



HYDRAULIC PROJECT APPROVAL

RCW 77.55.181 - See appeal process at end of HPA

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

Issue Date: March 28, 2014

Project Expiration Date: March 27, 2016

Control Number: 130950-1

FPA/Public Notice #: N/A

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
Marcus Real Estate Services Inc ATTENTION: Matt Marcus 1441 West Bay Dr NW Ste 102 Olympia, WA 98502 360-528-3288(101)	The Adopt a Stream Foundation ATTENTION: Tom Murdoch 600 128th St SE Everett, WA 98208 425-316-8592(113) Fax: 425-338-1423

Project Name: Friendly Village - Bear Ck Reach 6 Restoration

Project Description: Restoration of 370 linear feet of Bear Creek located at the Friendly Village Mobile Home Park in Redmond. Work will include riparian and floodplain enhancements that include: converting 0.3 acres of lawn to a vegetated riparian floodplain with at least 100 native trees and 300 native shrubs; widening the existing channel cross section to minimize bank erosion, improve storage capacity and floodplain connectivity; and installation of large woody debris (LWD) to create fish habitat, minimize erosion, and protect upland infrastructure.

PROVISIONS

1. **TIMING LIMITATIONS:** The project may begin March 28, 2014 and shall be completed by March 27, 2016, provided work below the ordinary high water line (OHWL) shall occur only between July 1 and September 15 of a given year.

2. **NOTIFICATION REQUIREMENT:** The Area Habitat Biologist (AHB), Christa Heller, shall be notified by e-mail (christa.heller@dfw.wa.gov) within three working days prior to start of work, and again within seven days of completion of work. The notification shall include the permittee's name and control number for this Hydraulic Project Approval (HPA).

3. **APPROVED PLANS:** Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife entitled FINAL DESIGN BEAR CREEK RESTORATION AT FRIENDLY VILLAGE 12-1282 dated February 2014; except as modified by this HPA. A copy of these plans shall be available on site during construction.

4. **PHOTOGRAPH REQUIREMENT:** Photographs of this project shall be taken showing the site before work begins and after work is complete. These photos shall be submitted to the AHB by e-mail (christa.heller@dfw.wa.gov) within seven days of project completion.

5. This HPA is for the restoration of 370 linear feet of Bear Creek located at the Friendly Village Mobile Home Park in Redmond. Work will include riparian and floodplain enhancements that include: converting 0.3 acres of lawn to a vegetated riparian floodplain with at least 100 native trees and 300 native shrubs; widening the existing channel cross section to minimize bank erosion, improve storage capacity and floodplain connectivity; and installation of large woody debris (LWD) to create fish habitat, minimize erosion, and protect upland infrastructure.



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STREAM/RIPARIAN ENHANCEMENT

6. 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 reenter the water.
7. Large woody material (LWM) embedded in a bank or bed shall be left undisturbed. LWM refers to 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.
8. Natural woody material that is smaller than large woody material may be, in order of preference, repositioned within the stream, floated downstream, or deposited on the bank.
9. The installation of new LWM shall be of fir, cedar, or other approved coniferous species.
10. Fish habitat components such as logs, stumps, and/or large boulders shall be installed to withstand 100-year peak flows.
11. All existing or new LWM shall be repositioned or installed in the low flow channel.
12. LWM placement shall be accomplished in a manner which minimizes the release of bed load, logs, or debris downstream, preferably while the stream is dry.
13. Logs with root wads shall extend at least 1/3 of the way into the low flow channel, with the root wad facing upstream at an approximate 30-degree angle from the streambank. Trenches shall be excavated in the existing bank so that the root wad sits firmly on the streambed and the log sits level in the trench. Water shall not be allowed into the excavated trench during construction.
14. Large woody material shall be placed or anchored to provide stable, functional fish habitat.
15. Under no circumstances shall a blockage to stream flow or fish passage be created.
16. To the greatest extent practical, existing native vegetation shall be left undisturbed.
17. All bare earth areas shall be protected from erosion and appropriately revegetated prior to final inspection or completion of the project.
18. Installed streambed substrate shall be composed of clean, well-rounded material that is similar in size to the bed of the adjacent stream.

BYPASS

19. A temporary bypass or containment structure (i.e. sand bags, aqua dam) shall be used to divert flow around the work area and be in place prior to initiation of work in the wetted perimeter.



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20. The bypass or containment structure shall allow all expected flows and debris to pass for the duration of the project.

21. If fish are present in the watercourse, 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 in the vicinity of the project site.

22. 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%. 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.

23. Prior to releasing the water flow to the project area, all in-water work shall be completed and all material used in the temporary bypass or other diversion method shall be removed from the site and the site returned to pre-project or improved conditions.

GENERAL

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

25. 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, biodegradable filter fabric, temporary sediment ponds, check dams of pea gravel-filled burlap bags or other material, and/or immediate mulching of exposed areas.

26. Prior to starting work, the selected erosion control methods shall be installed. Accumulated sediments shall be removed during the project and prior to removing the erosion control methods after completion of work.

27. Wastewater from project activities and water removed from within the work area shall be routed to an area landward of the OHWL to allow removal of fine sediment and other contaminants prior to being discharged to the stream or to wetlands associated with the stream.

28. Equipment used for this project shall operate stationed on the bank.



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29. Equipment used for this project shall be free of external petroleum-based products while working around the stream. Equipment shall be checked daily for leaks and any necessary repairs shall be completed prior to commencing work activities along the stream.

30. Fueling of equipment shall not occur near state waters.

31. 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.

32. All trash and unauthorized fill, including concrete blocks or pieces, bricks, asphalt, metal, treated wood, glass and paper, below the OHWL in and around the applicant project area, shall be removed and deposited above the limits of flood water in an approved upland disposal site.

33. Disturbance of the streambed, banks, and their associated vegetation shall be limited to that necessary to perform the project. Affected streambed and bank areas shall be restored to pre-project or improved habitat configuration. Prior to the fall or spring dormant periods following project completion, the banks shall be revegetated with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center) and maintained as necessary for three years to ensure 80 percent survival.

34. To prevent the spread of invasive species, all gear and equipment used on site (including boots, waders, hand tools, etc...) shall be thoroughly cleaned before arriving and leaving the project area. Any water and/or chemicals used to clean gear and equipment shall be properly disposed of.

35. 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 Department of Ecology at 1-800-258-5990, and to the Area Habitat Biologist listed below.

PROJECT LOCATIONS

Location #1 18425 NE 95th St

WORK START: March 28, 2014				WORK END: March 27, 2016		
WRIA: 08.0105		Waterbody: Bear Creek (rb)			Tributary to: Sammamish River	
1/4 SEC: NW 1/4	Section: 06	Township: 25 N	Range: 06 E	Latitude: N 47.683928	Longitude: W 122.089713	County: King
Location #1 Driving Directions						
From Highway 520 eastbound, continue north on Avondale Road NE. Turn east on NE 95th St. Entrance is first right turn.						



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APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW (formerly RCW 77.20). Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.

The person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this Hydraulic Project Approval.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day and/or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All Hydraulic Project Approvals issued under RCW 77.55.021 are subject to additional restrictions, conditions, or revocation if the Department of Fish and Wildlife determines that changed conditions require such action. The person(s) to whom this Hydraulic Project Approval is issued has the right to appeal those decisions. Procedures for filing appeals are listed below.

MINOR MODIFICATIONS TO THIS HPA: You may request approval of minor modifications to the required work timing or to the plans and specifications approved in this HPA. A minor modification to the required work timing means up to a one-week deviation from the timing window in the HPA when there are no spawning or incubating fish present within the vicinity of the project. You may request subsequent minor modifications to the required work timing. A minor modification of the plans and specifications means any changes in the materials, characteristics or construction of your project that does not alter the project's impact to fish life or habitat and does not require a change in the provisions of the HPA to mitigate the impacts of the modification. Minor modifications do not require you to pay additional application fees or be issued a new HPA. To request a minor modification to your HPA, submit a written request that clearly indicates you are requesting a minor modification to an existing HPA. Include the HPA number and a description of the requested change and send by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234, or by email to HPAapplications@dfw.wa.gov. Do not include payment with your request. You



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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 response to the informal appeal.



Washington
Department of
FISH and
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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 Chandler (34) P3

Habitat Biologist
Christa Heller

christa.heller@dfw.wa.gov
425-313-5681

for Director
WDFW

CC:

