

DEPARTMENT OF THE ARMY PERMIT

Permittee: U.S. Navy (Bangor)

Naval Base Kitsap
120 South Dewey Street Building 443
Bremerton, Washington 98314-5020

Permit No: NWS-2009-572

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: Construct and operate a second Explosives Handling Wharf (EHW-2) and attendant features necessary for the use and maintenance of the EHW-2 (in accordance with the plans and drawings dated January 2012 attached hereto which are incorporated in and made a part of this permit). The purpose of the work is to support Navy mission requirements for the eight TRIDENT submarines homeported at Naval Base Kistap-Bangor and the TRIDENT II (D5) Strategic Weapons System.

The project consists of in-water and land-based construction and operations resulting in 6.3 acres of new overwater structure, 0.03 acres of nearshore fill, and 0.20 acres of wetland fill. The project involves construction of a pile-supported wharf and access trestles, installation of a ramp and float, and construction of an access road.

The EHW-2 wharf would extend approximately 600 feet from the shore at water depths of 60 to 100 feet and would consist of a main wharf, a warping wharf, and lightning protection towers. It would include a slip (docking area) for submarines surrounded on three sides by the operational wharf area with an overhead cover. The warping wharf would extend out from the main wharf. The warping wharf would be used to line up submarines to move into the slip and would provide a safety barrier between submarines and the existing EHW during berthing. The main wharf would have dimensions of 632 feet by 250 feet, resulting in 158,000 square feet (3.6 acres) of new structure. Of this amount, 152,200 square feet would be under the wharf cover. The height of the structure including the wharf cover would be 135 feet. The main wharf would include an operations support building (25,700 square feet providing office and storage space and mechanical/electrical system component housing). The six lightning protection towers (total height 207 feet) would be steel frame structures resulting in 5,400 square feet of new structure.

The wharf and access trestle component involves the following elements: drive up to 1,250 steel pipe piles ranging in diameter from 24 to 48-inches, drive approximately 150 temporary steel falsework piles, 36-inches in diameter (piling to be removed upon construction completion), construct a 632- by 250-foot overwater main wharf consisting of precast concrete sections supported on cast-in-place concrete pile caps, a 688- by 40-foot warping wharf, six 30- by 30-foot lightning protection towers, install lighting on and under the wharf and approach trestles and over the surrounding water ranging from 100-Watt metal halide lights to 1,500-Watt quartz lights, construct 81,208 square feet of overwater approach trestles comprised of precast concrete deck sections supported on cast in place concrete pile caps, excavate up to 1,350 cubic yards of material and place up to 1,350 cubic yards of rock and gravel bedding material waterward of the high tide line to construct a 103-foot long abutment and 69-foot wing wall to connect the access trestles to the access road, and install an 80- by 3.5-foot grated ramp and a 35- by 18-foot concrete float. Construction of the access road involves the excavation and discharge of fill in 0.20 acres of wetland.

Proposed work in uplands involves the following elements: construct a security fence, clear and grade a 5-acre construction laydown area, enlarge existing parking areas, install utilities, construct three support buildings and a pure water facility, install new culverts and an outfall, and modify or demolish up to 20 existing facilities or

structures in proximity to the proposed EHW-2 to comply with Department of Defense Explosives Safety Board (DDESB) and Naval Ordnance Safety and Security Activity (NOSSA) requirements.

Project Location: In Hood Canal and wetlands at Naval Base Kitsap - Bangor, Washington.

Permit Conditions:

General Conditions:

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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 shall provide a copy of the permit transmittal letter, permit form, and permit drawings to all contractors performing any of the authorized work.
- b. If future operations by the United States require the removal, relocation, or other alteration of the 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, you 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.

c. This U.S. Army Corps of Engineers (Corps) permit does not authorize you to take a threatened or endangered species, in particular the Coastal-Puget Sound bull trout, Coastal-Puget Sound bull trout critical habitat, Puget Sound Chinook salmon, Puget Sound Chinook salmon critical habitat, Puget Sound steelhead. In order to legally take a listed species, you must have a separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit, or ESA Section 7 consultation Biological Opinion (BiOp) with non-discretionary "incidental take" provisions with which you must comply). The BiOps prepared by the National Marine Fisheries Service (NMFS) dated September 29, 2011, and the U.S. Fish and Wildlife Service (USFWS) dated November 16, 2011, contain mandatory terms and conditions to implement the reasonable and prudent measures that are associated with the specified "incidental take" in the BiOps (NMFS Reference Number 2011/00658, USFWS Reference Number 13410-2011-F-0164). Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take of the BiOps. These terms and conditions are incorporated by reference in this permit. Failure to comply with the commitments made in this document constitutes non-compliance with the ESA and your Corps permit. The USFWS/NMFS is the appropriate authority to determine compliance with ESA.

d. You must implement and abide by the ESA requirements and/or agreements set forth in the Biological Assessment titled "Biological Assessment for the TRIDENT Support Facilities Explosives Handling Wharf, NBK Bangor", dated February 2011, and all addendum in their entirety. 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 November 16, 2011 (USFWS Reference Number 13410-2011-F-0164). The National Marine Fisheries Service (NMFS) concurred with a finding of "may affect, not likely to adversely affect" based on this document on September 29, 2011 and April 26, 2012 (NMFS Reference Numbers 2011/00658 and 2012/01318). Both agencies will be informed of this permit issuance. Failure to comply with the commitments made in this document constitutes non-compliance with the ESA and your Corps permit. The USFWS/NMFS is the appropriate authority to determine compliance with ESA.

e. In order to protect the listed threatened and endangered species in the project area, you may conduct the authorized activities in the work window as agreed to and documented in writing through consultation by the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service (Services) in any year this permit is valid. If changes to the originally authorized work window are proposed, you must re-coordinate these changes with the Services and receive written concurrence on the changes. Copies of the concurrence(s) must be sent to the U.S. Army Corps of Engineers, Regulatory Branch, within 10 days of the date of the revised concurrence.

f. You shall implement and abide by the Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat conservation recommendations in the National Marine Fisheries Service Biological Opinion dated September 29, 2011 (NMFS Reference Number 2011/00658).

g. You shall implement and abide by the impact avoidance and minimization measures contained in the *Mitigation Action Plan, Trident Support Facilities Explosives Handling Wharf* (Sections 1.0 through 5.3.9) dated March 2012.

h. You shall implement and abide by the *Hood Canal Coordinating Council In Lieu Fee Program Use Plan: ILF Use Plan for Mitigation for Navy Explosive Handling Wharf #2 Naval Base Kitsap Bangor* dated August 14, 2012 and obtain ILF credits in accordance with Table 6 and Table 8 of the ILF Use Plan.

i. You shall submit to the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch a copy of the Hood Canal Coordinating Council In Lieu Fee Program Statement of Sale within 30 days of permit issuance. All submittals must prominently display the reference number NWS-2009-572.

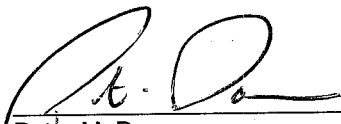
Further Information:

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.

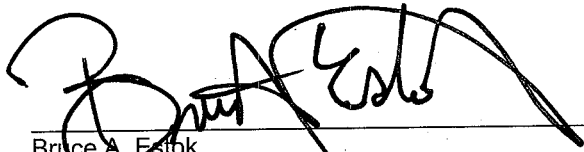


Peter M. Dawson
Captain, U.S. Navy
Naval Base Kitsap

8/21/12

(DATE)

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



Bruce A. Estok
Colonel, Corps of Engineers
District Engineer

21 AUG 2012

(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)