by Dredge Placement (Approximate)
MHHW to -2 feet MLLW	Intertidal (no change)	NONE	16.74 acres of shallow subtidal will be converted to intertidal habitat
-2 feet MLLW to -10 feet MLLW	Shallow subtidal converted to deep subtidal	0.6 acre	
-10 feet MLLW to -20 feet MLLW	Deep subtidal converted to tidal	12.6 acres	
Total Change in Habitat from Dredging/Placement		-13.2 acres¹	+16.74 acres
>-20 feet MLLW	Tidal Remains Tidal	5.4 acres	
<i>Total Dredge Area</i>		<i>18.6 acres</i>	
Net Change in High Value Intertidal Habitat		+16.74 acres intertidal created²	
Plus Net improvement of Benthic Habitat (removal of unsuitable dredged material from the marine environment)		+1.12 acres of improved benthic habitat (existing and post-dredge shallow and deep subtidal)	

¹Subtidal lands (shallow and deep) converted to lower value habitat (tidal).

²No intertidal habitat is lost or adversely impacted by the project; 13.2 acres of shallow and deep subtidal habitat of moderate to low value will be converted to tide lands by the dredging. The placement of material dredged from the project site at the minimization placement sites will create 16.74-acre high-value intertidal habitat from shallow subtidal lands.

Table 8e.3 Project Benthic Substrate (Pile and Debris Footprint) Coverage Summary

Existing Debris to Be Removed	Area of Debris Removal (sf)	Proposed Piles to Be Installed	Net Change (Number of Piles)
Pile Size and Type, Debris	Total	Total	
18" Steel	-	135	+135
24" Steel	-	85	+85
Total	-	220	+220
Pile Size and Type	Benthic Substrate Gain (sf)	Benthic Substrate Loss (sf)	Net Change (sf)
18" Steel	-	-271	-271
24" Steel	-	-417	-417
Perimeter and Underpier Debris Removed	6,000 - 7,000	-	+6,000 to 7,000
Total	6,000 - 7,000	-688	+5,312 sf to +6,312 sf (0.12 to 0.14 acre substrate gained)

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. [\[help\]](#)

Approximately 191,430 cubic yards of dredged material removed from the dock extension project site will be placed at dredge placement beneficial use Site 1 and, potentially, stockpiled at a nearby upland stockpile area (Sheet 8) pending identification of additional placement site needs. Only the material deemed suitable for beneficial use by the DMMO will be used for intertidal habitat creation/improvement. The material will be placed to create intertidal habitat from existing subtidal habitat and to improve habitat where the existing mudline is rocky.

The remaining approximately 16,570 cubic yards of dredged material assumed to be unsuitable for beneficial use based on existing data will be placed at an upland disposal facility identified by the Tribe in accordance with state and federal landfill and waste disposal regulations.

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. [\[help\]](#)

Approximately 6,000 to 7,000 square feet of debris (including metal debris, tires, fishing equipment, and piping) will be removed from the mudline prior to dredging. The debris will be removed using an excavator with a clamshell operated from a work barge, temporary work platform, or from the existing commercial fishing dock and trestle. The debris will be placed in a barge to be disposed at an approved upland landfill facility.

Approximately 191,430 cubic yards of sandy gravel material that is suitable for in-water beneficial use will be dredged from the project area using mechanical (clamshell) or hydraulic dredge equipment and pipeline delivery of the dredged material to the habitat site and upland stockpile area(s) if found to be suitable for beneficial use by the DMMO after their review of the project sediment characterization report (Appendix B).

Approximately 16,570 cubic yards of dredged material that is assumed to be unsuitable for in-water beneficial use will be dredged from the project area using a mechanical or hydraulic dredging equipment. An excavator with a clamshell operated from a work barge, temporary work platform, or from the existing commercial fishing dock and trestle would be used in the event that mechanical dredge equipment is used to complete this part of the dredging. This material will be placed at an approved upland facility identified by the Tribe.

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
National Oceanic and Atmosphere Administration Fisheries	Matt Longenbaugh	360-753-7761	06/16/16
U.S. Army Corps of Engineers	Pam Sanguinetti	206-764-6904	10/05/16
U.S. Army Corps of Engineers	Juliana Houghton	206 764-3768	10/05/16
U.S. Army Corps of Engineers Section 408	Susan Smoley	206-764-3495	10/05/16
Washington Department of Fish and Wildlife	Chris Barnes	360-417-1426	10/05/16
Dredged Material Management Program, Environmental Protection Agency	Justine Barton	206-553-6051	10/05/16
National Marine Fisheries Service	Conrad Newell	360-753-9003	10/05/16
Washington State Department of Ecology	Lori Kingsbury	360-407-6926	10/05/16
Washington State Department of Natural Resources	Bill House	360-854-2863	10/05/16
Washington State Department of Natural Resources, Dredged Material Management Program	Celia Barton	360-902-1735	10/05/16
U.S. Fish and Wildlife Service	Lindsay Wright	360-753-6037	10/05/16
Dredged Material Management Program	Lauran Cole Warner	206-383-4143	01/06/17

<p>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]</p> <ul style="list-style-type: none"> • If Yes, list the parameter(s) below. • If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: http://www.ecy.wa.gov/programs/wq/303d/.
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [help]</p> <ul style="list-style-type: none"> • Go to http://cfpub.epa.gov/surf/locate/index.cfm to help identify the HUC.
<p>17110021 – Crescent-Hoko Watershed</p>
<p>9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [help]</p> <ul style="list-style-type: none"> • Go to http://www.ecy.wa.gov/services/gis/maps/wria/wria.htm to find the WRIA #.
<p>WRIA 19</p>
<p>9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help]</p> <ul style="list-style-type: none"> • Go to http://www.ecy.wa.gov/programs/wq/swqs/criteria.html for the standards.
<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable</p>
<p>9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help]</p> <ul style="list-style-type: none"> • If you don't know, contact the local planning department. • For more information, go to: http://www.ecy.wa.gov/programs/sea/sma/laws_rules/173-26/211_designations.html.
<p><input type="checkbox"/> Rural <input type="checkbox"/> Urban <input type="checkbox"/> Natural <input type="checkbox"/> Aquatic <input type="checkbox"/> Conservancy <input checked="" type="checkbox"/> Other Tribal Reservation</p>
<p>9g. What is the Washington Department of Natural Resources Water Type? [help]</p> <ul style="list-style-type: none"> • Go to http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesApplications/Pages/fp_watertyping.aspx for the Forest Practices Water Typing System.
<p><input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Fish <input type="checkbox"/> Non-Fish Perennial <input type="checkbox"/> Non-Fish Seasonal</p>
<p>9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [help]</p> <ul style="list-style-type: none"> • If No, provide the name of the manual your project is designed to meet.
<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Name of manual: Stormwater Management Manual for Western Washington, dated August 2012.</p>
<p>9i. Does the project site have known contaminated sediment? [help]</p> <ul style="list-style-type: none"> • If Yes, please describe below.
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>9j. If you know what the property was used for in the past, describe below. [help]</p>
<p>The east adjacent property has been used as a commercial fishing dock for approximately 65 years, but the project site has remained vacant.</p>
<p>9k. Has a cultural resource (archaeological) survey been performed on the project area? [help]</p> <ul style="list-style-type: none"> • If Yes, attach it to your JARPA package.
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

The construction activities will occur primarily in water and are not anticipated to encounter or disturb cultural resources, based on information provided by Janine Ledford, director of the Makah Cultural and Research Center, in Neah Bay. An observer from the Makah Indian Tribe will be present during the construction to monitor for the presence of cultural resources, especially during shallow water and shoreline activities.

9I. 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. [\[help\]](#)

A biological evaluation (BE) has been prepared for the project and is attached. The species and critical habitat potentially present in the vicinity of the project that are listed under the ESA are shown on the tables below, along with effects determinations based on the BE. A summary description of how these effects determinations were reached for each species and critical habitat is provided in the BE. The BE will be reviewed by the Makah Fisheries Management Habitat Division.

Effects Determinations Summary Table – Listed Species

Species ESU/DPS	Federal Status	Effect Determination
Chinook Salmon - Puget Sound ESU	Threatened	NLTAA
Chum Salmon- Hood Canal Summer-Run ESU	Threatened	NLTAA
Steelhead - Puget Sound DPS	Threatened	NLTAA
Bull Trout -Puget Sound DPS	Threatened	NLTAA
Orca - Southern Resident DPS	Threatened	NE
Humpback Whale- Eastern North Pacific Stock	Endangered	NE
Marbled Murrelet - NA (no ESU/DPS designation)	Threatened	NLTAA
Short-tailed Albatross - NA (no ESU/DPS designation)	Endangered	NLTAA
Streaked Horned Lark - NA (no ESU/DPS designation)	Threatened	NLTAA
Yellow-billed Cuckoo - Western U.S. DPS	Threatened	NLTAA
Rockfish - Boccaccio	Endangered	NLTAA
Rockfish - Yelloweye Rockfish	Threatened	NLTAA
Rockfish - Canary Rockfish	Threatened	NLTAA
Pacific Eulachon - Southern DPS	Threatened	NE

Notes: ESU =Evolutionarily Significant Unit; DPS=Distinct Population Segment; LTAA = Likely to Adversely Affect; NLTAA = Not Likely to Adversely Affect; NE = No Effect; NA = Not Applicable

Effects Determinations Summary Table – Critical Habitats

Species ESU/DPS	Critical Habitat Status	Effect Determination
Chinook Salmon - Puget Sound ESU	Designated	NE
Chum Salmon - Hood Canal Summer-Run ESU	Designated	NE
Steelhead - Puget Sound DPS	Proposed	NE/WNAM
Bull Trout -Puget Sound DPS	Designated	NE
Orca - Southern Resident DPS	Designated	NLTAA
Humpback Whale - Eastern North Pacific Stock	Not Designated or Proposed	NA
Marbled Murrelet - NA (no ESU/DPS designation)	Designated	NE
Short-tailed Albatross - NA (no ESU/DPS designation)	Not Designated or Proposed	NA
Streaked Horned Lark - NA (no ESU/DPS designation)	Designated	NE
Rockfish - Boccaccio	Designated	NE/WNAM
Rockfish - Yelloweye Rockfish	Designated	NE/WNAM
Rockfish - Canary Rockfish	Designated	NE/WNAM
Pacific Eulachon - Southern DPS	Designated	NE

Notes: ESU =Evolutionarily Significant Unit; DPS=Distinct Population Segment; LTAA = Likely to Adversely Affect; NLTAA = Not Likely to Adversely Affect; NE = No Effect; NA = Not Applicable; Provisional Adverse Modification Determination for proposed critical habitats: WNAM= Will Not Adversely Modify

The range of Blue, Fin, Right, Sei, and Sperm whales extends to the Washington coast, but sightings within Neah Bay have been historically rare or non-existent. It is unlikely that these species will be present within the bay during the project work.

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

Habitat that occurs within the project vicinity is affected by human-made structures, including artificially placed riprap and creosote-treated piles. Very little vegetation occurs in the project vicinity.

The WDFW Priority Habitat and Species lists the following species that occur within the project vicinity.

Bivalves (Bivalva)

- Subtidal hardshell clam

Gastropods (Gastropoda)

- Pinto (Northern) Abalone *Haliotis kamtschatkana*

Urchins (Echinoida)

- Red Urchin *Strongylocentrotus franciscanus*

Mammals (Mustelidae)

- Sea Otter *Enhydra lutris kenyonic*

Pinnipeds (Carnivora)

- Harbor Seal *Phoca vitulina*

Crustaceans (Crustacea)

- Dungeness Crab *Cancer magister*
- Pandalid Shrimp *Pandalus spp.*

Birds

- Bald eagle *Haliaeetus leucocephalus*
- Common Loon *Gavia immer*
- Harlequin Duck *Histrionicus histrionicus*
- Shorebird concentrations

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.ecy.wa.gov/opas/>.
- Governor’s Office of Regulatory Assistance at (800) 917-0043 or help@ora.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 www.ecy.wa.gov/programs/sea/sepa/e-review.html.

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):
- Other:** Makah Coastal Zone Management Program – Determination of Non-Significance

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](#)
Effective July 10, 2012, you must submit a check for \$150 to Washington Department of Fish and Wildlife, unless your project qualifies for an exemption or alternative payment method below. **Do not send cash.**

Check the appropriate boxes:

- \$150 check enclosed. (Check # _____)
Attach check made payable to Washington Department of Fish and Wildlife.
- Charge to billing account under agreement with WDFW. (Agreement # _____)
- My project is exempt from the application fee. (Check appropriate exemption)
- HPA processing is conducted by applicant-funded WDFW staff.
(Agreement # _____)
- Mineral prospecting and mining.
- Project occurs on farm and agricultural land.
(Attach a copy of current land use classification recorded with the county auditor, or other proof of current land use.)
- Project is a modification of an existing HPA originally applied for, prior to July 10, 2012.
(HPA # _____)

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: Makah Indian Tribe 401 Water Quality Certification

- Section 401 Water Quality Certification

FEDERAL GOVERNMENT

United States Department of the Army permits (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 permits:

Private Aids to Navigation (for non-bridge projects)

Attachments

Attachment E – DNR Managed Aquatic Lands Form

Sheets 1 to 9

Appendix B, Sediment Characterization Report

Biological Evaluation

Check \$150

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. WP (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. WP (initial)

William S. Parkin, Jr
Applicant Printed Name

William Parkin
Applicant Signature

2-8-17
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.

Victoria R. England LG
Authorized Agent Printed Name

Victoria R. England
Authorized Agent Signature

7 February 2017
Date

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

Not required if project is on existing rights-of-way or easements.

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 of Regulatory Assistance (ORA) 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. ORA publication number: ENV-019-09 rev. 06-12

**JARPA
Port of Neah Bay
Makah Spill Response Dock Extension**

**JARPA Attachment E
Aquatic Use Authorization on DNR
Managed Aquatic Lands**



WASHINGTON STATE
Joint Aquatic Resources Permit
Application (JARPA) [\[help\]](#)



AGENCY USE ONLY

Date received: _____; Town
 Application Fee Received; Fee N/A
 New Application; Renewal Application
 Type/Prefix #: _____; Nature Use
 Code: _____

LM Initials &
 BP#:

RE Assets Finance
 BP#:

New Application
 Number:

Attachment E:
Aquatic Use Authorization on
Department of Natural Resources
(DNR)-managed aquatic lands [\[help\]](#)

Complete this attachment and submit it with the completed JARPA form only if you are applying for an Aquatic Use Authorization with DNR. Call (360) 902-1100 or visit www.bit.ly/dnr_aquatic_lease for more information.

- DNR recommends you discuss your proposal with a DNR land manager before applying for regulatory permits. Contact your regional land manager for more information on potential permit and survey requirements. You can find your regional land manager by calling (360) 902-1100 or going to http://www.dnr.wa.gov/Publications/aqr_land_manager_map.pdf. [\[help\]](#)
- The applicant may not begin work on DNR-managed aquatic lands until DNR grants an Aquatic Use Authorization.
- Include a \$25 non-refundable application processing fee, payable to the “Washington Department of Natural Resources.” (Contact your Land Manager to determine if and when you are required to pay this fee.) [\[help\]](#)

DNR may reject the application at any time prior to issuing the applicant an Aquatic Use Authorization. [\[help\]](#)

1. Applicant Name (Last, First, Middle)	
Parkin, Jr., William S.- Makah Indian Tribe	
2. Phone Number and Email	
360-645-3019; Bill.Parkin@makah.com	
3. Which of the following applies to Applicant? Check one and, if applicable, attach the written authority – bylaws, power of attorney, etc. [help]	
<input type="checkbox"/> Corporation <input type="checkbox"/> Limited Partnership <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Liability Company Home State of Registration: _____	<input type="checkbox"/> Individual <input type="checkbox"/> Marital Community (Identify spouse): _____ <input checked="" type="checkbox"/> Government Agency <input checked="" type="checkbox"/> Other (Please Explain): (Makah Tribal Lands)

4. Washington UBI (Unified Business Identifier) number, if applicable: [help]
5. Are you aware of any existing or previously expired Aquatic Use Authorizations at the project location?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know If Yes, Authorization number(s): <u>Aquatic Lands Lease No. 20-010051 and Right-of-Entry for area north of lease (ROE No. 23-090571) granted to Landau Associates for geotechnical investigation associated with the proposed dock replacement project.</u>
6. Do you intend to sublease the property to someone else?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, contact your Land Manager to discuss subleasing.
7. If fill material was used previously on DNR-managed aquatic lands, describe below the type of fill material and the purpose for using it. [help]
Not applicable.

To be completed by DNR and a copy returned to the applicant.

Signature for projects on DNR-managed aquatic lands:

Applicant must obtain the signature of DNR Aquatics District Manager OR Assistant Division Manager if the project is located on DNR-managed aquatic lands.

I, a designated representative of the Dept. of Natural Resources, am aware that the project is being proposed on Dept. of Natural Resources-managed aquatic lands and agree that the applicant or his/her representative may pursue the necessary regulatory permits. My signature does not authorize the use of DNR-managed aquatic lands for this project.

Printed Name	Signature	Date
Dept. of Natural Resources District Manager or Assistant Division Manager	Dept. of Natural Resources District Manager or Assistant Division Manager	

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 ENV-049-12 rev. 08/2013