



# HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

Issued Date: June 25, 2019  
Project End Date: June 30, 2021

Permit Number: 2017-4-64+02  
FPA/Public Notice Number: N/A  
Application ID: 8239

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
Northwest Straits Marine Conservation Foundation ATTENTION: Lisa Kaufman 1155 N State Street, Suite 402 Bellingham, WA 98225	

**Project Name:** Seahorse Siesta Bulkhead Removal Project

**Project Description:** The project consists of concrete bulkhead removal and construction of a rockery step wall for bank stabilization and shoreline access near the toe of the slope.

## PROVISIONS

### 1. AUTHORIZED WORK TIMES

1. TIMING LIMITATION: To protect fish and shellfish habitats at the job site, work below the ordinary high water line must occur from JULY 15 and FEBRUARY 15 of any year.

2. TIMING LIMITATION WITH SURVEY: To protect fish and shellfish habitats at the job site, work below the ordinary high water line MAY occur from MARCH 1 and OCTOBER 15 of any year IF A SURVEY IS CONDUCTED:

Because this project location is ADJACENT to a documented Pacific sand lance intertidal spawning beach work will be allowed from OCTOBER 15 through December 31 and January 1 through FEBRUARY 15 of any year if a biologist approved by the Department of Fish and Wildlife does not detect surf smelt or sand lance eggs during a beach survey.

Work must begin within seventy-two hours of survey and you must complete the work within two weeks of the survey. The biologist must follow the department-approved intertidal forage fish spawning protocol and use the standard department data sheets when conducting forage fish spawning beach surveys. A list of certified biologists, the approved protocol and data sheets are available on the department's web site [http://wdfw.wa.gov/licensing/hpa/technical\\_assistance.html](http://wdfw.wa.gov/licensing/hpa/technical_assistance.html). The biologist must submit the completed, data sheets to the department within seventy-two hours of completing the survey to WDFW by e-mail at [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov); mail to Post Office Box 43234, Olympia, Washington 98504-3234; or fax to (360) 902-2946. In addition, the biologist must preserve the winnowed portion of the sediment samples and retain them for a minimum of four weeks. The sediment samples must be provided to WDFW staff upon request.

3. APPROVED PLANS: Work must be accomplished per plans and specifications submitted with the application and approved by the Washington Department of Fish and Wildlife, entitled SEAHORSE SIESTA BULKHEAD REMOVAL PROJECT, dated NOVEMBER 14, 2016, and REVISED JUNE 17, 2019, except as modified by this Hydraulic Project Approval. You must have a copy of these plans available on site during all phases of the project proposal.

### NOTIFICATION

4. PRE- AND POST-CONSTRUCTION NOTIFICATION: You, your agent, or contractor must contact the Washington Department of Fish and Wildlife by e-mail at [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov); mail to Post Office Box 43234, Olympia,



## HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

Issued Date: June 25, 2019

Project End Date: June 30, 2021

Permit Number: 2017-4-64+02

FPA/Public Notice Number: N/A

Application ID: 8239

Washington 98504-3234; or fax to (360) 902-2946 at least three business days before starting work, and again within seven days after completing the work. The notification must include the permittee's name, project location, starting date for work or date the work was completed, and the permit number. The Washington Department of Fish and Wildlife may conduct inspections during and after construction; however, the Washington Department of Fish and Wildlife will notify you or your agent before conducting the inspection.

5. **PHOTOGRAPHS:** You, your agent, or contractor must take photographs of the job site before the work begins and after the work is completed. You must upload the photographs to the post-permit requirement page in the Aquatic Protection Permitting System (APPS) or mail them to Washington Department of Fish and Wildlife at Post Office Box 43234, Olympia, Washington 98504-3234 within 30-days after the work is completed.

6. **FISH KILL/ WATER QUALITY PROBLEM NOTIFICATION:** If a fish kill occurs or fish are observed in distress at the job site, immediately stop all activities causing harm. Immediately notify the Washington Department of Fish and Wildlife of the problem. If the likely cause of the fish kill or fish distress is related to water quality, also notify the Washington Military Department Emergency Management Division at 1-800-258-5990. Activities related to the fish kill or fish distress must not resume until the Washington Department of Fish and Wildlife gives approval. The Washington Department of Fish and Wildlife may require additional measures to mitigate impacts.

### STAGING, JOB SITE ACCESS AND EQUIPMENT

7. Establish the staging area (used for activities such as equipment storage, vehicle storage, fueling, servicing, and hazardous material storage) in a location and manner that will prevent contaminants like petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.

8. Clearly mark boundaries to establish the limit of work associated with site access and construction.

9. Limit the removal of native bank line vegetation to the minimum amount needed to construct the project.

10. Retain all natural habitat features on the beach larger than twelve inches in diameter including trees, stumps, logs, and large rocks. These natural habitat features may be moved during construction but they must be placed near the pre project location before leaving the job site.

11. Confine the use of equipment to specific access and work corridor shown in the approved plans.

12. Check equipment daily for leaks and complete any required repairs before using the equipment in or near the water.

13. Lubricants composed of biodegradable base oils such as vegetable oils, synthetic esters, and polyalkylene glycols are recommended for use in equipment operated in or near water.

14. Operate vessels with minimal propulsion power and in adequate water depth to prevent impacts from grounding and propeller wash to seagrass, kelp, and forage fish spawning beds.

15. Operate vessels with minimal propulsion power to avoid prop scour damage to the bed and marine vegetation habitats.

16. Operate vessels during tidal elevations that are adequate to prevent grounding of the barge.

17. Restrict vessel operation to tidal elevations adequate to prevent propeller related damage to seagrass and kelp.



## HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

Issued Date: June 25, 2019

Project End Date: June 30, 2021

Permit Number: 2017-4-64+02

FPA/Public Notice Number: N/A

Application ID: 8239

18. Do not ground vessels between Mean Lower Low Water and the - 30 tide elevation (Mean Lower Low Water = 0.00) for the protection of seagrass and kelp habitat.

19. Use minimal propulsion power when maneuvering barges between Mean Lower Low Water and the -30 tide elevation (Mean Lower Low Water = 0.00) for the protection of seagrass and kelp habitat.

20. Do not deploy anchors or spuds in seagrass or kelp.

21. Relocate vessels moored over seagrass between March 21 and September 21 every 4th day to minimize shading of seagrass.

22. The barge will be placed waterward of the +11 FT tidal elevation (Mean Lower Low Water = 0.0), as illustrated in your project plans, and all ramp elements and temporary project materials must be removed from the beach area or bed upon project completion.

**23. Do not operate motorized equipment on the beach below the ordinary high water line.**

24. Do not stockpile construction material waterward of the ordinary high water line.

### CONSTRUCTION-RELATED SEDIMENT, EROSION AND POLLUTION CONTAINMENT

25. Do not conduct project activities when the work area is inundated by tidal waters.

26. Prevent contaminants from the project, such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials, from entering or leaching into waters of the state.

27. Use tarps or other methods to prevent treated wood, sawdust, trimmings, drill shavings and other debris from contacting the bed or waters of the state.

### CONSTRUCTION MATERIALS

28. Do not use native bed material, other than material excavated for bulkhead footings or placement of bulkhead base rock, for project construction or fills.

29. Do not use wood treated with oil-type preservative (creosote, pentachlorophenol) in any hydraulic project. Wood treated with waterborne preservative chemicals (ACZA, ACQ) may be used if the Western Wood Preservers Institute has approved the waterborne chemical for use in the aquatic environment. The manufacturer must follow the Western Wood Preservers Institute guidelines and the best management practices to minimize the preservative migrating from treated wood into aquatic environments. To minimize leaching, wood treated with a preservative by someone other than a manufacturer must follow the field treating guidelines. These guidelines and best management practices are available at [www.wwpinstitute.org](http://www.wwpinstitute.org).

### BULKHEAD - TIMBER, CONCRETE REMOVAL AND DRIFT CELL INSTALLATION

30. As shown in the approved plans, A VERTICAL CONCRETE BULKHEAD, UP TO 100 CUBIC YARDS AND ASSOCIATED 5,440 SQUARE FOOT BARGE, WITH 2,000 CUBIC YARDS OF FILL WILL BE REMOVED FROM THE SHORELINE.



## HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

Issued Date: June 25, 2019

Project End Date: June 30, 2021

Permit Number: 2017-4-64+02

FPA/Public Notice Number: N/A

Application ID: 8239

1. RE-DISTRIBUTE FILL WITHIN SHORELINE DRIFT CELLS TO THE SOUTH OF THE PROJECT SITE.
2. ADD BEACH NOURISHMENT AROUND DRIFT CELLS.
3. RESHAP EXSITING ROCK NEAR DRAINAGE OUTLETS.
4. REGRADING AND EROSION CONTROL BLANKET WILL BE INSTALLED WITH NATIVE VEGETATION.
31. Keep the use of equipment on the beach to a minimum, confined to a single access point, and limited to a 25-foot work corridor waterward of the footing. Construction material must not touch the beach outside beach outside this work corridor.
32. Do not stockpile excavated materials containing silt, clay, or fine-grained soil waterward of the ordinary high water line.
33. You may stockpile sand, gravel, and coarse excavated material waterward of the ordinary high water line provided the material is placed within the 25-foot work corridor waterward of the base rocks.
34. If sand, gravel, and other coarse excavated material is to be temporarily placed where it will come into contact with tidal waters, this material must be covered with filter fabric and adequately secured to prevent erosion and/or potential entrainment of fish.
35. Prior to tidal inundation, backfill all trenches, depressions, or holes created during construction waterward of the ordinary high water line.
36. Reshape beach area depressions created during project activities to pre-project beach level upon project completion.

### DEMOBILIZATION/CLEANUP

37. Remove all trash and unauthorized fill in the project area, including concrete blocks or pieces, bricks, asphalt, metal, treated wood, glass, floating debris, and paper, that is waterward of the ordinary high water line and deposit upland.
38. Reshape beach area depressions created during project activities to preproject beach level upon project completion.
39. Remove any riprap (including quarry spalls) scattered, or abandoned outside the original design footprint from the bed and deposit it an upland area above the limits of extreme high tidal water.
40. Remove all debris or deleterious material resulting from construction from the beach area or bed and prevent from entering waters of the state.
41. Do not burn wood, trash, waste, or other deleterious materials waterward of the ordinary high water line.
42. Replace damaged or destroyed riparian vegetation during the first dormant season (late fall through late winter) after project completion. Maintain plantings for at least three years to ensure at least eighty percent of the plantings survive. Failure to achieve the eighty percent survival in year three will require you to submit a plan with follow-up measures to achieve requirements or reasons to modify requirements.



## HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

Issued Date: June 25, 2019

Project End Date: June 30, 2021

Permit Number: 2017-4-64+02

FPA/Public Notice Number: N/A

Application ID: 8239

LOCATION #1:	Site Name: Seashorse Siesta , Langley, WA					
WORK START:	July 15, 2019			WORK END:	June 30, 2021	
<u>WRIA</u>		<u>Waterbody:</u>			<u>Tributary to:</u>	
06 - Island		Various			Various	
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
SE 1/4	33	30 N	03 E	48.043056	-122.422222	Island
<u>Location #1 Driving Directions</u>						
From Highway 525 proceed North on Coles Rd., for approximately 2.5 miles, take a slight right onto 3rd St./ Langley Loop, turn left on De Bruyn Ave/ Langley Loop, turn left onto Saratoga Rd., turn right onto Strawbridge Lane.						

### 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. 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.



## HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

Issued Date: June 25, 2019

Project End Date: June 30, 2021

Permit Number: 2017-4-64+02

FPA/Public Notice Number: N/A

Application ID: 8239

**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 unless this is a General HPA. If this is a General HPA you must use the Major Modification process described below. Any approved minor modification will require issuance of a letter documenting the approval. A minor modification to the required work timing means any change to the work start or end dates of the current work season to enable project or work phase completion. Minor modifications will be approved only if spawning or incubating fish are not 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. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a minor modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you did not use APPS you must submit a written request that clearly indicates you are seeking a minor modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. 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). 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 originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a major modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you did not use APPS you must submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send your written request by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. You may email your request for a major modification 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 220-660-460 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.





## HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

Issued Date: June 25, 2019

Project End Date: June 30, 2021

Permit Number: 2017-4-64+02

FPA/Public Notice Number: N/A

Application ID: 8239

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 HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; 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 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 may conduct an informal hearing or review 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 220-660-470 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 HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; 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.

Habitat Biologist

[Jamie.Bails@dfw.wa.gov](mailto:Jamie.Bails@dfw.wa.gov)

Jamie Bails

425-775-1311, Ext:309

for Director

WDFW