



HYDRAULIC PROJECT APPROVAL

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

Issued Date: March 30, 2021
Project End Date: March 27, 2026

Permit Number: 2021-2-35+01
FPA/Public Notice Number: N/A
Application ID: 24480

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
Chelan County Natural Resources Dept ATTENTION: Mike Kaputa 411 Washington St Wenatchee, WA 98801-2854	Chelan County Natural Resources Department ATTENTION: Allison Lutes 411 Washington Street Wenatchee, WA 98801

Project Name: Motteler Road Fish Passage Project

Project Description: This project will replace a pipe arch culvert (10.9ft. span by 6.9 ft. rise) with a single lane steel bridge 14-foot wide with a span of 54-feet designed to meet fish passage criteria. By replacing this culvert with a bridge, this project will address the current fish passage barrier while improving the instream habitat in this section of Chumstick Creek. The purpose of the project is to increase the quality and quantity of rearing and over-wintering habitat for juvenile steelhead, spring Chinook, and coho salmon and improve the quality and quantity of spawning and rearing habitat for steelhead in Chumstick Creek. The existing culvert on Chumstick Creek is under the county road that provides access to private residential properties and orchard grounds.

The culvert was classified as a barrier (67%) due to the 1.25% culvert slope and the culvert width being only 60% of the channel width. This project will replace a pipe arch culvert (10.9ft. span by 6.9 ft. rise) with a single lane steel bridge 14-foot wide with a span of 54-feet. The existing culvert was assessed by Washington Department of Fish and Wildlife as a fish passage barrier due to slope (1.25 % slope barrier). The culvert is located within a 60-foot Chelan County Easement (Motteler Road). The project will also include inclusions of embedded habitat boulders and riparian planting.

PROVISIONS

TIMING - PLANS - INVASIVE SPECIES CONTROL

- 1. TIMING LIMITATION:** You may begin the project immediately and you must complete the project by 3/27/2026; provided in-water work only occurs between July 15 and September 30.
- 2. APPROVED PLANS:** You must accomplish the work per plans and specifications submitted with the application and approved by the Washington Department of Fish and Wildlife, entitled Chumstick Creek Culvert - RM 0.52 Motteler Drive (Project Number 19-1584), dated 10/16/2020, 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 construction.
- 3. INVASIVE SPECIES CONTROL:** Follow Method 1 for low risk locations (i.e. clean/drain/dry). Thoroughly remove visible dirt and debris from all equipment and gear (including drive mechanisms, wheels, tires, tracks, buckets, and undercarriage) before arriving and leaving the job site to prevent the transport and introduction of invasive species. For contaminated or high risk sites please refer to the Method 2 Decontamination protocol. Properly dispose of any water and chemicals used to clean gear and equipment. You can find this and additional information in the Washington Department of Fish and Wildlife's "Invasive Species Management Protocols", available online at <https://wdfw.wa.gov/species-habitats/invasive/prevention>.

NOTIFICATION REQUIREMENTS



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4. **PRE-CONSTRUCTION CONTRACTOR MEETING:** You, your agent, or contractor must contact the Washington Department of Fish and Wildlife by e-mail at HPAapplications@dfw.wa.gov; mail to Post Office Box 43234, Olympia, Washington 98504-3234; or fax to (360) 902-2946 at least fourteen business days before starting work to arrange a pre-construction contractor meeting onsite. The notification must include the permittee's name, project location, starting date, and the Hydraulic Project Approval permit number.

5. **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; mail to Post Office Box 43234, Olympia, 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.

6. **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.

7. **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

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

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

10. Station and operate equipment used for this project landward of the ordinary high water line.

11. Check equipment daily for leaks and complete any required repairs in an upland location before using the equipment in or near the water.

12. Use environmentally acceptable lubricants composed of biodegradable base oils such as vegetable oils, synthetic esters, and polyalkylene glycols in equipment operated in or near the water.

CONSTRUCTION-RELATED SEDIMENT, EROSION AND POLLUTION CONTAINMENT

13. Work in the dry watercourse (when no natural flow is occurring in the channel, or when flow is diverted around the job site).

14. Protect all disturbed areas from erosion. Maintain erosion and sediment control until all work and cleanup of the job site is complete.

15. Stop all hydraulic project activities except those needed to control erosion and siltation, if flow conditions arise that will result in erosion or siltation of waters of the state.

16. Prevent project contaminants, 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.

17. Route construction water (wastewater) from the project to an upland area above the limits of anticipated floodwater. Remove fine sediment and other contaminants before discharging the construction water to waters of the state.



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18. Deposit all trash from the project at an appropriate upland disposal location.

CONSTRUCTION MATERIALS

19. Store all construction and deconstruction material in a location and manner that will prevent contaminants such as petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.

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

21. Use only clean, suitable material as fill material (no trash, debris, car bodies, tires, asphalt, concrete, etc.).

IN-WATER WORK AREA ISOLATION USING BLOCK NETS

22. Isolate fish from the work area by using block nets.

23. Install block nets at sites with reduced flow volume or velocity, uniform depth, and good accessibility.

24. Do not install block nets at sites with heavy vegetation, large cobble or boulders, undercut banks, or deep pools unless you can secure and maintain them.

25. Install block nets at an angle to the direction of flow (not perpendicular to the flow) to avoid entrapping fish in the nets.

26. After the first block net is secured at the upstream end, use a second block net to herd fish downstream and out of the project area.

27. Install a downstream block net if fish may reenter the work area from downstream.

28. Secure block nets along both banks and the channel bottom to prevent failure from debris accumulation, high flows, and/or flanking.

29. To keep fish out of the job site, leave block nets in place until the work is complete and conditions are suitable for fish.

30. Check block nets at least three times a day for entangled fish and accumulated debris.

IN-WATER WORK AREA ISOLATION USING A TEMPORARY BYPASS

31. Use the least-impacting feasible method to temporarily bypass water from the work area. Consider the physical characteristics of the site and the anticipated volume of water flowing through the work area.

32. Design the temporary bypass to minimize the length of the dewatered stream channel.

33. During all phases of bypass installation and decommissioning, maintain flows downstream of the project site to ensure survival of all downstream fish.

34. Install a cofferdam or similar device at the upstream and downstream end of the bypass to prevent backwater from entering the work area.

35. Return diverted water to the channel immediately downstream of the work area. Dissipate flow energy from the diversion to prevent scour or erosion of the channel and bank.

IN-WATER WORK AREA ISOLATION USING A COFFERDAM STRUCTURE

36. Use a cofferdam, dike, or similar structure to exclude water from the work area.

37. Maintain water quality when installing and removing the cofferdam, dike or similar structure.

38. Install the cofferdam, dike or similar structure and remove fish prior to the start of other work in the wetted perimeter.

FISH LIFE REMOVAL

39. All persons participating in capture and removal must have training, knowledge, and skills in the safe handling of



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fish life.

40. If electrofishing is conducted, a person with electrofishing training must be on-site to conduct or direct all electrofishing activities.
41. If personnel are available, the Washington Department of Fish and Wildlife and affected tribes may help capture and move fish life from the job site.
42. Place block nets upstream and downstream of the in-water work area before capturing and removing fish life.
43. Capture and safely move fish life from the work area to the nearest suitable free-flowing water.

BRIDGE

44. Design and construct the bridge to pass water, ice, large wood, and associated woody material and sediment likely to move under the bridge during the 100-year flood flows.
45. Locate the waterward face of all bridge elements including abutments, piers, pilings, sills, foundations, aprons, wing walls, and approach material landward of the ordinary high water line.
46. Bury footings below scour depth.
47. If excavation or other construction activities take place waterward of the ordinary high water line, isolate the work area from the stream flow (if present) by using a cofferdam, bypass, or similar structure.
48. Prevent the existing structure and associated construction materials from entering the stream when removing them.
49. Use material for the approaches that is structurally stable and that will not harm fish life if it erodes into the water.
50. Install and maintain curbs or wheel guards to prevent aggregate or earth-type paving material from entering the stream.

DEMOBILIZATION AND CLEANUP

51. Do not relocate removed or replaced structures within waters of the state. Remove and dispose of these structures in an upland area above the limits of anticipated floodwater.
52. Upon completion of the project, restore the disturbed bed, banks, and riparian zone to preproject condition to the extent possible.
53. Completely remove any temporary fill before the end of the in-water timing window if the fill material could erode and deliver sediment-laden water into waters of the state.
54. To prevent fish from stranding, backfill trenches, depressions, and holes in the bed that may entrain fish during high water or wave action.
55. To minimize sediment delivery to the stream or stream channel, do not return in-stream flows to the work area until all in-channel work is completed and the bed and banks are stabilized.
56. Seed areas disturbed by construction activities with a native seed mix suitable for the site that has at least one quick-establishing plant species.
57. Upon completion of the project, remove all materials or equipment from the site and dispose of all excess spoils and waste materials in an upland area above the limits of anticipated floodwater.
58. Return water flow slowly to the in-water work area to prevent the downstream release of sediment laden water. If necessary, install silt fencing above the bypass outlet to capture sediment during re-watering of the channel.
59. Remove temporary erosion and sediment control methods after job site is stabilized or within three months of project completion, whichever is sooner.

LOCATION #1: Site Name: Motteler Road



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10430 Motteler Rd, Leavenworth, WA 98826-0962						
WORK START: March 30, 2021		WORK END: March 27, 2026				
<u>WRIA</u>		<u>Waterbody:</u>			<u>Tributary to:</u>	
45 - Wenatchee		Chumstick Canyon			Wenatchee River	
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
NW 1/4	06	24 N	18 E	47.608028	-120.647169	Chelan
<u>Location #1 Driving Directions</u>						
From Hwy 2 in Leavenworth, turn north onto Chumstick Hwy. Travel north on Chumstick Highway for 0.5 miles and then turn east onto North Rd. Within 500ft turn north onto Motteler Rd for 0.2 miles until you reach a private driveway on the east side of the road at 10430 Motteler Rd.						

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 civil action against you, including, but not limited to, a stop work order or notice to comply, and/or a gross misdemeanor criminal 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.



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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. 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. 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.



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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; 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; 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 Benjamin.Majsterek@dfw.wa.gov
Benjamin Majsterek 509-670-3291

for Director
WDFW