



# HYDRAULIC PROJECT APPROVAL

RCW 77.55.151 - Appeal Pursuant to Chapter 34.05 RCW  
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 18, 2010  
Project Expiration Date: February 17, 2015

Control Number: 119181-1  
FPA/Public Notice #: N/A

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
Washington Department of Transportation ATTENTION: Eric Wolin 310 Maple Park Drive SE Olympia, WA 98504 360-705-6327 Fax: 360-705-6833	

Project Name: Remove or Replace Piles in Marine Waters  
 Project Description: Remove or replace up to 40 piles, or encase up to 15 piles, each construction season per Washington State Ferry (WSF) Facility.

## PROVISIONS

1. **TIMING LIMITATIONS:** The project may begin March 6, 2010 and shall be completed by February 17, 2015. Work shall only occur within the periods listed in this Hydraulic Project Approval (HPA) for each Tidal Reference Area (TRA):

TRA 4: Tahlequah, Point Defiance, and Vashon WSF Terminal Facility July 16 through September 30, additionally:

October 1 - February 14 as noted below.

TRA 5: Bainbridge, Bremerton, Fauntleroy, and Southworth WSF Terminal Facility and Eagle Harbor WSF Maintenance Facility July 16 - February 14 as noted below. Seattle WSF Terminal Facility August 1 - February 14 as noted below.

TRA 6: Edmonds and Kingston WSF Terminal Facility July 16 - August 31, additionally:

September 1 - February 14 as noted below.

TRA 7: Clinton and Mukilteo WSF Terminal Facility July 16 - February 14 as noted below.

TRA 8: Anacortes WSF Terminal Facility July 16 - February 14 as noted below.

TRA 10: Friday Harbor, Keystone, Lopez, Orcas, Shaw, and Port Townsend WSF Terminal Facility July 16 - February 14 as noted below.

Note: Work is authorized if one of the following two conditions is met:

A. The location is inspected (by a Washington Department of Fish and Wildlife (WDFW) representative, or biologist acceptable to WDFW) and it is determined that no herring, surf smelt or sand lance spawning is occurring or has recently occurred. Work shall be completed within seven days of notification by WDFW to WSF that no spawning has occurred.



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B. A WDFW approved forage fish spawning and spawning habitat survey plan results in the finding that no forage fish spawning, or spawning habitat is present. Forage fish spawning and spawning habitat survey results shall be reported as per provision 3.

### GENERAL PROVISIONS FOR ALL WORK AREAS:

2. NOTIFICATION REQUIREMENT: Prior to the start of any operation, WSDOT shall notify the Regional Habitat Program Manager (RHPM List, attached). The notification shall be at least three (3) working days prior to the actual work activity. Notification may be by mail, FAX, e-mail, or phone and shall include the starting date, description of work, location, a contact phone number, and the control number of this HPA.

3. ANNUAL REPORTING: WSDOT shall submit to the Habitat Program, MS 43143, 600 Capital Way N, Olympia, WASHINGTON 98501, a calendar year annual report of Pile Replacement Projects, by February 28 of the following year, or in the final year of this HPA, prior to the expiration date. An annual report is also required if no work was conducted. At any time if problems are experienced with implementation of this HPA, either the permittee or WDFW may request a joint review meeting. The annual report shall include:

- a. General: Reporting agency, contact person, address, telephone number, date of report, time period.
- b. Summary: The control number for this HPA, total number of individual projects at each WSF Facility, by WSDOT 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) was used, what activity triggered the procedure. [These may be highlighted and specified in this section or included in the full list of projects completed below].
- d. Recommendations for improvement to Best Management Practices (BMPs) and mitigation [Optional].
- e. List of individual projects completed: By Tidal Reference Area (TRA) including WSF Facility name, latitude and longitude, start and end date of work.
- f. The most recent WDFW approved forage fish spawning and spawning habitat survey protocols for WSF. Results of all forage fish spawning and spawning habitat surveys.
- g. Work description: Project map showing number, type, and location of piles removed and/or replaced, and location of identified contaminated areas, if any, at the WSF site.
- h. Material of structure removed.



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i. Material of structure replaced.

j. Method of pile placement.

k. Identify method used to pull piles and provide the reasoning for choice of method.

4. Work shall be accomplished using the BMPs contained in the project plans and specifications entitled "Remove or Replace Piles in Marine Waters" JARPA dated February 4, 2010, except as modified by this Hydraulic Project Approval. These plans reflect design criteria per Chapter 220-110 WAC. These plans reflect mitigation procedures to significantly reduce or eliminate impacts to fish resources. A copy of these plans shall be available on site during construction.

5. This HPA authorizes vibratory, direct pull and clamshell methods of pile removal, impact and vibratory installation of concrete, plastic, and ACZA treated timber pile, vibratory installation of steel pile, pile encasement and stubbing. Vibratory and direct pull methods of pile extraction are preferable over use of a clamshell dredge. However, the least environmentally impacting method of pile removal shall be used as appropriate for the site conditions.

6. Hand tools including a siphon dredge shall be used to excavate around piles to be encased or stubbed. Sediments shall not be excavated by jetting.

7. All lumber to be used for the project shall meet or exceed the standards established in 'Best Management Practices For the Use of Treated Wood in Aquatic and Other Sensitive Environments' developed by the Western Wood Preservers Institute, Wood Preservation Canada, Southern Pressure Treaters' Association, and Timber Piling Council, dated August 1, 2006, and any current amendments or addenda to it. Current amendments and addenda include but may not be limited to 'Amendment #1: CCA - Chromated Copper Arsenate', dated October 25, 2006; and 'Addendum #1: ACC - Acid Chromated Copper', dated February 28, 2007.

8. All piles, lumber, and other materials treated with preservatives shall be sufficiently cured to minimize leaching into the water or bed.

9. All existing damaged piles, debris, or deleterious materials resulting from construction shall be removed from the beach area and bed and prevented from entering waters of the state.

10. Project activities shall be conducted to minimize siltation of the beach area and bed.

11. 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's Emergency Management Division at 1-800-258-5990, and to the Area Habitat Biologist listed below.

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



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In the event of spill or release of deleterious material responsive actions shall be taken as identified in the Spill Prevention, Control, and Countermeasures (SPCC) Plan that WSDOT requires the contractor to submit to the Project Engineer, as per the project plans and specifications identified in provision 4 of this HPA.

13. Treated piles or structures built of treated wood subject to abrasion (e.g., fender piles) shall incorporate design features, such as steel, plastic, or rubber collars or fendering systems, to prevent or minimize the abrasion of the treated wood by floats, ramps, or vessels.

14. Beach area depressions created during project activities shall be reshaped to pre-project beach level upon project completion.

15. No geared mechanisms (tires, tracks) shall enter the wetted perimeter or inter-tidal areas. Truck mounted and tracked equipment shall work from a location outside the wetted perimeter or inter-tidal area unless off a temporary floating work platform.

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

17. Eelgrass and kelp shall not be adversely impacted due to any project activities (e.g., barge shall not ground, equipment shall not operate, and other project activities shall not occur in eelgrass or kelp).

18. Wet concrete shall be prevented from entering waters of the state. Forms for any concrete structure shall be constructed to prevent leaching of wet concrete. Impervious material shall be placed over any exposed concrete not lined with forms that will come in contact with waters of the state. Forms and impervious material shall remain in place until the concrete is cured.

19. This HPA is for replacement of up to 40 existing piles at each site per construction season only and shall not result in the expansion of the structure.

### WORK IN NON-CONTAMINATED AREAS:

20. Clamshell Pile Extraction: If upon initiating upward movement the clam shell bucket does not make purchase on the pile the operator shall leave uncontaminated sediments in place and is not required to complete the pass. Sediments shall not be stockpiled underwater.

### WORK IN MAPPED CONTAMINATED SEDIMENT AREAS (Eagle Harbor, Bainbridge Island, Coleman Dock, and Point Defiance):

21. Only one method of pile removal is authorized within mapped contaminated areas at the Coleman Dock Facility. Piles shall be cut off and stubbed with a new pile, or capped with a bonnet at, or within 12 inches, of the mud line.



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22. Each pass of the clamshell dredge bucket shall be complete. Excavated debris or sediments shall not be stockpiled or spoiled underwater.

23. If a clamshell dredge is used, the minimum size bucket shall be used to pull out piles to minimize sediment disturbance and splintering of piling.

24. Piles, stubs, debris, and all associated excavated sediments shall be contained and prevented from entering waters of the state.

25. Sediments excavated within identified sediment contaminated areas shall be contained and removed from site. The excavated area shall be restored to pre-project physical configuration using clean sands except the WSF Eagle Harbor Maintenance Facility. At Eagle Harbor Maintenance Facility, removal of up to eight piles without the use of a sand cap for areas under the building or trestle where access is limited. Removal of more than eight piles shall include restoring the excavated area to pre-project physical configuration using clean sands.

26. Clean sediments shall be placed on the substrate at locations where piles have been removed and a minimum of six inches of clean sediment shall be deposited around a five-foot perimeter of the excavated pile. This shall be done wherever a pile is removed within mapped contaminated areas.

## PROJECT LOCATIONS

### Location #1 Statewide Marine Waters

WORK START: March 06, 2010				WORK END: February 16, 2015		
WRIA: 99.0000		Waterbody: Various		Tributary to: Statewide		
1/4 SEC: All	Section: 99	Township: 99	Range: 99	Latitude: N	Longitude:	County: Statewide
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.



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This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.

The person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this Hydraulic Project Approval.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day and/or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

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

## APPEALS INFORMATION

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

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

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

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

B. FORMAL APPEALS (WAC 220-110-350) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021 (EXCEPT agricultural irrigation, stock watering or bank stabilization projects) or 77.55.291:

A person who is aggrieved or adversely affected by the following Department actions may request a formal review of:

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

(B) An order imposing civil penalties; or

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

A request for a FORMAL APPEAL shall be in WRITING to the Department of Fish and Wildlife HPA Appeals Coordinator, shall be plainly labeled as 'REQUEST FOR FORMAL APPEAL' and shall be RECEIVED DURING OFFICE HOURS by the Department at 600 Capitol Way North, Olympia, Washington 98501-1091, within 30-days of the Department action that is being challenged. The time period for requesting a formal appeal is suspended during



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consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within 30-days of the date of the Department's written decision in response to the informal appeal.

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

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

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

ENFORCEMENT: Sergeant Anderson (202 ) P3

Habitat Biologist  
Steve Bell

bellsbw@dfw.wa.gov  
360-902-2598

for Director  
WDFW

CC: David Brock, WDFW Region 4 RHPM  
Stephan Kalinoski, WDFW Region 6 RHPM  
Doug Thompson, WDFW R4 AHB  
Laura Arber, WDFW R4 AHB  
Brian Williams, WDFW R4 AHB  
Chris Waldbillig, WDFW R6 AHB  
William Rehe, WDFW R6 AHB  
Margie Bigalow-Schirato, WDFW R6 AHB  
Theresa Mitchell, WDFW R6 AHB

ENCL: RHPM List