



Thomas J. Klein
Environmental Supervisor

Agrium U. S. Inc.
Kennewick Fertilizer Operations
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Kennewick WA 99337
USA

July 21, 2010
EV: 10-080
812.70.2

Department of the Army
Seattle District, Corps of Engineers
P.O. Box 3755
Seattle, WA 98124-3755

ATTN: Regulatory Branch

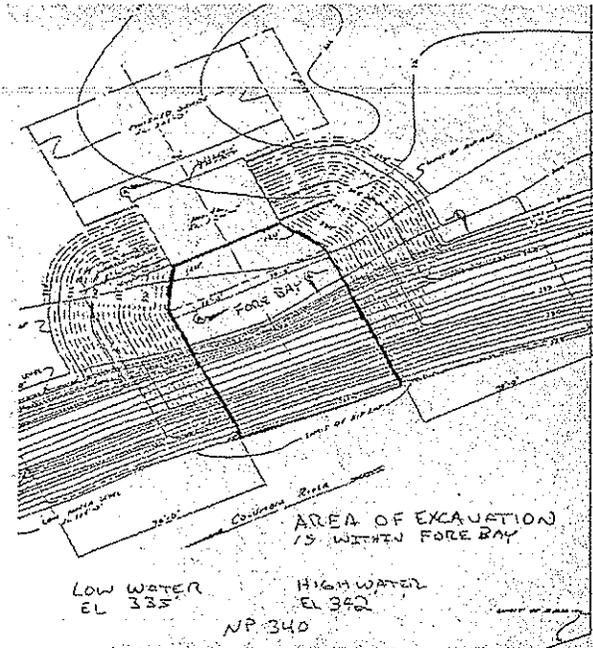
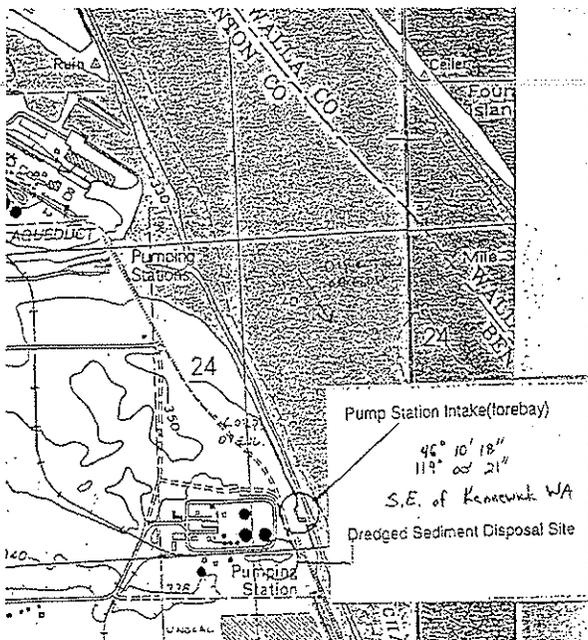
RE: Agrium KFO – JARPA Application for ACOE Nationwide permit #3 (NWP-3) Coverage
Reauthorization and WDFW Hydraulic Project Approval (HPA)

Agrium US Inc owns and operates the Kennewick Fertilizer Operations (KFO) located east of
Kennewick, Washington, in Benton County. Our business is the manufacture and wholesale
distribution of nitrogen fertilizer products.

Agrium has a pump station on the Columbia River that withdraws cooling water from an
excavated "fore-bay" indented into the shoreline. We use once-through river water for process
cooling in our fertilizer plants.

Plant Location (Pasco,WA USGS)

Fore-bay Detail



River silt and sediments predictably collect in the fore bay of the pump station and periodic removal of the accumulated sediment is required to prevent plugging of pump intakes and damage to equipment. These facilities have been in operation since the mid-1950's and we have renewed our maintenance dredging documents many times.

We hire a suction dredging contractor to excavate the sediment, typically done by a diver with a suction hose. Dredging is done in January-February to comply with the Washington Department of Fish and Wildlife (WDFW) in-water maintenance window. The actual dredging typically takes one to three days plus a day on each end for setup and takedown. The excavated sediment is discharged to a nearby upland pasture area without return of any water or sediment to the river.

With this letter and the attached Joint Aquatic Resource Permits Application (JARPA) form, Agrium is applying to the Army Corp of Engineers for a verification of NWP-3 coverage for this activity. Our most recent verification letter for NWP-3 coverage was issued on 2/17/2005 and was valid for 2-years.

Agrium is also applying to the Washington Department of Fish and Wildlife (WDFW) for a Hydraulic Project Approval (HPA) to match the activity and volume of dredged material described in the Joint Aquatic Resource Permit (JARPA).

We are applying for renewal of our NWP-3 coverage verification and HPA at this time to insure timely coverage /compliance. River associated maintenance activities are restricted by WDFW to a period from December 15th to February 28th and we must plan in advance to obtain the required permits and maintain the operational condition of our pumps.

Below is a table of related documents that are being submitted with this JARPA application:

| # | PERMIT or DOCUMENT | NUMBER /DATE | REQUIREMENTS |
|---|--|--------------------------|---|
| 1 | Joint Aquatic Resources Application | 7/20/2010 EV: 10-080 | |
| 2 | SEPA Checklist | 7/20/2010 EV: 10-080 | |
| 3 | ACOE NWP-3 verification letter | 200401393 (expired) | |
| 4 | WDFW Hydraulic Project Approval | 00-D0698-02 (expired) | Requires 3-day prior notice to area habitat biologist. The in-water work window from 12/15 to 2/28. |
| 5 | ACOE Environmental Assessment /Biological Assessment | 1/17/2001 | Implement ESA requirements and/or agreements. |
| 6 | WDOE 401 Water Quality Certification Determination | 3/22/2001 | Determination – An individual water quality certification is not required for projects that have all local & state permits, BMP's, turbidity control, and no fill in 100-year floodplain. |

| | | | |
|---|---|-----------|--|
| 7 | State Historic Preservation Officer Site Cultural Impact Review | 8/3/1998 | Determination – based on available data, the project description indicates no impacts on resources eligible for inclusion in National Register of Historic Places. |
| 8 | Benton Co Shoreline Management Determination | 8/18/1995 | Determination – limited dredging is exempt from substantial development permit because it is normal maintenance of an existing structure. |

Please advise me if there are any further requirements that are needed before our NWP-3 coverage can be re-authorized and an HPA can be issued. Call me at 509-586-5488 or e-mail me at tklein@agrium.com if you have any questions.

Sincerely,



Thomas J. Klein
Environmental Specialist

TJK:blm

cc: Eric Bartrand, Area Habitat Biologist
Washington Department of Fish & Wildlife
1701 S. 24TH Ave
Yakima, WA 98902

6. DESCRIBE THE CURRENT USE OF THE PROPERTY, AND STRUCTURES EXISTING ON THE PROPERTY. IF ANY PORTION OF THE PROPOSED ACTIVITY IS ALREADY COMPLETED ON THIS PROPERTY, INDICATE MONTH AND YEAR OF COMPLETION.

This site is an existing fertilizer manufacturing facility built in the mid-1950's.

IS THE PROPERTY AGRICULTURAL LAND? YES NO

ARE YOU A USDA PROGRAM PARTICIPANT? YES NO

7a. DESCRIBE THE PROPOSED WORK: COMPLETE PLANS AND SPECIFICATIONS SHOULD BE PROVIDED FOR ALL WORK WATERWARD OF THE ORDINARY HIGH WATER MARK OR

Agrium uses "once-through" river water for process cooling in our fertilizer manufacturing plants. At our Finley Area operations we have a pump station on the river with an excavated "fore bay" indented into the shoreline. The aquatic bedlands associated with this cooling water intake structure are leased from the Washington Department of Natural Resources (WDNR) under Aquatic Land Lease #20-13588.

Variable amounts of river silt and sediments routinely collect in the fore bay of this cooling water intake structure. To continue operation and to prevent damage to equipment, Agrium hires a suction dredging contractor to excavate the sediment. Dredging is done in January-February, as required by the WDFW in hydraulic project approvals, with the actual dredging taking one to three days plus a day on each end for setup and takedown. The excavated sediment is discharged to a nearby upland pasture area without any water or sediment returning to the river.

7b. DESCRIBE THE PURPOSE OF THE PROPOSED WORK.

Periodic maintenance dredging to remove accumulated sediment in the fore bay to our cooling water pump station.

7c. DESCRIBE THE POTENTIAL IMPACTS TO CHARACTERISTIC USES OF THE WATER BODY. THESE USES MAY INCLUDE FISH AND AQUATIC LIFE, WATER QUALITY, WATER SUPPLY, RECREATION, and AESTHETICS. IDENTIFY PROPOSED ACTIONS TO AVOID, MINIMIZE, AND MITIGATE DETRIMENTAL IMPACTS, AND PROVIDE PROPER PROTECTION

Dredging has the potential to disturb or harm anadromous fishes. Action to minimize impact consist of dredging only during the WDFW specified "window" from December 15th to February 28th, and following the specified dredging procedures.

PREPARATION OF DRAWINGS: SEE APPENDIX A - SAMPLE DRAWINGS AND CHECKLIST FOR COMPLETING THE DRAWINGS. *ONE SET OF ORIGINAL OR GOOD QUALITY REPRODUCIBLE DRAWINGS MUST BE ATTACHED.* NOTE: APPLICANTS ARE ENCOURAGED TO SUBMIT PHOTOGRAPHS OF THE PROJECT SITE, BUT THESE DO NOT SUBSTITUTE FOR DRAWINGS. *THE CORPS OF ENGINEERS AND COAST GUARD REQUIRE DRAWINGS ON 8-1/2 X 11 INCH SHEETS. LARGER DRAWINGS MAY BE REQUIRED BY OTHER AGENCIES*

8. WILL THE PROJECT BE CONSTRUCTED IN STAGES? YES NO

PROPOSED STARTING DATE: **Annually in January-February**

ESTIMATED DURATION OF ACTIVITY: **3 to 5 days**

9. CHECK IF ANY STRUCTURES WILL BE PLACED:

WATERWARD OF THE ORDINARY HIGH WATER MARK OR LINE FOR FRESH OR TIDAL WATERS; AND/OR

WATERWARD OF THE MEAN HIGH WATER LINE IN TIDAL WATERS

10. WILL FILL MATERIAL (ROCK, FILL, BULKHEAD, PILINGS OR OTHER MATERIAL) BE PLACED:

WATERWARD OF THE ORDINARY HIGH WATER MARK OR LINE FOR FRESH WATERS?

IF YES, VOLUME (CUBIC YARDS) _____ / AREA _____ (ACRES)

WATERWARD OF THE MEAN HIGHER HIGH WATER FOR TIDAL WATERS?

IF YES, VOLUME (CUBIC YARDS) _____ / AREA _____ (ACRES)

11. WILL MATERIAL BE PLACED IN WETLANDS? YES NO

IF YES:

A. IMPACTED AREA IN ACRES: _____

B. HAS A DELINEATION BEEN COMPLETED? IF YES, PLEASE SUBMIT WITH APPLICATION.

YES NO

C. HAS A WETLAND REPORT BEEN PREPARED? IF YES, PLEASE SUBMIT WITH APPLICATION.

YES NO

D. TYPE AND COMPOSITION OF FILL MATERIAL (E.G., SAND, ETC.): _____

E. MATERIAL SOURCE: _____

F. LIST ALL SOIL SERIES (TYPE OF SOIL) LOCATED AT THE PROJECT SITE, & INDICATE IF THEY ARE ON THE COUNTY'S LIST OF HYDRIC SOILS. SOILS INFORMATION CAN BE OBTAINED FROM THE NATURAL RESOURCES CONSERVATION SERVICE (NRCS):

12. WILL PROPOSED ACTIVITY CAUSE FLOODING OR DRAINING OF WETLANDS? YES NO

IF YES, IMPACTED AREA IS ____ ACRES

13. WILL EXCAVATION OR DREDGING BE REQUIRED IN WATER OR WETLANDS?

YES NO

IF YES:

A. VOLUME: **An estimated of 500 cubic yards. Volume is variable, 75 to 200 cubic yards is possible.**

B. COMPOSITION OF MATERIAL TO BE REMOVED: **River sand and silt.**

C. DISPOSAL SITE FOR EXCAVATED MATERIAL: **Upland area of pasture or grass cropland.**

D. METHOD OF DREDGING: **Suction dredge, either barge mounted or diver operated handheld hose.**

14. LIST OTHER APPLICATIONS, APPROVALS, OR CERTIFICATIONS FROM OTHER FEDERAL, STATE OR LOCAL AGENCIES FOR ANY STRUCTURES, CONSTRUCTION, DISCHARGES, OR OTHER ACTIVITIES DESCRIBED IN THE APPLICATION (I.E., PRELIMINARY PLAT APPROVAL, HEALTH DISTRICT APPROVAL, BUILDING PERMIT, SEPA REVIEW, FERC LICENSE, FOREST PRACTICES APPLICATION, ETC.) ALSO INDICATE WHETHER WORK HAS BEEN COMPLETED AND INDICATE ALL EXISTING WORK ON DRAWINGS.

| TYPE OF APPROVAL | ISSUING AGENCY | IDENTIFICATION NO. | DATE OF APPLICATION | DATE APPROVED | COMPLETED? |
|---------------------------|----------------------------------|--------------------|---------------------|---------------|------------|
| Aquatic Land Lease | Dept of Natural Resources | #20-13588 | 1957 | 1957 | YES |
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| | | | | | |
| | | | | | |

SEPA LEAD AGENCY

SEPA DECISION:

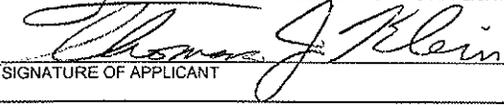
SEPA DECISION DATE:

15. HAS ANY AGENCY DENIED APPROVAL FOR THE ACTIVITY DESCRIBED HEREIN OR FOR ANY ACTIVITY DIRECTLY RELATED TO THE ACTIVITY DESCRIBED HEREIN? YES NO IF YES, EXPLAIN:

SECTION B - Use for Shoreline and Corps of Engineers permits only:

| | | |
|---|---------|--------------|
| 16. TOTAL COST OF PROJECT. THIS MEANS THE FAIR MARKET VALUE OF THE PROJECT, INCLUDING MATERIALS, LABOR, MACHINE RENTALS, ETC. Annual cost of approximately \$30,000.00 | | |
| 17. LOCAL GOVERNMENT WITH JURISDICTION: Benton County Building and Planning Department | | |
| 18. FOR CORPS, COAST GUARD, AND DNR PERMITS, PROVIDE NAMES, ADDRESSES, AND TELEPHONE NUMBERS OF ADJOINING PROPERTY OWNERS, LESSEES, ETC. PLEASE NOTE: SHORELINE MANAGEMENT COMPLIANCE MAY REQUIRE ADDITIONAL NOTICE -- CONSULT YOUR LOCAL GOVERNMENT. | | |
| NAME | ADDRESS | PHONE NUMBER |
| WDNR (Aquatic bedlands) | | |
| ACOE (Aquatic shores /dikes) | | |
| Unocal (Adjacent lands for ¼ mile) | | |

SECTION C - This section MUST be completed for any permit covered by this application.

| | |
|---|------------------------------|
| 19. APPLICATION IS HEREBY MADE FOR A PERMIT OR PERMITS TO AUTHORIZE THE ACTIVITIES DESCRIBED HEREIN. I CERTIFY THAT I AM FAMILIAR WITH THE INFORMATION CONTAINED IN THIS APPLICATION, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, SUCH INFORMATION IS TRUE, COMPLETE, AND ACCURATE. I FURTHER CERTIFY THAT I POSSESS THE AUTHORITY TO UNDERTAKE THE PROPOSED ACTIVITIES. I HEREBY GRANT TO THE AGENCIES TO WHICH THIS APPLICATION IS MADE, THE RIGHT TO ENTER THE ABOVE-DESCRIBED LOCATION TO INSPECT THE PROPOSED, IN-PROGRESS OR COMPLETED WORK. I AGREE TO START WORK <u>ONLY</u> AFTER ALL NECESSARY PERMITS HAVE BEEN RECEIVED. | |
| SIGNATURE OF APPLICANT OR AUTHORIZED AGENT Thomas J. Klein, Environmental Specialist | DATE July 20, 2010 |
| I HEREBY DESIGNATE <u>None designated</u> | |
| TO ACT AS MY AGENT IN MATTERS RELATED TO THIS APPLICATION FOR PERMIT(S). I UNDERSTAND THAT IF A FEDERAL PERMIT IS ISSUED, I MUST SIGN THE PERMIT. | |
|  SIGNATURE OF APPLICANT | <u>7/20/2010</u> DATE |
| SIGNATURE OF LANDOWNER (EXCEPT PUBLIC ENTITY LANDOWNERS, E.G. DNR) | DATE |
| THIS APPLICATION <u>MUST</u> BE SIGNED BY THE APPLICANT AND THE AGENT, IF AN AUTHORIZED AGENT IS DESIGNATED. | |

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.

COMPLETED BY LOCAL OFFICIAL

- A. Nature of the existing shoreline. (Describe type of shoreline, such as marine, stream, lake, lagoon, marsh, bog, swamp, flood plain, floodway, delta; type of beach, such as accretion, erosion, high bank, low bank, or dike; material such as sand, gravel, mud, clay, rock, riprap; and extent and type of bulkheading, if any:)

- B. In the event that any of the proposed buildings or structures will exceed a height of thirty-five feet above the average grade level, indicate the approximate location of and number of residential units, existing and potential, that will have an obstructed view

- C. If the application involves a conditional use or variance, set forth in full that portion of the master program which provides that the proposed use may be a conditional use, or, in the case of a variance, from which the variance is being sought: