Washington Department of FISH and WILDLIFE

HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - Appeal Pursuant to Chapter 34.05 RCW

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

Issue Date: June 02, 2009
Project Expiration Date: January 21, 2013

Control Number: 111325-2
FPA/Public Notice #: N/A

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
Washington Department of Transportation ATTENTION: Eric Wolin 310 Maple Park Drive Olympia, WA 98501-7331 360-705-6327 Fax: 360-705-6833	

Project Name: Statewide Bridge and Ferry Terminal Maintenance

Project Description: Statewide Bridge and Ferry Terminal Cleaning, Painting, and General Maintenance and Repair.

PROVISIONS

PROVISIONS APPLICABLE TO ALL WORK ACTIVITIES UNLESS PROVIDED OTHERWISE IN SECTIONS A THROUGH I ARE:

1. TIMING LIMITATIONS: The project may begin immediately and shall be completed by January 16, 2013 provided: The specific timing listed in Section shall be followed.

2. Except as modified by this HPA work shall be accomplished per plans and specifications submitted by WSDOT as application and accepted by WDFW (December 3, 2007) for this HPA entitled:

a. WSDOT Environmental Compliance Assurance Procedure (ECAP) for Maintenance Environmental Procedures Manual Section 790 (3). For construction projects use ECAP procedures in WSDOT Construction Manual Secion1-2.2K(1).

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. For construction projects, the requirements of Section 1-07.15 and 1-07.15(1) of WSDOT Standard Specifications.

These plans (Provisions 2a and 2b), 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.

3. NOTIFICATION PRIOR TO WORK START: The permittee or contractor shall notify the WDFW Regional Habitat Program Manager (RHPM, Contact List follows Section I, below) prior to starting work. Notification may be by email, facsimile (FAX), telephone, or in person. If notification is by e-mail, the AHB (if known. Notification shall include:
a. Agency name, contact person, and telephone number.
b. Water body name.
c. Work location including road number and milepost if applicable, or comparable site location

information.
d. Starting date and estimated ending date for work.
e. Control Number for the Hydraulic Project Approval.

4. 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 Washington Military Department Emergency Management Division at 1-800-258-5990, and to the WDFW AHB (Attachment 3).

5. Riparian vegetation (streamside or shoreline) within 200 feet perpendicular to the Ordinary High Water Line (OHWL) and adjacent to the structure shall not be damaged. Within the riparian area existing parking lots and open managed fields and lots may be used for staging work.

6. Cleaned debris and other polluting substances from this project shall be collected and then contained and deposited above the limits of flood water or extreme high tide in a disposal site that has the appropriate regulatory approval. No debris and substances shall be placed in road drainages, wetlands, riparian (streamside or shoreline) areas, or on adjacent land where they may erode into state waters. No petroleum products, hydraulic fluids, chemicals, or any other polluting substances shall be allowed to enter state waters.

7. Washing shall be done with clean water. No detergents or other cleaning agents shall be used except:

a. A 5.25% sodium hypochlorite solution may be directly applied onto areas of bird guano or fungus growth remaining after removal and any pressure washing of bulk deposit or growth. The sodium hypochlorite solution shall not be used as an additive to the water used for pressure washing. Wash water associated with the use of sodium hypochlorite must be fully contained and shall not be allowed to enter state waters.

b. A degreaser on an absorbent material may be used to remove residual grease after hand cleaning the surface, provided none of this material shall enter states water.

8. The use of wood treated with creosote or pentachlorophenol is not authorized.

9. All treated wood to be used for these projects shall meet or exceed the most current standards established in: "Best Management Practices for the Use of Treated Wood in Aquatic Environments" developed by the Western Wood Preservers Institute. Certification that the wood material was produced according to these BMPs shall be presented upon request by WDFW.

10. Any deployed containment, boom or filter structure shall be routinely inspected and repaired as necessary to ensure its function. Debris and substances collected in the containment, boom or filter structure shall be removed from the structure at least daily, whenever accumulation place the structure at risk, and before relocation or the removal of the structure.

11. ANNUAL REPORTING: WSDOT shall submit to the Regulatory Services Coordinator, address WDFW Habitat Program 600 Capitol Way N. Olympia, WA 98501, 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.

12. WORK SITE RESTORATION: Upon project completion all temporary work structures, devices, equipment, materials, man-made debris and wastes from the project shall be completely removed from within the OHWL, adjacent shoreline, and riparian areas.

Nine separate work activities are included in Sections A through I and include:

A.BRIDGE AND FERRY TERMINAL DECK AND DRAIN CLEANING.
B.BRIDGE CLEANING AND WASHING.
C.BRIDGE PAINTING, INCLUDING PREPARATORY CLEANING, WASHING, AND ABRASIVE BLASTING.
D.BRIDGE GENERAL MAINTENANCE AND REPAIR.
E.BRIDGE AND FERRY TERMINAL DECK OVERLAY REPLACEMENT.
F.FERRY TERMINAL CLEANING, WASHING, AND MARINE GROWTH REMOVAL.
G.FERRY TERMINAL PAINTING, INCLUDING PREPARATORY CLEANING, WASHING, ABRASIVE BLASTING, AND MARINE GROWTH REMOVAL.
H.FERRY TERMINAL GENERAL MAINTENANCE AND REPAIR.
I.BRIDGE SPOT CLEANING.

SECTION A
PROJECT DEFINITION: BRIDGE AND FERRY TERMINAL DECK AND DRAIN CLEANING: This work occurs frequently for bridge and ferry terminal safety and appearance and includes sweeping and/or vacuuming the deck, sidewalks, gutters, and drains. The only wash water that may enter state waters is direct drain flushing water after dry cleaning methods have been used in the drains.

1. TIMING LIMITATIONS: Work may occur year -around.

2. NOTIFICATION PRIOR TO STARTING WORK and ANNUAL REPORTING are not required for

this work.

3. No work or equipment use shall occur below the ordinary high water line (OHWL) or affect the bed of state waters.

4. The deck shall first be cleaned using dry methods and equipment (scraping, sweeping, vacuuming) that will prevent debris and substances from entering state waters.

5. Cleaned debris, substances, and/or deck wash water shall not enter state waters through deck drains.

6. After cleaning operations have been completed, debris accumulations remaining in the drains may be flushed with clean water.

SECTION B
PROJECT DEFINITION: BRIDGE CLEANING AND WASHING: This work is bridge superstructure cleaning and washing required to prevent deterioration. First dry cleaning using scraping, sweeping, and vacuuming methods and equipment is completed. Then the superstructure is washed. The wash water may enter state waters. This work is not involved with preparation for structure painting.

1. TIMING LIMITATIONS: Work shall only occur during the following times:

a. West of the Cascade Mountain Crest: November 1 to May 31.
b. East of the Cascade Mountain Crest: December 1 to June 30.

2. No work or equipment use shall occur below the ordinary high water line (OHWL) or shall affect the bed of state waters.

3. The bridge shall first be cleaned using dry methods and equipment (scraping, sweeping, vacuuming) that will prevent debris and substances from entering state waters.

4. Washing shall occur with the minimum water pressure necessary to accomplish the work to prevent existing paint from being removed and entering state waters.

5. Cleaned debris, substances, and/or deck wash water shall not enter state waters through deck drains.

6. After dry cleaning methods have been completed debris accumulations remaining in the drains may be flushed with clean water.

SECTION C
PROJECT DEFINITION: BRIDGE PAINTING, INCLUDING PREPARATORY CLEANING, WASHING, AND ABRASIVE BLASTING: This painting work includes preparatory dry cleaning the superstructure to be painted using scraping, sweeping, and vacuuming methods and equipment. A

debris and paint collection containment and water filter structure is required. After dry cleaning, washing of the superstructure to be painted is done with high pressure equipment followed by selective areas abrasive blasting. The filtered wash water may enter state waters.

1. TIMING LIMITATIONS:

a. Saltwater: If the bridge is less than fifty (50) feet in elevation above the water and the project includes a containment or filter structure or a temporary floating or pier mounted work platform that would result in temporary new area shading of eelgrass, kelp, and/or other intertidal wetland vascular plants longer than 72 hours, the shading part of the work shall only occur from October 1 to April 30 to prevent shading impacts to such saltwater vegetation habitat.

b. Freshwater: Work may occur year-around.

2. No work or equipment use shall occur below the ordinary high water line (OHWL) or shall affect the bed of state waters, except the use of temporary floating or pier mounted work platform.

3. No disturbance to the stream banks or shoreline shall occur when placing, using, or removing a temporary floating or pier mounted work platform.

4. Any temporary floating platform shall not ground on the bed of state waters.

5. No temporary floating platform anchoring or pier mounted work platform shall occur in freshwater that would disturb fish spawning areas or in saltwater that would disturb eelgrass, kelp, and/or other intertidal wetland vascular plants.

6. The bridge shall first be cleaned using dry methods and equipment (scraping, sweeping, vacuuming) that will prevent debris and substances from entering state waters.

7. Wet method work wash water and debris resulting from pressure washing, including but not restricted to dirt and old paint chips, shall be filtered through a filter structure with a minimum # 100 sieve.

8. Dry method work that would result in debris and substances entering state waters, including but not restricted to dirt, abrasive blasting medium, old paint chips, and new paint, shall include a containment structure capable of collecting all such debris and substances.

9. Cleaned debris, substances, and/or deck wash water shall not enter state waters through deck drains.

10. After dry cleaning methods have been completed debris accumulations remaining in the drains may be flushed with clean water.

SECTION D
PROJECT DEFINITION: BRIDGE GENERAL MAINTENANCE AND REPAIR: This work is to

maintain the bridge structure and is restricted to maintenance, repair, or replacement of structure components above state waters. This work does not include new construction, replacement or expansion of the existing structure. The work may include use of temporary floating platform, temporary work or jacking platforms in the dry, as provided below.

1. TIMING LIMITATIONS:
a. Saltwater: If the structure is less than fifty feet in elevation above the water and the project includes a containment or filter structure or a temporary floating platform that would result in temporary new area shading of eelgrass, kelp, and/or other intertidal wetland vascular plants longer than 72 hours, the shading part of the work shall only occur from October 1 to April, to prevent shading impacts to saltwater vegetation habitat. Temporary work or jacking platforms located on the bed below the OHWL may only be constructed during the applicable fish life work windows (Allowable Forage Fish Work Window, Attachment 1). Pier-mounted or floating temporary work or jacking platforms may be constructed and used year around.

b. Freshwater: Work may occur year-around except: Temporary work or jacking platform located on the streambed below the OHWL may only be constructed during the applicable fish life work windows (Allowable Freshwater Work Window, March 2009, Attachment 1). Pier-mounted or floating temporary work or jacking platform may be constructed and used year around.

2. NOTIFICATION PRIOR TO STARTING WORK is not required for this work.

3. Equipment shall only be stationed on and operate from the WSDOT Right of WAY (ROW) including portions of the watercourse only if dry. 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 revegetated as required below upon project completion. Access construction outside the ROW for equipment is not authorized.

4. No disturbance to the stream bed, banks or shoreline shall occur when placing or removing temporary platforms.

5. Any temporary floating platform shall not ground on the bed of state waters.

6. No temporary floating platform anchoring or temporary work or jacking platform construction shall occur in freshwater that would disturb fish spawning areas or in saltwater that would disturb eelgrass, kelp, and/or other intertidal wetland vascular plants.

7. Work that would result in debris and substances entering state waters shall include a containment structure capable of collecting all such debris and substances.

SECTION E
PROJECT DEFINITION: BRIDGE AND FERRY TERMINAL DECK OVERLAY REPLACEMENT:
This work includes removal and replacement of existing concrete or asphalt overlay of the deck road surface, gutters, and sidewalks only where a structurally sound subsurface exists that will

prevent existing or new overlay material from entering state waters. A debris, material, and substance collection containment structure is required if any of these materials may enter state waters. This work does not allow: Debris, materials, or substances entering state waters; new construction activities, or replacement of stringers and/or other structural supports.

1. TIMING LIMITATIONS: Work may occur year-around.

2. No work or equipment use shall occur below the ordinary high water line (OHWL) or shall affect the bed of state waters.

3. An existing structurally sound impervious subsurface shall be required to prevent existing deck material and new surfacing material from entering state waters.

4. During physical or hydraulic removal of the existing surface, the water and all removed debris and substances shall be fully contained to prevent them from entering state waters.

5. Bridge drains shall be blocked during existing surface removal and new surface installation and shall prevent water, debris, and substances from entering state waters.

6. New overlay material shall not be allowed to enter state waters.

SECTION F
PROJECT DEFINITION: FERRY TERMINAL CLEANING, WASHING, AND MARINE GROWTH REMOVAL: This work is ferry terminal superstructure cleaning, washing and marine growth removal. This work is not involved with preparation for structure painting. This work entails first dry cleaning the superstructure using scraping, sweeping, and vacuuming, then washing of the superstructure. The wash water may enter state waters. The work may include use of a temporary floating work platform for marine growth removal as provided below:

1. TIMING LIMITATIONS:

a. SALTWATER VEGETATION PROTECTION: If the project would result in temporary new shading of eelgrass, kelp, and/or other intertidal wetland vascular plants longer than 72 hours, the work that produces the shadow shall only occur from October 1 through April 30 to prevent shading impacts to saltwater vegetation fish habitat.

b. JUVENILE SALMONID MIGRATION PROTECTION: If a temporary floating work platform is used shoreward of minus 10 feet (tidal reference MLLW=0.0 feet) and/or closer than 25 feet from the waters edge at any water level, the use of a temporary floating work platform in this area shall only occur from July 1 through February 15 for the protection of outmigrating juvenile salmonids.

2. NOTIFICATION PRIOR TO STARTING WORK is not required for this work except:
If a temporary floating work platform greater than 20 feet wide is used the Regional Habitat Program Manager (RHPM, contact list follows Section I, below) shall be notified prior to start of work. Notification may be by email, facsimile (FAX), telephone, or in person. If notification is by e-

mail, the AHB should also be notified. No other notification prior to start of work is required. Notification shall include:
a. Agency name, contact person, and telephone number
b. Water body name
c. Ferry terminal location
d. Starting date and estimated ending date for work
e. The control number of the permit and the Section for the work activity being performed.

3. No work or equipment use shall occur below the ordinary high water line (OHWL) or shall affect the bed of state waters, except the use of a temporary floating work platform and marine growth removal.

4. No disturbance to the shoreline shall occur when placing or removing a temporary floating work platform.

5. No temporary floating work platform anchoring or grounding shall occur in saltwater that would disturb eelgrass, kelp, and/or other intertidal wetland vascular plants.

6. No grounding of a temporary floating work platform greater than 20 feet wide shall occur.

7. The ferry terminal shall first be cleaned using dry methods and equipment (scraping, sweeping, vacuuming) that will prevent debris and substances from entering state waters.

8. Cleaned debris, substances, and/or deck wash water shall not enter state waters through deck drains.

9. Removed marine growth may be released to state waters provided the marine growth shall not accumulate or be spoiled on the sea bed.

10. Marine growth removal from creosote or any other treated wood shall be restricted to the use of methods and tools that shall avoid removal of creosote or treated wood fibers.

11. Washing shall occur with the minimum water pressure to prevent existing paint from being removed and entering state waters.

12. After cleaning operations have been completed, debris accumulations remaining in the drains may be flushed with clean water.

SECTION G
PROJECT DEFINITION: FERRY TERMINAL PAINTING, INCLUDING PREPARATORY CLEANING, WASHING, ABRASIVE BLASTING, AND MARINE GROWTH REMOVAL: This painting work includes dry cleaning, washing and marine growth removal. A debris and paint collection containment and water filter structure is required. After dry cleaning, washing of the superstructure to be painted is done with high pressure equipment followed by abrasive blasting. The filtered wash water may enter state waters. Work may include use of a temporary floating work

platform and marine growth removal as provided below:

1. TIMING LIMITATIONS:

a. Washing shall only be done in weeks of maximum tidal exchange (spring tide) and at time of maximum daily tidal flows.

b. SALTWATER VEGETATION PROTECTION: If the project would result in temporary new shading of eelgrass, kelp, and/or other intertidal wetland vascular plants longer than 72 hours, the work that produces the shadow shall only occur from October 1 through April 30 to prevent shading impacts to saltwater vegetation fish habitat.

c. JUVENILE SALMONID MIGRATION PROTECTION: If a temporary floating work platform is used shoreward of minus 10 feet (tidal reference MLLW=0.0 feet) and/or closer than 25 feet from the waters edge at any water level the use of a temporary floating work platform in this area shall only occur from July 1 through February 15 for the protection of outmigrating juvenile salmonids.

2. No work or equipment use shall occur below the ordinary high water line (OHWL) or shall affect the bed of state waters, except the use of a temporary floating work platform and marine growth removal.

3. No disturbance to the shoreline shall occur when placing or removing a temporary floating work platform.

4. No temporary floating work platform anchoring or grounding shall occur in saltwater that would disturb eelgrass, kelp, and/or other intertidal wetland vascular plants.

5. No grounding of a temporary floating work platform greater than 20 feet wide shall occur.

6. Ferry terminal shall first be cleaned using dry methods and equipment (scraping, sweeping, vacuuming) that will prevent debris and substances from entering state waters.

7. Dry method work that would result in debris and substances entering state waters, including but not restricted to dirt, abrasive blasting medium, old paint chips, and new paint, shall include a containment structure capable of collecting all such debris and substances.

8. Wet method work wash water and debris resulting from pressure washing, including but not restricted to dirt and old paint chips, shall be filtered through a filter tarp with a minimum # 100 sieve.

9. Removed marine growth may be released to state waters provided the marine growth shall not accumulate or be spoiled on the sea bed.

10. Marine growth removal from creosote or any other treated wood shall be restricted to the use of hand tools and methods that shall avoid removal of the creosote or treated wood fibers.

11. Cleaned debris, substances, and/or deck wash water shall not enter state waters through deck drains.

12. After cleaning operations have been completed, debris accumulations remaining in the drains may be flushed with clean water.

SECTION H
PROJECT DEFINITION: FERRY TERMINAL GENERAL MAINTENANCE AND REPAIR: This work is ferry terminal maintenance and repair of the facility in existing location and configuration. This work occurs over water and may include in-water or intertidal sea bed work including diving, marine growth removal, structural bracing replacement, or use of a temporary floating work platform. A containment structure is required if any polluting debris, material, or substance may enter state waters. This work shall not include any penetration of the sea bed by excavation, boring, or pile driving new construction or expansion of any structure.

1. TIMING LIMITATIONS:

a. SALTWATER VEGETATION PROTECTION: If the project would result in temporary new shading of eelgrass, kelp, and/or other intertidal wetland vascular plants longer than 72 hours, the work that produces the shadow shall only occur from October 1 through April 30 to prevent shading impacts to such saltwater vegetation fish habitat.

b. JUVENILE SALMONID MIGRATION PROTECTION: If a temporary floating work platform is used shoreward of minus 10 feet (tidal reference MLLW=0.0 feet) and/or closer than 50 feet from the waters edge at any water level, the use of a temporary floating work platform in this area shall only occur from July 1 through February 15 for the protection of outmigrating juvenile salmonids.

2. NOTIFICATION PRIOR TO STARTING WORK is not required for this work except: If a temporary floating work platform greater than 20 feet wide is used the Regional Habitat Program Manager (RHPM, contact list follows Section I, below) shall be notified prior to start of work. Notification may be by email, facsimile (FAX), telephone, or in person. If notification is by e-mail, the AHB should also be notified. No other notification prior to start of work is required. Notification shall include:
a. Agency name, contact person, and telephone number
b. Water body name
c. Ferry terminal location
d. Starting date and estimated ending date for work
e. The control number of the permit and the Section for the work activity being performed

3. Geared mechanisms (wheels, tracks) of equipment shall not operate in the intertidal area.

4. This work shall not include any penetration of the sea bed by excavation, boring, or pile driving.

5. A temporary floating work platform may be used, provided no damage to the shoreline shall

occur when placing or removing a temporary floating work platform.

6. No grounding of a temporary floating work platform greater than 20 feet wide shall occur.

7. No temporary floating work platform anchoring or grounding shall occur in saltwater that would disturb eelgrass, kelp, and/or other intertidal wetland vascular plants.

8. Work that would result in debris or substances entering state waters, including but not restricted to treated wood sawdust and cuttings, shall include a containment structure capable of collecting all such debris or substances.

9. If a containment structure cannot be used because of restricted or difficult location or type of structure, a containment boom shall be placed around the work area to capture debris and cuttings.

10. Removed marine growth may be released to state waters provided the marine growth shall not accumulate or be spoiled on the sea bed.

11. Marine growth removal from creosote or any other treated wood shall be restricted to the use of hydraulic suctioning or hand tools and methods that shall avoid removal of the creosote or treated wood fibers.

SECTION I
PROJECT DEFINITION: BRIDGE SPOT CLEANING: Spot Cleaning is a bridge maintenance activity where fracture critical points on a bridge are cleaned to prepare the bridge for inspection. The purpose of the inspection is to determine if a bridge is in need of painting or repair and to prepare areas for repair.

1. TIMING LIMITATIONS: Work shall only occur during the following times and water conditions, to increase dilution of a potential concentration of sedimentation and associated pollutants in state waters:

a. West of the Cascade Mountain Crest: November 1 to May 31. East of the Cascade Mountain Crest: December 1 to June 30.

b. Bridge washing work that will result in wash water entering state waters shall be restricted to when the bed of the water body under the part of the structure to be washed is covered with water.

2. No work or equipment use shall occur below the ordinary high water line (OHWL) or shall affect the bed of state waters.

3. The bridge shall be spot cleaned using dry and/or wet methods: Hand/dry scraping, sweeping, vacuuming, low-pressure high volume washing.

4. If a filter trap containment system is used during spot cleaning activities, the tarp shall be a minimum of # 100 sieve.

5. Cleaned debris, substances, and/or deck wash water shall not enter state waters through deck drains.

6. Washing shall occur with the minimum water pressure necessary to accomplish the work to prevent existing paint from being removed and entering state waters.

NOTES:
1. This statewide general Hydraulic Project Approval (HPA) includes nine separate work activities included in bridge and ferry terminal cleaning, painting, and general maintenance and repair which are separated by description and provisions for the convenience of the permittee and the various work crews and contractors doing distinct work. Provisions common to all work are listed first. The provisions specific to each work activity are included in the sections A through I of this HPA.

2. This statewide general HPA modifies statewide general HPA 111325-1 and all regionally issued general HPAs for any bridge and ferry terminal cleaning, painting, and general maintenance and repair as defined in the distinct project descriptions in the sections (A through I). All other bridge and ferry terminal work shall require individual HPA.

REGIONAL HABITAT PROGRAM MANAGERS
REGIONMANAGER ADDRESS
Region 1
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PROJECT LOCATIONS

Location #1

WORK START: June 02, 2009					WORK END: January 21, 2013	
WRIA: 99.0000	Waterbody: Various				Tributary to: Statewide	
1/4 SEC: All	Section: 99	Township: 99	Range: 99	Latitude: N	Longitude:	County: Multiple
Location #1 Driving Directions						

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 (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 pursuant to RCW 77.55.021 (EXCEPT agricultural irrigation, stock watering or bank stabilization projects) or 77.55.141 are subject to additional restrictions, conditions or revocation if the Department of Fish and Wildlife determines that new biological or physical information indicates the need for such action. The person(s) to whom this Hydraulic Project Approval is issued has the right pursuant to Chapter 34.04 RCW to appeal such decisions. All agricultural irrigation, stock watering or bank stabilization Hydraulic Project Approvals issued pursuant to RCW 77.55.021 may be modified by the Department of Fish and Wildlife due to changed conditions after consultation with the person(s) to whom this Hydraulic Project Approval is issued: PROVIDED HOWEVER, that such modifications shall be subject to appeal to the Hydraulic Appeals Board established in RCW 77.55.301.

APPEALS INFORMATION

If you wish to appeal the issuance or denial of, or conditions provided in a Hydraulic Project Approval, there are informal and formal appeal processes available.

A. INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021, 77.55.141, 77.55.181, and 77.55.291: A person who is aggrieved or adversely affected by the following Department actions may request an informal review of:

(A) The denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval; or

(B) An order imposing civil penalties. A request for an INFORMAL REVIEW shall be in WRITING to the Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091 and shall be RECEIVED by the Department within 30 days of the denial or issuance of a Hydraulic Project Approval or receipt of an order imposing civil penalties. If agreed to by the aggrieved party, and the aggrieved party is the Hydraulic Project Approval applicant, resolution of the concerns will be facilitated through discussions with the Area Habitat Biologist and his/her supervisor. If resolution is not reached, or the aggrieved party is not the Hydraulic Project Approval applicant, the Habitat Technical Services Division Manager or his/her designee shall conduct a review and recommend a decision to the Director or his/her designee. If you are not satisfied with the results of this informal appeal, a formal appeal may be filed.

B. FORMAL APPEALS (WAC 220-110-350) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021 (EXCEPT agricultural irrigation, stock watering or bank stabilization projects) or 77.55.291:
A person who is aggrieved or adversely affected by the following Department actions may request a formal review of:
(A) The denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval;
(B) An order imposing civil penalties; or
(C) Any other 'agency action' for which an adjudicative proceeding is required under the Administrative Procedure Act, Chapter 34.05 RCW.
A request for a FORMAL APPEAL shall be in WRITING to the Department of Fish and Wildlife HPA Appeals Coordinator, shall be plainly labeled as 'REQUEST FOR FORMAL APPEAL' and shall be RECEIVED DURING OFFICE HOURS by the Department at 600 Capitol Way North, Olympia, Washington 98501-1091, within 30-days of the Department action that is being challenged. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within 30-days of the date of the Department's written decision in response to the informal appeal.

C. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021 (agricultural irrigation, stock watering or bank stabilization only), 77.55.141, 77.55.181, or 77.55.241: A person who is aggrieved or adversely affected by the denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval may request a formal appeal. The request for FORMAL APPEAL shall be in WRITING to the Hydraulic Appeals Board per WAC 259-04 at Environmental Hearings Office, 4224 Sixth Avenue SE, Building Two - Rowe Six, Lacey, Washington 98504; telephone 360/459-6327.

D. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO CHAPTER 43.21L RCW: A person who is aggrieved or adversely affected by the denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval may request a formal appeal. The FORMAL APPEAL shall be in accordance with the provisions of Chapter 43.21L RCW and Chapter 199-08 WAC. The request for FORMAL APPEAL shall be in WRITING to the Environmental and Land Use Hearings Board at Environmental Hearings Office, Environmental and Land Use Hearings Board, 4224 Sixth Avenue SE, Building Two - Rowe Six, P.O. Box 40903, Lacey, Washington 98504; telephone 360/459-6327.

E. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS results in forfeiture of all appeal rights. If there is no timely request for an appeal, the department action shall be final and unappealable.

ENFORCEMENT: Sergeant Ward (45) P3

Habitat Biologist Craig Olds	360-902-2540		for Director WDFW

CC: E-Mail
All Area Habitat Biologists, WDFW
All Regional Habitat Program Managers, WDFW
All Assistant Regional Habitat Program Managers, WDFW
All Regulatory Services, Habitat Program, WDFW

ATTACHMENTS (3)
Allowable Freshwater Work Windows
Allowable Forage Fish Work Windows
Area Habitat Coverage