



HYDRAULIC PROJECT APPROVAL

Washington Department of
Fish & Wildlife
PO Box 43234
Olympia, WA 98504-3234
(360) 902-2200

Issued Date: September 10, 2014
Project End Date: September 09, 2019

Permit Number: 2014-9-34+01
FPA/Public Notice Number: N/A
Application ID: 1

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
WSDOT - Maintenance ATTENTION: Gregor Myhr 310 Maple Park Ave SE Olympia, WA 98501-2348	

Project Name: Fishway Structures in Freshwater Statewide

Project Description: Maintenance and repair of fishway structures including repair of weir/pool, pool/chutes, baffle or streambed control, blasted chutes, concrete weir, sill, wall, log or rock controls, and stop logs within WSDOT’s Right of Way. It also includes the removal of bedload material when necessary to make the fishway function properly.

PROVISIONS

1. PROJECT DESCRIPTION: This HPA authorizes maintenance and repair of weir/pool, pool/chute, baffle or streambed control, blasted chute, vertical slot, roughened channel, and steep pass fishways, concrete weirs, sills, walls, log or rock controls and stop logs and guides. Fishway maintenance and repair shall be limited to repositioning of large woody material (LWM), sediment and small woody material removal, and work necessary to return the structure to its originally installed design. Work shall be limited to the WSDOT Right of Way.
2. Complete rebuilding of the fishway or sequential repairs amounting to a complete rebuilding of the fishway within the 5 years of this HPA requires an individual HPA. If the applicant cannot comply with the provisions of this HPA due to site-specific or other concerns, a separate written HPA may be sought from the local Habitat Biologist (HB) for the project. See <http://wdfw.wa.gov/conservation/habitat/ahb/> for a current listing of HBs and their coverage area(s).
3. NOTIFICATION PRIOR TO STARTING WORK is not required for this work. A formal list of expected maintenance work will be provided by WDFW annually prior to the work window.
4. TIMING LIMITATIONS: Work under this HPA may begin immediately and shall be completed by September 9, 2019. Work may occur year around except: Repair or replacement of damaged log controls, filter fabric, ballast and associated riprap on log control fishways shall only occur during the attached work windows (Allowable Freshwater Work Times, April 2014).
5. Except as modified by this HPA work shall be accomplished per plans and specifications submitted by Washington State Department of Transportation (WSDOT) as application (May 19, 2014) and accepted by Washington Department of Fish and Wildlife (WDFW) (May 20, 2014) including:
 - a. WSDOT Environmental Compliance Assurance Procedure (ECAP) for Maintenance Environmental Procedures Manual Section 700.02.
 - b. The Best Management Practices Field Guide consistent with the most recent version of the Regional Road Maintenance Endangered Species Act Program Guidelines (RRMP) Part 2 - Best Management Practices.
 - c. WSDOT’s Standard Fish Moving Protocol – August 2012.
6. The documents as noted in Provision 5 and this HPA reflect mitigation procedures to avoid impacts to fish



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resources. A copy of this HPA and each document noted in 5a and 5b shall be available on site during work.

7. FISH KILL/ WATER QUALITY PROBLEM NOTIFICATION: If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), immediate notification shall be made to the Washington Military Department Emergency Management Division at 1-800-258-5990, and to the local WDFW Habitat Biologist.

FISH REMOVAL AND SCREENING

8. Invasive species captured shall not be returned to the system.

9. Any device used for diverting water from a fish-bearing stream and any pump used to bypass water from the work area within a watercourse shall be equipped with a fish guard to prevent passage of fish into the diversion device pursuant to RCW 77.57.010 and 77.57.070. The pump intake shall be screened as follows:

- a. Perforated Plate: 0.094 inch (maximum opening diameter).
- b. Profile Bar: 0.069 inch (maximum width opening).
- c. Woven Wire: 0.087 inch (maximum opening in the narrow direction).

The minimum open area for all types of fish guards is 27%. The screened intake shall consist of a facility with enough surface area to ensure that the velocity through the screen is less than 0.4 feet per second. Screen maintenance shall be adequate to prevent injury or entrapment to juvenile fish and the screen shall remain in place whenever water is withdrawn from the stream through the pump intake.

10. Screening is not required on equipment within areas where all fish have been removed and excluded.

11. If a gravity pipe bypass is used, it shall be of sufficient size to pass all flows and debris downstream of the project site for the duration of the project.

WATER QUALITY

12. Best Management Practices shall be implemented during all phases of the project to ensure that sediment-laden water does not enter waters of the state.

13. No petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into waters of the state. There shall be no visible sheen from petroleum products in the receiving water as a result of the activity.

14. Fresh concrete or concrete by-products shall not be allowed to enter the stream at any time during this project. All forms used for concrete shall be completely sealed to prevent the possibility of fresh concrete from getting into the stream.

15. All concrete shall be sufficiently cured prior to coming in contact with water. Any dewatering required from a contained area with curing concrete shall be discharged to a facility or location with no possible re-entry to waters of the state.

BYPASS

16. A temporary bypass, cofferdam, or similar structure used to divert flow around or away from the work area shall be in place prior to initiation of work in the wetted perimeter except when all of the following three conditions are met:

- a. Fish removal and screening provisions are followed,
- b. Work is performed during the attached work windows (Attachment 1), and
- c. Water quality provisions are met.



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17. A temporary bypass is not required when any of the following instances exists, and the provisions of this HPA can still be met:

- a. When installing a coffer dam, bypass or similar structure would cause greater impacts to fish life than it would prevent;
- b. When the work area is in deep or swiftly flowing water;
- c. When turbidity is not a concern (i.e. the stream is dry, very slow flow);
- d. When fish can be excluded by nets or screens,
- e. When fish are not present; or
- f. When conducting work with hand tools only.

18. Back water shall not enter the work area from the bypass downstream end. If needed: A sandbag revetment or similar device shall be installed at the downstream end of the bypass to prevent backwater from entering the work area.

19. Water removed from within the work area shall be routed to an area landward of the OHWL to allow removal of fine sediment and other contaminants prior to being discharged to the waters of the state.

20. The de-watering discharge point shall be designed and operated so as not to cause erosion or scour in the stream channel, banks or vegetation.

21. Prior to releasing the water flow to the project area, all work below the OHWL shall be completed.

22. Upon completion of the project, all material used in the temporary bypass shall be removed from the site and the site returned to pre-project or improved conditions.

23. Reintroduction of water to the channel shall be done gradually and in stages so as to minimize the mobilization of sediments and fines into downstream waters.

EQUIPMENT

24. Where appropriate and based upon site conditions and the maintenance activity to be conducted, work shall be accomplished by hand or with hand tools such as chain saws or vehicle winches.

25. With the exception of bypass pumps, all machinery and equipment shall be serviced, fueled, and maintained on uplands more than 200 feet from waters of the state to prevent contamination of surface waters, when practicable. Fueling areas shall be provided with enough spill containment materials to prevent a spill from reaching waters of the state.

26. Equipment shall be stationed on and operate from the WSDOT Right of WAY (ROW), pre-constructed access points, or adjacent properties with written landowner permission. Minor grading of the bank to allow temporary access for equipment is allowed provided no materials are brought in from off-site and the site is restored to its pre-existing condition and revegetated as required below upon project completion. Access construction outside the ROW for equipment is not authorized.

27. Equipment drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment shall not enter the wetted perimeter, but may be stationed on the dry portion of the stream bed.

28. Equipment shall be free of external petroleum-based products while working around the stream. Soil and debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment prior to gaining access below the OHWL. Equipment shall not be left unattended within the stream channel.



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29. Equipment shall be checked daily for leaks and any necessary repairs shall be completed before working around the stream.

30. The permittee shall ensure that WDFW protocols (<http://wdfw.wa.gov/ais/>) for controlling the spread of aquatic invasive species are implemented during the course of the project. WSDOT Roadside Vegetation Management Plans (http://www.wsdot.wa.gov/Maintenance/Roadside/mgmt_plans.htm) shall be implemented for controlling the spread of noxious and nuisance weeds.

SEDIMENT

31. Any bedload sediments, small woody material, or debris not conforming to pre-existing fishway design conditions may be removed from the fishway, and within 25 feet of the fishway inlet and outlet.

32. Sediment removal from the fishway shall not result in a head cut in the channel that erodes upstream, or damage to the toe of bank downstream of the site of sediment removal.

33. A Vactor or similar vacuum excavation vehicle may be used to remove sediments. Jetting of material from within the fishway shall be performed in the dry, or when water quality can be maintained immediately downstream of the work site. All sediments jetted or vactored from the structure shall be removed from the channel.

34. Sediment removal shall be limited to restoring the fishway to its pre-existing condition with a gradual taper of ground line to meet the native stream bed to minimize the potential of inducing head cutting and fish entrapment during low flows. Overburden material resulting from the project shall be deposited beyond the limits of flood waters or in a way that does not adversely affect the bed or flow of the stream, or the riparian corridor.

35. At the end of the maintenance activity, the work area shall contain no pits or potholes, or depressions that may trap fish as a result of fluctuation in water levels. Streambed outside of the work area which was altered as part of this maintenance activity shall be returned to its pre-existing condition.

WOODY MATERIAL AND DEBRIS

36. LWM not conforming to pre-existing fishway design conditions within 25 feet of the fishway inlet and outlet may be moved except: LWM embedded in the bank or stream bed shall be left undisturbed and intact.

37. LWM repositioning shall be minimized as much as possible. If LWM must be moved it shall be repositioned within the channel, floated free, or placed in the channel as near the wetted perimeter as possible immediately downstream of the work site, but shall not be removed from the stream.

38. Reduction of the size of LWM shall only occur as required to allow floating or repositioning the LWM away from the fishway, or to eliminate a fish passage barrier with the following constraints: Root wads shall not be removed from the LWM trunk; the diameter of the root wad shall not be reduced.

39. Woody material not meeting the definition of LWM may be repositioned within the stream, floated downstream, or removed.

40. Whenever possible, LWM impacting the fishway shall be floated free or lifted with full suspension to avoid bed and bank disturbance. Material shall not be dragged across the bed or bank. When materials cannot be floated free or suspended above the bed and banks, skid logs, other temporary work platforms, or similar methods shall be used to avoid bank damage. Upon completion of the yarding operation, these bank protection measures shall be removed in a manner that avoids damage to bed or bank, and the bank shall be restored to previously existing, or enhanced, vegetated condition.



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41. LWM shall be repositioned gradually and in a controlled manner to prevent a sudden release of any impounded water, bed, logs, other material or sediments which may result in downstream bed and bank degradation, sedimentation or flooding. Debris shall be removed and properly disposed of.

42. This HPA does not authorize the cutting of LWM to a length less than the channel width. This action requires a separate individual HPA. Pieces already shorter than the channel width may be cut to facilitate repositioning, but cutting should be maintained as a final option only when other methods have failed.

EROSION

43. Work below the OHWL shall be limited to the area within the pre-existing footprint and shall not exceed that necessary to restore the site to its pre-existing function and condition. Material types not previously authorized for use at the site are not authorized for use under this HPA except: Riprap may be placed to stabilize erosion to protect the fishway.

44. Where riprap is used for bank protection, the following shall apply:

- a. River gravels shall not be used as exterior armor.
- b. New bank protection material shall be riprap sized to withstand peak flows.
- c. Riprap placement shall be limited to the toe of each bank and up to the OHWL or to armor the inlet/outlet of the fishway.
- d. The toe shall be constructed to protect the integrity of the bank.
- e. Riprap placement shall not constrict the channel or fishway.
- f. Native plant material, in conjunction with structural components when necessary, shall be used for bank stabilization or repair above the OHWL within riparian areas.

45. Bank sloping shall be accomplished in a manner that avoids release of overburden material into the water. Overburden material resulting from the project shall be deposited so as not to reenter the water.

MAINTENANCE AND REPAIR

46. Hand tools, and equipment may be used to remove inorganic and organic material, repair or replace concrete weirs, wooden stop logs, sills, rock and log controls, fishway guides, walkways, entrance and exit gates, fishway walls and floors.

47. No lumber used to repair the fishway shall contain creosote, pentachlorophenol, or other preservatives or substances that are toxic to fish.

48. No more than one cubic yard of concrete pour may be used below the OHWL per fishway repair project without separate written HPA from WDFW.

VEGETATION

49. Riparian vegetation outside of the work area shall not be removed or disturbed.

50. Care shall be used when accessing the site to minimize the disturbance of riparian vegetation. Riparian vegetation shall be straddled with heavy equipment or be pruned as necessary without damaging the roots, to allow the operation of heavy equipment. When possible, vegetation disturbance should be limited to the shaded side of the channel.

51. All areas disturbed by the work shall be protected against erosion using vegetation or other means within 7 days of disturbance.

52. All woody plants on the banks or in the bed of state waters damaged by the work beyond their capability to



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regenerate shall be replaced in-kind as much as possible. Replacement shall be by replanting with woody plants native to the area. Woody plants shall be replaced and maintained at a ratio of at least 1:1 by the end of the first growing season after impact. If replacement plants fail after the end of the growing season, additional plantings, or natural recruitment, are required during the next planting season to achieve and maintain at least 1:1 replacement.

53. Trees with a diameter at breast height larger than 4 inches that are required to be removed to provide access shall be treated as large woody material, and be repositioned within the channel as such. Trees shall be replaced and maintained at a ratio of at least 4:1 by the end of the first growing season after impact. If replacement plants fail, additional plantings, or natural recruitment is required prior to the next growing season to achieve and maintain at least 4:1 replacement. Plantings shall be located at the work site, but such that future maintenance will not impact the replacement vegetation.

53. ANNUAL REPORTING: A calendar year annual report of work shall be uploaded as a post permit requirement to Application ID #1 in the Aquatic Protection Permitting System in unlocked Microsoft Excel (*.xls) format by February 28 of the following year, or in the final year of the HPA, prior to the expiration date. An annual report is required even if no work was conducted. Reporting debris removal that is part of culvert inspection work using hand-tools or trash rack cleaning is not required. The annual report shall include:

- a. General: HPA Permit Number, permittee, contact person, address, telephone number, date of report, time period.
- b. Summary: Total number of individual projects by region and statewide.
- c. Problem(s) encountered: Provision violation, notification, corrective action, impacts to fish life and water quality from problem. If the Environmental Compliance Assurance Procedure (ECAP) or similar procedure was used, specify what activity triggered the procedure.
- d. Recommendations for improvement to best management practices and mitigation [optional].
- e. List of individual projects completed: By region including water body name, road number and milepost if applicable, latitude and longitude, date and duration of work, description of work including quantity of sediment removed, quantity and disposition of LWM moved, and quantity of bank protection material placed.
- f. Any work under this permit involving fish exclusion will be included in a separate report submitted to WDFW by Feb 28 of the following year.

DEFINITIONS

Channelized stream: A man-made feature that intercepts and conveys a natural stream. If a channel conveys water through a jurisdictional wetland it will be considered a channelized stream.

Debris: Inorganic material including trash, tires and garbage, etc. This definition does not include Large Woody Material (LWM), woody material smaller than LWM, woody material resulting from beaver activity, or woody material placed in channels for an environmentally beneficial purpose.

Embedded: Secured or fixed within the streambed.

Environmental Compliance Assurance Procedure (ECAP): WSDOT communication protocol to monitor and measure compliance performance.

Jetting: Flushing sediment from a confined space using a high pressure water jet.

Large Woody Material (LWM): Trees or tree parts larger than four inches in diameter and longer than six feet in length, including root wads. This material is located wholly or partially waterward of the Ordinary High Water Line (OHWL).

Ordinary High Water Line (OHWL): The mark on the shores of all waters that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in



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ordinary years, as to mark upon the soil or vegetation a character distinct from that of the abutting upland provided that in any area where the ordinary high water line cannot be found the ordinary high water line adjoining saltwater shall be the line of mean higher high water and the ordinary high water line adjoining freshwater shall be the elevation of the mean annual flood.

Riprap: Clean, angular natural rock used for bank protection. This does not include waste concrete or asphalt material.

Sediment(s): Settled particulate matter located in the predominant biologically active aquatic zone, or exposed to the water column. Sediment also includes settled particulate matter exposed by human activity (e.g., dredging) to the biologically active aquatic zone or to the water column.

Toe of Bank: The distinct break in slope between the stream bank or shoreline and the stream bottom or marine beach or bed, excluding areas of sloughing. For steep banks that extend into the water, the toe may be submerged below the ordinary high water line. For artificial structures, such as jetties or bulkheads, the toe refers to the base of the structure, where it meets the stream bed or marine beach or bed.

Wetted Perimeter: The areas of a watercourse covered with flowing or non-flowing water.

WSDOT Right of Way: The area of land dedicated for public use or secured by the public for purposes of ingress and egress to abutting property and other public purposes. ROW includes area maintained by WSDOT through prescriptive rights. It includes the structures necessary to keep the transportation system operational.

LOCATION #1: , , WA						
WORK START: September 10, 2014			WORK END: September 9, 2019			
<u>WRIA</u>		<u>Waterbody:</u>			<u>Tributary to:</u>	
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
						Statewide
<u>Location #1 Driving Directions</u>						

APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW. Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.



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This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.

The person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this Hydraulic Project Approval.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day and/or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All Hydraulic Project Approvals issued under RCW 77.55.021 are subject to additional restrictions, conditions, or revocation if the Department of Fish and Wildlife determines that changed conditions require such action. The person(s) to whom this Hydraulic Project Approval is issued has the right to appeal those decisions. Procedures for filing appeals are listed below.

MINOR MODIFICATIONS TO THIS HPA: You may request approval of minor modifications to the required work timing or to the plans and specifications approved in this HPA. A minor modification to the required work timing means up to a one-week deviation from the timing window in the HPA when there are no spawning or incubating fish present within the vicinity of the project. You may request subsequent minor modifications to the required work timing. A minor modification of the plans and specifications means any changes in the materials, characteristics or construction of your project that does not alter the project's impact to fish life or habitat and does not require a change in the provisions of the HPA to mitigate the impacts of the modification. Minor modifications do not require you to pay additional application fees or be issued a new HPA. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a minor modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you do not use APPS you must submit a written request that clearly indicates you are seeking a minor modification to an existing HPA. Include the HPA number and a description of the requested change and send by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234, or by email to HPAapplications@dfw.wa.gov. Do not include payment with your request. You should allow up to 45 days for the department to process your request.

MAJOR MODIFICATIONS TO THIS HPA: You may request approval of major modifications to any aspect of your HPA. Any approved change other than a minor modification to your HPA will require issuance of a new HPA. If you paid an application fee for your original HPA you must pay an additional \$150 for the major modification. If you did not pay an application fee for the original HPA, no fee is required for a change to it. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a major modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you do not use APPS you must submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Include the HPA number, check, and a descriptor of the requested change. Send your written request and payment, if applicable, by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. You should allow up to 45 days for the department to process your request.



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APPEALS INFORMATION

If you wish to appeal the issuance, denial, conditioning, or modification of a Hydraulic Project Approval (HPA), Washington Department of Fish and Wildlife (WDFW) recommends that you first contact the department employee who issued or denied the HPA to discuss your concerns. Such a discussion may resolve your concerns without the need for further appeal action. If you proceed with an appeal, you may request an informal or formal appeal. WDFW encourages you to take advantage of the informal appeal process before initiating a formal appeal. The informal appeal process includes a review by department management of the HPA or denial and often resolves issues faster and with less legal complexity than the formal appeal process. If the informal appeal process does not resolve your concerns, you may advance your appeal to the formal process. You may contact the HPA Appeals Coordinator at (360) 902-2534 for more information.

A. INFORMAL APPEALS: WAC 220-110-340 is the rule describing how to request an informal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete informal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request an informal appeal of that action. You must send your request to WDFW by mail to the Washington Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. WDFW must receive your request within 30 days from the date you receive notice of the decision. If you agree, and you applied for the HPA, resolution of the appeal may be facilitated through an informal conference with the WDFW employee responsible for the decision and a supervisor. If a resolution is not reached through the informal conference, or you are not the person who applied for the HPA, the HPA Appeals Coordinator or designee will conduct an informal hearing and recommend a decision to the Director or designee. If you are not satisfied with the results of the informal appeal, you may file a request for a formal appeal.

B. FORMAL APPEALS: WAC 220-110-350 is the rule describing how to request a formal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete formal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request a formal appeal of that action. You must send your request for a formal appeal to the clerk of the Pollution Control Hearings Boards and serve a copy on WDFW within 30 days from the date you receive notice of the decision. You may serve WDFW by mail to the Washington Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, you may request a formal appeal within 30 days from the date you receive the Director's or designee's written decision in response to the informal appeal.

C. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS: If there is no timely request for an appeal, the WDFW action shall be final and unappealable.



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Habitat Biologist Jeffrey.Kamps@dfw.wa.gov
Jeffrey Kamps 360-391-4612

A handwritten signature in black ink, appearing to read "Jeffrey Kamps".

for Director
WDFW
