



HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - See appeal process at end of HPA

Statewide
600 Capitol Way N
Olympia, WA 98501-1091
(360) 902-2200

Issue Date: June 20, 2013

Control Number: 130591-1

Project Expiration Date: June 19, 2018

FPA/Public Notice #: N/A

PERMITTEE

Washington State Department of Transportation
ATTENTION: Kenneth Schlatter
PO Box 47331
Olympia, WA 98501-7331
360-706-3274
Fax: 360-705-6833

AUTHORIZED AGENT OR CONTRACTOR

Project Name: Statewide Fresh Water Geotechnical Survey
Project Description: Take soil cores from freshwater locations for analysis

PROVISIONS

1. **PROJECT DESCRIPTION:** This HPA authorizes only Geotechnical Survey including sediment test sampling as described in the JARPA submitted May 2, 2013. Any additional, related work shall require a separate HPA from WDFW.
2. **TIMING LIMITATIONS:** The project may begin June 20, 2013 and shall be completed by June 19, 2018 provided: Work shall be conducted only during the time periods specified in the attachment 'Allowable In-Water Work Windows for Fresh Water, 2010,' Attachment 1.
3. Except as modified by this HPA work shall be accomplished per plans and specifications submitted by WSDOT as application and accepted by WDFW (May 2, 2013) for this HPA and:
 - a. WSDOT Environmental Compliance Assurance Procedure (ECAP) procedures in WSDOT's Construction Manual Secion1-2.2K (1).
 - b. Installation of the appropriate (least impact) Best Management Practices (BMPs) to control erosion, sedimentation, and contain pollutants from entering the water body.
4. These plans (JARPA, Provision 3 a. and b.), including this HPA, reflect the requirements of Chapter 220-110 WAC. These plans reflect mitigation procedures to avoid impacts to fish resources. A copy of these plans shall be available on site during work.
5. **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 WDFW Area Habitat Biologist (Attachment 2). Please see <http://wdfw.wa.gov/conservation/habitat/ahb/> for the current listing.
6. If fish may be adversely impacted as a result of this project, the permittee is required to capture and safely move food fish, game fish or other fish life to the nearest free-flowing water.

DRILLING ACTIVITIES

7. Woody material embedded in the bank or stream bed shall be left undisturbed and intact.



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8. A casing shall be used to contain the boring operation and prevent water entry of all associated sediments and other materials, such as the water slurry used for drill lubrication and bentonite used to seal the boring hole after geo-technical data has been recorded and sampled. The top 18-24 inches of the bore hole shall be filled with streambed material as defined in 'WSDOT: Standard Specifications for Road, Bridge, and Municipal Construction - 2010, 9-03.11(1) Streambed Sediment'.

9. After geotechnical information has been logged, the borehole and surface shall be restored to pre-project condition.

10. All waste material such as drill spoils and cuttings, construction debris, silt, excess dirt, excess gravel, or overburden resulting from this project shall be deposited above the limits of flood water in an upland disposal site that has appropriate regulatory approval.

11. No other excavation or fill work is authorized under this HPA.

EQUIPMENT

12. Drilling equipment shall be checked daily for leaks, be well-maintained and kept in good repair to prevent the loss of lubricants, grease, and any other deleterious materials from entering the state waters.

13. No geared mechanisms (tires, tracks) shall enter the wetted perimeter. Truck mounted and tracked drilling equipment shall work from a location outside of the wetted perimeter unless working off of a temporary floating work platform.

14. Temporary floating work platforms shall not ground on the bed of state waters.

15. Equipment, except for barges, shall be parked above the Ordinary High Water Line (OHWL), or wetted perimeter (whichever is higher), each day after construction activities to prevent leakage or accidental spills into state waters.

16. All containers storing fuel or other deleterious substances on any temporary floating work platform shall be secured to prevent incidental spills.

RIPARIAN PROTECTION

17. Care shall be used when accessing the site to minimize the disturbance of vegetation. Vegetation shall be straddled with heavy equipment and be pruned as necessary, without damaging the roots, or low ground pressure equipment shall be used, when possible. Tree removal shall be avoided where possible.

18. All woody plants that were on the banks or in the bed of state waters and that were removed or damaged by the work beyond their capability to regenerate shall be replaced. Replacement of vegetation shall be by replanting or natural recruitment 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



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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 1:1 replacement. If trees with greater than 4-inch diameter at breast height are required to be removed, the replacement and maintenance ratio shall be at least 4:1 by the end of the second growing season after impact.

19. Within seven calendar days of project completion, all disturbed areas shall be protected from erosion using vegetation or other means. Erosion control methods may include, but are not limited to filter fabric and immediate mulching of exposed areas. Man-made materials (silt fence, sand bags, etc.) shall not be placed such that they become subject to high flows.

20. ANNUAL REPORTING: WSDOT shall submit to the Regulatory Services Coordinator, WDFW Habitat Program, address 600 Capitol Way N. Olympia, WA 98501-1091, a calendar year annual report of work by February 28 of the following year, or in the final year of the HPA, prior to the expiration date. An annual report is also required if no work was conducted. The annual report shall include:

- a. General: HPA Control 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, 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 duration of work, description of work.
- f. The information contained in item "e" above (individual projects completed) shall be provided in unlocked Microsoft Excel (.xls) format.

PROJECT LOCATIONS

Location #1 Statewide

WORK START: June 20, 2013				WORK END: June 19, 2018		
WRIA: 99.0000		Waterbody: Various		Tributary to: Statewide		
1/4 SEC: All	Section: 99	Township: 99	Range: 99	Latitude: N	Longitude:	County: Yakima
Location #1 Driving Directions						

APPLY TO ALL HYDRAULIC PROJECT APPROVALS



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This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW (formerly RCW 77.20). 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.

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. To request a minor modification to your HPA, submit a written request that clearly indicates you are requesting 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 include payment of \$150 with your written request or request billing to an account previously established with the department. If you did not pay an application fee for the original HPA, no fee is required for a change to it. To request a major modification to your HPA, submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Include the HPA number, check number or billing account number, and a description 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. If you are charging the fee to a billing account number or you are not subject to the fee, you may email your request to HPAapplications@dfw.wa.gov. You should allow up to 45 days for the department to process your request.

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



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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.

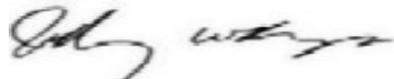
A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request an informal appeal of that action. You must send your request to WDFW by mail to the Washington Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091; 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.

ENFORCEMENT: Sergeant Jackson (29) P3

Habitat Biologist Jeffrey Kamps	kampsjwk@dfw.wa.gov 360-391-4612		for Director WDFW
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CC: