



# HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - Appeal pursuant to Chapter 34.05

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

Issue Date: May 02, 2008

Control Number: 112548-1

Project Expiration Date: May 01, 2013

FPA/Public Notice #: N/A

## PERMITTEE

Washington State Department of Transportation  
ATTENTION: Gregor Myhr  
310 Maple Park Drive SE  
Olympia, WA 98504  
360-705-7487

## AUTHORIZED AGENT OR CONTRACTOR

Project Name: Beaver dam removal

Project Description: Removal of beaver dams one year or less old from watercourses within WSDOT Right of Way (ROW).

## PROVISIONS

**PROJECT DESCRIPTION:** This HPA authorizes removal or modification of newly constructed beaver dams in waters of the state from WSDOT Right of Way for highways.

1. **TIMING LIMITATIONS:** This five-year HPA may begin immediately and is valid through May 1, 2013. Work may occur year-around provided: The beaver dam has been in existence for one year or less and does not have wetland vegetation such as shrubs within the ponded area behind the dam.

2. Except as modified by this HPA work shall be accomplished per plans and specifications submitted by WSDOT as application and accepted by WDFW (March 28, 2008) 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 Section 1-2.2K(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 2 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.

3. **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 WSDOT Liaison Craig Olds, 600 Capitol Way North, MS 43200, Olympia WA 98501-1091; Telephone: 360-



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902-2540; FAX: 360-902-2946; Email: (oldscao@dfw.wa.gov.).

4. HAZARDOUS SPILL AND EROSION CONTROL: As stated in the submitted plan, and agreed to by WSDOT, hazardous spill and erosion control prevention shall comply with the most current version of the Water Quality Implementing Agreement (WQIA) between WSDOT and the Washington Department of Ecology (Ecology).

5. The use of explosives is not authorized under this HPA.

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.

7. Removal of the beaver dam may be accomplished by hand or with hand tools, such as chain saws and vehicle winches.

8. Heavy equipment needed to remove the dam shall access and be stationed on existing access structures, the roadway or shoulder, or the bridge.

9. Streambed or stream bank excavation is not authorized and shall require a separate written HPA.

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

11. The beaver dam shall be removed gradually to provide for a controlled, slow release, of impounded water. Down-ramping of the water level shall not result in stranding of fish, damage or erosion to the bed or banks of waters of the state.

12. Woody material removed from the beaver dam may be allowed to float downstream, set aside for habitat restoration, or disposed of away from the watercourse so that it will not enter state waters.

13. Vegetation adjacent to the road structure shall not be damaged. Vegetation in the road structure, or part of the beaver dam impacting the road structure, may be damaged or removed. Vegetation may be damaged or removed as required to access the road structure, or the beaver dam impacting the road structure provided:

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

b. 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 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 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.



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14. ANNUAL REPORTING: WSDOT shall submit to the WDFW Habitat Program, address 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.

### NOTES

This Hydraulic Project Approval (HPA) supercedes the previous GH-D9450-03.

This HPA pertains only to the provisions of the Washington State Fisheries and Wildlife Codes. It is the permittee's responsibility to apply for and obtain any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

Compliance with this HPA does not ensure compliance with the Federal Endangered Species Act (ESA) or any other local, state or federal laws.

See the most current Memorandum of Agreement (MOA) between Washington Department of Fish and Wildlife (WDFW) and WSDOT for guidance on procedures for emergencies, maintenance, and dispute resolution.

This HPA only authorizes removal or modification of newly constructed beaver dams. Removal of material/debris that is not associated with a recent beaver dam is covered under a separate HPA.

This HPA supersedes any and all General HPAs for the same type of work.

### WDFW Regional Offices:

Eastern Washington - Region 1: (509) 892-1001, FAX (509) 456-4071;

TeamSpokane@dfw.wa.gov.

North Central Washington - Region 2: (509) 754-4624, FAX (509) 754-5257;

TeamEphrata@dfw.wa.gov.

South Central Washington - Region 3: (509) 575-2740, FAX (509) 575-2474.

North Puget Sound - Region 4: (425) 775-1311, FAX (425) 338-1066;

TeamMillCreek@dfw.wa.gov.

Southwest Washington - Region 5: (360) 696-6211, FAX (360) 906-6776; TeamVancouver@dfw.



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wa.gov.

Coastal Washington - Region 6: (360) 249-4628, FAX (360) 664-0689;  
TeamMontesano@dfw.wa.gov.

After hours/weekend WDFW statewide hotline: (360) 902-2537.

### WDFW REGIONAL HABITAT PROGRAM MANAGERS:

Region 1: Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman: Mark Wachtel; wachtmlw@dfw.wa.gov.; WDFW, Region 1, 2315 N Discovery PL  
Spokane, WA. 99216-1566; (509) 892-7860 Ext. 320.

Region 2: Adams, Chelan, Douglas, Grant, Okanogan: Christine Parsons, parsoebp@dfw.wa.gov.;  
WDFW, Region 2, 1550 Alder ST NW Ephrata, WA 98823-9651; (509) 754-4624.

Region 3: Benton, Franklin, Kittitas, Yakima: Perry Harvester, harvepjh@dfw.wa.gov.; WDFW,  
Region 3, 1701 S 24th AVE Yakima WA 98902-5720; (509) 457-9314.

Region 4: King, Island, San Juan, Skagit, Snohomish, Whatcom: David Brock,  
brockdwb@dfw.wa.gov.; WDFW, Region 4, 16018 Mill Creek Blvd Mill Creek, WA 98012-1296;  
425-775-1311 x 114.

Region 5: Clark, Cowlitz, Klickitat, Lewis, Skamania, Wahkiakum: Tim Rymer,  
rymertrr@dfw.wa.gov.; WDFW, Region 5, 2108 Grand Blvd Vancouver, WA 98661; (360) 906-  
6729.

Region 6: Clallam, Grays Harbor, Jefferson, Kitsap, Mason, Pacific, Pierce, Thurston: Steve  
Kalinowski, kalinsak@dfw.wa.gov.; WDFW, Region 6, 48 Devonshire RD Montesano, WA 98563-  
9618; (360) 249-1227.

### Washington Department of Ecology Contact Numbers:

Central Region (Yakima): (509) 575-2490.

Northwest Region (Bellevue): (425) 649-7000.

Eastern Region (Spokane): (509) 456-2926.

Southwest Region (Lacey): (360) 407-6300.



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## PROJECT LOCATIONS

### Location #1

WORK START: May 02, 2008				WORK END: May 01, 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.

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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.



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**ENFORCEMENT: Sergeant Charron (43) P3**

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

CC: E-Mail:

- All Area Habitat Biologists, WDFW
- All Regional Habitat Program Managers, WDFW
- All Assistant Regional Habitat Program Managers, WDFW
- All Regulatory Services, WDFW

E-Mail and Hard Copy:

- All Regional Enforcement Sergeants, WDFW
- Ken Schlatter, WSDOT