



# 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: May 12, 2014

Control Number: 133024-1

Project Expiration Date: August 15, 2014

FPA/Public Notice #: N/A

## PERMITTEE

Chelan County Natural Resource Department  
ATTENTION: Mike Kaputa  
316 Washington St Suite 401  
Wenatchee, WA 98801  
509-667-6584  
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: Nason Creek Fill Removal and Oxbow Enhancement

Project Description: This project proposes the following actions (Figure 2 and Plan Sheet 2):

1. Bridge Abutment Fill Removal (Nason Creek RM 4.7): This action removes 1,325 cubic yards (0.14 acre) of fill associated with a relic abutment of a historical bridge. This action will restore channel migration potential on river left.
2. Road Approach Floodplain Fill Removal (Nason Creek RM 4.6): This action removes 0.61 acre (1,825 cy) of fill from the Nason Creek floodplain and restores floodplain wetland conditions.
3. Oxbow Enhancement (Nason Creek RM 3.9): This action adds 28 pieces of large wood and willow plantings to enhance side channel habitat.

## PROVISIONS

1. This Hydraulic Project Approval (HPA) allows for the removal of a historic bridge abutment (Nason Creek RM 4.7), road approach floodplain fill removal (Nason Creek RM 4.6), and oxbow enhancement with large wood and willow plantings (Nason Creek RM 3.9). The 1325 cubic yards that make up the abutment will be removed and used to backfill the historic road cut for the bridge approach. A temporary coffer dam will be installed at the downslope of the work area to prevent backfill from entering Nason Creek. The 1825 cubic yards of road approach fill will be removed and replanted. This project also allows for the placement of 28 pieces of large wood, brush bundles and a planting plan in the oxbow channel. No other work is authorized under this HPA.

2. TIMING LIMITATIONS: The project may begin July 1, 2014 and shall be completed by August 15, 2014, PROVIDED:

a) The in-water work required for the bridge abutment removal must be completed by August 10, 2014.

b) The in-water work required for the large wood placement in the oxbow channel must be completed by August 15, 2014.

3. NOTIFICATION REQUIREMENT: Prior to the start of construction activities Enforcement Officer Christopher Erhardt shall be notified by phone at 509-662-0452 or by email at Christopher.Erhardt@dfw.wa.gov at least 24 hours before starting work. The notification shall include the HPA control number located in the upper right hand corner of the HPA, date and time of

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4. NOTIFICATION REQUIREMENT: The Area Habitat Biologist listed below shall receive notification at amanda.barg@dfw.wa.gov or 509-888-8004 no less than five working days prior to start of in-water work to coordinate a redd survey, 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.

5. Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife set forth in the JARPA dated March 7, 2014. A copy of these plans shall be available on site during work.

#### SITE PREPARATION

6. The area for each project elements shall be clearly marked and staked prior to any 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.

7. Equipment travel routes and material stockpile sites shall be clearly marked or staked in the field prior to use.

8. Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to construct the project.

9. Downslope of the abutment work area, a temporary coffer dam will be installed on Nason Creek, prior to starting abutment removal work, to prevent sediment from entering the water.

10. 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.

#### REDD SURVEY, FISH CAPTURE AND EXCLUSION

11. A preconstruction redd survey will be conducted by personnel from Washington Department of Fish and Wildlife to make sure no spring chinook redds are within 300 feet downstream of project activities during construction.

12. Work below the ordinary high water mark (OHWM) shall be conducted in isolation from the flowing waters of Nason Creek.

13. All individuals participating in fish capture and removal should have training, knowledge and skills in the safe handling of fish.

14. A plan should be designed and available on-site to consider the characteristics and size of the area to be isolated and the sequence of activities that will provide the best conditions for the safe

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capture and removal of fish.

15. Fish shall be concentrated where they can be easily seined but not where they may be stressed for more than 30 minutes.

16. Dip nets and seines shall be composed of non-abrasive nylon material.

17. Electrofishing shall not be used unless other methods of removing fish are unsuccessful.

18. A biologist with at least 100 hours of electrofishing experience should be on-site to conduct or direct all electrofishing activity.

19. 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.

20. 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:

- 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).

21. 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.

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

#### EQUIPMENT AND WATER QUALITY

23. All materials and equipment used for construction, monitoring and fish salvage shall be free of aquatic invasive species. Materials and equipment shall be decontaminated so that no viable invasive species are transported from the job site.

24. Equipment used for this project operating with hydraulic fluid shall only use those fluids certified as non-toxic to aquatic organisms.

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

26. Equipment used for this project shall be free of external petroleum-based products. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment prior to its use within 150 feet of Nason Creek or any adjacent water body. Equipment shall be checked daily for leaks and any necessary repairs shall be completed prior to commencing work activities.

27. Vehicle staging, cleaning, maintenance, refueling, and fuel storage shall be located a minimum of 150 feet from Nason Creek, or any other water body.

28. 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's Emergency Management Division at 1-800-258-5990, and to the Area Habitat Biologist listed below.

29. 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.

30. 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/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.

31. The spill containment control plan shall include the following information: notification procedures, specific cleanup and disposal instructions for different products, quick response containment and cleanup measures, proposed methods of disposal of spilled materials and employee training on spill containment.

32. Materials for containment and cleanup shall be available onsite during pre-construction, construction and restoration phases of the project.

33. 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 or during removal of the temporary cofferdam, work shall be suspended until the criteria are met.

### ABUTMENT SEDIMENT STABILIZATION AND WORK AREA ISOLATION

34. Loose dirt and debris resulting from this project must be contained from entering Nason Creek. Overburden shall be prevented from entering below the bank scour line and appropriate storm water BMPs must be implemented where disturbed soils remain on stream banks.

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35. During construction earthen surfaces shall be made smooth to the extent possible to minimize collection of precipitation and encourage sheet runoff flow.

36. Entire perimeters of all sediment barriers, shall be inspected at least once daily and within 24 hours following any storm event with more than 1/2' (13mm) cumulative rainfall. Repairs/restoration of failed barriers shall be completed within 24 hours.

37. Sediments and wastes accumulated at the temporary cofferdam or upon other surfaces sloping directly into the ordinary high water area shall be removed and disposed of in an approved upland site, rather than stabilized in place.

#### LARGE WOOD

38. Large woody debris (LWD) may be placed in the oxbow on Nason Creek as depicted in the plans. These logs will be clean, free from invasive species and shall cause no damage to the existing riparian vegetation.

39. Logs placed in Nason Creek should be large in size to prevent moving long distances during high flow events.

40. Large woody material embedded in the bank or streambed shall be left undisturbed and intact.

41. Large woody material installation shall be accomplished in a manner which minimizes the release of bed load, logs, or debris downstream.

42. Under no circumstances shall a blockage to stream flow or fish passage be created.

#### SITE RESTORATION

43. 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 at an approved upland location. The bed, bank and shoreline areas shall be fully restored to as close to their pre-project natural condition as possible.

44. Within seven days of project completion, all bare, disturbed soils adjacent to the channel shall be seeded with a suitable erosion control seed mix and protected from erosion with weed-free straw mulch.

45. The permittee shall profusely re-vegetate any areas where vegetation has been removed due to project activities with native erosion control riparian plants such as, but not limited to: black cottonwood (*Populus trichocarpa*), red-osier dogwood (*Cornus stolonifera*) and any of the following: water birch (*Betula occidentalis*), mountain alder (*Alnus incana*), Pacific willow (*Salix lasiandra*), coyote willow (*Salix exigua*), Woods rose (*Rosa woodsii*) or Nootka rose (*Rosa nutkana*). All native vegetation planting shall take place within 1 year of project completion.

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46. 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), 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.

47. 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 Nason Creek, Hwy 207

WORK START: July 01, 2014				WORK END: August 15, 2014		
WRIA: 45.0888		Waterbody: Nason Creek (rb)			Tributary to: Wenatchee River	
1/4 SEC: All	Section: 09	Township: 26 N	Range: 17 E	Latitude: N 47.782556	Longitude: W 120.725919	County: Chelan
<u>Location #1 Driving Directions</u> <p>From Hwy 2, turn north on SR 207 near the intersection with Coles Corner. The floodplain fill removal site is approximately 0.3 mile north of the intersection of Hwy 2 and SR 207 on the west side of SR 207. The project location is depicted on Sheet 1 of the project plans (Plan Sheets are included as Attachment B).</p>						

## 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.



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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](mailto: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](mailto: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](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. 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



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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 Klump (26) P1

Habitat Biologist Amanda Barg	<a href="mailto:amanda.barg@dfw.wa.gov">amanda.barg@dfw.wa.gov</a> 509-888-8004
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*Amanda R Barg* for Director  
WDFW

CC: Chelan County

ACOE

NOAA Fisheries - Ellensburg

DNR

Ecology

USFWS

USFS

Emailed