

Issue Date: August 08, 2012

Control Number: 127617-1

Project Expiration Date: November 30, 2012

FPA/Public Notice #: N/A

PERMITTEE

Chelan County Natural Resources Department  
ATTENTION: Mike Kane  
316 Washington St Ste 401  
Wenatchee, WA 98001  
509-667-6467  
Fax: 509-667-6527

AUTHORIZED AGENT OR CONTRACTOR

Chelan County Natural Resources Department  
ATTENTION: Jennifer Goodridge  
316 Washington St Suite 401  
Wenatchee, WA 98801  
509-667-6682

Project Name: Upper Chumstick Fish Passage Barrier Removal

Project Description: The proposed project is to remove six culverts that are fish passage barriers in Chumstick Creek: 3 small culverts at the Johnson/Ott crossing, 2 at the Baumann crossing, and one at the Cann crossing. These six culverts will be replaced with three channel spanning bridges to provide landowner access.

PROVISIONS

1. TIMING LIMITATIONS: Work below the Ordinary High Water Line may begin 1 September 2012 and shall be completed by 31 October 2012.
2. NOTIFICATION REQUIREMENT: Enforcement Officer Grant shall receive notification at 509-662-0452 or email at grantgag@dfw.wa.gov from the person to whom this Hydraulic Project Approval (HPA) is issued (permittee) or the agent/contractor. The notification shall include the permittee's name, project location, starting date for work or completion date of work, and the control number for this HPA.
3. NOTIFICATION REQUIREMENT: The Area Habitat Biologist listed below shall receive notification prior to start of work, and again within seven days of completion of work to arrange for a compliance inspection. The notification shall include the permittee's name, project location, starting date for work or completion date of work, and the control number for this HPA.
4. This Hydraulic Project Approval is for the removal of six fish passage barrier culverts at three locations that will be replaced with three channel spanning bridges; associated grading of the stream bed and banks; installation of bioengineered grade control structures; construction of a boulder retaining wall at the Ott site; construction of pre-cast concrete retaining wall at the other two sites, and revegetation. No other work is authorized under this HPA.
5. Work shall be accomplished per plans and specifications attached to the JARPA Application signed by the applicant on June 8, 2012, except as modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during construction.

SITE PREPARATION & DE-WATERING

6. In areas where the bank will be disturbed, prior to starting work, temporary filter fabric fence shall be installed to prevent sediment from entering the stream. Accumulated sediments shall be

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removed during the project and prior to removing the filter fence after completion of work.

7. The type of filter fabric used shall be based on soil conditions at the site: for soils that will pass US standard sieve 200 the equivalent opening size (EOS) shall be selected to retain 85% of the soil; for all other soil types the EOS shall be no larger than US standard sieve 100.

8. A trench following the contour should be excavated approximately 8" wide and 12" deep along the line of the posts and upslope from the barrier.

9. For standard strength filter fabric, a wire mesh support fence shall be fastened securely to the upslope side of the posts and the fabric stapled or wired to the mesh. For extra strength fabric the wire mesh fence may be eliminated.

10. The trench shall be backfilled with 3/4" minimum diameter washed gravel and/or native material and adequately compacted.

11. Silt fences shall be removed after the upslope area has been permanently protected and stabilized.

12. All work shall be conducted in the dry or in isolation from the stream flow using coffer dams made of gravel filled bags, or a similar device and then pumping the flow around the work area. This temporary revetment shall be in place prior to initiation of any work in the wetted perimeter.

13. Sand shall not be used to fill bags used in the creek bed.

14. Coffers dams shall be overlain with plastic or filter fabric on the upstream side to contain sediment. Accumulated silt shall be removed with the filter fabric upon completion of the project and the bags shall be slit to allow the pea gravel to disperse downstream and the bags and any plastic removed from the site. Where necessary, hand tools may be used to ensure stream flow and fish passage is not impeded by the gravel.

15. 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.

16. 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.

17. Pumps used for dewatering the job site shall be equipped with screens to prevent injury of fish pursuant to RCW 77.57.010 and 77.57.070. The pump intake shall be screened by one of the following:

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Perforated plate: 0.094 inch (maximum opening diameter).  
Profile bar: 0.069 inch (maximum width opening).  
Woven wire: 0.087 inch (maximum opening in the narrow direction).

18. 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 of juvenile fish and the screen shall remain in place whenever water is withdrawn from the stream through the pump intake.

#### EQUIPMENT AND WATER QUALITY

19. Equipment used to construct the project, operating with hydraulic fluid, shall use only those fluids certified as non-toxic to aquatic organisms.

20. The contractor shall develop an adequate, site specific Spill Prevention and Countermeasure or Pollution Control Plan which shall include: site plan and narrative describing methods of erosion/sediment control; methods for confining, removing and disposing of excess construction materials and measures for equipment washout facilities; a spill containment plan; and, measures to reduce/recycle hazardous and non-hazardous wastes.

21. Vehicle staging, cleaning, maintenance, refueling, and fuel storage shall be located a minimum of 150 feet from Chumstick Creek, or any other waterbody.

22. 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.

23. The use of equipment below the ordinary high water line shall be limited to the area of the creek that is de-watered.

24. Wooden components that will be in contact with the water shall not contain creosote or pentachlorophenol. This shall include pilings, beams, structural supports, and decking. These components shall remain free of these toxic substances for the duration of their functional lives.

25. 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.

26. All waste material such as construction debris, silt, excess dirt or overburden resulting from this project shall be deposited above the limits of floodwater in an approved upland disposal site.

27. Wastewater from project activities and water removed from within the work area shall be routed

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to an area landward of the ordinary high water line to allow removal of fine sediment and other contaminants prior to being discharged to the stream.

28. The sediment plume created by instream work shall not exceed 5 NTUs above background at 300 feet downstream of the project location. Turbidity becomes visible at approximately 5 NTU. If these criteria are exceeded during project implementation, work shall be suspended until the criteria are met.

29. If high flow conditions that may cause siltation are encountered during this project, work shall stop until the flow subsides.

30. 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.

31. 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 and to the Area Habitat Biologist listed below.

32. Prior to releasing the water flow to the project area, all bank protection or armoring shall be completed.

#### FILL AND CULVERT REMOVAL

33. All earth and roadbed material shall be removed prior to removal of the culverts

34. Removal of the existing culverts shall be accomplished so the structures and associated material is completely removed from the stream and all material disposed of at an approved upland location.

#### BRIDGE CONSTRUCTION

35. Excavation for the footings shall be completely separated from the stream by placing the footings landward of the bank-full dimension.

36. The bridge structures shall be placed in a manner to minimize damage to the streambed and banks.

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

38. Abutments, piers, piling, sills, approach fills, etc., shall not constrict the flow and cause any appreciable increase (not to exceed 0.2 feet) in backwater elevation (calculated at the 100-year flood) or channel-wide scour, and shall be aligned to cause the least effect on the hydraulics of

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the stream.

39. Riprap materials used for structure protection shall be clean, angular rock or pre-cast concrete blocks, which shall be installed to withstand the 100-year peak flow, and shall be placed at, or above the ordinary high water line.

40. Structures containing concrete shall be sufficiently cured prior to contact with water to avoid leaching. Fresh concrete shall not be allowed to come into contact with state waters.

41. Where aggregate or earth type material is used for paving or accumulates on the bridge, curbs, or wheel guards shall be installed and maintained to prevent the loss of this material into the stream.

42. Approach material shall be structurally stable and shall be composed of material that if eroded into the water shall not be detrimental to fish life.

#### STREAMBED MATERIALS

43. Streambed gravel shall consist of washed round river gravel consisting of 80% 1/2" to 2" rock, 20% 2" to 4" rock, and 10% 6" cobbles, supplemented as necessary with native bed material and/or imported pit run in order to match existing bed material gradation and prevent subsurface flow.

44. Fish habitat components such as logs, stumps, and/or large boulders shall be installed to withstand 100-year peak flows.

45. Existing large wood should be left intact, within the stream channel, to provide fish habitat. Where wood is moved to accommodate the project it should be repositioned within the channel to provide these benefits.

46. Installed log structures shall be of untreated fir or other approved coniferous species.

47. No treated wood shall be used in the construction of this project.

48. Smaller limb and bark debris associated with the large woody material shall be used within the structures and stabilized so they do not re-enter the stream.

49. Logs shall be sized to withstand the hydraulic energy of the river and shall be anchored securely to prevent transport at high flows.

#### SITE RESTORATION

50. Any trees cut in order to install the bridges shall be placed in the project area on the bank of the creek to provide habitat.

51. Shrubs removed for the project shall be salvaged, watered and replanted whenever possible.

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52. Prior to releasing the water flow to the project area, all in-channel work shall be completed and the banks stabilized.

53. The resulting streambed shall not have vertical drops greater than 0.8 feet within the project area.

54. Upon completion of this project, all temporary structures, devices, materials or equipment shall be completely removed from the site and all excess spoils and/or waste materials properly disposed of.

55. To prevent future erosion, stem invasion of noxious weeds and partially restore, reclaim or enhance any disturbed or degraded areas of the project site, the permittee shall profusely revegetate with a native erosion control grass seed mix shall consist of: 30% Hard fescue (*Festuca trachyphylla*), 20% Sheep fescue (*Festuca ovina*), 20% Crested wheatgrass (*Agropyron desertorum*), 20% Rush intermediate wheatgrass (*Thinopyrum intermedium*), 10% Sherman big bluegrass (*Poa secunda* 'Sherman') at a rate of 10-12 lbs/acre. Seeding shall take place immediately following construction.

56. The removal of any larger riparian trees shall be replaced at one to one with native erosion control riparian plants including, but not limited to: black cottonwood (*Populus trichocarpa*), redosier dogwood (*Cornus stolonifera*), water birch (*Betula occidentalis*) or mountain alder (*Alnus incana*). The remaining disturbed areas shall be profusely re-vegetated with native riparian shrubs such as, but not limited Pacific willow (*Salix lasiandra*), coyote willow (*Salix exigua*), Woods rose (*Rosa woodsii*) or Nootka rose (*Rosa nutkana*). All native vegetation planting and seeding shall take place within one year of the completion of the bridge construction.

57. All of the above required woody, riparian plants shall consist of large bare root nursery or container stock or, local transplanted native cuttings, spaced a minimum of 3 to 5 feet on center (except black cottonwood which can be spaced on 10 foot centers), and shall be protected from deer, beaver, rodents, etc., regularly watered and weeded, and properly maintained until established, and replaced as necessary for a period of at least three (3) years to assure and achieve a minimum of 80% survival by the end of the third growing season.



## HYDRAULIC PROJECT APPROVAL

RCW 77.55.181 - See appeal process at end of HPA

North Central  
1550 Alder Street NW  
Ephrata, WA 98823-9699  
(509) 754-4624

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### PROJECT LOCATIONS

#### Location #1 Ott Property

WORK START: September 01, 2012				WORK END: October 31, 2012		
WRIA: 45.0402		Waterbody: Chumstick Canyon			Tributary to: Wenatchee River	
1/4 SEC:	Section:	Township:	Range:	Latitude:	Longitude:	County:
NE 1/4	31	26 N	18 E	N 47.71069	W 120.63936	Chelan
<u>Location #1 Driving Directions</u>						
From Leavenworth, drive north on Chumstick highway (SR 209) for approximately 8 miles. The Johnson/Ott driveway is on the west side of the road before the railroad crosses over the highway. The Baumann driveway is the first driveway on the left after crossing under the railroad bridge. The Cann driveway is just past the Baumann driveway.						

#### Location #2 Cann Property

WORK START: September 01, 2012				WORK END: October 31, 2012		
WRIA: 45.0402		Waterbody: Chumstick Canyon			Tributary to: Wenatchee River	
1/4 SEC:	Section:	Township:	Range:	Latitude:	Longitude:	County:
NE 1/4	30	26 N	18 E	N 47.71472	W 120.63563	Chelan
<u>Location #2 Driving Directions</u>						
From Leavenworth, drive north on Chumstick highway (SR 209) for approximately 8 miles. The Johnson/Ott driveway is on the west side of the road before the railroad crosses over the highway. The Baumann driveway is the first driveway on the left after crossing under the railroad bridge. The Cann driveway is just past the Baumann driveway.						

#### Location #3 Bauman Property

WORK START: September 01, 2012				WORK END: October 31, 2012		
WRIA: 45.0402		Waterbody: Chumstick Canyon			Tributary to: Wenatchee River	
1/4 SEC:	Section:	Township:	Range:	Latitude:	Longitude:	County:
NE 1/4	31	26 N	18 E	N 47.714366	W 120.63682	Chelan
<u>Location #3 Driving Directions</u>						
From Leavenworth, drive north on Chumstick highway (SR 209) for approximately 8 miles. The Johnson/Ott driveway is on the west side of the road before the railroad crosses over the highway. The Baumann driveway is the first driveway on the left after crossing under the railroad bridge. The Cann driveway is just past the Baumann driveway.						

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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.

NOTE: You may request changes to this 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 Washington Department of Fish and Wildlife. If you did not pay an application fee for the original HPA, no fee is required for a change to it. Requests for changes must include the HPA number, check number or billing account number, and a description of the requested change. Send your written requests 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](mailto:HPAapplications@dfw.wa.gov).

### 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](mailto:HPAapplications@dfw).



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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](mailto: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.

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ENFORCEMENT: Sergeant Ward (45) P1

Habitat Biologist  
Lynda Hofmann

509-997-9428

for Director  
WDFW

CC: Jo Gardner, COE Seattle

Robes Parrish, USFWS 7501 Icicle Road, Leavenworth, WA

Sean Gross, NOAA Fisheries, 304 S. Water St., Suite 201, Ellensburg, WA 98926