



HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - See appeal process at end of HPA

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

Issue Date: July 20, 2012

Project Expiration Date: July 19, 2017

Control Number: 126881-1

FPA/Public Notice #: N/A

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
Pioneer Water Users Association ATTENTION: Dan Jaspers 2817 School Street Wenatchee, WA 98801 509-662-3909	Forsgren Associates Inc ATTENTION: Thom Kutrich 112 Olds Station Road Suite A Wenatchee, WA 98801 509-667-1426 Fax: 509-663-6166

Project Name: PWUA Irrigation Improvements

Project Description: Removal of an existing diversion dam, bank stabilization of the disturbed banks, installation of a screened intake and pipe, bank stabilization of disturbed banks and re-vegetation of all disturbed or exposed areas with native plants.

PROVISIONS

1. This Hydraulic Project Approval permits removal of an existing diversion dam, bank stabilization of the disturbed banks, installation of a screened intake and pipe, bank stabilization of disturbed banks and re-vegetation of all disturbed or exposed areas with native plants.

2. TIMING LIMITATIONS: The project may begin 1 October 2012 and shall be completed by 19 July 2017 - PROVIDED:

- Work below the Ordinary High Water Line (OHWL) is conducted only between 1 October and 31 March of any year of the permit.
- Vegetation success of 80% after three seasons shall be assured prior to the end date of this permit.

3. NOTIFICATION REQUIREMENT: Prior to the start of construction activities Enforcement Officer Grant shall be notified at 509-662-0452 or email at grantgag@dfw.wa.gov by permittee, agent, or contractor. The notification shall include the permittee's name, project location, starting date for work and the control number of this HPA.

4. NOTIFICATION REQUIREMENT: The Area Habitat Biologist (AHB) listed below shall be notified by the permittee, agent or contractor prior to the start of construction activities and again within 7 days of completion of the entire project to arrange for a compliance inspection. The notification shall include the permittee's name, project location, starting date or completion date of work, and the control number of this HPA.

5. Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife:

- Updated JARPA dated 19 September 2011 submitted 9 July 2012
- Revised plans entitled Pioneer Water Users Association Gunn Ditch Improvements dated 18 July 2012
- Revised sheet P03 dated 19 July 2012



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- 4) Landscape Plants dated 18 July 2012
 - 5) Landscape plan entitled Pump Station II dated 11 July 2012
 - 6) Landscape plan entitled Pump Station overlay dated 11 July 2012
- except as modified by this HPA. A copy of these plans shall be available on site during construction.

6. The permitted elements and associated fill shall not shall not constrict the flow so as to cause any appreciable increase (not to exceed .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 the watercourse, which should provide adequate protection to the instream habitat.

SITE PREPARATION

7. 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 streambed 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 that stream flow and fish passage are not impeded by the gravel.

8. The clearing limits for each project element shall be clearly marked and staked prior to any clearing or ground-disturbing activities. Sensitive areas, habitat features and vegetation to be protected from disturbance shall be delineated in the field and marked so as to be clearly visible to equipment operators. Salvage areas and material to be salvaged for use in site restoration shall be clearly marked on site.

9. Equipment travel routes and material stockpile sites within 200 feet of the Ordinary High Water Line shall be clearly marked and staked in the field prior to use.

10. Any non-merchantable large wood, native vegetation, weed-free topsoil or native material displaced during construction may be stockpiled for use in site restoration.

11. All temporary erosion controls shall be in place and appropriately installed down slope of applicable project activities until site restoration is complete.

12. In areas where the bank will be disturbed, prior to starting work, erosion and sediment control measures such as temporary filter fabric fence or straw wattles shall be installed to prevent sediment from entering the stream.

Fence

13. 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.

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



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15. 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.

16. The trench shall be backfilled with native soils and/or three-quarter-inch minimum diameter washed gravel and adequately compacted.

17. Accumulated sediments shall be removed during the project and prior to removing the filter fence after completion of work.

Wattles

18. Wattles shall be installed in narrow trenches dug across the slope on contour to a depth of 3 to 5 inches on clay soils and soils with gradual slopes and to depth of 5 to 7 inches, or $\frac{1}{2}$ to $\frac{2}{3}$ of the thickness of the wattle on loose soils and steep slopes.

19. Trenches shall be installed from the base of the slope up at contour intervals of 3 to 30 feet, depending on the steepness of the slope, soil type and rainfall.

20. Excavated material should be spread evenly along the uphill slope and compacted using hand tamping or other methods.

21. Wattles shall be installed snugly into trenches with then ends tightly abutting, and staked at each end at 4-foot centers along the entire length.

22. Wooden stakes should be a minimum of $\frac{3}{4}$ X $\frac{3}{4}$ X 24 inches, willow cutting or $\frac{3}{8}$ -inch rebar may also be used for staking.

23. Wattles shall be inspected and maintained regularly to ensure they are in contact with soil and thoroughly entrenched.

WORK SITE ISOLATION

24. The work area for installation of the intake & screen shall be isolated from active flows with a coffer dam prior to project activities. The coffer dam may consist of rubber dams, ecology blocks with plastic sheeting and/or gravel-filled bags.

25. The work area for the removal of the existing diversion dam shall be isolated from active flows and dewatered prior to project activities. The coffer dam may consist of rubber dams, ecology blocks with plastic sheeting and/or gravel-filled bags.

26. The cofferdam at the screen site shall be sized to withstand flows of at least 2500 cfs.

27. The cofferdam at the upstream end of the side channel with the diversion dam shall be sized to withstand flows of at least 2000 cfs.



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28. The permittee shall capture and safely move food fish, game fish, and other fish life from isolated work areas. 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.

29. Flows and weather conditions shall be monitored daily, for events that may cause extremely high flows. In such events all equipment and any deleterious materials shall be removed from work areas located within the potential reach of high water until flows have abated.

30. Prior to returning active flows to the work area, all bank protection or armoring shall be completed.

31. Upon completion of the project, material used in the cofferdam(s) shall be removed. The resulting streambed shall contain no pits, potholes, or large depressions to avoid stranding of fish.

INTAKE STRUCTURE

32. The width of the pipe trench shall be maintained and protected from lateral soil movement by the use of trench boxes. The trench boxes shall be used in all areas above OHW the trench exceeds 4 feet in depth.

33. Material excavated from the trench below the OHW may be stockpiled on the streambed within the cofferdam and used to backfill the trench.

34. Equipment shall be operated to minimize turbidity. During excavation, each pass with the bucket shall be complete.

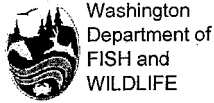
35. Upon completion of the project, the streambed shall contain no pits, potholes, or large depressions to avoid stranding of fish.

36. The restored area of the bank that will be subject to fluctuating water surface elevations shall be bioengineered to maintain the integrity of the backfill using methods such as wrapping with geotextile fabric prior to planting or, soil lifts.

37. 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 by one of the following:

- 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%.

38. 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.



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39. 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.

DIVERSION DAM REMOVAL & BANK RESTORATION

40. During removal of the dam and restoration of the bank, the side channel shall be isolated from the flowing stream by plugs at the upstream and downstream ends of the channel. These plugs shall be substantial enough to prevent flood flows from entering the channel during construction.

41. The initial breach of the dam shall be limited to that necessary to dewater the side channel. Care shall be taken to minimize sediment.

42. Removal of the existing structure shall be accomplished so the structure and associated material do not enter the stream. Material shall be disposed of so it will not re-enter the stream.

43. After the dam and associated fill have been removed, the disturbed bed and bank areas shall be graded to a stable slope.

44. To ensure that low flows are not dispersed across the entire channel width, The streambed shall be graded so a narrow thalweg is defined in the streambed to concentrate low flows and provide adequate fish passage.

45. Bank protection work shall be restricted to work necessary to protect the disturbed bank.

46. Placement of bank protection material waterward of the ordinary high water line shall be restricted to the minimum amount necessary to protect the toe of the bank or for installation of mitigation features approved by the Washington Department of Fish and Wildlife.

47. The toe shall be installed to protect the integrity of bank protection material.

48. 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 it will not re-enter the water.

49. Bank protection material shall be clean, angular rock, and shall be installed to withstand 100-year peak flows. River gravels or other round cobbles shall not be used as exterior armor.

50. Fish habitat components such as logs, stumps, and/or large boulders are required as part of the bank protection project to mitigate project impacts. These fish habitat components shall be installed to withstand 100-year peak flows.

EQUIPMENT AND WATER QUALITY

51. The contractor shall maintain on site at all times during construction adequate, site specific Spill Prevention and Pollution Control materials including those necessary for 1) spill containment; 2)



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confining, removing, and disposing of excess construction materials and hazardous and non-hazardous wastes; and 3) the operation and maintenance of equipment washout facilities.

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

53. Sediment testing shall be conducted daily, before and during work below the OHWL.

54. Sediment testing logs shall be available onsite at all times work is being conducted below the OHWL.

55. Vehicle staging, cleaning, maintenance, refueling, and fuel storage located less than 150 feet from any flowing stream or water body shall be situated on an impervious pad and buffered from adjacent native soils and vegetation.

56. When heavy equipment is used, the equipment selected shall have the least adverse effects on the environment, e.g., minimally sized, low ground pressure.

57. Equipment used for this project operating with hydraulic fluid, in or over the flowing stream, shall use only those fluids certified as non-toxic to aquatic organisms.

58. All stationary power equipment such as generators, cranes or stationary drilling equipment, operated within 150 feet of a waterbody shall be diapered to prevent leaks unless suitable containment is provided to prevent potential spills from entering the water.

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

60. If ACZA treated wood is used all ACZA wood treatment methods shall be verified by providing a signed and dated certification from a third party.

61. All treated wood shall be professionally treated and completely cured prior to installation below the ordinary high water line to minimize leaching into the water or substrate. The use of wood treated with creosote or pentachlorophenol is not authorized.

62. Wooden components in contact with the water shall not contain creosote or pentachlorophenol. These components shall remain free of these toxic substances for the duration of their functional lives.



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63. 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.

64. 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.

65. No concrete or fresh cement shall be poured directly into, allowed to fall or leach into or, wasted within the area below the Ordinary High Water Line (OHWL) of the river.

66. Authorized concrete work shall be done in the dry and outside of the current wetted perimeter at the time of construction. Concrete and concrete by-products shall be completely sealed off from the wetted perimeter, and totally contained through the use of sealed forms and or other watertight leak-proof containment. No concrete or concrete by-products shall be allowed to contaminate the shoreline areas.

67. All authorized fresh concrete shall be protected from the weather and cured a minimum of seven (7) days prior to contact with the elements and/or state waters.

68. Wastewater containing mud, silt or materials harmful to aquatic life shall be either pumped to tanks and hauled to approved disposal site(s) or, if appropriate pumped to upland areas or specifically authorized locations for treatment and disposal.

69. 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 800-258-5990 and to the Area Habitat Biologist listed below.

SITE RESTORATION AND MITIGATION PLANTINGS

70. All areas disturbed by construction activities shall be seeded with a native seed mix with at least one quick-establishing species and protected from erosion with erosion control measures suitable to the site.

71. The native erosion control grass seed mix, such as one consisting 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') shall be applied at a rate of 10-12 lbs/acre and lightly compacted with a compactor, excavator bucket or the equivalent.

72. Disturbed areas within the project boundaries shall be re-vegetated with native woody plants, either during construction, immediately after construction, or by no later than the fall or spring dormant periods following project completion (no later than 31 October or 31 March). These plants shall consist of plants such as black cottonwood (*Populus trichocarpa*), mountain alder (*Alnus incana*), water birch (*Betula occidentalis*), coyote willow (*Salix exigua*), Scoulers willow (*Salix scouleriana*) and Pacific willow (*Salix lasiandra*).



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73. All woody 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), shall be protected & 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.

74. 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 as per provision 63.

75. The final site condition shall ensure that there is no net loss of aquatic productivity, fish or shellfish life or their habitats resulting from this project and shall not produce any negative or long-term impacts to local fish life and their habitat.

PROJECT LOCATIONS

Location #1 Pump screen

WORK START: October 01, 2012				WORK END: July 19, 2017		
WRIA:		Waterbody:			Tributary to:	
45.0030		Wenatchee River (rb)			Columbia River	
1/4 SEC:	Section:	Township:	Range:	Latitude:	Longitude:	County:
NW 1/4	28	23 N	20 E	N 47.45934	W 120.33702	Chelan
Location #1 Driving Directions						
From Cashmere, WA. Eastbound on US 2/97 for 6.5 miles Right turn at School Street then 0.5 miles Left turn at Chatham Hill Road then 0.3 miles to end of road						

Location #2 Diversion Dam

WORK START: October 01, 2012				WORK END: July 19, 2017		
WRIA:		Waterbody:			Tributary to:	
45.0030		Wenatchee River (rb)			Columbia River	
1/4 SEC:	Section:	Township:	Range:	Latitude:	Longitude:	County:
NE 1/4	14	23 N	19 E	N 47.49364	W 120.42117	Chelan
Location #2 Driving Directions						
PWUA right of way immediately north and upstream of the Main Street Monitor bridge.						



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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.

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.



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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; 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 Erhardt (23) P1

Habitat Biologist

Connie Iten

509-826-3123

for Director
WDFW

CC: K. Peele, Chelan County - emailed

D. Martin, ACOE - emailed

G. Graff, Ecology - emailed

WADNR - emailed

NOAA Fisheries, Ellensburg - emailed

USFWS, Wenatchee - emailed

T. Kutrich, Forsgren Associates Inc - emailed

A. Penvose, TU - emailed