



# HYDRAULIC PROJECT APPROVAL

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

Issued Date: December 03, 2021  
Project End Date: December 02, 2026

Permit Number: 2021-4-857+01  
FPA/Public Notice Number: N/A  
Application ID: 26582

| PERMITTEE                                                                          | AUTHORIZED AGENT OR CONTRACTOR |
|------------------------------------------------------------------------------------|--------------------------------|
| WSDOT<br>ATTENTION: Robert Woeck<br>600 108th Avenue NE #405<br>Bellevue, WA 98004 |                                |

**Project Name:** I-405, Brickyard Inline Transit Station Project

**Project Description:** The proposed Juanita Creek fish barrier correction which would abandon the existing 358-foot-long, 48-inch corrugated steel pipe that carries Juanita Creek under the I-405 mainline at milepost 21.94 (WDFW Site ID 998602). The project would build a new 341-foot-long, three-sided (bottomless) concrete structure with a minimum span of 30 feet under I-405 south of the existing crossing and realign Juanita Creek on both sides of I-405. The new Juanita Creek crossing was designed using the stream simulation methods described in the WDFW 2013 Water Crossing Design Guidelines. The new channel and culvert will be consistent with stream characteristics in the area. The crossing will provide fish passage at all life stages and at all flows where fish species would naturally seek passage. The fish barrier correction will have a potential linear habitat gain of 399 meters (approximately 1,309 feet), according to WDFW's site assessment.

## PROVISIONS

1. This STANDARD Hydraulic Project Approval (HPA) is issued for:

- a. Replacement and realignment of an existing 48-inch, 359-foot-long, corrugated metal pipe (CMP) culvert on I-405 with a new 30-foot-wide (minimum internal span), by 9-foot-tall (approximate internal freeboard), by 341-foot-long bottomless pre-cast concrete (PCC) box culvert;
  - i) Culvert to be set at approximately 3% grade;
  - ii) Existing culvert to be abandoned in place and plugged at the inlet;
  - iii) Streambed in culvert to implement meander bars, fine bars, and woody material to promote channel meandering and discourage channel from downcutting, flanking, or becoming plane bed;
- b. Relocation and realignment of 207 linear feet of channel mainstem downstream of culvert and 216 linear feet of channel upstream of culvert, to include;
  - i) Re-establishment, excavation, and grading of the new stream channel at the location of the culvert, upstream, and downstream;
  - ii) Placement and grading of an approved streambed substrate mix throughout the new channel segments;
  - iii) Installation of approximately 55 pieces of large woody pieces above and below the ordinary high water line (OHWL) as habitat features;
  - iv) Existing mainstem channel upstream of culvert to be maintained as side channel habitat designed to engage with at the 2-year flood elevation;
  - v) Existing mainstem channel downstream of culvert to be maintained as backwater habitat;
- c. Complete removal and disposal of an existing 4.4-foot-wide, 3.4-foot-rise, 24-foot-long, CMP culvert near the downstream limits of the project area, AND;
- d. Implementation of site restoration and enhancement to consist of invasive species removal and subsequent control



## HYDRAULIC PROJECT APPROVAL

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

Issued Date: December 03, 2021

Project End Date: December 02, 2026

Permit Number: 2021-4-857+01

FPA/Public Notice Number: N/A

Application ID: 26582

including installation of native shrubs and trees.

Note: This project occurs on Juanita Creek, a fish bearing stream known to support or with the potential to support Sockeye, Coho, Steelhead, Cutthroat Trout, and Resident Trout.

Note: This project will replace one mapped Fish Passage and Diversion Screening Inventory (FPDSI) barrier: 998602, and completely removed one FPDSI barrier: 932391.

2. **TIMING LIMITATION:** You may begin the project immediately and you must complete the project by December 2, 2026, provided, all work below the ordinary high water line be completed between July 1 and September 30 of a given year. Work outside of the ordinary high water line may be conducted year round provided measures to prevent turbidity and sedimentation within the creek are in place and functioning properly.

3. **APPROVED PLANS:** You must accomplish the work per plans and specifications submitted with the application and approved by the Washington Department of Fish and Wildlife, entitled, "I-405 INLINE TRANSIT STATION PROJECT, dated March 2021, "I-405 MP 21.94 Juanita Creek (998602): Preliminary Hydraulic Design Report," dated October 2020, "I-405 Brickyard Inline Transit Station Project (WL6138) Juanita Fish Barrier Correction - Aquatic Resources Impact and Restoration Memorandum," dated August 25, 2021, "I-405 MP 21.94 Juanita Creek Fish Passage Barrier Correction WDFW Site ID 9998602 Monitoring Parameters and Inspection for Fish Passage," dated May 2019, and all supporting documents and communications uploaded to the Aquatic Protection Permitting System (APPS) project file; except as modified by this HPA. You must have a copy of these plans available on site during all phases of the project.

4. **INVASIVE SPECIES CONTROL:** Follow Level 1 Decontamination protocol for low risk locations. Thoroughly remove visible dirt and organic debris from all equipment and gear (including drive mechanisms, wheels, tires, tracks, buckets and undercarriage) before arriving and leaving the job site to prevent the transport and introduction of invasive species. Properly dispose of any water and chemicals used to clean gear and equipment. For contaminated or high risk sites please refer to the Level 2 Decontamination protocol. You can find this and additional information in the Washington Department of Fish and Wildlife's Invasive Species Management Protocols (November 2012), available online at <http://wdfw.wa.gov/publications/01490/wdfw01490.pdf>.

5. **PRE- AND POST-CONSTRUCTION NOTIFICATION:** You, your agent, or contractor must contact the Washington Department of Fish and Wildlife by e-mail at [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov); mail to Post Office Box 43234, Olympia, Washington 98504-3234; or fax to (360) 902-2946 at least three business days before starting work, and again within seven days after completing the work. The notification must include the permittee's name, project location, starting date for work or date the work was completed, and the permit number. The Washington Department of Fish and Wildlife may conduct inspections during and after construction; however, the Washington Department of Fish and Wildlife will notify you or your agent before conducting the inspection.

6. **PHOTOGRAPHS:** You, your agent, or contractor must take photographs of the job site before the work begins and after the work is completed. You must upload the photographs to the post-permit requirement page in the Aquatic Protection Permitting System (APPS) or mail them to Washington Department of Fish and Wildlife at Post Office Box 43234, Olympia, Washington 98504-3234 within 30-days after the work is completed.

7. **FISH KILL/ WATER QUALITY PROBLEM NOTIFICATION:** If a fish kill occurs or fish are observed in distress at the job site, immediately stop all activities causing harm. Immediately notify the Washington Department of Fish and Wildlife of the problem. If the likely cause of the fish kill or fish distress is related to water quality, also notify the Washington Military Department Emergency Management Division at 1-800-258-5990. Activities related to the fish kill or fish distress must not resume until the Washington Department of Fish and Wildlife gives approval. The Washington Department of Fish and Wildlife may require additional measures to mitigate impacts.

8. **REPORTING REQUIREMENT:** As stated in the uploaded monitoring plan, "I-405 MP 21.94 Juanita Creek Fish Passage Barrier Correction WDFW Site ID 9998602 Monitoring Parameters and Inspection for Fish Passage," dated May 2019, "WSDOT will submit a copy of the monitoring reports to the WDFW Habitat Program at [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov) within 3 months of each evaluation." Monitoring evaluations must include the proposed



## HYDRAULIC PROJECT APPROVAL

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

Issued Date: December 03, 2021

Permit Number: 2021-4-857+01

Project End Date: December 02, 2026

FPA/Public Notice Number: N/A

Application ID: 26582

deformable grade control and step-pool features and include those evaluations in the monitoring reports shared with WDFW.

### 9. STAGING, JOB SITE ACCESS, AND EQUIPMENT

10. Equipment may operate within the ordinary high water line of the stream only after all fish exclusion has been completed and water bypass systems are in place and functioning properly.

11. Establish staging areas (used for equipment storage, vehicle storage, fueling, servicing, and hazardous material storage) in a location and manner that will prevent contaminants such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.

12. Design and locate new temporary access roads and/or paths to prevent erosion and sediment delivery to waters of the state.

13. Clearly mark boundaries to establish the limit of work associated with site access and construction.

14. Limit the removal of native riparian zone vegetation to the minimum amount needed to construct the project.

15. Remove soil or debris from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment prior to operating the equipment waterward of the ordinary high water line.

16. If wet or muddy conditions exist, in or near a riparian zone or wetland area, use equipment or techniques that reduce ground pressure.

17. Check equipment daily for leaks and complete any required repairs in an upland location before using the equipment in or near the water.

18. Use environmentally acceptable lubricants composed of biodegradable base oils such as vegetable oils, synthetic esters, and polyalkylene glycols in equipment operated in or near the water.

### 19. CONSTRUCTION-RELATED SEDIMENT, EROSION AND POLLUTION CONTAINMENT

20. Work in the dry watercourse (when no natural flow is occurring in the channel, or when flow is diverted around the job site).

21. Stop all hydraulic project activities except those needed to control erosion and siltation, if flow conditions arise that will result in erosion or siltation of waters of the state.

22. Protect all disturbed areas from erosion. Maintain erosion and sediment control until all work and cleanup of the job site is complete. All erosion control materials that will remain onsite must be composed of 100% biodegradable materials.

23. Straw used for erosion and sediment control, must be certified free of noxious weeds and their seeds.

24. Prevent project contaminants, such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials, from entering or leaching into waters of the state.

25. Route construction water (wastewater) from the project to an upland area above the limits of anticipated floodwater. Remove fine sediment and other contaminants before discharging the construction water to waters of the state.

26. Deposit waste material from the project, such as construction debris, silt, excess dirt, or overburden, in an upland area above the limits of anticipated floodwater unless the material is approved by the Washington Department of Fish and Wildlife for reuse in the project.

27. Deposit all trash from the project at an appropriate upland disposal location.

### 28. CONSTRUCTION MATERIALS

29. Do not stockpile construction material waterward of the ordinary high water line.

30. Use only clean, suitable material as fill material (no trash, debris, car bodies, tires, asphalt, concrete, etc.).



## HYDRAULIC PROJECT APPROVAL

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

Issued Date: December 03, 2021

Project End Date: December 02, 2026

Permit Number: 2021-4-857+01

FPA/Public Notice Number: N/A

Application ID: 26582

31. Do not use wood treated with oil-type preservatives (creosote, pentachlorophenol) in any hydraulic project. You may use wood treated with waterborne preservatives (ACZA, ACQ) provided the wood is approved by the Western Wood Preservers Institute for use in the aquatic environment. Any use of treated wood in the aquatic environment must follow guidelines and best management practices available at [www.wwpinstitute.org](http://www.wwpinstitute.org).

### 32. FISH LIFE REMOVAL AND BLOCK NETS

33. All persons participating in capture and removal must have training, knowledge, and skills in the safe handling of fish life.

34. Capture and safely move fish life from the work area to the nearest suitable free-flowing water.

35. If electrofishing is conducted, a person with electrofishing training must be on-site to conduct or direct all electrofishing activities.

36. Isolate fish from the work area by using block nets.

37. Place block nets upstream and downstream of the in-water work area before capturing and removing fish life. Install block nets at an angle to the direction of flow (not perpendicular to the flow) to avoid entrapping fish in the nets. To anchor block nets, place bags filled with clean rounded gravel along the bottom of the nets. Secure block nets along both banks and the channel bottom to prevent failure from debris accumulation, high flows, and/or flanking.

38. Do not install block nets at sites with heavy vegetation, large cobble or boulders, undercut banks, or deep pools unless you can secure and maintain them.

39. Install block nets at sites with reduced flow volume or velocity, uniform depth, and good accessibility.

40. Check block nets at least three times a day for entangled fish and accumulated debris.

41. To keep fish out of the job site, leave block nets in place until the work is complete and conditions are suitable for fish.

### 42. IN-WATER WORK AREA ISOLATION USING A TEMPORARY BYPASS

43. Isolate fish from the work area by using either a total or partial bypass to reroute the stream through a temporary channel or pipe.

44. Sequence the work to minimize the duration of dewatering.

45. Use the least-impacting feasible method to temporarily bypass water from the work area. Consider the physical characteristics of the site and the anticipated volume of water flowing through the work area.

46. During all phases of bypass installation and decommissioning, maintain flows downstream of the project site to ensure survival of all downstream fish.

47. Install the temporary bypass before starting other construction work in the wetted perimeter using a method approved by the Washington Department of Fish and Wildlife.

48. If the diversion inlet is a gravity diversion that provides fish passage, place the diversion outlet where it facilitates gradual and safe reentry of fish into the stream channel.

49. If the bypass is a pumped diversion, once started it must run continuously until it is no longer necessary to bypass flows. This requires back-up pumps on-site and twenty-four-hour monitoring for overnight operation.

50. The pump intake structure must have a fish screen installed, operated, and maintained in accordance with RCW 77.57.010 and 77.57.070. Screen the pump intake with one of the following: a) Perforated plate: 0.094 inch (maximum opening diameter); b) Profile bar: 0.069 inch (maximum width opening); or c) Woven wire: 0.087 inch (maximum opening in the narrow direction). The minimum open area for all types of fish screens is twenty-seven percent. The screened intake facility must have enough surface area to ensure that the velocity through the screen is less than 0.4 feet per second.

51. The fish screen must remain in place whenever water is being withdrawn from the stream through the pump intake.



## HYDRAULIC PROJECT APPROVAL

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

Issued Date: December 03, 2021

Permit Number: 2021-4-857+01

Project End Date: December 02, 2026

FPA/Public Notice Number: N/A

Application ID: 26582

52. Return diverted water to the channel immediately downstream of the work area. Dissipate flow energy from the diversion to prevent scour or erosion of the channel and bank.

### 53. IN-WATER WORK AREA ISOLATION USING A COFFERDAM STRUCTURE

54. Maintain water quality when installing and removing the cofferdam, dike or similar structure.

55. Route the construction water (wastewater) from the project to an upland area above the limits of anticipated floodwater. Remove fine sediment and other contaminants before discharging the construction water to waters of the state.

### 56. CULVERTS

57. Remove the existing culvert (4.4-foot-wide, 3.4-foot-rise, 24-foot-long, CMP) in the dry or in isolation from the stream flow. Remove all the components and associated materials of this culvert and dispose of these materials at an approved upland location.

58. The existing culvert under I-405 is authorized to be abandoned in place. The inlet of the existing culvert must be plugged to prevent any access from Juanita Creek flows.

59. The authorized culvert is a stream simulation design.

60. Install and maintain the culvert to ensure unimpeded fish passage.

61. Establish the culvert invert elevation with reference point(s) or benchmark(s) created before to starting work on this project. Clearly mark and preserve the reference point(s) for post-project compliance. Before backfilling, confirm the invert elevation, as stated on the plans, relative to the reference points with at least a construction-grade leveling device (such as an optical auto-level or laser level).

62. Set the stream simulation culvert at the same gradient (between 0.75 and 1.25) as the prevailing stream gradient. As stated in the uploaded application materials the prevailing channel gradient of the relocated stream channel will be 3.02%.

63. The length of the culvert must not exceed 341 feet.

64. The width of the channel-bed inside a stream simulation culvert at the elevation of the stream bed must be equal to or greater than eight feet.

65. The streambed must include a sinuous low-flow channel expected under common conditions in the reach and a high-flow bench on both sides of the culvert. Grade channel banks within culvert to no steeper than a 3:1 slope.

66. This project does not have an authorized streambed mix, meander bar design, or fine bands design at the time of HPA issuance. To approve the placement of streambed material or these structures within the culvert and open channel segments, updated design drawings and streambed mix specifications must be reviewed by the Washington Department of Fish and Wildlife area habitat biologist and authorized through an HPA modification prior to construction.

67. Size streambed material to mimic the stream's natural gradation as found in nearby reference channel reaches. Place a minimum of 24 inches deep of clean, rounded and well-graded (includes all size classes) material. Angular rock is not permitted within the channel or culvert.

68. Embed the top of footings of bottomless culverts sufficiently below potential scour depth to prevent exposure of the footing surface and undermining.

69. Protect structural fill associated with the culvert installation from erosion to the 100-year peak flow.

70. Approach material must be structurally stable and composed of material that if eroded into the water will not harm fish life.

71. The owner(s) must maintain the culvert to ensure it provides continued, unimpeded fish passage. If the culvert becomes a hindrance to fish passage, the owner must obtain an Hydraulic Project Approval and provide prompt repair.

### 72. CHANNEL RELOCATION AND REALIGNMENT



## HYDRAULIC PROJECT APPROVAL

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

Issued Date: December 03, 2021  
Project End Date: December 02, 2026

Permit Number: 2021-4-857+01  
FPA/Public Notice Number: N/A  
Application ID: 26582

- 
73. During construction, isolate the new channel from the flowing watercourse.
74. The new open channel segment downstream of the proposed stream simulation culvert must be constructed as per the details and specifications outlined in the approved plan set.
75. Permanent new channels must be similar in length, width, depth, flood plain configuration, and gradient to the reference channel(s). The new channels must incorporate habitat components, bed materials, channel morphology, and native or other approved vegetation to provide equal or better habitat compared to that which previously existed in the old channel.
76. This permit authorizes installation, placement, and repositioning of large woody material, procured on site and/or brought to site in accordance with the details and specifications of the uploaded plans and application materials.
77. Use fir, cedar, or other coniferous species to construct the log and rootwad fish habitat structures.
78. Methods of anchoring and stabilizing LWM have not been authorized at the time of HPA issuance. To approve the anchoring of and stabilizing of these structures, updated design drawings must be reviewed by the Washington Department of Fish and Wildlife area habitat biologist and authorized through an HPA modification prior to construction.
79. The streambed must include a sinuous low-flow channel expected under common conditions in the reach and a high-flow bench on both sides of the channel.
80. Size streambed material to mimic the gradation found in nearby reference channel reaches. The material must be well-graded (includes all size classes), non-porous, with 5-10% fines with sieve size U.S. No. 200 to prevent subsurface flow. Create a low-flow channel and a high-flow bench on both sides of the channel. Angular rock is not permitted within the channel.
81. Place a 2-foot (minimum) deep layer of rounded, uniformly-graded streambed substrate with a size composition throughout the entirety of any constructed stream channel reach.
82. Place any spoils from the new channel construction in an upland area above the limits of anticipated floodwater.
83. If, following project completion and the return of flow to the constructed stream, the water goes subsurface at any point, the owner(s) will take steps to address the problem, including the addition of fines or small, rounded gravels, to the extent necessary to seal the bed and return the flow to the surface.
84. Final designs, locations, and configurations of proposed deformable grade control structures and step-pool structures have not been authorized at the time of HPA issuance. To approve the use of these structures, updated design drawings must be reviewed by the Washington Department of Fish and Wildlife area habitat biologist and authorized through an HPA modification prior to construction.
85. **STORMWATER OUTFALLS**
86. Final outfall designs must be reviewed and approved by the WDFW permitting biologist (via an HPA modification) prior to construction.
87. It is strongly preferred that stormwater outfalls (points of discharge) associated with this project be landward of the OHWL of all regulated watercourses.
88. If an outfall is installed waterward of the OHWL at an elevation where fish have the potential to enter the stormwater pipe, you must install and maintain a flap gate, tideflex valve, or similar device to prevent fish entry.
89. Stormwater outfalls must utilize approved energy dissipation structures and methods to prevent potential scour of associated watercourses. These include use of tee diffusers, bubble up structures, rounded rock energy dissipation pads, installation of biodegradable linings and matting, installation of live stakes, or combinations thereof.
90. Any stormwater outfall energy dissipation pads that will be partially at or waterward of the OHWL of the associated watercourse must use bioengineered methods including rounded rock and live stakes. Angular rock is not permitted to be installed at or waterward of the OHWL.
91. **RIPARIAN ENHANCEMENT AND RESTORATION**



## HYDRAULIC PROJECT APPROVAL

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

Issued Date: December 03, 2021  
Project End Date: December 02, 2026

Permit Number: 2021-4-857+01  
FPA/Public Notice Number: N/A  
Application ID: 26582

92. Final riparian replanting plans must be reviewed and approved by the WDFW permitting biologist (via an HPA modification) prior to construction.

93. Complete plantings during the first appropriate season (fall or spring for potted stock, winter for bare-root seedlings, fall through spring for whips and cuttings) after project completion. Maintain plantings and control invasive plant species in accordance with the performance standards detailed in the approved plan document entitled, "I-405 Brickyard Inline Transit Station Project (WL6138) Juanita Fish Barrier Correction - Aquatic Resources Impact and Restoration Memorandum," dated August 25, 2021. Failure to meet these performance standards will require you to submit a plan with follow-up measures to achieve requirements or reasons to modify requirements.

#### 94. DEMOBILIZATION AND CLEAN-UP

95. Return water flow slowly to the in-water work areas to prevent the downstream release of sediment laden water.

96. Remove all materials and equipment from the site and dispose of all excess spoils and waste materials in an upland area above the limits of anticipated floodwater.

97. Remove any temporary erosion and sediment control methods after job site is stabilized or within three months of project completion, whichever is sooner.

98. Before the end of the in-water work period specified in the "timing limitations" provision, abandon temporary roads in wet or flood-prone areas.

99. Completely remove any temporary fill before the end of the in-water timing window if the fill material could erode and deliver sediment-laden water into waters of the state.

100. Seed areas disturbed by construction activities with a native seed mix suitable for the site that has at least one quick-establishing plant species.

|                                                                                                                                                                                             |                                                                                            |                  |               |                      |                   |                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|------------------|---------------|----------------------|-------------------|----------------|
| LOCATION #1:                                                                                                                                                                                | Site Name: Juanita Creek fish barrier correction at I-405 MP 21.94<br>, Kirkland, WA 98034 |                  |               |                      |                   |                |
| WORK START:                                                                                                                                                                                 | December 3, 2021                                                                           |                  |               | WORK END:            | December 2, 2026  |                |
| <u>WRIA</u>                                                                                                                                                                                 | <u>Waterbody:</u>                                                                          |                  |               | <u>Tributary to:</u> |                   |                |
| 08 - Cedar - Sammamish                                                                                                                                                                      | Juanita Creek                                                                              |                  |               | Juanita Bay          |                   |                |
| <u>1/4 SEC:</u>                                                                                                                                                                             | <u>Section:</u>                                                                            | <u>Township:</u> | <u>Range:</u> | <u>Latitude:</u>     | <u>Longitude:</u> | <u>County:</u> |
|                                                                                                                                                                                             | 17                                                                                         | 26 N             | 05 E          | 47.73295             | -122.18899        | King           |
| <u>Location #1 Driving Directions</u>                                                                                                                                                       |                                                                                            |                  |               |                      |                   |                |
| The project is accessed by traveling along I-405 between MP 21.4 and MP 23.3. Travelers may access Juanita Woodinville Way NE and the Brickyard Park and Ride by taking Exit 22 from I-405. |                                                                                            |                  |               |                      |                   |                |

APPLY TO ALL HYDRAULIC PROJECT APPROVALS



## HYDRAULIC PROJECT APPROVAL

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

Issued Date: December 03, 2021  
Project End Date: December 02, 2026

Permit Number: 2021-4-857+01  
FPA/Public Notice Number: N/A  
Application ID: 26582

---

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.

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 civil action against you, including, but not limited to, a stop work order or notice to comply, and/or a gross misdemeanor criminal 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 unless this is a General HPA. If this is a General HPA you must use the Major Modification process described below. Any approved minor modification will require issuance of a letter documenting the approval. A minor modification to the required work timing means any change to the work start or end dates of the current work season to enable project or work phase completion. Minor modifications will be approved only if spawning or incubating fish are not 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. 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 did not use APPS you must submit a written request that clearly indicates you are seeking a minor modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. 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](mailto:HPAapplications@dfw.wa.gov). You should allow up to 45 days for the department to process your request.



## HYDRAULIC PROJECT APPROVAL

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

Issued Date: December 03, 2021  
Project End Date: December 02, 2026

Permit Number: 2021-4-857+01  
FPA/Public Notice Number: N/A  
Application ID: 26582

---

**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 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 did not use APPS you must submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send your written request by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. You may email your request for a major modification to [HPAapplications@dfw.wa.gov](mailto: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 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 220-660-460 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 HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; e-mail to [HPAapplications@dfw.wa.gov](mailto: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 may conduct an informal hearing or review 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 220-660-470 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.



## HYDRAULIC PROJECT APPROVAL

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

Issued Date: December 03, 2021  
Project End Date: December 02, 2026

Permit Number: 2021-4-857+01  
FPA/Public Notice Number: N/A  
Application ID: 26582

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 HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; e-mail to [HPAapplications@dfw.wa.gov](mailto: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.

Habitat Biologist      Miles.Penk@dfw.wa.gov  
Miles Penk      425-677-1297

A handwritten signature in black ink, appearing to read "Miles Penk".

for Director  
WDFW