

# HYDRAULIC PROJECT APPROVAL

RCW 77.55.181 - Appeal to Hydraulic Appeals Board

Coastal  
48 Devonshire Road  
Montesano, WA 98563  
(360) 249-4628

Issue Date: March 08, 2007

Control Number: 108342-1

Project Expiration Date: September 30, 2008

FPA/Public Notice #: N/A

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
Pacific Northwest Salmon Center ATTENTION: Neil Werner PO Box 3238 Belfair, WA 98528-3238 360-620-1594 Fax: 360-275-0648	

Project Name: Sweetwater Creek Realignment Project

Project Description: This project involves the creation of 340 feet of new roughened channel and the realignment of Sweetwater Creek into the new channel. The project will include excavating a new channel, installation of Large Woody Material (LWM) complexes, installation of new streambed materials and revegetation of the riparian area along both banklines with native species.

## PROVISIONS

1. **TIMING LIMITATIONS:** The project may begin Immediately and shall be completed by September 30, 2008; Provided:

Work below the ordinary high water line shall only occur between June 15th and September 30th of calendar years 2007 through 2008.

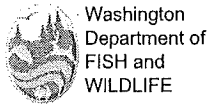
2. **NOTIFICATION REQUIREMENT:** The Area Habitat Biologist (AHB) listed below shall receive notification (phone, FAX, mail or email) from the person to whom this Hydraulic Project Approval (HPA) is issued (permittee) or the agent/contractor prior to the start of construction activities. The notification shall include the permittee's name, project location, starting date for work, and the control number for this HPA.

3. Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife entitled Sweetwater Creek Realignment Project and dated January 2, 2007, except as modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during construction.

### NEW ROUGHENED CHANNEL:

4. The permanent new channel shall, at a minimum, be similar in length, width, depth, floodplain configuration, and gradient, as the old channel. The new channel shall incorporate fish habitat components, streambed materials, meander configuration, and native or other approved vegetation equivalent to or greater than that which previously existed in the old channel.

5. During construction, the new channel shall be isolated from the flowing stream by plugs at the upstream and downstream ends of the new channel. These plugs shall be substantial enough to prevent flood flows from entering the new channel during construction.



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6. Before water is diverted into the permanent new channel, approved fish habitat components, streambed materials and bank protection to prevent erosion shall be in place. Fish habitat components and bank protection material shall be installed to withstand the 100-year peak flows.

7. The fish habitat log structures shall be of fir, cedar, or other approved coniferous species.

8. The fish habitat structures shall be placed so that they are within the low flow channel.

9. A minimum of 3 inches deep of clean, rounded, uniformly-graded gravel with a grain size composition as per calculations referenced in the design plans, with fines less than 0.25 inches not exceeding 3.0 percent total volume, shall be placed throughout the newly created channel.

10. Spoils from the new channel shall be placed in an approved upland site. If suitable, these materials may be used to fill the old channel once the diversion has been completed.

11. Stream diversion shall be conducted only after inspection and approval of the new channel by the Area Habitat Biologist listed below or his/her representative.

12. Diversion of flow into the new channel shall be accomplished by the following:

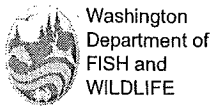
1. First remove the downstream plug.
2. Face the stream side of the plug with a sandbag revetment or similar approved mechanism.
3. Partially remove the upstream plug to allow 1/3 to 1/2 of the flow down the new channel for at least overnight. The old channel shall not be allowed to dewater.
4. Remove the rest of the upstream plug once the new channel has flow throughout its entire length.
5. Close the upstream end of the old channel and securely armor the entrance to the old channel to prevent re-entry of any flow. Armor material shall consist of clean, angular rock and shall be installed to withstand the 100-year peak flow.

13. Filling of the old channel shall begin from the upstream closure and the fill material shall be compacted. Water discharging from the fill shall not adversely impact fish life.

## EQUIPMENT:

14. Equipment used for this project may operate below the ordinary high water line, provided the drive mechanisms (wheels, tracks, tires, etc.) shall not enter or operate below the ordinary high water line.

15. Equipment used for this project shall be free of external petroleum-based products while working around the stream. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment prior to its working below the ordinary high water line. Equipment shall be checked daily for leaks and any necessary repairs shall be completed prior to commencing work activities along the stream.



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## WATER QUALITY & FISH PROTECTION:

16. Erosion control methods shall be used to prevent silt-laden water from entering the stream during all phases of the project. These may include, but are not limited to, straw bales, filter fabric, temporary sediment ponds, check dams of pea gravel-filled burlap bags or other material, and/or immediate mulching of exposed areas.

17. Wastewater from project activities and water removed from within the work area during excavation and creation of the new channel shall be routed to an area landward of the ordinary high water line to allow removal of fine sediment and other contaminants prior to being discharged to the stream.

18. All waste material such as construction debris, silt, excess dirt or overburden resulting from this project shall be deposited above the limits of flood water in an approved upland disposal site.

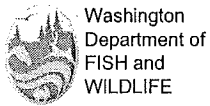
19. If high flow conditions that may cause siltation are encountered during this project, work shall stop until the flow subsides.

20. Extreme care shall be taken to ensure that 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 the stream.

21. 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 Department of Ecology at 1-800-258-5990, and to the Area Habitat Biologist listed below.

## REVEGETATION ALONG THE NEW CHANNEL:

22. Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to construct the project. Within seven calendar days of project completion, all disturbed areas shall be protected from erosion using vegetation or other means. Within one year of project completion, the banks, including riprap areas, shall be revegetated with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center) and maintained as necessary for three years to ensure 80 percent survival.



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## PROJECT LOCATIONS

### Location #1 Sweetwater Creek

<b>WORK START:</b> June 15, 2007				<b>WORK END:</b> September 30, 2008		
<u>WRIA:</u> 15.0504		<u>Waterbody:</u> Unnamed		<u>Tributary to:</u> Union River		
<u>1/4 SEC:</u> SW 1/4	<u>Section:</u> 32	<u>Township:</u> 23 N	<u>Range:</u> 01 W	<u>Latitude:</u> N 47.43756	<u>Longitude:</u> W 122.83696	<u>County:</u> Mason
<u>Location #1 Driving Directions</u>						
Actual Stream = Sweetwater Creek, Trib to Hood Canal near Belfair. On SR 3, project located next to future Pacific Northwest Salmon Center office area, downstream of culvert/fishway on SR 3 at Milepost 25.31, TAPPS ID# 991797.						

## 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

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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

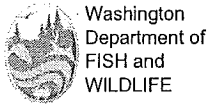
(C) Any other 'agency action' for which an adjudicative proceeding is required under the Administrative Procedure Act, Chapter 34.05 RCW.

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.



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ENFORCEMENT: Sergeant Makoviney (31) P1

Habitat Biologist

Gary Bell

360-249-1228

for Director  
WDFW

CC: WRIA File, Olympia

Marty Ereth, Skokomish Tribe

Chuck McCoy, Planning, Mason County CDC

Gloria Rogers, WDFW (email)