



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

RECEIVED

JUN 28 2010

PORT OF PORT TOWNSEND
ADMINISTRATION OFFICE

JUN 24 2010

Regulatory Branch

Jim Pivarnik
Port of Port Townsend
Post Office Box 1180
Port Townsend, Washington 98376

Reference: NWS-2009-498
Quilcene Marina Dredge

Dear Mr. Pivarnik:

Enclosed is a Department of the Army permit which authorizes performance of the work described in your referenced application. You are cautioned that any change in the location or plans of the work will require submittal of revised plans to this office for approval prior to accomplishment. Deviation from the approved plans may result in imposition of criminal or civil penalties.

Your attention is drawn to General Condition 1 of the permit which specifies the expiration date for completion of the work. Upon completing the authorized work, please fill out and return the enclosed *Certificate of Compliance with Department of the Army Permit* form.

We are interested in your experience with our Regulatory Program and encourage you to complete a customer service survey form. This form and information about our program is available on our website at: www.nws.usace.army.mil (select "Regulatory" and then "Regulatory/Permits").

A copy of this letter without enclosures will be furnished to Marine Surveys and Assessments, at 521 Snagstead Way, Port Townsend, Washington 98368. If you have any questions, please contact Darren Habel at (206) 764-6883 or via email at Darren.Habel@usace.army.mil.

Sincerely,

Michelle Walker
Chief, Regulatory Branch

Enclosure

Mailed packet to Redunde
6/29/10 (82)



US Army Corps
of Engineers ®
Seattle District

CERTIFICATE OF COMPLIANCE WITH DEPARTMENT OF THE ARMY PERMIT



Permit Number: NWS-2009-498

Name of Permittee: Port of Port Townsend

JUN 24 2010

Date of Issuance: _____

Upon completion of the activity authorized by this permit, please check the applicable boxes below, date and sign this certification, and return it to the following address:

Department of the Army
U.S. Army Corps of Engineers
Seattle District, Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the terms and conditions of your authorization, your permit may be subject to suspension, modification, or revocation.

<input type="checkbox"/>	The work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of this permit. Date work complete: _____
<input type="checkbox"/>	Photographs and as-built drawings of the authorized work (OPTIONAL, unless required as a Special Condition of the permit).

<input type="checkbox"/>	If applicable, the mitigation required (e.g., construction and plantings) in the above-referenced permit has been completed in accordance with the terms and conditions of this permit (not including future monitoring). Date work complete: _____
<input type="checkbox"/>	Photographs and as-built drawings of the mitigation (OPTIONAL, unless required as a Special Condition of the permit).

Printed Name: _____

Signature: _____

Date: _____

DEPARTMENT OF THE ARMY PERMIT

Permittee: Port of Port Townsend

Port of Port Townsend
Post Office Box 1180
Port Townsend, Washington 98376

Permit No: NWS-2009-498

Issuing Office: Seattle District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The proposed work is to dredge up to 3500 cubic yards of sediment from the existing Quilcene Marina and entrance channel in accordance with the plans and drawings dated Jan 7, 2009, attached hereto which are incorporated in and made a part of this permit. The purpose of the project is to maintain adequate depths in the marina access channel for boats.

Project Location: In Dabob Bay, Hood Canal, near Quilcene, Jefferson County, Washington.

Permit Conditions:

General Conditions:

JUN 24 2013

1. The time limit for completing the work authorized ends on _____. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 1 month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in accordance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification to this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
7. After a detailed and careful review of all the conditions contained in this permit, the permittee

acknowledges that, although said conditions were required by the Corps, nonetheless the permittee agreed to those conditions voluntarily to facilitate issuance of the permit; the permittee will comply fully with all the terms of all the permit conditions.

Special Conditions:

- a. You must provide a copy of the permit transmittal letter, the permit form, and drawings to all contractors performing any of the authorized work.
- b. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- d. In order to meet the requirements of the Endangered Species Act (ESA) and for the protection of Puget Sound Chinook, Puget Sound Steelhead, Bull trout and Sand Lance the permittee may conduct the authorized activities from July 16 through October 14 in any year this permit is valid. The permittee shall not conduct work authorized by the permit from October 15 through July 15 in any year this permit is valid.
- e. You must implement and abide by the ESA requirements and/or agreements set forth in the *Quilcene Marina Dredging Project Biological Evaluation*, dated May 11, 2008, and the addendum dated June 16, 2009, in their entirety. The National Marine Fisheries Service (NMFS) concurred with a finding of "may affect, not likely to adversely affect" based on this document on December 24, 2009 (NMFS Reference Number 2009/05897). The U.S. Fish and Wildlife Service (USFWS) concurred with a finding of "may affect, not likely to adversely affect" based on this document on January 22, 2010 (USFWS Reference Number 13410-2010-I-0036). Both agencies will be informed of this permit issuance. Failure to comply with the commitments made in this document constitutes noncompliance with the ESA and your Corps permit. The USFWS/NMFS is the appropriate authority to determine compliance with ESA.
- f. You must have a copy of this permit available on the vessel used for the authorized transportation and disposal of dredged material.
- g. You must advise the Corps, Seattle District, Regulatory Branch in writing, at least two weeks before you start maintenance dredging activities under the authority of this permit.
- h. The permittee shall not initiate any dredging operation in any dredging window prior to notifying the Corps, Seattle District, Regulatory Branch of the proposed work and receiving written concurrence from the Regulatory Branch that the work may proceed. Upon receipt of the permittee's notification, the Regulatory Branch will coordinate with the Seattle District's Dredged Material Management Office to determine whether any action, including sediment characterization, is necessary to ensure that the proposed dredging operation would not have an unacceptable impact on the aquatic environment
- i. You are required to inform the Skokomish Tribe Historical Preservation Officer of the project work schedule.

Contracted
6/29/10 10:47
Chris Miller
VM

Further Information:


1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:
 - Section 10 of the Rivers and Harbor Act of 1899 (33 U.S.C. 403).
 - Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorization required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of the permit.
 - b. The information provided by you in support of your application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public

interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

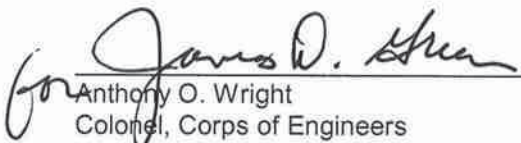
X 

Port of Port Townsend

6/15/10

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



Anthony O. Wright
Colonel, Corps of Engineers
District Engineer

6/24/10

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)