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]
Clean Products Upgrade (CPU) Project

Part 2–Applicant

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

2a. Name (Last, First, Middle)			
Spurling, Rebecca			
2b. Organization (If applicable)			
Tesoro Refining & Marketing Company LLC			
2c. Mailing Address (Street or PO Box)			
PO Box 700			
2d. City, State, Zip			
Anacortes, WA 98221			
2e. Phone (1)	**2f.** Phone (2)	**2g.** Fax	**2h.** E-mail
(360)293-1664	( )	(360)293-9190	Rebecca.A.Spurling@tsocorp.com

[1] Additional forms may be required for the following permits:

- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- 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.

[2] To 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 for Regulatory Innovation and Assistance at (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)			
Chang, Rachel			
3b. Organization (If applicable)			
CH2M HILL			
3c. Mailing Address (Street or PO Box)			
1100 112th Avenue NE, Suite 500			
3d. City, State, Zip			
Bellevue, WA 98004			
3e. Phone (1)	**3f.** Phone (2)	**3g.** Fax	**3h.** E-mail
(425)233-3326	( )	(425)468-3126	Rachel.Chang@ch2m.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)			
Contact: Lietzan, Erin – Lands Manager			
4b. Organization (If applicable)			
Washington Department of Natural Resources (DNR) – Orca Straits District			
4c. Mailing Address (Street or PO Box)			
919 N Township Street			
4d. City, State, Zip			
Sedro Woolley, WA 98284-9384			
4e. Phone (1)	**4f.** Phone (2)	**4g.** Fax	**4h.** E-mail
(360) 854-2858	( )	( )	

Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [help]

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

5a. Indicate the type of ownership of the property. (Check all that apply.) [help]

☒ Private
☐ Federal
☐ Publicly owned (state, county, city, special districts like schools, ports, etc.)
☐ Tribal
☒ Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E)

5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [help]

10200 West March Point Road

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

Anacortes, WA. 98221

5d. County [help]

Skagit

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

¼ Section	Section	Township	Range
00	21, 28, 29	35 N	02 E

5f. Provide the latitude and longitude of the project location. [help]

- Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83)

48.487180, -122.567206 (New Tanks Area)
48.508508, -122.570424 (Marine Vapor Emission Control [MVEC] System - Dock Safety Unit [DSU])
48.496905, -122.561214 (Marine Vapor Emission Control [MVEC] System - Vapor Combustion Unit [VCU])

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

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

Parcels P32990, P32989, and 32996/ DNR Aquatic Lease No. 20-A12165 and Easement No. 51-076087

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)
See Attachment C		

5i. List all wetlands on or adjacent to the project location. [help]

Two palustrine emergent (PEM) isolated wetlands (W47 and W48) were delineated within the New Tanks Area and are rated Category IV per Ecology's Washington State Wetland Rating System and Skagit County Code

Title 14.

On April 17, 2015, Randel Perry with the U.S. Army Corps of Engineers (USACE) Seattle District conducted an on-site Jurisdictional Determination of Wetlands W47 and W48 within the New Tanks Area and determined that Wetlands W47 and W48 are not waters of the United States under the Clean Water Act Section 404 jurisdiction. The U.S. Environmental Protection Agency (EPA) concurred with this jurisdictional determination (USACE, 2015).

Wetland Ratings and Characterizations

Wetland Name	Wetland Rating	Cowardin Class	Hydrogeomorphic Class	Total (acres)
W47	IV	PEM	Depressional	0.09
W48	IV	PEM	Depressional	0.015

The following wetlands are documented within 300 feet of the New Tanks Area.

Wetland Ratings and Characterizations

Wetland Name	Wetland Rating	Cowardin Class	Hydrogeomorphic Class	Total (acres)
W6	IV	PEM	Depressional	2.33
W44	IV	PEM	Depressional	2.23
W49	IV	PEM	Depressional	0.06
W50	IV	PEM	Depressional	0.007
W51	IV	PEM	Depressional	0.004
W52	IV	PEM	Depressional	0.007
W53	IV	PEM	Depressional	0.02
W54	IV	PEM	Depressional	0.008
W55	IV	PEM	Depressional	0.002

5j. List all waterbodies (other than +wetlands) on or adjacent to the project location. [help]

Fidalgo Bay to the west and Padilla Bay to the east of March Point.
Several ditches were also identified within or adjacent to the New Tanks Area including Ditches 2, 3, 4, 5 and 6.

5k. Is any part of the project area within a 100-year floodplain? [help]

☒ Yes ☐ No ☐ Don't know

5l. Briefly describe the vegetation and habitat conditions on the property. [help]

Wharf and Causeway

Two of the project components, the Dock Safety Units (DSU) and the 3-inch natural gas line are located on the existing Tesoro wharf and causeway. Aquatic vegetation in the vicinity of the causeway consists of eelgrass beds and several species of macroalgae located within the marine intertidal and upper subtidal zones. Upland vegetation near the causeway consists of a narrow buffer of salt tolerant grasses, scrub/shrub vegetation.

Beach substrates below the causeway include mixed coarse gravel, gravel, mixed fine sediments, and sand. There is no eelgrass at the wharf given that water depth at the wharf where the DSU will be installed is 50.8 feet deep and eelgrass generally grows at depths between 7.5 to 21.7 feet with a maximum depth around 27.6 feet. No vegetation or species habitat are present on the causeway/wharf.

New Tanks Area

The New Tanks Area is located outside of the Tesoro process unit area fencing but on property owned by Tesoro. It is used as pasture land for cattle. The vegetation is comprised of a mixture of pasture grasses with limited native vegetation. The southwestern portion of the New Tanks Area includes patches of shrub such as snowberry, rose, and Himalayan blackberry. There are no forested areas.

Marine Vapor Emissions Control (MVEC) System - Vapor Combustion Unit (VCU) Area

Vegetation at the Vapor Combustion Unit (VCU) area is dominated by facultative (FAC) grasses that include tall fescue and bentgrass, and some opportunistic upland species consisting of narrow leaf plantain and Canada thistle. The area is surrounded by Tesoro refinery operations.

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

All but one of the project components (New Tanks Area) are located within the fence line of the Tesoro Anacortes Refinery used for petroleum refining operations.

Wharf and Causeway

The DCU will be located on the wharf currently used as a marine transfer related (MTR) facility for the Tesoro Anacortes Refinery. The MTR facility consists of a shipping wharf with vessel berths and associated support infrastructure that is used for loading and unloading marine vessels. The facility also includes an approximately 0.6-mile causeway that provides vehicle and personnel access to the wharf. The causeway and wharf facility is used to load to and unload from marine vessels to support the refinery.

New Tanks Area

The New Tanks Area is located to the west of the existing tank areas. This property is currently used for cattle grazing.

MVEC – VCU Area

The VCU Area is surrounded by Tesoro refinery operations and is currently undeveloped. The grass is regularly mowed.

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

The property surrounding the CPU Project is owned by Tesoro and used for petroleum refining. A portion of the refinery property is leased to a cattle farmer and currently used as grazed and hayed pasture land.

Parcels south of the Tesoro property (as generally defined by North Texas Road) is also used as a petroleum refinery owned and operated by a different company.

Adjacent property also includes aquatic lands managed by DNR.

The March Point Road is located around the perimeter of March Point and crosses under the Tesoro causeway.

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

Wharf and Causeway

The Tesoro causeway and wharf facilitate marine vessel loading and offloading to and from the refinery. The causeway extends approximately 442 feet north from the end of "F" Street at the north end of the refinery, over March's Point Road, and approximately 0.6 mile north/northwest to the wharf. The wharf extends approximately 990 feet west of the causeway, along with the refinery's existing NPDES discharge outfall piping. The elevation of the causeway deck varies from approximately +19 feet to +32 feet mean lower low water (MLLW) (MLLW = 0 feet).The causeway structure supports a roadway deck and pipeway. East March Point Road crosses underneath the causeway near the shoreline.

New Tanks Area

Currently there are no structures above or below ground.

MVEC – VCU Area

Currently there are no structures above or below ground.

Structures within the Tesoro refinery property include refinery process units and equipment.

To the south of the process units are refinery storage tanks in containment dikes. Structures on the west side of the refinery include truck/rail loading & unloading facilities.

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

From I-5, take the State Route (SR) 20 exit west towards Anacortes. Continue on SR 20 for approximately 11.2 miles, and then turn right onto W. March Point Road. Continue approximately 2 miles to the project area. See Figure 1 for a vicinity map.

Part 6–Project Description

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

Included in the proposed CPU Project are plans to:

- Build an Aromatics Recovery Unit (ARU) capable of producing 15,000 barrels per day of mixed xylenes, a feedstock used to make clothing, film for medical x-rays, plastics, cleaners and many other products we use every day.
- Install a new Marine Vapor Emission Control (MVEC) System that will reduce emissions of volatile organic compounds (VOCs). The MVEC System will control hydrocarbon emissions from marine vessels during loading operations.
- Expand the Naphtha Hydrotreater (NHT) to process 46,000 barrels of naphtha per day. This will allow Tesoro to further reduce the sulfur content in gasoline as required by the new federal Tier 3 regulations.
- Install a new Isomerization (Isom) Unit to increase the amount of octane available to the refinery. Coupled with the NHT expansion project, this provides more flexibility for production of gasoline.

Figure 1 - Vicinity Map shows an overview of the Tesoro Anacortes Refinery and vicinity.

The following discussion provides an explanation of the purpose of these changes and a brief description of what each change includes. The locations of the project components are shown on Figure 2 - Project Overview and Topographic Map. Figures 3 through 7 show the principal elements of the proposed CPU Project in more detail. The list of figures is as follows:

- Figure 1 Vicinity Map
- Figure 2 Project Overview and Topographic Map
- Figure 3 New Tanks Area Layout
- Figure 4 Dock Safety Unit (DSU)

- Figure 5 Isomerization (Isom) Unit and NHT Expansion
- Figure 6 Aromatics Recovery Unit (ARU)
- Figure 7 Vapor Combustion Unit (VCU)

The new ARU will process heavy reformate from the Catalytic Reformer (CR). This ARU will use both distillation and liquid sulfolane extraction to produce a mixed xylenes product that meets the high purity commercial specifications for petrochemical feedstock. This process involves well-known and proven technology, used at refineries and other industrial facilities worldwide. The mixed xylenes product will be stored and periodically shipped by marine vessel via the existing Anacortes wharf facility. The remaining ARU byproduct will be used in gasoline blending or marketed as a gasoline blendstock. The sulfolane used in the extraction process will be stored in a new tank located within the ARU.

A new, natural gas-fired steam boiler will be installed adjacent to the ARU to provide the process heat needed for the CPU Project. The new steam boiler will be equipped with Selective Catalytic Reduction (SCR) and oxidation catalyst to control nitrogen oxide (NO_x) and carbon monoxide (CO) emissions respectively. The SCR is a standard emission control device that uses 19% aqueous ammonia to convert NO_x to nitrogen and water.

Supplemental feedstock to the ARU will be received from outside sources by marine vessel and unloaded using the existing refinery wharf system. Loading of the mixed xylenes product will also be performed at the existing wharf. Existing piping will be used to off-load the liquid feedstock and to load finished product.

Displaced vapors associated with refinery marine loading activities, including vapors from typical operations and the new project will be routed to a new MVEC System to control hydrocarbon emissions. The displaced marine loading vapors will be collected by vapor hoses routed to the DSU consisting of two skid-mounted units positioned on the wharf structure. The DSU is an essential piece of the overall MVEC System that ensures the safety of the marine vessels and the overall MVEC System. The DSU requires the use of natural gas, which will be provided via a new 3-inch natural gas line routed along the wharf/causeway structure. The vapors exiting the DSU will be routed through an existing line available on the wharf/causeway structure, to the new VCU located on-shore in the refinery, adjacent to the Wastewater Treatment Plant (WWTP). A natural gas line will also be routed to the VCU to provide support gas to optimize the combustion efficiency. The new natural gas lines to the DSU and VCU will be supplied by an existing natural gas line within the refinery.

The processing capacity of the existing NHT will be increased by about 15 percent to provide additional sulfur removal from an existing gasoline component stream. This capacity change will be accomplished by replacing the hydrotreating reactor, plus replacement and addition of other equipment items such as pumps, vessels, and heat exchangers, and modifications to distillation columns. The additional treated intermediate from the NHT will provide feed to the existing Catalytic Reformer (CR) and the existing Benzene Saturation Unit (BSU).

An intermediate stream from the CR, referred to as *reformate*, is currently, and will continue to be split into two streams, *light reformate* feeding the BSU and *heavy reformate* used for a gasoline blendstock. The heavy reformate will be processed at the new ARU and consists of several gasoline-range chemical compounds that includes *mixed xylenes*. Mixed xylenes is a high-octane gasoline-range material that can be separated from gasoline as a marketable product. The ARU is a process unit by which the mixed xylenes can be separated from the gasoline. The remaining gasoline, after the mixed xylenes are removed, is a highly valuable gasoline blendstock.

A new Isom Unit will be added downstream and integrated into the existing BSU. This unit will process light hydrocarbons to produce a low sulfur, low benzene, relatively high octane gasoline blending component, called *isomerate*, to allow the refinery to economically meet the new clean fuel standards. The isomerate provides octane to the range of gasoline blending components, compensating for the loss of octane associated with extracting the mixed xylenes for a separate market. Perchloroethylene, a chemical already used within the refinery, will be stored in a new tank within the Isom Unit and injected into the process as a reaction promoter.

Three new storage tanks will be constructed in the tankage area of the refinery (New Tanks Area) to support receiving feedstock and shipping of the mixed xylenes product. Two of these vertical, cylindrical tanks will be sized at about 384,000 barrels (gross volume) and the third tank will be sized at around 193,000 barrels (gross volume). Each tank will incorporate the required VOC emission controls.

With the exception of the new 3-inch natural gas line that extends from a natural gas supply point in the refinery

and to the new DSU on the wharf, the project is located outside of the 200-foot shoreline setback.

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

The Tesoro Refining & Marketing Company LLC (Tesoro) is proposing the CPU Project to improve the company's capability to deliver cleaner local transportation fuels and global feedstock primarily for polyester, making the Anacortes refinery a stronger, more economically viable member of the communities it serves.

The objective of the project is to comply with upcoming reduced-sulfur gasoline regulations, while simultaneously reducing gasoline production costs. The project also includes investments to produce and market mixed-xylenes, to upgrade and diversify the value of the facility's products.

6c. Indicate the project category. (Check all that apply) [help]

☒ Commercial ☐ Residential ☐ Institutional ☐ Transportation ☐ Recreational
☐ Maintenance ☐ Environmental Enhancement

6d. Indicate the major elements of your project. (Check all that apply) [help]

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

☒ Other:
Refinery process units and supporting facilities

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.

Wharf and Causeway - Work performed in and over the water

Installation, tie-in and commissioning of a Dock Safety Unit (DSU) and installation of a new 3-inch natural gas line are required to complete this portion of the project. During the work in and over the water secondary containment structures, screens, and/or other applicable best management practices will be implemented to prevent materials from being inadvertently discharged to the water or intertidal zone. An emergency spill containment kit is also located on-site and employees are trained on its appropriate use and deployment measures.

Tesoro will be installing a DSU that consists of two skid-mounted units that will be installed on the wharf. It is anticipated that some of the construction might require the use of a spud barge adjacent to the wharf. The DSU skid-mounted units are currently planned to be lifted onto the wharf by a crane mounted on the spud barge. The spuds will be deployed in an area where there is no eelgrass. The DSU will be securely attached to the wharf and connected to the associated existing piping and utility connections. Temporary scaffolding installed under the wharf will be utilized to facilitate the work. Scaffolding platforms will include toe boards and cross planks to prevent debris and other material from entering the water and will provide a base for environmental protection

and to ensure worker safety.

The 3-inch natural gas line will be installed along the causeway and wharf to supply gas to the DSU. This line will be installed in the existing wharf/causeway pipe rack using cranes and equipment deployed from the causeway. Construction activities associated with installation of the line will include installation and removal of scaffolding, crane operation and lifting, welding, sandblasting, weld joint coating and hydrostatic testing. To the extent possible, multiple pipe joints will be welded together and coated onshore or on the causeway road and lifted into place in the pipe rack, thus minimizing the welding and coating activities that must be performed over the water. Temporary scaffolding will be utilized to facilitate the work, provide a base for environmental protection at the welding and coating sites over the water and to ensure worker safety.

New Tanks Area - Land Clearing and Associated Construction

The New Tanks Area will be cleared of vegetation and topsoil. These spoils will be disposed of offsite. The grading for the site will be completed using loaders, bulldozers, earthmovers and graders. Appropriate wheeled trucks and dump trucks will be used to remove or transfer dirt or deliver other various construction materials. No work will take place within the existing wetlands identified near the proposed construction site, outside of the permitted area.

The tank construction area will be excavated to a depth sufficient to remove topsoil and some subsoil to provide the required cut and fill elevation for the new tanks and equipment. Where required, the grade will be raised by using on-site fill from the subsoil excavation if suitable and supplemented with imported select structural fill. The grade will be raised in approximately 6 inch or less (compacted) lifts. Underground piping will be bedded in sand filled trenches. Concrete duct banks will be poured in filled areas to accommodate the electrical utilities. Precast catch basins will be installed inside each individual tank containment berm, backfilled and compacted. The tank ring wall bases will be excavated, formed, concrete will be cast, forms stripped and form voids backfilled and compacted to match adjacent fill.

Prior to the installation of outer and intermediate tank containment berms, sediment runoff will be controlled by the installation and maintenance of temporary silt barriers such as reinforced silt fences. Dewatering of natural ground water accumulation and stormwater runoff will occur by sheet flow runoff through these temporary silt barriers.

During construction of the tank containment berms and upon completion of the tank containment berms, additional sediment containment silt barriers will be installed adjacent and parallel to the exterior of the base of the berm and maintained until stabilization of the tank berms and adjacent disturbed soils outside of the berms has been achieved. Throughout the construction process, all hydrocarbon or chemical storage requirements and equipment refueling activities within the construction or laydown area will use temporary secondary containment to prevent spills or leaks from being introduced into the soil and associated ground water.

Upon completion of the installation of the tank containment berms, but prior to placing the facility in service, any stormwater accumulation within the berms will be routed to the existing stormwater system, per existing facility protocols.

Upon commissioning of the facility, the outfall of each tank containment berm and associated catch basin will be controlled by the opening of normally closed valves which will route the accumulated liquid to either the stormwater drain system or process sewer system, use the existing facility protocol.

Temporary silt barriers will remain in service after the facility is commissioned until tank containment berm walls and adjacent disturbed soils are stabilized and until stormwater ditches adjacent to the exterior of the tank containment berms are completed and connected to the existing facility stormwater collection system.

New Tanks Area - Ditches and Stormwater Facility

Ditches associated with the New Tanks Area will be installed use best industry practices and will be connected to and integrated with the existing facility stormwater drainage system. A cut and fill process will be used with ditch bottom and walls being compacted to minimize erosion during periods of stormwater flow. The ditches will be designed and installed at elevation gradients that facilitate complete drainage to eliminate pooling of runoff. Typically, they will follow the perimeter of the new exterior tank containment berm and new and existing adjacent roadways. These earthen ditches will be fortified by concrete reinforcements to the ditch walls in locations where changes in flow direction or elevation would cause scouring or degradation to the ditch bottom or banks.

The proposed CPU Project has been designed to avoid impacts to the 100-year floodplain and the shoreline of Fidalgo Bay.

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 of construction: April 2016

Mechanical Completion:
Isomerization (Isom) Unit: 2017
Aromatics Recovery Unit (ARU): 2017
Marine Vapor Emission Controls (MVEC): 2017
Naphtha Hydrotreater (NHT) Expansion: 2018

☐ See JARPA Attachment D

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

About 390 million USD.

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

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

☐ Yes ☒ No ☐ Don't know

Part 7–Wetlands: Impacts and Mitigation

☒ Check here if there are wetlands or wetland buffers on or adjacent to the project area. (If there are none, skip to Part 8.) [help]

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [help]

☐ Not applicable

The proposed project is being carefully designed and configured to avoid and minimize wetland impacts where possible. However, in order to place the 3 new tanks needed for the project, unavoidable impacts to two isolated Category IV wetlands (Wetlands W47 and W48 for a total of 0.105 acres) will result.

On April 17, 2015, Randel Perry with the U.S. Army Corps of Engineers (USACE) Seattle District conducted an on-site Jurisdictional Determination of Wetlands W47 and W48 within the New Tanks Area and determined that Wetlands W47 and W48 are not waters of the United States under the Clean Water Act Section 404 jurisdiction. The U.S. Environmental Protection Agency (EPA) concurred with this jurisdictional determination (USACE 2015). An Isolated Wetland Information Sheet has been prepared..

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

If required by Ecology and/or the County, unavoidable impacts to Wetlands W47 and W48 will be mitigated at the East March Point Wetland Mitigation Site located on the east side of March Point on Tesoro property. The East March Point Wetland Mitigation Site Wetland Mitigation Plan (CH2M HILL 2015) has been submitted to USACE, Skagit County and Ecology as part of the Gate 20 Parking Lot Expansion Project (NWS-2014-00110). A Wetland Mitigation Site Use Plan (CH2M HILL 2015) has also been submitted to these same agencies.

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

If required by Ecology and/or the County, Tesoro proposes to use the nearby East March Point Wetland Mitigation Site located on Tesoro Property to the east, which will be constructed in summer of 2016, concurrently with the construction of the proposed CPU Project.

A watershed approach was used to design the East March Point Wetland Mitigation Site as described in the East March Point Wetland Mitigation Site Plan that Tesoro submitted to USACE as part of the Gate 20 Parking Lot Expansion Project (NWS 2014-00110).

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)
Excavate	W47	PEM, IV	0.09 acres (3905 sq ft)	Permanent	Creation/ Re-establish	0.134 acres (5,858 sq ft)
Excavate	W48	PEM, IV	0.015 acres (652 sq ft)	Permanent	Creation/ Re-establish	0.022 acres (978 sq ft)

[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)

Additional information can be found in the East March Point Wetland Mitigation Site Plan and the Wetland Mitigation Site Use Plan submitted to Skagit County and Ecology, in the event wetland mitigation is required.

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. W47 and W48 will be excavated.

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]

Excavation activities would be performed using typical earthwork equipment such as a backhoe. Materials removed would be disposed offsite. About 1,900 cubic yards of soil would be excavated from Wetland W47 and W48 area.

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

Project activities in the aquatic environment consist of installing the Dock Safety Units (DSU) on the wharf and constructing a 3-inch natural gas line from the wharf and continuing on the causeway to the tie-in point on the shore. Installed equipment will be maintained within the footprint of existing structures and will not expand the causeway or the wharf in any way.

Construction activities that are conducted over water on or adjacent to the wharf and causeway will be done so under strict guidelines for safety and environmental protection. Secondary containment structures, screens, and/or other applicable best management practices will be implemented to prevent materials from being inadvertently discharged to the water or intertidal zone. An emergency spill containment kit is also located on-site and employees are trained on its appropriate use and deployment measures.

When scaffolding is used, the scaffold platforms will include toe boards and cross planks covered by fireproof blankets to prevent debris and other materials from entering the water. Where the potential exists for migration of airborne particulate matter produced during coating, welding, cutting or grinding activities; appropriate barriers or curtains will be installed to control the debris and prevent discharges from being projected into or blowing into the water.

An on-site spill prevention plan and response strategy has been developed in association with the refinery's overall facility response plan. Spill response capabilities are on-site and available for use in the event of an emergency.

Any in-water work will be conducted during allowable work windows approved by the Washington Department of Fish and Wildlife (WDFW) and USACE. The spud barge used to construct the DSU will avoid areas in or near eelgrass. The wharf areas where the spud barge will be used, is of sufficient depth whereby eelgrass does not grow. The spud barge contractor will ensure that appropriate controls exist and are in place aboard the barge and its equipment to comply with corporate and regulatory spill prevention, control and response requirements.

The 3-inch natural gas line will be installed in the existing wharf/causeway pipe rack using cranes and equipment deployed from the causeway and not from a barge.

Noise will be short-term and temporary, thereby minimizing potential exposure of aquatic species to project-related noise.

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

☒ Yes ☐ No

The project has the potential to provide a temporary impact to a non-wetlands water body only during the construction period of the DSU and the 3-inch natural gas line.

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

The only in-water work that is planned is the deployment of a spud barge in areas where there is no eelgrass. Therefore no permanent or significant adverse impacts to water quality or habitat are anticipated. Any potential impacts that could occur would be temporary. Therefore a compensatory mitigation plan has not been prepared. Avoidance and mitigation for potential impacts will include

implementation of the measures referenced in Section 8a above.

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]

Not applicable.

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
In-water work	Padilla Bay/Fidalgo Bay	Adjacent	Temporary	N/A	Net zero

[1] If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.
[2] Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.
[3] Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

8f. For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [help]

Does not apply. Fill would not be placed within Padilla Bay/Fidalgo Bay.

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]

Does not apply.

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
Skagit County	John Cooper	(360) 336-9410	6/19/2015 (field visit)
USACE	Frank Nichols	(206) 764-6182	4/30/2015 (phone)

USACE	Randel Perry	(360) 734-3156	6/1/2015 (letter)
Department of Ecology (Ecology)	Rebekah Padgett	(425) 649-7129	6/4/15 (email)
Department of Ecology (Ecology)	Doug Gresham	(425) 649-7199	6/19/15 (field visit)
Washington Department of Fish and Wildlife (FWL)	Doug Thompson	(360) 466-4345 ext 251	6/4/2015 (phone)
Department of Natural Resources (DNR)	Erin Lietzan	(360) 854-2863	6/17/2015 (phone)

9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? [help]

- **If Yes,** list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: http://www.ecy.wa.gov/programs/wq/303d/.

☐ Yes ☒ No

9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [help]

- Go to http://cfpub.epa.gov/surf/locate/index.cfm to help identify the HUC.

17110002 Strait of Georgia

9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [help]

- Go to http://www.ecy.wa.gov/services/gis/maps/wria/wria.htm to find the WRIA #.

WRIA 3 (Lower Skagit / Samish)

9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help]

- Go to http://www.ecy.wa.gov/programs/wq/swqs/criteria.html for the standards.

☒ Yes ☐ No ☐ Not applicable

9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help]

- If you don't know, contact the local planning department.
- For more information, go to: http://www.ecy.wa.gov/programs/sea/sma/laws_rules/173-26/211_designations.html.

☐ Rural ☒ Urban ☐ Natural ☒ Aquatic ☐ Conservancy ☐ Other _____

9g. What is the Washington Department of Natural Resources Water Type? [help]

- Go to http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesApplications/Pages/fp_watertyping.aspx for the Forest Practice Water Typing System.

☒ Shoreline ☐ Fish ☐ Non-Fish Perennial ☐ Non-Fish Seasonal

9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual [help]

- **If No**, provide the name of the manual your project is designed to meet.

☒ Yes ☐ No

Name of manual: Stormwater Management Manual for Western Washington, 2012/DOE

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

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

☐ Yes ☒ No

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

Prior to construction of the refinery facilities in the 1950s, the properties were settled by "Euroamericans" and used for agriculture.

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

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

☒ Yes ☐ No

9l. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project are or might be affected by the proposed work. [help]

Endangered Species Act (ESA) listed species that could occur in the general vicinity include three (3) fish, one (1) mammal, and one (1) bird.

Each of the following three (3) fish species are listed as threatened and has either designated or proposed critical habitat in Padilla Bay:

1. Distinct population segment (DPS) of coastal-Puget Sound (CPS) bull trout,
2. Puget Sound (PS) evolutionarily significant unit (ESU) of Chinook salmon, and
3. PS DPS of steelhead trout.

Bull trout are under the management jurisdiction of the USFWS, although they can occur in marine waters, and Chinook and steelhead are under the jurisdiction of the National Marine Fisheries Service (NMFS).

The one (1) ESA-listed endangered mammal species is the Southern Resident killer whale (Orcinus orca) DPS and has a designated critical habitat that includes Padilla Bay and Fidalgo Bay where water depths are 20 feet or greater.

The one (1) ESA-listed bird species is the marbled murrelet listed as endangered, under the management jurisdiction of the USFWS. The species itself is not expected to occur in close proximity to the project area.

Herons, eagles, and hawks were observed in the vicinity of the project area. The Washington Department of Fish and Wildlife, 2008, Priority Habitat and Species (PHS) list indicates the presence of a heron rookery approximately 2.7 miles southeast of the project area. Heron rookeries are a priority for breeding. The Great Blue Heron has a criteria 2 listing.

PHS information from WDFW indicates the presence of a bald eagle nest located 1,100 feet west of the closest project component (the 3-inch natural gas line). Bald eagles are listed by the State of Washington as a Sensitive species, with a Federal listing of Species of Concern. Eagle habitat is listed as a priority for breeding and roosting. The construction and operation of the proposed CPU Project would not result in any effects on the nest. The area already experiences heavy human activity from the West March Point Road (located adjacent to the nest location), the employee parking lot, and existing refinery operations.

Both Fidalgo Bay and Padilla Bay are listed as forage fish (surf smelt, Pacific Herring) habitat by WDFW. The onsit ditches are not fish bearing.

In addition, WDFW priority habitat information indicates the presence of a harbor seal haul out area and Dungenes Crab habitat area in Padilla Bay; however, these are located on the east side of March Point and the proposed CPU Project would have no effect given the distance of approximately 4,700 feet (0.9 miles) from the proposed CPU Project.

Construction activities will be temporary in nature and will include proposed management measures discussed in 8a Therefore it is not anticipated that the proposed project would have any effect on threatened or endangered specie within the project area.

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]

The following WDFW Priority Habitat and Species may be in the general vicinity:

- Puget Sound Nearshore intertidal and subtidal habitat, eelgrass and macroalgae – (presence)
- Hardshell Clam - {presence)
- Dungeness Crab, *Cancer magister* - {presence)
- Pacific Herring, *Clupea pa/Jasi-* Candidate (breeding area)
- Surf Smelt, *Hypomesus pretiosus* - (breeding area)
- Seabird Colony, Alcids - (breeding area)
- Waterfowl Concentrations - (regular concentration)
- Shorebird Concentrations - (regular concentration)
- Bald Eagle, *Haliaeetus leucocepha/us* - Sensitive (nest / breeding area)
- Harbor seal, *Phoca vitulina* - Monitored (haulout)
- Marbled Murrelet, *Brachyramphus marmoratus* - Threatened
- Chinook salmon, *Oncorhynchus tshawytscha-* Candidate
- Canary Rockfish, *Sebastes pinniger-* Candidate
- Bull trout, *Salvelinus confluentus* - Candidate
- Steelhead, *Oncorhynchus mykiss* - Candidate
- Gray Whale, *Eschrichtius robustus* - Sensitive (migration may occur in vicinity of suitable habitat)
- Killer Whale (Orea), *Orcinus orca* - Endangered (migration may occur in vicinity of suitable habitat)

Construction activities will be temporary in nature and will include proposed management measures discussed in 8a Therefore it is not anticipated that the proposed project would have any effect on listed species within the project area.

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 for Regulatory Innovation and 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 Skagit County (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 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 # 1974913
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:

☒ 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)

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. RAS (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. RAS (initial)

Rebecca A Spurling	Rebecca A Spurling	6/22/2015
Applicant Printed Name	Applicant Signature	Date

11b. Authorized Agent Signature [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

Rebecca A Spurling	Rebecca A Spurling	6/22/2015
Authorized Agent Printed Name	Authorized Agent Signature	Date

11c. Property Owner Signature (if not applicant) [help]
Not required if project is on existing rights-of-way or easements.

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

Property Owner Printed Name	Property Owner Signature	Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ENV-019-09 rev. 08/2013