

EXHIBIT D

PERMIT REQUIREMENTS

All actions carried out by Port of Olympia pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits, except as provided in RCW 70.105D.090. The permits or specific federal, state or local requirements that the agency has determined are applicable and that are known at the time of entry of this Order have been identified below. The Port of Olympia will obtain a Nationwide 38 permit from the Army Corps of Engineers.

- Joint Aquatics Resources Permit Application review and issuance of a **Nationwide 38 permit** from the Corps of Engineers
- The Port of Olympia is also subject to the **State Environmental Policy Act (SEPA)** review process. The Department of Ecology is acting as "lead agency" for the SEPA review process and intends to issue a determination of non-significance for the interim action as described in the Interim Action Plan (Exhibit C).

Pursuant to RCW 70.105D.090(1), Port of Olympia is exempt from the procedural requirements of Chapters 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 RCW and of any laws requiring or authorizing local government permits or approvals. However, the Port of Olympia shall comply with the substantive requirements of such permits or approvals. The exempt permits or approvals and the applicable substantive requirements of those permits or approvals, as they are known at the time of entry of this Order, have been identified below.

- **401 Water Quality Certification** from Washington State Department of Ecology, Shorelands and Environmental Assessment Program

To demonstrate that the State Water Quality Standards are being met, which are the substantive requirements of the Clean Water Act, Section 401, the Port of Olympia must submit a water quality protection and monitoring plan to Ecology for review and approval.

- **Hydraulic Project Approval (HPA)** from the Washington State Department of Fish and Wildlife. The substantive requirements are listed below.

TIMING LIMITATIONS: The project may begin immediately and shall be completed by September 15, 2013; Provided:

- a. Work below the ordinary high water line shall occur from June 15 through March 14 of any year for the protection of migrating juvenile salmonids.
- b. Dredging activity, may be done from June 15 through March 1, of any year.
- c. Any placement of sand cover shall occur no later than March 1, of any year.

This HPA is for repair or replacement of the existing structures only and shall not result in expansion of the structure.

Any removed creosote pilings shall be disposed of upland such that they do not enter waters of the state. They shall be removed whole if possible. If the condition of the pile results in breaking, or partial removal, then the piling shall be cut off a minimum of 3 feet below the mud line and capped with clean sand (< 1/8 inch diameter). The pilings shall be disposed upland such that they do not enter waters of the state.

DREDGING:

Dredged material shall not be stockpiled below the ordinary high water line.

Dredging shall be confined to the footprint illustrated in your project plans dated XXXX, except as modified by this Hydraulic Project Approval.

A containment boom shall be placed around the perimeter of the project site to contain floating debris and materials during project activities.

All existing debris, or other deleterious materials resulting from dredging activities shall be removed and disposed of upland such that it does not enter waters of the state.

Dredged materials shall be disposed at an upland site as approved in the plan such that they do not re-enter surface waters of the state.

Under no circumstances shall the dredge material be deposited at a location different from the approved location.

Erosion control methods shall be used to prevent silt-laden water from entering waters of the state during dewatering. These may include, but are not limited to, straw bales, filter fabric, temporary sediment ponds, check dams of pea gravel-filled burlap bags or other material.

If using clamshell or closed bucket:

Dredging shall be conducted with a clamshell dredge. The clamshell shall be operated to minimize turbidity. During excavation, each pass with the clamshell bucket shall be complete.

Dredged materials shall be placed on the barge in a manner that minimizes splashing of sediments. Dropping of sediment from high elevation shall be avoided.

If using a hydraulic dredge:

When the hydraulic dredge is used, it shall only be operated with the intake at or below the surface of the material being removed. The intake shall only be raised a maximum of three feet above the bed for brief periods of purging or flushing the intake system.

EQUIPMENT:

Equipment used for this project shall operate stationed on the barge or port terminal dock.

Equipment used for this project shall be free of external petroleum-based products while working around the water. Equipment shall be checked daily for leaks and any necessary repairs shall be completed prior to commencing work activities around the water.

FISH RESOURCES & WATER QUALITY:

Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the water.

All debris or deleterious material resulting from project activities shall be removed from the project area and disposed of in a location to prevent it from entering waters of the state.

No petroleum products or other deleterious materials shall enter surface waters.

Project activities shall not degrade water quality to the detriment of fish life.

Project activities shall be conducted to minimize siltation of the beach area and bed.

An emergency spill containment kit must be located on site along with a pollution prevention plan detailing planned fueling, materials storage, and equipment storage. Waste storage areas must be prepared to address prevention and cleanup of accidental spills.

- **City of Olympia Shorelands and critical areas review.** The substantive requirements of which are excerpted from the City of Olympia Master Plan. Section 3 describes the requirements for dredging activities.

VI. DREDGING

A. Scope and Definition

Dredging means the removal of sand, soil, gravel, or vegetative materials by any means from the bottom of a stream, river, lake, bay, estuary or channel. Dredging includes the anchoring of dredges, placement of floating draglines, diking and bulkheading for the purpose of minimizing runoff and seepage from dredge spoils disposal, and the process of discharging spoils into either aquatic or land sites. Dredging does not include mining for commercial purposes.

B. Policies

1. Dredging should be conducted in such a manner as to minimize damage to natural systems in both the area to be dredged and the area for deposit of dredged materials.
2. Dredging of bottom materials for the single purpose of obtaining fill material should be discouraged.
3. Deposition of dredge material in water areas should be allowed for habitat improvement, to correct problems of material distribution adversely affecting aquatic populations, or when a site has been approved by the Interagency Open Water Disposal Site Evaluation Committee (WAC 332-30-166).

C. General Regulations

1. All applications for Substantial Development Permits which include dredging shall supply a dredging plan which includes the following information:
 - a. Location and quantity of material to be removed.
 - b. Method of removal.
 - c. Location of spoil disposal sites and measures which will be taken to protect the environment around them.
 - d. Plans for the protection and restoration of the wetland environment during and after dredging operations.
2. Toxic dredge spoil deposits on land shall not be placed on sites from which toxic leachates could reach shorelines and/or associated wetlands.
3. The Administrator and/or the legislative body may require that dredge disposal sites on land be completely enclosed by dikes designed to allow sediments to settle before dredge discharge water leaves the diked area. Such dikes must be protected from erosion.
4. No permit shall be issued for dredging unless it has been shown that the material to be dredged will not exceed the Environmental Protection Agency and/or Department of Ecology criteria for toxic sediments.
5. Dredging for the sole purpose of obtaining landfill material is prohibited.
6. Permits for dredging shall be granted only if the project proposed is consistent with the zoning and/or the land use designation of the jurisdiction in which the operation would be located.
7. Dredge materials shall not be deposited in water unless:

- a. The operation improves habitat; or
- b. The site is approved by the Interagency Open Water Disposal Site Evaluation Committee (WAC 330-30-166).
- c. The disposal of spoils will increase public recreational benefits.

D. Environmental Designations and Regulations

1. Urban, Suburban, Rural and Conservancy Environments. The following dredging activities are allowed:

- a. Dredging to deepen navigational channels
- b. Dredging to improve water quality
- c. Dredging to bury public utilities
- d. Dredging to increase recreation benefits
- e. Dredging to maintain water flow
- f. Dredging which is required to allow an activity permitted by this Master Program.

2. Natural and Natural-Aquatic Environments. Dredging is prohibited in the Natural Environment except as an emergency measure. Dredging is allowed in the Natural-Aquatic Environment for the same purposes as the Conservancy Environment and for deep water disposal of dredge spoils.