State of Washington
DEPARTMENT OF FISH AND WILDLIFE
Region 2 Office - 1550 Alder Street Northwest - Ephrata, Washington 98823
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December 19, 2005

Mike Kaputa, Director
Chelan County Natural Resources Program
316 Washington Street, Suite 401
Wenatchee, WA 98801

SUBJECT: Minor Modifications To Peshastin Fishway Recommended By WDFW To Ensure Year Around Fish Passage For All Fish Species (Both Juveniles and Adults) At All Flow Levels At Peshastin Dam – Peshastin Creek - Section 29, Township 24N., Range 18E., Chelan County, Washington - Water Resources Inventory Area (WRIA) 45.0232, HPA Control No. 102393

Dear Mr. Kaputa:

The Washington Department of Fish and Wildlife (WDFW) thanks you very much for your recent "Open House" show-casing the newly constructed Peshastin Dam roughened channel fishway, located immediately adjacent to the Warren Hills property. Both you, Chelan County, the Chelan County Natural Resources Program, the Peshastin Irrigation District, the Bureau of Reclamation and the landowner Mr. Hills, whose property the new fishway abuts, have much to be proud of, for without all of your diverse group's very concerted, focused, collaborative, and highly dedicated fish conservation efforts, this extremely important fishway could not have been constructed. Our hats are off to all of you for making this historic project happen, and to reiterate again - your joint-efforts are to be commended and are greatly appreciated by WDFW and others.

However, as with most stream projects both during and after field construction there sometimes needs to be minor modifications or adjustments made to the projects in order to have them function as originally intended, and as I discussed with you prior to the open house, this is indeed the case here.

As we discussed earlier, our Habitat Engineer and Area Habitat Biologist (i.e. Bruce Heiner and Bob Steele respectively) were trying to conduct a routine final field review of the finished project when it was found that there still may exist some low-flow fish passage problems at the new fishway (especially for juvenile salmonids and other juvenile fish life, as well as for low-flow local migrating fish such as resident bull trout, currently listed as "Threatened" under the Federal Endangered Species Act.

Upon field review of the site, Engineer Heiner and Habitat Biologist Steele found overall a well constructed Roughened Channel (RC) fishway that should perform as planned at higher flows, but unfortunately also found five (5) relatively minor modifications needed to ensure unhindered fish passage for all species and sizes of fish life at lower flow levels.

These five easily to do changes briefly include:
(1) backwatering the fishway entrance with several large boulders,
(2) removing the staff gage that presently partially blocks the fishway entrance,
(3) reducing the large "drop" height at the lower of the two upper rock step weirs near the fishway exit by increasing both the length and slope of the RC fishway,
(4) moving the upstream boulder weir farther upstream, and finally
(5) constructing a simple rock berm or in-channel wing deflector at the upstream (waterward) corner of the fishway exit diagonally across and upstream to the opposite eastern bank area, to help divert both lower flows during the irrigation season, as well as low and/or higher flows into the RC fishway after the irrigation system has been shut off (see enclosed digital photos of the fishway taken during WDFW's field review during low flow conditions and of the locations of these five proposed fishway modifications).

Again, these WDFW proposed fishway modifications (see enclosed Bruce Heiner memo dated December 9, 2005 describing these modifications and estimated costs in more detail), will certainly be needed presumably sometime after the first high waters have passed through the new fishway this coming spring (i.e. probably around and/or after June 2006), in order to ensure future unhindered fish passage for both juvenile and adult fish life at all flow levels through time, as was intended by the RC fishway design, and as required by WDFW's Hydraulic Project Approval (HPA) fish passage Permit written for this project (copy enclosed).

In fact, it is unfortunate that WDFW was not called 48-hours prior to completion of the project when the contractor was still on site as required by WDFW's HPA permit written for this project (see Provisions 4 & 5 of WDFW's enclosed HPA permit), as it would have been a very simple and cost effective matter to have completed these proposed changes at that time, while the contractor was still working on site.

Our WDFW Area Habitat staff has been in contact with the Salmon Recovery Board's (SRF Board) Grant Program and talked to SRF Board Grant Supervisor Rollie Geppert, and Grant Manager Barbara McIntosh, to discuss the possibility of the Chelan County Natural Resource Program receiving additional funding for contingencies such as this one. WDFW was highly encouraged by our conversation with Mr. Geppert and Ms. McIntosh, and though no promises of funding were made, both Mr. Geppert and Ms. McIntosh stated that there was a process to obtain additional funding for contingencies and/or other unforeseen circumstances such as this, but it would be up to Chelan County to initiate this process.

In order to join, aid and "partner" with you, Chelan County and all other associated and/or interested parties in obtaining year-around, unhindered fish passage for all fish species of native fish life (both juveniles and adults) including several federally protected species listed under the Federal Endangered Species Act (ESA) such as "Endangered" spring Chinook salmon, "Endangered" summer steelhead, and "Threatened" bull trout, and to meet obtainable goals of true year around fish passage at this site, WDFW recommends the following steps be taken:

1) That Chelan County or its Natural Resources Program immediately contact the IAC SRF Board Grants Program (i.e. first Barbara McIntosh and then Rollie Geppert if necessary) and request additional funding (WDFW estimates up to $15,000 dollars) be granted to Chelan County for the fishway modifications requested by WDFW, that are necessary to establish unhindered fish passage for all species of fish life, at all flow levels as outlined in Bruce Heiner's December 9, 2005 memo, and as required by WDFW's HPA Permit Control No. 102393-1 (Provision 24) written for this project (copy enclosed). WDFW would also be more than glad to write a support letter for this request if needed, and/or to talk personally with either Mr. Geppert, Ms. McIntosh or any other applicable SRF Board members or personnel as necessary.

2) That Chelan County (if unsuccessful in obtaining additional funds from the SRF Board – though we hope this is not the case), immediately seek additional funds from other potential funding sources (i.e. Chelan County, Tributary Fund, USFWS, BOR or other applicable sources). Again, WDFW will strongly support your funding requests to these other funding sources with letters and/or personal contacts if necessary, and will go the extra mile to actually seek funds for the County as well, if absolutely necessary.

3) That Chelan County set up a local meeting with the Regulatory Agencies and all other applicable parties including landowners (and the contractor as well – i.e. hopefully David Rayfield of Rayfield Brothers Excavation, in order to maintain construction consistency) some time in February or March prior to runoff, in order to go over the proposed project modifications, to ensure there is funding for the project and that all project permits are still in order and valid (i.e. as since situations just like this are not new to WDFW, the Department usually writes its permits for several year periods and thus WDFW's HPA permit is still valid for this project), and to finalize the logistics of the proposed upcoming fishway modification project.

4) That Chelan County work cooperatively with the landowners (i.e. especially Mr. Hills as the project completely abuts his lawn area) and obtain or utilize any existing and/or other necessary easements or access points needed to complete these essential fishway modifications. WDFW Habitat and Engineering staff would at the County's or landowners request also help define or choose machinery access points or materials storage areas (and may allow limited, highly supervised in-water heavy equipment work

or in-water rock or boulder storage without de-watering if determined by WDFW to be absolutely necessary and the timing is right), to protect both the landowner's newly restored properties and the fragile Peshastin Creek shorelines areas at this location.

5) That Chelan County (or their authorized agent for this project Jones & Stokes) monitor and photograph the fishway at several appropriate or key times (at least once just prior to, once during and once just after) spring runoff and document any discernable erosion or fish passage problems (to both juvenile and adults and particularly adult steelhead or spring Chinook salmon) associated with the new fishway. Any problems observed (as well as any photographs taken and monitoring data) should be immediately relayed and forwarded to WDFW (i.e. to myself, Habitat Engineer Bruce Heiner, and to Area Habitat Biologist Bob Steele). WDFW Habitat and Engineering staff would gladly accompany the County and their consultant during these field sessions if time allows.

6) That Chelan County contact WDFW (i.e. myself, Bruce Heiner and Bob Steele), the landowners, contractor and all other applicable parties after spring runoff (once stream flows have stabilized and are receding (likely mid June or early July), to hopefully finalize the construction schedule and set the start of construction (i.e. with work allowed per existing WDFW HPA permit to commence on July 1 and to conclude by hopefully August 30th if possible). In this matter WDFW requests to supervise all actual instream fishway modification activities (including specifying all installed instream rock and other habitat materials, per WDFW Engineering and Habitat specifications and/or HPA permit requirements), in order to ensure unhindered fish passage at this location through time.

7) That Chelan County at the conclusion of the project fully re-vegetate and plant all disturbed (non-lawn) shorelines areas impacted by this project (specifically the horizontal over-water side slopes of the RC fishway's western bank area) with native woody riparian plants (i.e. at a minimum native Red-osier dogwood (*Cornus stolonifera*) and native Coyote or Scouler's willow (*Salix exigua* and *Salix scouleriana* respectively) per WDFW specifications AND as required by WDFW's existing HPA Permit for this project (see Provision 42 of WDFW's enclosed HPA permit), to prevent future erosion (including erosion to and/or loss of bank or lawn areas upon Mr. Hill's property), to stem the invasion of noxious weeds, to reestablish a somewhat more functioning shorelines ecosystem than the bare fishway side slopes provide, AND to protect local shorelines and aquatic productivity and local fish and fish habitats through time at the project site.

8) That Chelan County follow and comply with all conditions of WDFW's existing HPA permit, as well as all other applicable permits associated with this project, and that the Chelan County Natural Resources Program immediately contact WDFW (myself, Engineer Bruce Heiner and Area Habitat Biologist Bob Steele) at the conclusion of the construction and site restoration phases of the project, as well as at the completion of all required native riparian plantings following project construction completion.

Again to be absolutely clear, WDFW's above comments and recommendations are not meant to be condescending nor adversarial in any way, but instead are meant to be a sincere invitation to "partner" and/or work collaboratively with WDFW to successfully resolve this important fish passage problem as a team.

WDFW looks forward in working with you, Chelan County and all the others who have worked so hard on this project, to make the modifications necessary to make this a truly great fish passage project that will stand the test of time. I hope our comments have been helpful and if I can answer any questions or be of any further assistance to either you or any other interested parties, please feel free to call me at (509) 754-4624.

Sincerely,

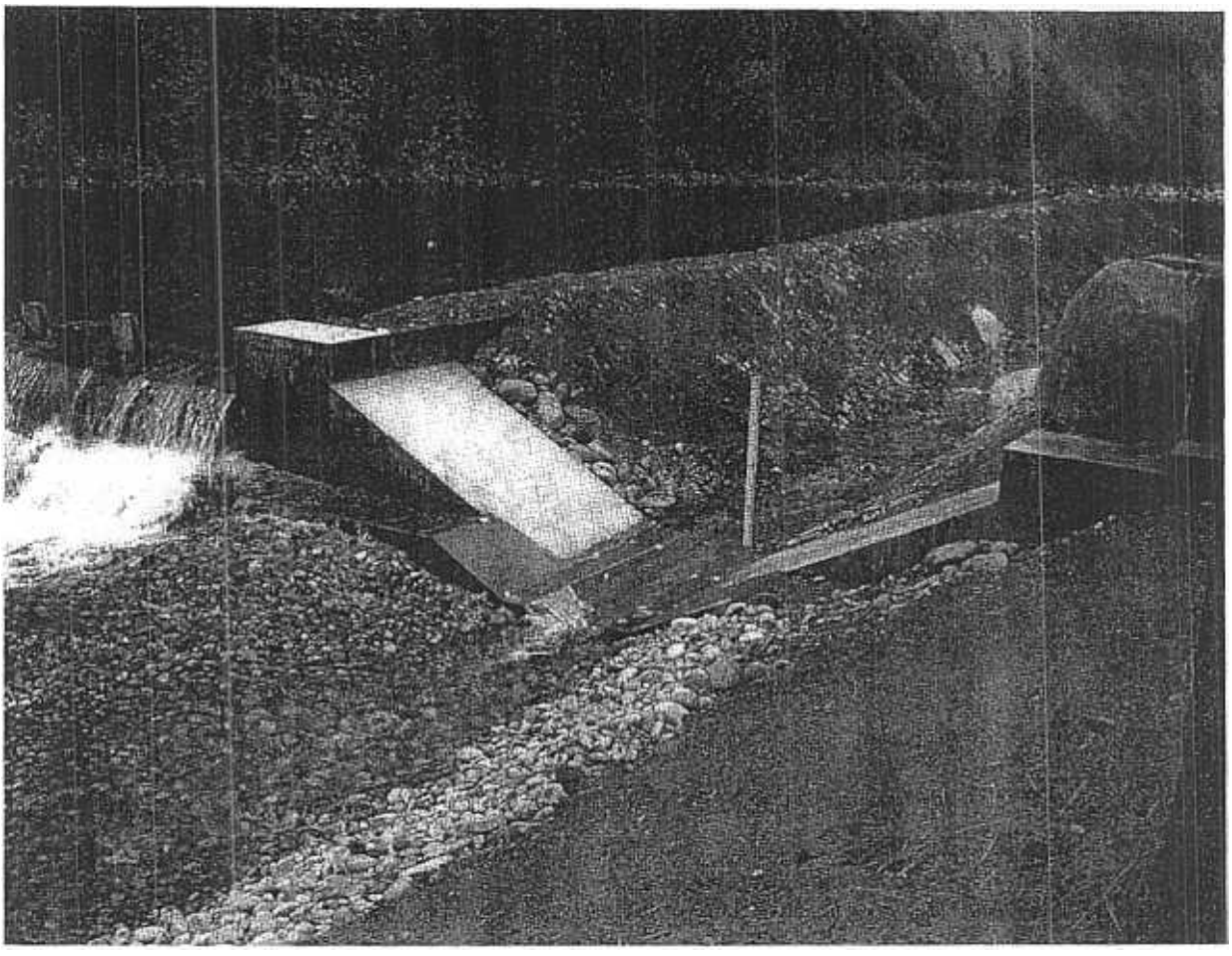
Chris Parsons

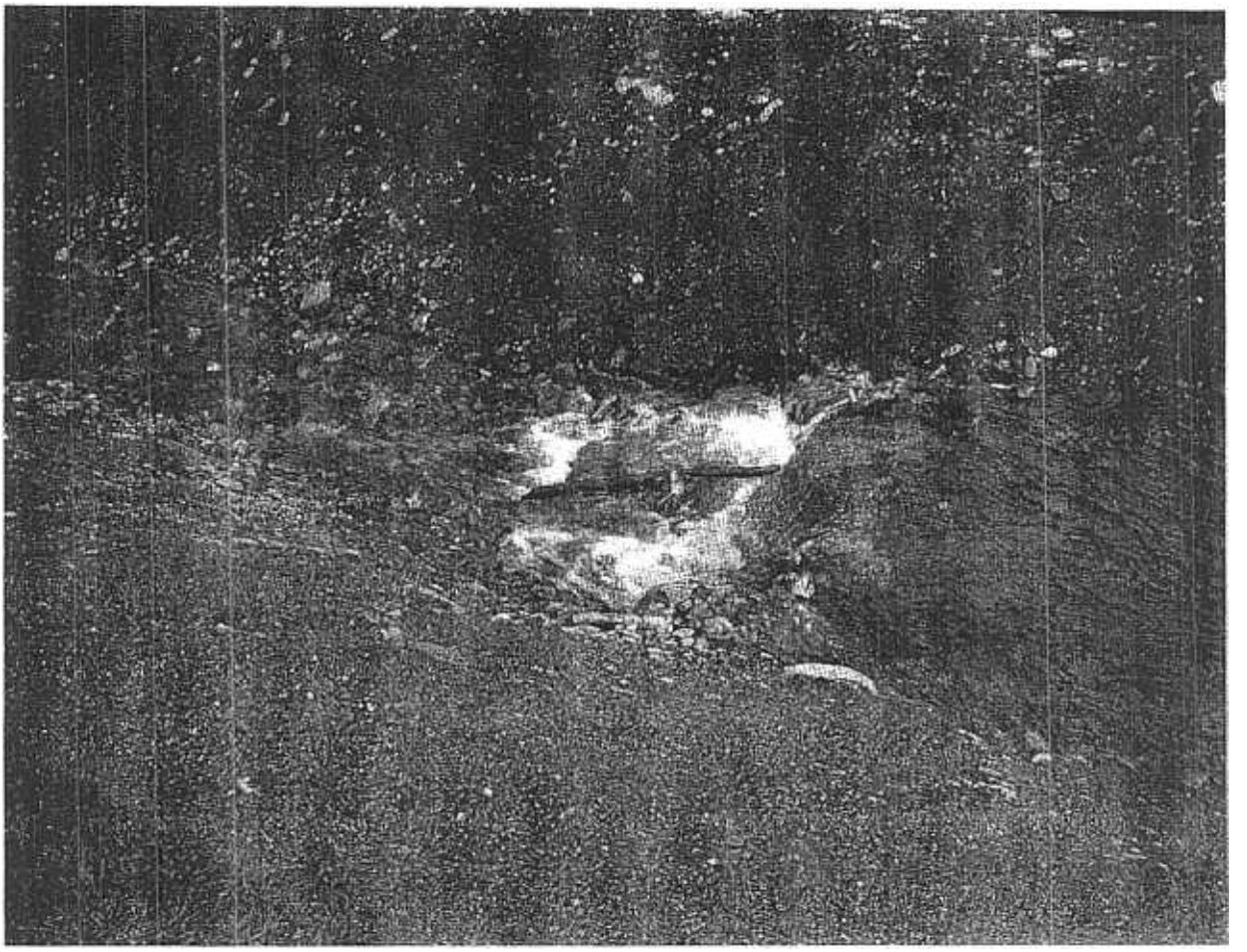
Chris Parsons
Regional Habitat Program Manager
WDFW Region Two

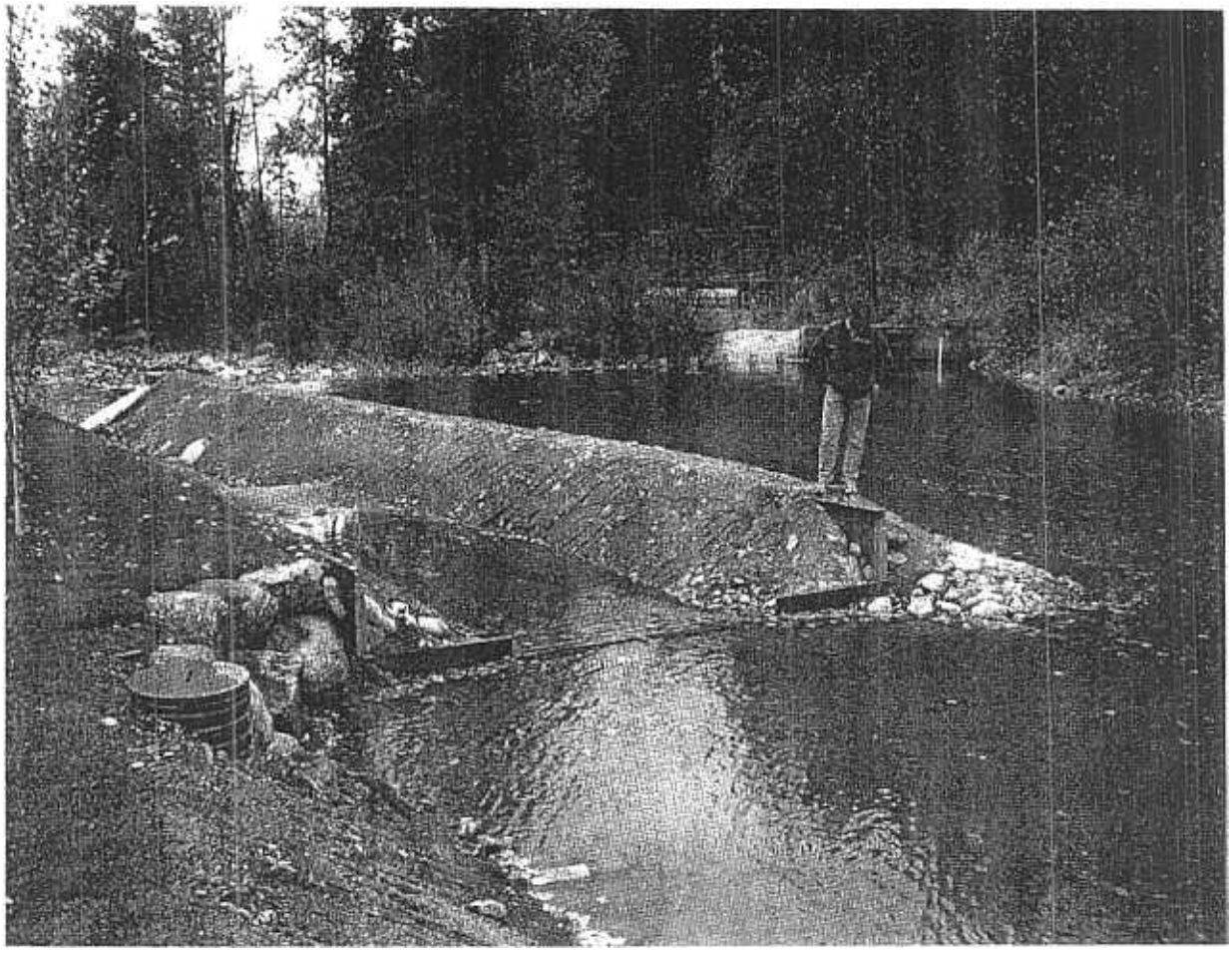
Enclosure(s): 1) WDFW Digital Photos – Peshastin Fishway
2) WDFW Peshastin Fishway HPA Permit Copy
3) WDFW Fishway Modification Memo – Bruce Heiner

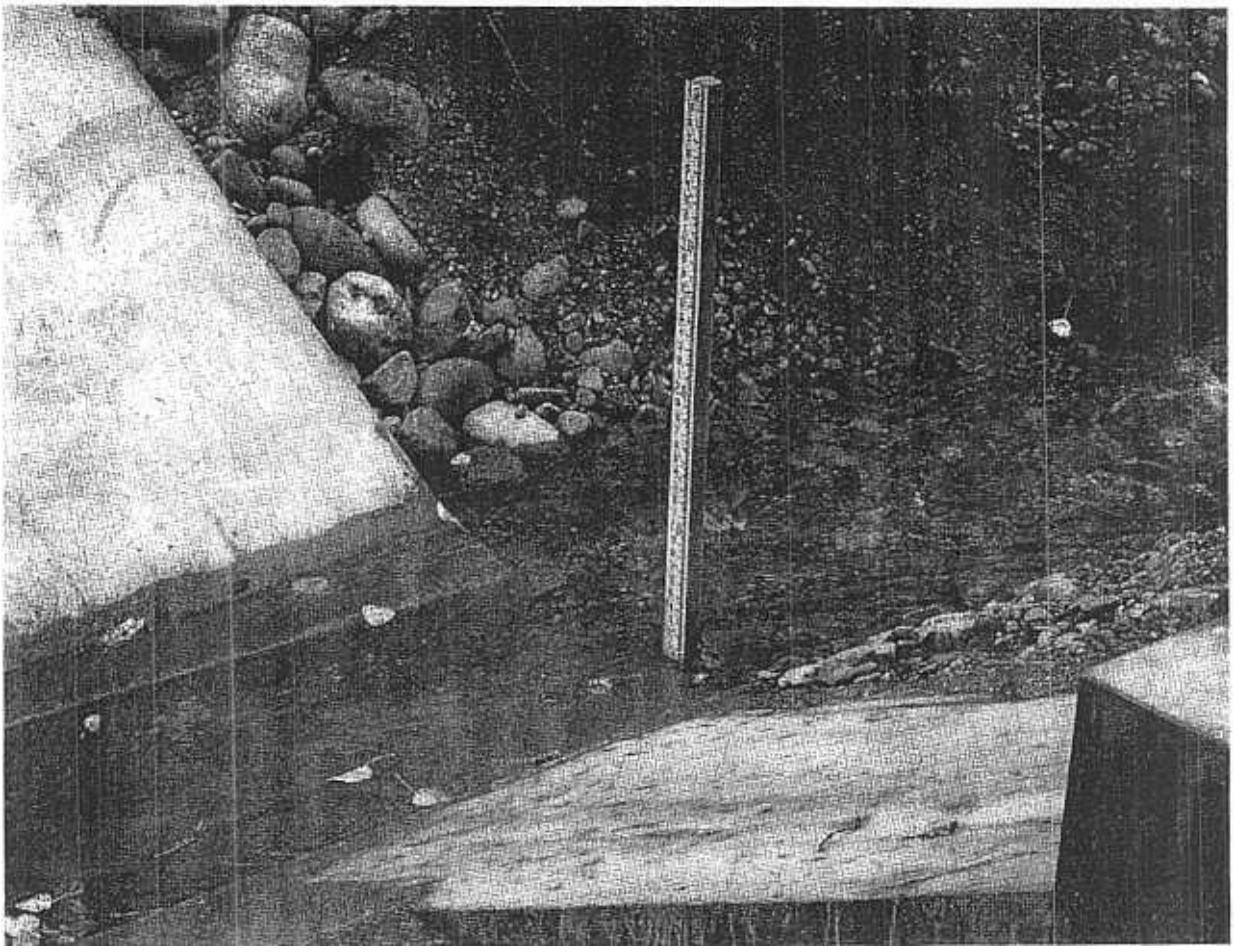
Cc: Dennis Beich & Capt. Steve Dauma, WDFW, Ephrata
Sgt. Doug Ward & Officer Graham Grant, WDFW Enforcement, Wenatchee
Bob Steele, WDFW, Wenatchee
Bruce Heiner PE., WDFW Env. Engineering, Pullman
Don Haring, WDFW, Olympia
Eric Egbers, WDFW, Yakima
Rollie Geppert & Barb McIntosh, IAC (SRF Board) Grant Mgrs., Olympia
Gary Graff, DOE, Yakima
Cindy Preston, DNR, Ellensburg
Debbie Knaub, COE, Chelan
Judith Lee, EPA, Seattle
Mark Miller, David Morgan & Judy Delavergne, USFWS, Wenatchee
Dale Bambrick & Justin Yeager, NMFS, Ellensburg
Cameron Thomas & Cindy Raekes, USFS, Leavenworth
Gene Humbles, BOR, Boise
Steve Kolk, BOR, Wenatchee
Bob Rose, YIN, Toppenish
Tom Scribner, YIN, Portland
Keely Murdoch, YIN, Peshastin

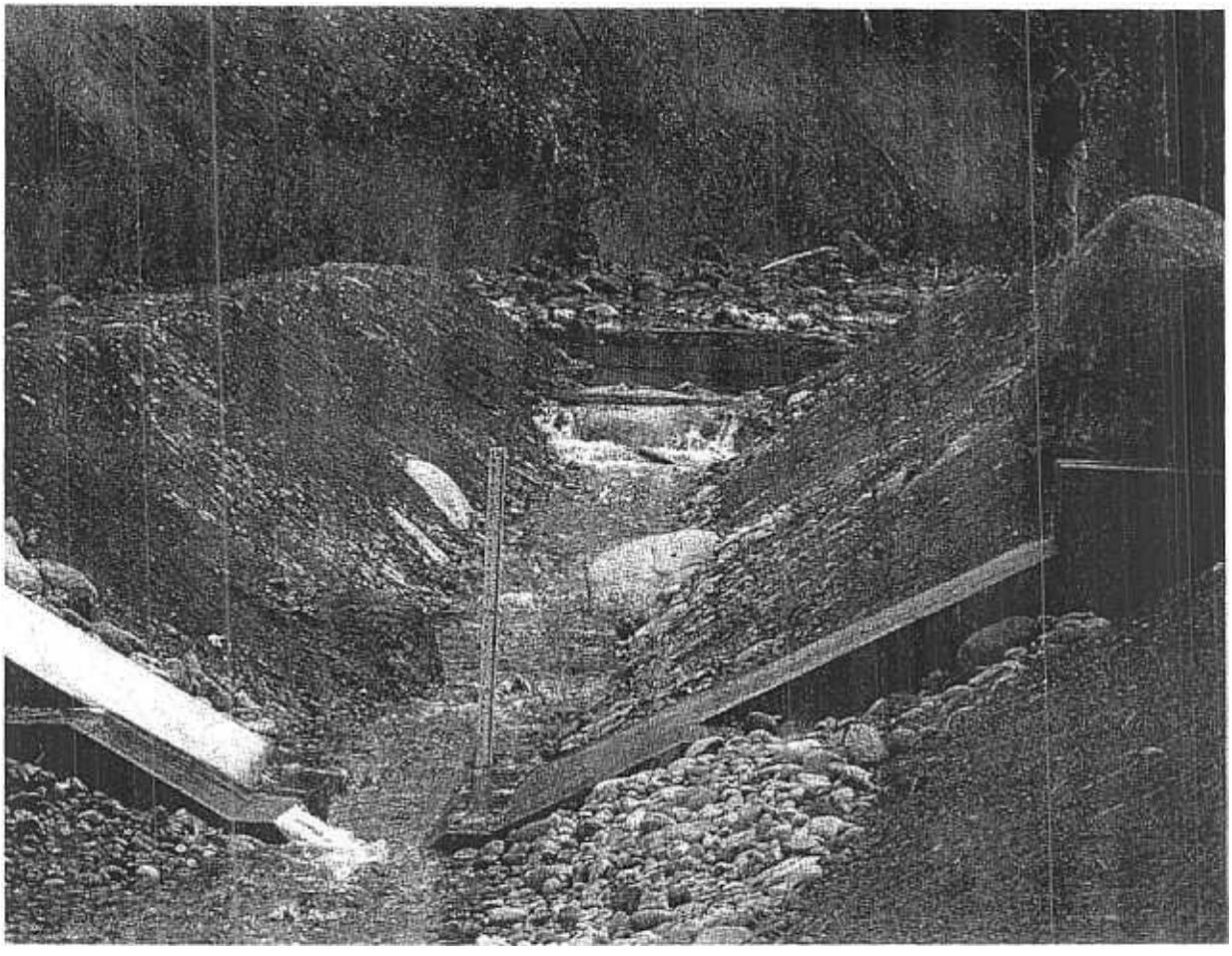
Jerry Marco, CCT, Nespelem
Chelan County Commissioners, Wenatchee
Peshastin Irrigation District, Cashmere
Warren Hills, Landowner, Peshastin
David Rayfield, Contractor, Leavenworth











within the above referenced general time limitations, all work below the Ordinary High Water Line (OHWL) shall be conducted only between July 1 and September 30 unless further approval is obtained from WDFW, in order to protect "Endangered" summer steelhead & spring Chinook Salmon, "Threatened" bull trout, and other spring & fall spawning salmonids, incubating salmonid eggs, in-gravel alevins or newly emerged salmonid fry, which may be potentially found within the project area before and/or after these dates respectively

3. ALL WORK TO BE CONDUCTED COMPLETELY IN AND FROM THE DRY UNLESS FURTHER APPROVAL IS OBTAINED FROM WDFW. All work shall be conducted completely in and from the dry through the use of a WDFW approved sealed "coffer dam" structure & stream bypass system. However, if in-water work is shown by the PERMITTEE to be "absolutely necessary," and further approval is obtained from WDFW for these in-water work activities, it shall be accomplished by hand or hand tools, by the use of a "Walking Excavator" (a specialized low-impact machine specifically designed for working in-water or on steep slopes - see Provision 35), OR other WDFW authorized equipment only

4. NOTIFICATION AND COMPLIANCE INSPECTION REQUIREMENT: Area Habitat Biologist Bill Steele shall be contacted by the PERMITTEE at (509) 662-0503, at least 48-hours prior to project construction AND again at least 48-hours prior to project completion for initial and final field inspection.

5. IMPORTANT PERMIT RESPONSIBILITIES (HPA FAMILIARIZATION AND COMPLIANCE): The PERMITTEE, project manager, project engineer, contractor, subcontractor, machinery operators and all others working within, below and over the OHWL shall have read this HPA prior to project construction or any other project activities, and shall strictly follow its provisions at all times. Failure to comply with RCW 77.55.100, WAC 220-110, WAC 220-110-050 and the provisions of t

TIMES): All work shall be accomplished per WAC 220-110-050, 150 according to WDFW fishway design & fish passage criteria, and shall substantially conform to engineered project plans and specifications, the Biological Assessment (BA) written for the project and all other pertinent JARP information submitted to WDFW by Chris Soncarty of Jones & Stokes (the PERMITTEE's authorized Agent), EXCEPT as modified by this HPA. A copy of these plans, specifications, JAR information and the BA, as well as a copy of this HPA permit and all attachments shall be provide by the PERMITTEE their agent, project manager or project engineer, to the landowners, Irrigatio District, the contractor, subcontractor, machinery operators and to all others working within, belo over & adjacent the OHWL, and all shall be available on-site at all times during project constructi or all other project activities.

8. PROJECT SUPERVISION: The PERMITTEE's Project Manager (i.e. Chris Soncarty or other qualified Jones & Stokes or Chelan County personnel) shall be onsite at project startup and at appropriate times thereafter to oversee and monitor coffer dam & bypass installation and remova all fish collection & relocation efforts, all spoils removal, all fishway, roughened channel & weir/boulder installation, rock sill construction, engineered streambed material & spawning grave placement, native revegetation work, and all other applicable construction, installation & demoliti activities associated with this project, to ensure proper project construction and installation of the fish passable dam & roughened channel fishway and all associated components, to ensure posit project quality control, and to ensure that all of the provisions and ESA and other fish protective measures of this HPA permit are followed, implemented and met.

PROJECT AREA: If the channel is not completely dry and contains water during project commencement, all project work below the OHWL including dam breaching, fishway construction removal of all spoils, installation of all project materials, placement of all required fill and all fishw inlet & outlet rock armor, as well as the installation of all new rock/boulder sills and all other materials shall be installed completely in the dry and in isolation from the stream flow by the prop installation of a completely "sealed" ecology block, gravel bag or other WDFW approved coffer dam/ filter system and temporary bypass flume, culvert or other WDFW authorized bypass syste The temporary coffer dam and bypass system shall be in place prior to any excavation and any other potential sediment producing activities, and shall divert all streamflow completely around or through the work area so all fishway constuction and other project work can be accomplished completely in the dry. The temporary bypass system shall be of sufficient size to pass all stream flows and debris loads expected to be encountered during the authorized work window.

12. FISH CAPTURE AND RELOCATION DURING DE-WATERING: The PERMITTEE shall have adequate fish capture equipment (i.e. small mesh minnow nets, a portable aerator & large clean buckets) on-site prior to constructing and removing the temporary coffer dam & bypass system, a prior to any de-watering.

13. DE-WATERING AND FISH CAPTURE SEQUENCE: As water begins to flow through the bypass system, the PERMITTEE's qualified consultant & trained fishery biologist(s) shall immediately capture and safely remove any and all fish species found within the de-watered area AND shall safely transport them "unharmed" to free flowing water directly upstream or downstrea of the temporary coffer-bypass system and job site. Upon completion of the project the temporar coffer dam and bypass shall be carefully removed, the bypass area carefully checked for any

sediment and contaminant free water shall be returned to Peshastin Creek from any of these and other project activities. Under no circumstances is raw concrete, silt, sediments OR concrete, sil sediment-laden and/or any otherwise contaminated water to be pumped directly into, be wasted within or allowed to flow or leach into Peshastin Creek as a result of this project without proper WDFW approved wastewater treatment and the removal of contaminants.

15. NEW FISHWAY SIZE, PLACEMENT & NATURAL STREAM BOTTOM FILL: Per plans the new roughened channel fishway shall consist of ONE (1) new, high quality 90-foot long by 16-foo wide roughened channel comprised of reinforced steel plates & rock supports, properly designed flash boards, two rock sills or weirs, and a well graded mix of native stream gravel, cobbles & larg minimum 36" diameter boulders (or as specified by WDFW), which shall be designed and installe per approved engineered project plans, and per WDFW's stream simulation design. All fill shall b per plans & specifications with a well graded engineered mixture of clean, washed, commercially obtained, rounded native stream gravel, cobble & boulders approved by WDFW, to ensure meeti proper WDFW fish passage design criteria for the fishway, AND to provide a quasi-natural functioning stream bottom & enhanced fish habitat & passage to, from and through the new fishw by all fish life at all flow levels.

16. APPROVED FISHWAY CHANNEL SLOPE: The new fish passable Peshastin Creek roughened fishway channel shall be engineered and professionally installed at a "maximum" 3.9% slope or less, so as to cause the least effects on the hydraulics of the stream course both upstrea and downstream of the fishway, and the fishway and its associated materials placed so as not to cause any future erosion, nor any impacts to the existing streambanks and associated shorelines vegetation within the immediate project area or downstream.

"sealed" off from the OHWL & wetted perimeter, totally contained through the use of sealed forms or other "watertight" leakproof containment systems, and not allowed to enter the OHWL of Peshastin Creek. There shall be no unauthorized concrete work nor any fresh concrete or cemen poured directly within, allowed to fall or leach into or wasted within the OHWL or wetted perimete Peshastin Creek as a result of this project.

20. CONCRETE PROTECTION, CURING AND BURIAL: All authorized fresh concrete work (if any) shall be protected from the weather and cured a minimum of seven (7) days prior to any contact with the elements & state waters. All buried portions of any necessary concrete structure footings or other materials or components approved & authorized by WDFW shall be buried to a sufficient depth below the streambed (as specified by the PERMITTEE's project engineer), to protect these structures from bed scour, undercutting & future erosion.

21. EXISTING MAN-MADE WASTES AND OTHER ASSOCIATED SPOILS OR OTHER DELETERIOUS MATERIALS TO BE COMPLETELY REMOVED FROM WITHIN THE OHWL AN PROJECT SITE AND PROPERLY DISPOSED OF OUTSIDE OF THE OHWL: All existing man-made wastes, and other associated spoils or other deleterious waste materials generated by this project (including all old concrete, old log weir pieces & all other spoils & man-made wastes), sha be completely removed from within the OHWL and disposed of properly outside of the OHWL and as per Provision 44 & 45 below. These spoils and/or other man-made wastes and any other associated man-made or waste materials shall not be placed or used again within the OHWL of Peshastin Creek or any other state waters without proper WDFW and other appropriate agency permitting.

24. FISH PASSAGE REQUIREMENT AT ALL FLOW LEVELS: Since all dams, weirs & fishways have the potential to become fish barriers, and since boulder weirs or sills also have the potential impeding or blocking fish passage (i.e. due to debris buildup or if the structure is built to high), bot the new roughened channel fishway and boulder sills/weirs and their components shall be designed, constructed and maintained by the owner to ensure unimpeded fish passage for both adult and juvenile fish life at all flow levels in perpetuity. If this fishway and/or any boulder sills/weirs or any other project structures or components ever become a hindrance or blockage to fish passage, the owner shall be responsible for immediately obtaining an HPA permit from WDF and in providing prompt repair and renewed fish passage. Financial responsibility for any routine maintenance and repair of the fishway, boulder sills/weirs and all other associated structures or components to ensure proper design function and to ensure unhindered fish passage at all times and at all flow levels, shall be that of the owner. Under no circumstances is there to be any blockage of OR hindrance to fish passage (to either juveniles or adults) resulting either from the construction/installation of this roughened channel fishway, the boulder sills/weirs, and their associated project components, OR from their future operation or maintenance within Peshastin Creek at this location.

25. FILL LIMITATIONS & NATIVE REVEGETATION REQUIREMENT: Any backfill needed for proper project construction, bank approachways, side slopes or for any other WDFW authorized biotechnical slope stabilization shall consist of good grade mineral soils capable of growing native woody vegetation placed "landward" of the OHWL, shall be properly contained so as not to enter the OHWL & wetted perimeter, AND shall be planted with native woody vegetation according to WDFW specifications, to halt the invasion of noxious weeds, to prevent future erosion into the stream, and to protect local fish life and their habitats both onsite & downstream.

28. RIPRAP LIMITATIONS: Except for potential use in WDFW authorized instream boulder sills channel restoration processes (if native boulders can't be found and angular riprap is authorized WDFW), and for its use in protecting the streambanks and the fishway's inlets & outlets as authorized by WDFW, no other rock riprap shall be utilized within this project for conventional ba hardening and/or for any other purposes at this location without further WDFW approval.

29. RIPRAP & BOULDER SIZING: Any additional angular rock rip rap (if authorized by WDFW) shall be used to the "minimum" extent necessary within the project area and shall be installed landward of the OHWL only, unless further approval is obtained from WDFW. Native boulders & authorized riprap shall be professionally engineered and sized large enough by the PERMITTEE project engineer so as not to wash away and to meet WDFW fish habitat & passage criteria & requirements and the 100-year flood requirement above, while still allowing unhindered fish passage. Further approval from WDFW or WDFW's Environmental Engineer (i.e. Bruce Heiner) required prior to the use of extremely large or extremely small angular riprap.

30. BANK SLOPING AND EROSION PREVENTION (NON-EROSIVE, STABLE STREAMBANK AND DAM APPROACH WAYS TO BE CREATED): Streambank, road bank and dam approachw sloping shall be done in a manner that effectively stabilizes the new slopes and prevents the release of overburden, soils, silt, sands, sediments or any other deleterious materials into Peshas Creek, either during fishway construction/installation or in the future. All finished stream banks sh be re-sloped to a stable, less steep "minimum" two (2') foot horizontal to one (1') foot vertical slop or less (i.e. 2:1 slope), and revegetated unless further approval is obtained from WDFW.

similar equipment with an extended reach and "thumb," and these materials shall be fully suspended during their transport across or over the stream AND/OR during their installation or removal across, over or through the stream course, in order to prevent erosion and damage the streambed and local fish habitats, or the streambank and its associated native vegetation.

34. NO FUEL, CHEMICALS AND/OR TOXICS STORAGE: There shall be no storage of chemic petroleum products such as gasoline, oil, diesel or any other toxic or deleterious substances upo the dam, new fishway or their adjacent approachways OR within the OHWL, in order to prevent accidental spills and to protect water quality and local fish & shellfish and their habitats both onsi and downstream.

35. EQUIPMENT LIMITATIONS (NO WORK WITHIN THE WETTED PERIMETER AND EQUIPMENT NOT TO DAMAGE THE STREAMBED, STREAMBANKS AND NATIVE SHORELINES VEGETATION): No mechanized equipment shall enter or operate within the wett perimeter. Exception may be granted for work that is shown by the PERMITTEE to be "absolute necessary" if a low-impact "Walking Excavator" or other WDFW authorized equipment is used A further approval is obtained from WDFW for this in-water machine work. Other than this potentia exception all regular land-based equipment shall work from atop the bank, roadway, dam or from the dry streambed or shorelines zone ONLY, unless further approval is given by WDFW. All mechanized equipment shall work around all existing stream side or shorelines vegetation and instream fish habitats, so as not to damage or destroy them. Equipment shall not harm or dama the streambed, instream fish habitats, the streambank, nor any native shorelines vegetation with the OHWL. A list of potential local contractors having specialized low-impact Walking Excavator has been attached.

authorized by WDFW (or if equipment is located in extreme close proximity to the water where a spill might occur), the PERMITTEE and/or CONTRACTOR shall have on site at all times a Department of Ecology approved spill kit or sufficient quantities of DOE approved petroleum absorbent booms AND hydrocarbon pads, to be utilized in booming off, containing, and absorbing any potential petroleum or other spills resulting from any project or other authorized activities. Fo specific questions regarding the proper use of spill kits or petroleum absorbent booms and pads for potential sources of DOE approved booms & pads please call Mark Layman of DOE's Spill Response Team at (509) 454-7829 OR DOE's general info number at (509) 575-2800.

40. EMERGENCY SPILL AND/OR FISH KILL RESPONSE: At the first sign of any distressed, dying or dead fish life, AND/OR any equipment leaks or project spills within, over and/or adjacent the OHWL and wetted perimeter the PERMITTEE, CONTRACTOR and/or MACHINERY OPERATOR shall immediately cease all work activities, remove the machine or equipment from watercourse or OHWL if possible, attempt containment or booming off of the spill with DOE approved booms (and attempt cleanup with on-site hydrocarbon absorbent pads), AND shall contact WDFW at (509) 662-0503 AND DOE spill response at (509) 575-2490, to report the incident. Work shall not resume until further approval is given by WDFW.

41. SHORELINES, WETLANDS, AND INSTREAM FISH HABITAT PROTECTION: Except as authorized by this HPA permit, there shall be no disturbance, relocation, removal or burning of an existing shorelines or wetlands vegetation (trees, shrubs, grasses and any wetlands plants) OR instream fish habitat components (rocks, logs, woody debris, stream gravels, aquatic vegetation o any other materials) within the OHWL. Any instream materials absolutely needing to be temporar moved or relocated for successful project construction (i.e. that are located exactly within the new

43. SPECIFIC PROHIBITIONS: Except as authorized by this HPA permit, there shall be no bulkheading, bank hardening, seawall construction or use of further rock riprap or gabions, OR u of unauthorized machinery or equipment, NOR any disturbance to or burning, cutting, clearing or removal of any riparian or wetlands vegetation, OR any dredging or filling OR any other unauthorized activities within the OHWL of Peshastin Creek as a result of this project without furt WDFW approval (except for the placement of any WDFW approved and authorized project materials or fish habitat structures).

44. WASTE MATERIALS AND SPOILS: Extreme care shall be taken to ensure there is no wastage, dumping or placement of any excess overburden, soil, silt, sand, sediments, rocks, rubl old concrete, concrete slag, old asphalt, old log weir or log stringers, old abutments, pillars, piling cribbing or other old dam or dam components, man-made wastes, construction or demolition deb petroleum products, chemicals OR any other deleterious or waste products into the OHWL of Peshastin Creek or its adjacent shorelines zone (except for the placement of WDFW approved a authorized fish habitat materials).

45. PROPER SPOILS DISPOSAL: All excess spoils, old dam components, old concrete, construction, installation and demolition debris, man-made waste products or any other deleterio materials or excess spoils shall be completely removed from within the OHWL and shall be transported to a city, county, private, Icicle/Peshastin Irrigation District and/or other legally appro uplands disposal site outside of the OHWL and adjacent shorelines zone and not allowed to reen the OHWL or shorelines areas. Effective cleanup of the work area after project completion is mandatory and shall be thorough and complete.

48. REQUIRED PHOTO DOCUMENTATION OF THE COMPLETED PROJECT AND PROJEC AREA PRIOR TO, DURING AND AFTER COMPLETION OF PROJECT CONSTRUCTION: Fina the PERMITTEE shall provide WDFW's Area Habitat Biologist Bob Steele either: 1) in person, 2) mail at: (c/o Washington Department of Fish and Wildlife (WDFW) - ATTN: Bob Steele - Habitat Program, 3860 Chelan Highway North, Wenatchee, WA 98801), OR 3) by e-mail at: (steelrms@dfw.wa.gov), with clear legible color photographs (or digital photos) of the project are work site before, during and after project construction, and of the finished project (including phot of coffer dam installation & removal, of all fish captured and safely released unharmed, of any & incidental fish mortalities, of both the completed fishway, its interior substrate fill, all inlet & outlet armor, and any & all grade control, weir or sill structures), AND of the restored streambed, banks and shorelines area throughout the project work site and area within THIRTY (30) days after proj completion, for WDFW's permit compliance records and ongoing ESA and project monitoring system.

PROJECT LOCATIONS

Location #1 Peshastin — Work Start:07-28-2005 Work End:12-31-2(

WRIA	WATERBODY		TRIBUTARY TO		COUNTY
45.0232	Peshastin Creek		Wenatchee River		Chelan
1/4 SEC.	Section	Township:	Range:	Latitude:	Longitude
SW 1/4	29	24 N	18 E	N 47.	W 120.

DRIVING DIRECTIONS: Off SR 97 at Peshastin Irrigation Dam.

This Hydraulic Project Approval pertains only to the provisions of the Washington State Fisheries and Wildlife Code, specifically RCW 77.55 (formerly RCW 75.20). 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 authorizati 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. It is the responsibility of the permit holder to secure any landowner permissions or use authorizations as needed for the project.

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 t 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 pena of up to one hundred dollars per day or a gross misdemeanor charge, possibly punishable by fin and/or imprisonment.

All Hydraulic Project Approvals issued pursuant to RCW 77.55.100 or 77.55.200 are subject to additional restrictions, conditions or revocation if the Department of Fish and Wildlife determines that new biological or physical information indicates the need for such action. The person(s) to whom this Hydraulic Project Approval is issued has the right pursuant to Chapter 34.04 RCW to appeal such decisions. All Hydraulic Project Approvals issued pursuant to RCW 77.55.110 may

RCW 77.55.150	Sec. 101, 303, 401
RCW 77.55.200	Sec. 501
RCW 77.55.210	Sec. 504
RCW 77.55.220	Sec. 101, 502
RCW 77.55.270	Sec. 101, 402
RCW 77.55.280	Sec. 403
RCW 77.55.290	Sec. 505

APPEALS INFORMATION

IF YOU WISH TO APPEAL THE ISSUANCE OR DENIAL OF, OR CONDITIONS PROVIDED IN A HYDRAULIC PROJECT APPROVAL, THERE ARE INFORMAL AND FORMAL APPEAL PROCESSES AVAILABLE.

A. INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100, 77.55.110, 77.55.140, 77.55.190, 77.55.200, and 77.55.290: A person who aggrieved or adversely affected by the following Department actions may request an informal review of:

(A)The denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval; or

(B)An order imposing civil penalties. A request for an INFORMAL REVIEW shall be in WRITING to the Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia Washington 98501-1091 and shall be RECEIVED by the Department within 30-days of the denial issuance of a Hydraulic Project Approval or receipt of an order imposing civil penalties. If agreed by the aggrieved party, and the aggrieved party is the Hydraulic Project Approval applicant, resolution of the concerns will be facilitated through discussions with the Area Habitat Biologist an

C. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.110, 77.55.200, 77.55.230, or 77.55.290: A person who is aggrieved or adversely affected by the den or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydra Project Approval may request a formal appeal. The request for FORMAL APPEAL shall be in WRITING to the Hydraulic Appeals Board per WAC 259-04 at Environmental Hearings Office, 42 Sixth Avenue SE, Building Two - Rowe Six, Lacey, Washington 98504; telephone 360/459-6327.

D. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO CHAPTER 43.21 RCW: A person who is aggrieved or adversely affected by the denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval may request a formal appeal. The FORMAL APPEAL shall be in accordance with the provisions of Chapter 43.21L RCW and Chapter 199-08 WAC. The request for FORMAL APPEAL shall be in WRITING to the Environmental and Land Use Hearings Board at Environmental Hearings Office, Environmental and Land Use Hearings Board, 4224 Sixth Avenue SE, Building Two - Rowe Six, P.O. Box 40903, Lacey, Washington 98504; telephone 360/459-6327.

E. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS RESULTS IN FORFEITURE OF ALL APPEAL RIGHTS. IF THERE IS NO TIMELY REQUEST FOR AN APPEAL, THE DEPARTMENT ACTION SHALL BE FINAL AND UNAPPEALABLE.

low as possible I propose moving the upstream weir to 10 feet downstream of the fishway exit. weir will be at the same elevation as existing (1177.34), with the bed elevation immediately downstream at 1177.0. This will result in a RC slope of 4.2%. Unfortunately it will reduce the of plunge pool that fish will need when stoplogs create a drop at the fishway exit. Although this not ideal, I believe that keeping the RC slope as low as possible is of greater importance than th plunge pool volume.

To meet the new channel grade the downstream weir will need to be lowered roughly one foot. may be done by either lowering the boulders, or by splitting the center boulder as proposed by D Rayfield. Increasing the channel slope will require adding more bed material to the channel. Th material will be similar to what was used in the fishway, but needs to be placed so that it creates roughness than in the current channel. I have tried to describe that placement in my attachment.

The entrance of the fishway is a 5-ft wide concrete sill that has low depth and high velocities wh the fishway is not backwatered. I believe the placement of three large boulders (3-ft diameter) ju downstream can backwater the sill enough to reduce flow velocity. They should be placed at lo flow with the goal of increasing water depth 0.4 –0.5 ft at the entrance.

When the irrigators remove the stoplogs at the end of their season, the upstream weir elevation restricts the flow entering the fishway. At that time there is no reason not to take the majority of flow through the fishway. I suggest placing a low sill of boulders from the upstream right corne the fishway, diagonally to the right streambank. The tops of the boulders would be about 6" abo the streambed, and would direct much of the low flow into the fishway. They would also be low enough that when summer low flows require placement of stoplogs across the dam and the fishw