



# 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: February 13, 2009

Control Number: 115835-1

Project Expiration Date: February 13, 2014

FPA/Public Notice #: N/A

## PERMITTEE

Washington Department of Transportation  
ATTENTION: Eric Wolin  
310 Maple Park Drive  
Olympia, WA 98504  
360-705-7487  
Fax: 360-705-6833

## AUTHORIZED AGENT OR CONTRACTOR

Project Name: Marine Sediment Test Boring

Project Description: This HPA authorizes only Geotechnical Survey including sediment test sampling in marine waters.

## PROVISIONS

1. **PROJECT DESCRIPTION:** This HPA authorizes only Wet Rotary Sample Boring from a temporary floating work platform and "Clam Shell" Grab Sampling as described in the JARPA dated January 20, 2009. Any other work, including Vibracore or Mudmole Sediment Sampling requires a separate written HPA from WDFW.

The work involves exploratory soil boring drilled at various salt water locations throughout the state. Access and drilling equipment used will depend on site characteristics and will be carried out using any one or a combination of methods as listed below.

Geo-technical exploratory drilling and investigative sampling occurs to determine the sub-surface composition for the purpose of structure and roadway design, hazardous materials detection, groundwater monitoring and other exploratory activities. The sampling procedure is as follows:

- a. A 4 inch casing is sealed into the marine bed.
- b. The test boring is advanced through that casing with a 3 inch casing.
- c. At every 5 foot interval a split spoon sampler is lowered on a 2 1/4 inch rod through the 3 inch casing to the bottom of the hole for taking soil samples.
- d. This process is repeated to the required depth of the soil investigation.

### TRUCK MOUNTED DRILL

The truck mounted drill will access boring locations that are on relatively flat, easy to access sites. Each drill will have a support truck for water, tooling, and other required supplies. It may be loaded on a barge for use.

### PORTABLE BARGE

The Portable Barge is used in some situations. It consists of hauling transportable pontoons to the vicinity by trailer and setting them into the water with a boom truck for assembly into a barge. Drills and support equipment are placed on the barge and moved into position for the drilling operation. The barge is held in place by four anchors. For operations in deep water, a truck mounted drill is placed on a large barge. Tug boats are used to maneuver the barge.

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## CONE PENETROMETER TEST TRUCK

The Cone Penetrometer test truck is used to send sound waves into the ground to determine the density of material underground. It uses an electronic instrumented cone assembly, hollow core sounding rods, a 20 ton hydraulic thrust frame, and a computer data acquisition/processing system to perform the analysis. This truck contained and mounted unit can be used from a barge.

2. This approval supersedes any and all General HPAs for the same type of work. This statewide general HPA 115835-1 supersedes GH-D9469-01.

3. In the event that the applicant cannot comply with the provisions of this approval due to project site or other specific concerns, separate written HPA may be sought, and must be obtained, from the Area Habitat Biologist prior to implementing the project.

4. TIMING LIMITATIONS: The project may begin February 15, 2009 and shall be completed by February 14, 2014.

a. Inter-tidal and sub-tidal sampling work shall not occur from February 15 through August 15 of the authorized period for the protection of migrating juvenile salmonids provided: Sub-tidal Wet Rotary Sample Boring completely containing drilling mud and other products is allowed year around.

b. Inter-tidal Grab Sampling is allowed year around below + 2 feet in reference to MLLW tidal datum.

c. Inter-tidal Grab Sampling and Wet Rotary Sample Boring completely containing drilling mud and other products, may be acceptable above this tidal datum during the authorized period provided: A WDFW representative confirms lack of fish spawn and spawning activity during a site inspection. Arrangements for a site inspection shall be made with the Area Habitat Biologist (AHB, enclosed list). Work shall commence within 48 hours of notification by WDFW and shall be completed within seven days of project commencement.

5. Except as modified by this HPA work shall be accomplished per plans and specifications submitted by WSDOT as application and accepted by WDFW (January 21, 2009) for this HPA including WSDOT Environmental Compliance Assurance Procedure (ECAP) in WSDOT Construction Manual Secion1-2.2K(1).

6. These plans (Provision 5), 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.

7. NOTIFICATION PRIOR TO WORK START: The permittee or contractor shall notify the WDFW Regional Habitat Program Manager 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), and the WSDOT Liaison (oldscao@dfw.wa.gov) should also be notified. 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.



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

8. 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: 360-902-2540; FAX: 360-902-2946; Email:(oldscao@dfw.wa.gov.).

9. If fish may be adversely impacted as a result of this project, the permittee is required to capture and safely move food fish, game fish or other fish life to the nearest free-flowing water.

#### DRILLING ACTIVITIES

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

11. Woody material embedded in the bank, shoreline or bed shall be left undisturbed and intact.

12. Intertidal wetland vascular plants and intertidal and sub-tidal eelgrass, macro algae or kelp shall not be adversely impacted due to project activities (e.g., temporary floating work platform shall not ground, anchors shall not be set, equipment shall not operate, and other activities shall not occur in intertidal wetland vascular plants, intertidal and sub-tidal eelgrass, macro algae or kelp.

13. A casing or other water isolation device /BMP shall be used to contain the boring operation and prevent water entry of all associated sediments and other materials, such as the water slurry used for drill lubrication and bentonite used to seal the bore hole after geo-technical data has been recorded and sampled. The discharge of turbid or slurry laden process water to state waters is not authorized by this HPA.

14. After geotechnical information has been logged, the bore hole and surface shall be restored to pre-project condition.

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

#### EQUIPMENT

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

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

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

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

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

21. The drilling water recycle system shall be self-contained, operated, and maintained such that recycle water does not enter waters of the state.

22. Anchors shall be set and retrieved vertically; anchor cable tension shall be maintained such that anchor cables do not drag.

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

24. No temporary floating work platform anchoring or grounding shall occur that would disturb eelgrass, kelp, macro algae or intertidal wetland vascular plants.

## RIPARIAN PROTECTION

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

26. 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.

27. Within seven calendar days of project completion, all disturbed areas shall be protected from erosion using vegetation or other means. Erosion control methods may include, but are not limited to filter fabric and immediate mulching of exposed areas.

28. 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



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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.

NOTE: This Hydraulic Project Approval 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.

## PROJECT LOCATIONS

### Location #1

WORK START: February 14, 2009				WORK END: February 13, 2014			
WRIA: 99.9000		Waterbody: Various			Tributary to: Marine		
1/4 SEC: All	Section: 99	Township: 01 N	Range: 02 E	Latitude: N	Longitude:	County: Multi Region	
<u>Location #1 Driving Directions</u>							

## 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.



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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.



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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 Henry (28) P3

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

CC: WDFW Regions 4, 5, and 6: E-Mail with Attachments:

- All Area Habitat Biologists
- Regional Habitat Program Managers
- Assistant Regional Habitat Program Managers
- All Regulatory Services, WDFW
- Regional Enforcement Sergeants
- Ken Schlatter, WSDOT

Attachments:  
WDFW Area Habitat Biologist Contact Information.