



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: March 26, 2013

Control Number: 129641-1

Project Expiration Date: March 25, 2018

FPA/Public Notice #: N/A

PERMITTEE

Washington State Department of Transportation
ATTENTION: Ken Schlatter
310 Maple Park Drive SE
Olympia, WA 98504
360-740-6327

AUTHORIZED AGENT OR CONTRACTOR

Project Name: Beaver Dam Removal or Modification

Project Description: This General HPA authorizes removal or modification (e.g. compressing and/or notching) of newly established beaver dams that are one year or less old located in water courses within the right-of-way of WSDOT-owned highways and infrastructure.

Beaver dam removal or modification shall be done to control backwater to protect public safety and the integrity of roadway infrastructure.

PROVISIONS

TIMING LIMITATIONS:

1. Work authorized by this General HPA may begin immediately and shall be completed by March 25, 2018.

SPECIAL LIMITATIONS:

2. New or recently built beaver dams and associated debris may be removed and/or repositioned from streams, rivers, and other waters of the state year round provided:
 - a. The beaver dam has only been in existence for one year or less and does not have newly established wetland plant communities or trees showing stress from being inundated by water.
 - b. The new beaver dam has the potential to threaten public safety, public property (in the area the dam is influencing backwater flooding and erosion), or WSDOT Right-of-way (ROW) infrastructure.
 - c. The stream is adequately flowing with enough water volume to ensure the upstream channel remains wetted and fish are able to move out of the area as the water level is dropping.

APPROVED PLANS AND SPECIFICATIONS:

3. Except as modified by this HPA, work within and adjacent to the aquatic environment shall be accomplished per plans and specifications covered in the following or most current environmental documents entitled:
 - a. WSDOT Environmental Procedures Manual, Maintenance and Operations, Chapter 700.
 - b. WSDOT Construction Manual, Environmental Compliance Assurance Procedure (ECAP), Section 1-2.2K(1).
 - c. Regional Road Maintenance Endangered Species Act Program Guidelines (RRMP) Part 2: Best



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Management Practices.

These plans (Provisions 4a, 4b, and 4c), 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.

NOTIFICATION

4. The permittee shall contact the Regional Habitat Program Manager (see contact information below) at least three days before starting planned maintenance work. The permittee does not have to notify WDFW prior to starting unscheduled maintenance work but shall contact the Regional Habitat Program Manager within three business days after starting the work. The permittee shall send the notification by e-mail and it shall include the starting date, description of work, waterbody name, location including road number and milepost if applicable, and the control number of this HPA.

WATER QUALITY AND EROSION CONTROL PROVISIONS:

5. Except for sediment released (temporary plumes of short duration) due to removal or modification of the beaver dam, silt-laden water shall be prevented from entering the stream.
6. In-water work should be conducted during periods of manageable flow. If flow conditions that may cause increased siltation occur during this project, the permittee shall stop work until the flow subsides.
7. No petroleum products, hydraulic fluid, chemicals, or any other toxic or deleterious materials may enter or leach into waters of the state.
8. All areas disturbed by the work shall be protected against erosion using vegetation or other means within 7 days of disturbance.

EQUIPMENT PROVISIONS:

9. The method of removing or modifying the beaver dam will be site specific and the applicant shall use the least impacting method that the workers can safely perform.
10. Where practicable and based on site conditions, the maintenance activity (work) shall be accomplished by hand or with hand-held tools, such as chain saw, peavey or come-along winch. Use of a vehicle-mounted winch shall be allowed provide compliance with this HPA can be met.
11. Disturbance of the streambed, banks, and associated vegetation shall be avoided where possible or limited to that necessary to perform the project provided existing trees measuring 4.5 feet or greater in height above grade or with a diameter of four inches or greater are not damaged or destroyed, except as needed to construct an equipment access road.
12. If heavy equipment is needed, existing access locations, the roadway, shoulder, or bridge

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should be used wherever possible to access the site. If not possible, minor grading of the bank to achieve temporary access for equipment is allowed provided: the access doesn't exceed 15 feet in width and 150 feet in length, only one access is constructed per location, all materials used to construct the access are removed immediately upon project completion, and the access site is re-vegetated upon project completion. The re-vegetation work shall restore the impacted area to its previous or improved habitat condition.

13. If equipment needs to access and be stationed where soils are saturated, an environmental mat shall be used to minimize any damage to the vegetation and compaction to the soils.

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

15. Equipment shall be free of external petroleum-based products while working near the water.

16. Equipment shall be checked daily for leaks and any necessary repairs shall be completed before working near the water.

17. All machinery and equipment shall be serviced, fueled, and maintained on uplands to prevent contamination of surface waters. When practicable, this should be done more than 200 feet from waters of the state. Fueling areas shall be equipped with enough spill containment materials to prevent a spill from reaching waters of the state.

18. Equipment crossings of the water course are not authorized by this General HPA.

BEAVER DAM REMOVAL, NOTCHING, AND COMPRESSING PROVISIONS:

19. Fish might become stranded by dam removal, notching, or compressing. The permittee shall have fish capture and transportation equipment ready and on the job site to capture and safely move stranded food fish, game fish, and other fish life from the work area. Fish removal and exclusion shall follow standard WSDOT protocol covered in the Regional Road Maintenance Endangered Species Act Program Guidelines (RRMP Appendix E, Attachment 1). Captured fish shall be immediately and safely transferred to free-flowing water downstream of the project site.

20. Beaver dam removal, notching, and compressing shall occur in a manner that ensures the gradual, slow release of impounded water. After the water level across the dam equalizes, the dam shall be carefully removed or modified in a manner that minimizes the release of mud and silt to flowing water.

WOODY MATERIAL REMOVAL AND REPOSITIONING PROVISIONS:

21. 'Large woody material' means trees or tree parts larger than four inches in diameter and longer than six feet, and rootwads, wholly or partially waterward of the ordinary high water line.

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22. This HPA does not authorize the disposal of large woody material.
23. Only woody material from the beaver dam structure shall be moved or repositioned.
24. Large woody material embedded in the bank or streambed shall be left undisturbed and intact.
25. If non-embedded woody material must be moved then:
- All large woody material shall be repositioned below the OHWL or floated free immediately downstream of the work site to provide functional fish habitat.
 - Large woody material shall not be destroyed or reduced in value as fish habitat. Large woody material shall not be cut into smaller pieces, except to the extent necessary to allow floating or suspension of large woody material to reposition it away from the ROW infrastructure (e.g. culvert). Root wads shall not be removed from the trunk (bole). Boles shall not be reduced in girth.
 - Natural woody material that is smaller than large woody material may be, in order of preference, repositioned within the stream, floated downstream, deposited on the bank or removed and disposed of so not to re-enter the watercourse.
 - If releasing or repositioning large woody material downstream of a work site could create an unsafe hazard to life, the public, property or roadway infrastructure, the large woody material may be placed below the OHWL at another location within the same waterbody.
26. Where large woody material cannot be floated free, this woody material shall be suspended during its removal/repositioning so no portion of the large woody material or limbs can damage the bed or banks. Full suspension shall be used to avoid damage to riparian vegetation. It is understood that during the careful process of repositioning the large woody material, minor or temporary disturbance of the riparian vegetation and the ground could potentially occur. This level of disturbance shall be acceptable provided those impacts are expected to recover naturally.
27. Large woody material repositioning shall be accomplished in a manner which minimizes the release of bedload, logs, or debris downstream.
28. In the event project work causes depressions in gravel bars, then those depressions shall be filled, smoothed over, and reshaped (sloped toward the bank) to match the existing channel geometry.
29. 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 WDFW Regional Habitat Program Manager. A list of WDFW managers is provided below in the NOTES section.

WORK SITE RESTORATION PROVISIONS:

30. Where possible, vegetation adjacent to the road way and water course shall not be damaged. Vegetation associated with the beaver dam that is impacting the roadway or infrastructure (culvert,



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bridge) may be damaged or removed.

31. Project related removal or damage of native vegetation (ground cover, shrubs and trees) on the banks or within the drainage course of state waters that is not expected to be 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 successful natural recruitment is required prior to the next growing season to achieve and maintain at least 1:1 replacement.

32. All temporary work structures, devices, equipment, materials (including man-made materials found on the dam), silt, excess dirt or overburden, construction debris from the project shall be completely removed from waters of the state, adjacent shoreline, and riparian areas immediately following completion of the project.

Note: Man-made debris refers to material made or brought to the site by humans rather than occurring in nature (naturally). It includes, but is not limited to, asphalt, angular rock such as riprap, wood used for construction, tires, hub caps, styrofoam or miscellaneous trash.

33. If utilized, silt fences shall be removed once the disturbed area is permanently stabilized and the work site is no longer susceptible to erosion.

INVASIVE SPECIES CONTROL PROVISION:

34. To prevent the spread of invasive species such as zebra mussels, snail species, and weeds the permittee shall thoroughly clean all tools and equipment before they are brought to the work site.

Please report sightings by contacting the WDFW Aquatic Invasive Species Hotline at: 1-877-9-INFEST.

OTHER PROVISIONS:

35. This General HPA doesn't permit the use of explosives.

ANNUAL REPORTING PROVISIONS:

36. WSDOT shall compile an annual report of work performed each calendar year. Please continue to use the same Excel report template and naming convention of 'WDFW GHPA Usage Annual Report'. The annual report shall be submitted to the WDFW Habitat Program via electronic mail (Email) at HPApplications@dfw.wa.gov 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. HPA Control Number, permittee, contact person, address, telephone number, date of report, time period.



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- b. Total number of individual projects by region and statewide.
 - c. Problem(s) encountered: Provision violation (inability to comply with provision), lack of notification to WDFW, any impacts to fish life and water quality from problem, any corrective actions taken to rectify these problems. 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.
 - 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.
 - f. The information contained in item 'e' above (individual projects completed) shall be provided in unlocked Microsoft Excel (.xls) format.

NOTES:

For guidance on procedures for emergencies, maintenance, and dispute resolution, please see the most current Memorandum of Agreement (MOA) between Washington Department of Fish and Wildlife (WDFW) and WSDOT.

WDFW REGIONAL HABITAT PROGRAM MANAGERS (RHPM) CONTACT INFORMATION (and Regional Office phone numbers):

Region 1: Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman: Mark Wachtel (or acting RHPM); Mark.Wachtel@dfw.wa.gov; WDFW, Region 1, 2315 N Discovery PL Spokane Valley, WA. 99216-1566; (509) 892-1001.

Region 2: Adams, Chelan, Douglas, Grant, Okanogan: Carmen Andonaegui (or acting RHPM), Carmen.Andonaegui@dfw.wa.gov, WDFW, Region 2, 1550 Alder ST NW Ephrata, WA 98823-9699; (509) 754-4624.

Region 3: Benton, Franklin, Kittitas, Yakima: Perry Harvester (or acting RHPM), Perry.Harvester@dfw.wa.gov; WDFW, Region 3, 1701 S 24th AVE Yakima WA 98902-5720; (509) 575-2740.

Region 4: King, Island, San Juan, Skagit, Snohomish, Whatcom: David Brock (or acting RHPM), David.Brock@dfw.wa.gov.; WDFW, Region 4, 16018 Mill Creek Blvd Mill Creek, WA 98012-1296; 425-775-1311.

Region 5: Clark, Cowlitz, Klickitat, Lewis, Skamania, Wahkiakum: David Howe (or acting RHPM), David.Howe@dfw.wa.gov.; WDFW, Region 5, 2108 Grand Blvd Vancouver, WA 98661; (360) 696-6211.

Region 6: Clallam, Grays Harbor, Jefferson, Kitsap, Mason, Pacific, Pierce, Thurston: Steve Kalinowski (or acting RHPM), Stephan.Kalinowski@dfw.wa.gov.; WDFW, Region 6, 48 Devonshire RD Montesano, WA 98563-9618; (360) 249-4628.



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PROJECT LOCATIONS

Location #1

WORK START: March 26, 2013				WORK END: March 25, 2018		
WRIA: 99.0000		Waterbody: Various		Tributary to: Statewide		
1/4 SEC: All	Section: 99	Township: 99	Range: 99	Latitude: N	Longitude:	County: Multiple
<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.

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



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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

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



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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 Klein (21) P3

Habitat Biologist
Jason Kunz

kunzjpk@dfw.wa.gov
360-902-2579

for Director
WDFW

CC: E-Mail:

- All Area Habitat Biologists, WDFW
- All Regional Habitat Program Managers, WDFW
- All Assistant Regional Habitat Program Managers, WDFW
- All Regulatory Services, WDFW

E-Mail and Hard Copy:

- All Regional Enforcement Sergeants, WDFW
- Ken Schlatter, WSDOT

Attachment 1: Regional Road Maintenance Endangered Species Act Program Guidelines (RRMP Appendix E).