



HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - See appeal process at end of HPA

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

Issue Date: June 03, 2014

Control Number: 133601-1

Project Expiration Date: June 02, 2019

FPA/Public Notice #: N/A

PERMITTEE

Washington State Department of Transportation
ATTENTION: Kenneth Schlatter
PO Box 47331
Olympia, WA 98501-7331
360-706-3274
Fax: 360-705-6833

AUTHORIZED AGENT OR CONTRACTOR

Project Name: Statewide Routine Culvert Maintenance - Freshwater

Project Description: Routine maintenance of existing culverts within WSDOT's Right of Way statewide.

PROVISIONS

1. **PROJECT DESCRIPTION:** This HPA authorizes statewide maintenance restoration of Washington State Department of Transportation (WSDOT) Right Of Way (ROW) culvert structures to previously existing form, function, and flow. This work includes culvert inspection, repair, bank stabilization and repair, Large Woody Material (LWM) repositioning, sediment and small woody material removal.
2. This HPA does not authorize culvert replacement, culvert slip-lining or channelized stream maintenance work. If the applicant cannot comply with the provisions of this HPA due to site-specific or other concerns, a separate written HPA may be sought from the local Habitat Biologist (HB) for the project. See <http://wdfw.wa.gov/conservation/habitat/ahb/> for a current listing of HBs and their coverage area(s).
3. **NOTIFICATION PRIOR TO STARTING WORK** is not required for this work.
4. **TIMING LIMITATIONS:** Work under this HPA may begin immediately and shall be completed by June 2, 2019. Work within the wetted perimeter shall only occur during the attached work windows (Allowable Freshwater Work Times, April 2014; Attachment 1), except the removal of vegetation/debris and small woody material from within the culvert, the culvert inlet and outlet, using hand-tools, may be conducted year around for culvert maintenance inspection. Other work may occur year-around only in portions of the culvert structure that are outside the wetted perimeter and have not been made dry by project activities.
5. Except as modified by this HPA work shall be accomplished per plans and specifications submitted by Washington State Department of Transportation (WSDOT) as application and accepted by Washington Department of Fish and Wildlife (WDFW) (April 30, 2014) including:
 - a) WSDOT Environmental Compliance Assurance Procedure (ECAP) for Maintenance Environmental Procedures Manual Section 700.02.
 - b) The Best Management Practices Field Guide consistent with the most recent version of the Regional Road Maintenance Endangered Species Act Program Guidelines (RRMP) Part 2 - Best

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Management Practices.

c) WSDOT's Standard Fish Moving Protocol - August 2012

6. The documents noted in Provision 5a and 5b, and this HPA, reflect the requirements of Chapter 220-110 WAC; a copy of each shall be available on site during work. These plans reflect mitigation procedures to avoid impacts to fish resources.

7. **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 Washington Military Department Emergency Management Division at 1-800-258-5990, and to the local WDFW Habitat Biologist.

FISH REMOVAL AND SCREENING (FOR WORKING IN WETTED PERIMETER)

8. The permittee shall capture and safely move food fish, game fish, and other fish life from the job site except when work is performed using hand tools or is limited to the repositioning of woody material. Invasive species captured shall not be placed back into the system. The permittee shall have fish exclusion, fish capture, and transportation equipment ready and on the job site. Captured fish shall be immediately and safely transferred to free-flowing water upstream or downstream of the project site.

9. Any device used for diverting water from a fish-bearing stream and any pump used to bypass water from the work area within a watercourse shall be equipped with a fish guard to prevent passage of fish into the diversion device pursuant to RCW 77.57.010 and 77.57.070. The pump intake shall be screened as follows:

- a) Perforated Plate: 0.094 inch (maximum opening diameter).
- b) Profile Bar: 0.069 inch (maximum width opening).
- c) Woven Wire: 0.087 inch (maximum opening in the narrow direction).

The minimum open area for all types of fish guards is 27%. The screened intake shall consist of a facility with enough surface area to ensure that the velocity through the screen is less than 0.4 feet per second. Screen maintenance shall be adequate to prevent injury or entrapment to juvenile fish and the screen shall remain in place whenever water is withdrawn from the stream through the pump intake.

10. Screening is not required on equipment within areas where all fish have been removed and excluded.

11. If a gravity pipe bypass is used, it shall be of sufficient size to pass all flows and debris downstream of the project site for the duration of the project.

WATER QUALITY

12. Best management practices shall be implemented during all phases of the project to ensure that sediment-laden water does not enter waters of the state.

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13. 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 waters of the state. There shall be no visible sheen from petroleum products in the receiving water as a result of the activity.

14. Fresh concrete or concrete by-products shall not be allowed to enter the stream at any time during this project. All forms used for concrete shall be completely sealed to prevent the possibility of fresh concrete from getting into the stream.

15. All concrete shall be sufficiently cured prior to coming in contact with water. Any dewatering required from a contained area with curing concrete shall be discharged to a facility or location with no possible re-entry to waters of the state.

BYPASS

16. A temporary bypass, cofferdam, or similar structure used to divert flow around or away from the work area shall be in place prior to initiation of work in the wetted perimeter except when all of the following three conditions are met:

- a. Fish removal and screening provisions are followed,
- b. Work is performed during the attached work windows (Attachment 1), and
- c. Water quality provisions are met.

17. A temporary bypass cofferdam, or similar structure is not required when any of the following instances exists, and the provisions of this HPA can still be met:

- a. When installing a coffer dam, bypass or similar structure would cause greater impacts to fish life than it would prevent;
- b. When the work area is in deep or swiftly flowing water;
- c. When turbidity is not a concern (i.e. the stream is dry, very slow flow);
- d. When fish can be excluded by nets or screens, or
- e. When fish are not present.

18. Back water shall not enter the work area from the bypass downstream end. If needed: A sandbag revetment or similar device shall be installed at the downstream end of the bypass to prevent backwater from entering the work area.

19. Water removed from within the work area shall be routed to an area landward of the OHWL to allow removal of fine sediment and other contaminants prior to being discharged to the waters of the state.

20. The de-watering discharge point shall be designed and operated so as not to cause erosion or scour in the stream channel, banks or vegetation.

21. Prior to releasing the water flow to the project area, all work below the OHWL shall be completed.

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22. Upon completion of the project, all material used in the temporary bypass shall be removed from the site and the site returned to pre-project or improved conditions.

23. Reintroduction of water to the channel shall be done gradually and in stages so as to minimize the mobilization of sediments and fines into downstream waters.

EQUIPMENT

24. Where appropriate and based upon site conditions and the maintenance activity to be conducted, work shall be accomplished by hand or with hand tools such as chain saws and winches attached to a chain saw or vehicle.

25. With the exception of bypass pumps, all machinery and equipment shall be serviced, fueled, and maintained on uplands more than 200 feet from waters of the state to prevent contamination of surface waters, when practicable. Fueling areas shall be provided with enough spill containment materials to prevent a spill from reaching waters of the state.

26. Equipment shall be stationed on and operate from the WSDOT Right of WAY (ROW), pre-constructed access points, or adjacent properties with written landowner permission, including portions of the watercourse if dry. Minor grading of the bank to allow temporary access for equipment is allowed provided no materials are brought in from off-site and the site is restored to its pre-existing condition and revegetated as required below upon project completion. Access construction outside the ROW for equipment is not authorized.

27. Equipment drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment shall not enter the wetted perimeter, but may be stationed on the dry portion of the stream bed.

28. Equipment shall be free of external petroleum-based products while working around the stream. Soil and debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment prior to gaining access below the OHWL. Equipment shall not be left unattended within the stream channel.

29. Equipment shall be checked daily for leaks and any necessary repairs shall be completed before working around the stream.

30. The permittee shall ensure that WDFW protocols (<http://wdfw.wa.gov/ais/>) for controlling the spread of aquatic invasive species are implemented during the course of the project. WSDOT Roadside Vegetation Management Plans, specifically chapter 2, (http://www.wsdot.wa.gov/Maintenance/Roadside/mgmt_plans.htm) shall be implemented for controlling the spread of noxious and nuisance weeds.

SEDIMENT

31. Any bedload sediments, small woody material, or debris not conforming to pre-existing culvert design conditions may be removed from within the culvert, and within 25 feet of the culvert inlet and outlet.

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32. Sediment removal from the culvert shall not result in a head cut in the channel that erodes upstream, or damage to the toe of bank downstream of the site of sediment removal.

33. Sediment removal is not authorized in areas where fish are observed to be spawning or redds can be observed.

34. A Vactor or similar vacuum excavation vehicle may be used to remove sediments. Screening is not required for vactoring provided the fish exclusion and removal protocol has been followed.

35. Jetting of material from within the culvert shall be performed in the dry, or when water quality can be maintained immediately downstream of the work site. All sediments jetted or vactored from the structure shall be removed from the channel.

36. Sediment removal shall be limited to restoring the streambed to its pre-existing condition with a gradual taper of ground line to meet the native stream bed to minimize the potential of inducing head cutting and fish entrapment during low flows. Overburden material resulting from the project shall be deposited beyond the limits of flood waters or in a way that does not adversely affect the bed or flow of the stream, or the riparian corridor.

37. At the end of the maintenance activity, the work area shall contain no pits or potholes, or depressions that may obstruct fish passage or otherwise trap fish as a result of fluctuation in water levels.

WOODY MATERIAL AND DEBRIS

38. LWM not conforming to pre-existing culvert design conditions may be moved from within the culvert, and within 25 feet of the culvert inlet and outlet, except: LWM embedded in the bank or stream bed shall be left undisturbed and intact.

39. LWM repositioning shall be minimized as much as possible. If LWM must be moved it shall be repositioned within the channel after construction, floated free, or placed in the channel as near the wetted perimeter as possible immediately downstream of the work site, but shall not be removed from the stream.

40. Reduction of LWM size shall only occur as required to allow floating or repositioning the LWM away from the culvert. Root wads shall not be removed from the LWM trunk. The diameter of the root wad shall not be reduced. LWM exceeding the crossing structure width shall not be cut to a length less than the structure width plus two feet.

41. Woody material not meeting the definition of LWM may be repositioned within the stream, floated downstream, or removed.

42. Whenever possible, LWM impacting the culvert shall be floated free or lifted with full suspension to avoid bed and bank disturbance. Material shall not be dragged across the bed or bank. When materials cannot be floated free or suspended above the bed and banks, skid logs, other temporary work platforms, or similar methods shall be used to avoid bank damage. Upon

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completion of the yarding operation, these bank protection measures shall be removed in a manner that avoids damage to bed or bank, and the bank shall be restored to previously existing, or enhanced, vegetated condition.

43. LWM shall be repositioned gradually and in a controlled manner to prevent a sudden release of any impounded water, bed, logs, other material or sediments which may result in downstream bed and bank degradation, sedimentation or flooding. Debris shall be removed and properly disposed of.

EROSION

44. Work below the OHWL shall be limited to the area within the pre-existing footprint and shall not exceed that necessary to restore the site to its pre-existing function and condition. Material types not previously authorized for use at the site are not authorized for use under this HPA except: Riprap may be placed to stabilize erosion.

45. Where riprap is used for bank protection, the following shall apply:

- a) River gravels shall not be used as exterior armor.
- b) Riprap shall be sized to withstand peak flows.
- c) The toe shall be constructed to protect the integrity of bank protection material.
- d) Riprap placement shall not constrict the channel or culvert.
- e) Riprap placement shall only be between the toe of the bank and up to the OHWL or to armor the inlet/outlet of the culvert.
- f) Native plant material, in conjunction with structural components when necessary, shall be used for bank stabilization or repair above the OHWL within riparian areas.

46. Bank sloping shall be accomplished in a manner that avoids release of overburden material into the water. Overburden material resulting from the project shall be deposited so as not to reenter the water.

VEGETATION

47. Riparian vegetation outside of the work area shall not be removed or disturbed.

48. Care shall be used when accessing the site to minimize the disturbance of riparian vegetation. Riparian vegetation shall be straddled with heavy equipment or be pruned as necessary without damaging the roots, to allow the operation of heavy equipment. When possible, vegetation disturbance should be limited to the shaded side of the channel.

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

50. All woody plants on the banks or in the bed of state waters removed or damaged by the work beyond their capability to regenerate shall be replaced in-kind as much as possible. Replacement shall be by replanting 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

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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.

51. Trees with a diameter at breast height larger than 4 inches that are required to be removed to provide access shall be treated as large woody material, and be repositioned within the channel as such. Trees shall be replaced and maintained at a ratio of at least 4:1 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 4:1 replacement.

52. ANNUAL REPORTING: A calendar year annual report of work shall be submitted in unlocked Microsoft Excel (*.xls) format to HPAapplications@dfw.wa.gov by February 28 of the following year, or in the final year of the HPA, prior to the expiration date. Reporting debris removal that is part of culvert inspection work using hand-tools only is not required. An annual report is required even if no work was conducted. The annual report shall include:

- a) General: HPA Control Number, WSDOT Control Number, permittee, contact person, address, telephone number, date of report, time period.
- b) Summary: Total number of individual projects by region and statewide.
- c) Problem(s) encountered: Provision violation, notification, corrective action, impacts to fish life and water quality from problem. If the Environmental Compliance Assurance Procedure (ECAP) or similar procedure was used, what activity triggered the procedure.
- d) Recommendations for improvement to best management practices and mitigation [optional].
- e) List of individual projects completed: By region including water body name, road number and milepost if applicable, latitude and longitude, date and duration of work, description of work, including quantity of sediment removed, quantity and disposition of LWM moved, or quantity of bank protection material placed.
- f) Fish exclusion work conducted under this permit shall be included, but may be submitted in a separate report.

DEFINITIONS

Channelized stream: A man-made feature that intercepts and conveys a natural stream. If a channel conveys water through a jurisdictional wetland it will be considered a channelized stream.

Debris: Inorganic material including trash, tires and garbage etc. This definition does not include Large Woody Material (LWM), woody material smaller than LWM, woody material resulting from beaver activity, or woody material placed in channels for an environmentally beneficial purpose.

Environmental Compliance Assurance Procedure: WSDOT communication protocol to monitor and measure compliance performance.

Jetting: Flushing sediment from a confined space using a high pressure water jet.

Large Woody Material (LWM): Trees or tree parts larger than four inches in diameter and longer than six feet in length, including rootwads. This material is located wholly or partially waterward of the Ordinary High Water Line (OHWL).



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Ordinary High Water Line (OHWL): The mark on the shores of all waters that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in ordinary years, as to mark upon the soil or vegetation a character distinct from that of the abutting upland provided that in any area where the ordinary high water line cannot be found the ordinary high water line adjoining saltwater shall be the line of mean higher high water and the ordinary high water line adjoining freshwater shall be the elevation of the mean annual flood.

Riprap: Clean, angular, natural rock used for bank protection. This does not include waste concrete or asphalt material.

Sediment(s): Settled particulate matter located in the predominant biologically active aquatic zone, or exposed to the water column. Sediment also includes settled particulate matter exposed by human activity (e.g., dredging) to the biologically active aquatic zone or to the water column.

Toe of Bank: The distinct break in slope between the stream bank or shoreline and the stream bottom or marine beach or bed, excluding areas of sloughing. For steep banks that extend into the water, the toe may be submerged below the ordinary high water line. For artificial structures, such as jetties or bulkheads, the toe refers to the base of the structure, where it meets the stream bed or marine beach or bed.

Wetted Perimeter: The areas of a watercourse covered with flowing or non-flowing water.

WSDOT Right of Way (ROW): The area of land dedicated for public use or secured by the public for purposes of ingress and egress to abutting property and other public purposes. ROW includes area maintained by WSDOT through prescriptive rights. It includes the structures necessary to keep the transportation system operational.

PROJECT LOCATIONS

Location #1 Statewide

WORK START: June 03, 2014				WORK END: June 02, 2019		
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						



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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 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. A minor modification to the required work timing means up to a one-week deviation from the timing window in the HPA when there are no spawning or incubating fish 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. Minor modifications do not require you to pay additional application fees or be issued a new HPA. To request a minor modification to your HPA, submit a written request that clearly indicates you are requesting a minor modification to an existing HPA. Include the HPA number and a description of the requested change and 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. Do not include payment with your request. You should allow up to 45 days for the department to process your request.

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 paid an application fee for your original HPA you must include payment of \$150 with your written request or request billing to an account previously established with the department. If you did not pay an application fee for the original HPA, no fee is required for a change to it. To request a major modification to your HPA, submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Include the HPA number, check number or billing account number, and a description of the requested change. Send your written request and payment, if applicable, by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. If you are charging the fee to a billing account number or you are not subject to the fee, you may email your request to HPAapplications@dfw.wa.gov. You should allow up to 45 days for the department to process your request.

APPEALS INFORMATION



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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 220-110-340 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.

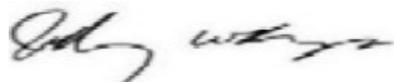
A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request an informal appeal of that action. You must send your request to WDFW by mail to the Washington Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to 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 will conduct an informal hearing 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 220-110-350 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.

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 Washington Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to 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.

ENFORCEMENT: Sergeant Holden (36) P3

Habitat Biologist Jeffrey Kamps	kampsjwk@dfw.wa.gov 360-391-4612		for Director WDFW
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CC: