

APPENDIX D

Permits



HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - Appeal pursuant to Chapter 34.05 RCW

North Puget Sound
16018 Mill Creek Boulevard
Mill Creek, WA 98012-1296
(425) 775-1311

Issue Date: March 17, 2006

Project Expiration Date: October 01, 2010

Control Number: 104039-1

FPA/Public Notice #: N/A

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
Skagit County ATTENTION: Janice Marlega 1800 Continental Place Mount Vernon, WA 98273 360-336-9400 Fax: 360-336-9478	Widener & Associates ATTENTION: Ross Widener 10108 32nd Avenue West Everett, WA 98204-1302 425-348-3059 Fax: 425-348-3124

Project Name: Helmick Road Improvement Project

Project Description: Removal of Red Creek culverts - replace with bridge, Red Creek regrading and installation of large woody debris, Dairy Trib culvert replacement and channel relocation/construction, installation of large woody debris, wetland enhancement/mitigation.

PROVISIONS

1. **TIMING LIMITATIONS:** The project may begin July 1, 2006 and shall be completed by October 15, 2007.

2. Work below the ordinary high water line shall only occur between July 1 and October 15. If requested, variance from this period may be granted by the Area Habitat Biologist listed below if the stream goes dry earlier than expected, or stays dry later than expected. Work to construct the new Dairy Trib stream channel may occur at any time after July 1, 2006 providing the work is completely isolated from the current stream.

3. **NOTIFICATION REQUIREMENT:** The Area Habitat Biologist listed below shall receive written notification (FAX or mail) from the person to whom this Hydraulic Project Approval (HPA) is issued (permittee) or the agent/contractor no less than five working days prior to the start of construction activities. The notification shall include the permittee's name, project location, starting date for work, and the control number for this HPA.

4. Work shall be accomplished per plans and specifications submitted with the JARPA and as amended and approved by the Washington Department of Fish and Wildlife entitled Helmick Road Project and dated February 3, 2006, except as modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during construction.

BRIDGE INSTALLATION

5. Steel piles shall be completely installed prior to beginning any in-stream channel modifications or culvert removal.

6. Abutments, piers, piling, sills, approach fills, etc., shall not be installed below ordinary high water, and shall be aligned to cause the least effect on the hydraulics of the stream.



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7. The bridge shall be constructed to pass the 100-year peak flow with consideration of debris likely to be encountered.

BYPASS

8. A temporary culvert to divert flow around the work area shall be in place prior to initiation of other work in the wetted perimeter. A screened pump diversion system shall be readily available as a backup to the culvert.

9. The permittee shall capture and safely move food fish, game fish, and other fish life from the job site. The permittee shall have fish capture and transportation equipment ready and on the job site. Captured fish shall be immediately and safely transferred to free-flowing water downstream of the project site. The permittee may request the Washington Department of Fish and Wildlife assist in capturing and safely moving fish life from the job site to free-flowing water, and assistance may be granted if personnel are available.

10. Any device used for diverting water from a fish-bearing stream 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 with 1/8-inch mesh to prevent fish from entering the system. 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.

11. A sandbag revetment or similar device shall be installed at the bypass inlet to divert the entire flow through the bypass.

12. A sandbag revetment or similar device shall be installed at the downstream end of the bypass to prevent backwater from entering the work area.

13. The bypass shall be of sufficient size to pass all flows and debris for the duration of the project.

14. The temporary culvert shall be installed in the dry or in isolation from stream flow.

15. The temporary culvert shall consist of a single barrel.

WATER QUALITY

16. Removal of the existing culverts shall be accomplished so associated material does not enter the stream. Material shall be disposed of so it will not re-enter the stream.

17. During construction, the new channel shall be isolated from the flowing stream by plugs at the upstream and downstream ends of the new channel. These plugs shall be substantial enough to prevent flood flows from entering the new channel during construction.



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HABITAT

18. Before water is diverted into the permanent new channel, approved fish habitat components, stream bed materials and bank protection to prevent erosion shall be in place. Fish habitat components and bank protection material shall be installed to withstand the 100-year peak flows.

19. The permanent new channel shall, at a minimum, be similar in length, width, depth, floodplain configuration, and gradient, as the old channel. The new channel shall incorporate fish habitat components, stream bed materials, meander configuration, and native or other approved vegetation equivalent to or greater than that which previously existed in the old channel.

20. The fish habitat log structures shall be of sound fir or cedar, and repositioned trees removed during channel construction.

21. The fish habitat structures shall be placed so that they are half submerged during low flows.

22. Repositioned large woody material shall be placed or anchored to provide stable, functional fish habitat.

23. A minimum of 12 inches deep of clean, rounded, uniformly-graded gravel with a size composition of:

15 percent of 4.0 to 3.0 inches;

40 percent of 3.0 to 1.5 inches;

45 percent of 1.5 to 0.25 inches, with fines less than 0.25 inches not exceeding 3.0 percent total volume, shall be placed throughout the channel.

24. Spoils from the new channel shall be used to enhance the new and restored channels if the material generally meets the composition standards above, or shall be disposed of at an approved upland location.

STREAM DIVERSION

25. Stream diversion out of the temporary culvert shall be conducted only after inspection and approval of the new channel by the Area Habitat Biologist listed below or his/her representative.

26. Prior to releasing the water flow to the project area, all bank protection, channel construction, and shaping shall be completed.

27. Diversion of flow (assuming there is flow) into the new channel shall be accomplished by the following:

1. First remove the downstream plug.

2. Face the stream side of the plug with a sandbag revetment or similar approved mechanism.

3. Partially remove the upstream plug to allow 1/3 to 1/2 of the flow down the new channel for at



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least overnight. The old channel shall not be allowed to dewater.

4. Remove the rest of the upstream plug once the new channel has flow throughout its entire length and no turbidity is present.

5. Close the upstream end of the old channel and remove the temporary bypass culvert.

BYPASS REMOVAL

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

EQUIPMENT

29. Equipment used for this project shall be free of external petroleum-based products while working around the stream. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment prior to its working below the ordinary high water line. Equipment shall be checked daily for leaks and any necessary repairs shall be completed prior to commencing work activities along the stream.

30. Every effort shall be taken during all phases of this project to ensure that sediment-laden water is not allowed to enter the stream. This may be accomplished by placing a series of low gravel bag dams downstream of the project. The gravel bag dams shall consist of burlap bags filled with pea gravel. The stream bed and dams shall be overlain with filter fabric on the upstream side of the dams. Accumulated silt shall be removed with the filter fabric upon completion of the project and the burlap bags shall be slit to allow the pea gravel to disperse downstream. Where necessary, hand tools may be used to ensure stream flow and fish passage are not impeded by the gravel.

31. Erosion control methods shall be used to prevent silt-laden water from entering the stream. These may include, but are not limited to, straw bales, filter fabric, temporary sediment ponds, check dams of pea gravel-filled burlap bags or other material, and/or immediate mulching of exposed areas.

32. Extreme care shall be taken to ensure that 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 the stream.

CONDUIT CROSSING

33. The conduit shall be installed at sufficient depth (> 20 feet below stream bed) so that subsequent disturbance of the stream bed is avoided.

34. When boring, pits shall be isolated from surface water flow. Wastewater, from project activities and dewatering, shall be routed to an area outside the ordinary high water line to allow removal of fine sediment and other contaminants prior to being discharged to state waters.



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35. The stream bed shall not be disturbed. If the stream bed collapses and flow enters the boring area, work activities shall cease and the Area Habitat Biologist listed below shall be contacted immediately for additional approval to restore the stream bed and finish the project.

REVEGETATION

36. Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to construct the project. Within seven calendar days of project completion, all disturbed areas shall be protected from erosion using vegetation or other means. Within one year of project completion, the banks shall be revegetated with native or other approved woody species. Plantings, monitoring of success, and replanting as needed, shall be performed according to the "Wetland Mitigation and Monitoring Plan" prepared by Windener and Associates dated January 31, 2006. Monitoring results shall be submitted each year for five years to the Area Habitat Biologist listed below.

COMPLIANCE

37. Post-project channel cross-sectional surveys are required and are the permittee's responsibility (As-builts). The cross sections shall be referenced vertically to a permanent bench mark and horizontally to a permanent base line. They shall be taken perpendicularly to the high-flow channel every 100 feet throughout the project area and at cross sections through the upstream and downstream riffles immediately adjacent to the project area. Surveys shall be taken near the upstream control point (i.e. break in grade) and at the mid-point of each riffle. The post-project survey shall be submitted to the Washington Department of Fish and Wildlife within 90 days of completion of channel construction.

PROJECT LOCATIONS

Location #1 Red Creek

WORK START: July 01, 2006				WORK END: October 01, 2010		
WRIA: 03.0268		Waterbody: Unnamed (lb)			Tributary to: Hansen Creek	
1/4 SEC: All	Section: 08	Township: 35 N	Range: 05 E	Latitude: N 48.52369	Longitude: W 122.17605	County: Skagit
<u>Location #1 Driving Directions</u> Hwy 20 east from Sedro Wooley, left (north) on Helmick Road.						



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Location #2 Dairy Tributary

WORK START: July 01, 2006				WORK END: October 01, 2010		
WRIA: 03.0269		Waterbody: Unnamed (rb)			Tributary to: Unnamed	
1/4 SEC: All	Section: 17	Township: 35 N	Range: 05 E	Latitude: N 48.5304	Longitude: W 122.1904	County: Skagit
Location #2 Driving Directions						
Dairy Trib currently runs along Helmick Road toward Hwy 20.						

NOTES

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 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.



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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 Environmental 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.

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C. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021(ag)(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.



Washington
Department of
FISH and
WILDLIFE

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ENFORCEMENT: Sergeant Heinck (25) P1

Habitat Biologist
Jeffrey Kamps

kampsjwk@dfw.wa.gov
360-466-4345

for Director
WDFW

CC: