



# HYDRAULIC PROJECT APPROVAL

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

Issued Date: March 24, 2015  
Project End Date: December 31, 2016

Permit Number: 2015-6-186+01  
FPA/Public Notice Number: N/A  
Application ID: 1773

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
Pierce County ATTENTION: Claudia Ellsworth 901 West Yew Boulevard PO Box 119 Lakebay, WA 98349	Widener & Associates ATTENTION: Ross Widener 10108 32nd Ave W, Ste D Everett, WA 98204-1302

**Project Name:** Lift Span Painting Herron Island Ferry Terminals

**Project Description:** The proposal involves painting of the lift span at both ferry terminals. This includes, but is not limited to: girders, floor beams, hanger beams, stringers, diagonal bracing, bearings, and connections. In addition sections of decking and grating will be removed and replaced as necessary. This work is only for routine maintenance and will not involve any new structures or change in use of the property. No in-water work is required.

## PROVISIONS

### TIMING WINDOW(S):

1. Work waterward of the ordinary high water line (OHWL) shall not occur from March 15 through June 14 of any year for the protection of migrating juvenile salmonids.

### NOTIFICATION REQUIREMENTS:

2. The Area Habitat Biologist (AHB: Matt Curtis; email: matthew.curtis@dfw.wa.gov or fax: 360-902-2496) shall receive written notification from the person to whom this HPA is issued (permittee) or the agent/contractor no less than three working days prior to the start of construction. Applicant shall contact the AHB at the conclusion of project. All notifications shall include the permittee's name, project location, starting date for work, and the control number for this HPA.

3. Officer Summit shall receive written notification (e-mail: jeffrey.summit@dfw.wa.gov or FAX: 360-876-1894) from the person to whom this HPA is issued (permittee) or the agent/contractor no less than three working days prior to start of work, 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.

4. 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), work shall stop immediately except for efforts to control the spill and prevent additional toxic substances from entering the water. Immediate notification shall be made to the Washington Department's Emergency Management Division at 1-800-258-5990, and to the Area Habitat Biologist listed above.

5. The permittee, agent or contractor shall contact WDFW by e-mail: HPAAplications@dfw.wa.gov; mail: PO Box 43234, Olympia, Washington 98501; or fax: 360-902-2946 within seven days of work completion. The notification shall include the permittee's name, project location, completion date for the work, and the HPA control number. WDFW may conduct a compliance inspection; however, WDFW will notify the permittee or agent prior to the inspection.

### APPROVED PLANS:

6. Except as modified by this HPA, work shall be accomplished per plans and specifications approved by WDFW



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entitled "Lift Span Painting Herron Island Ferry Terminals" and received by WDFW February 4, 2015. A copy of these plans shall be available on site during construction.

7. This HPA authorizes the following activities:

- a.) Painting of the lift span at both Herron Island ferry terminals, including the girders, floor beams, hanger beams, stringers, diagonal bracing, bearings, and connections. Other parts not listed here may be painted provided doing so does not violate the provisions listed in this permit.
- b.) Replacement of sections of decking and grating as noted in the approved plans.

### PILE REMOVAL:

8. This HPA is for repair or replacement of the existing structures only and shall not result in expansion of the structure.
9. The existing structures to be replaced shall be removed and disposed of at an approved site.
10. Sawdust, drillings, and trimmings from treated wood shall be contained with tarps or other impervious materials and prevented from contact with the beach, bed or waters of the state.
11. Use of equipment, stockpiling of excavated materials, and all other project activities shall be conducted from the landward side of the project.

### HABITAT FEATURES:

12. All natural habitat features on the beach larger than 12 inches in diameter, including trees, stumps, logs, and large rocks, shall be retained on the beach following construction. These habitat features may be moved during construction if necessary.
13. Beach area depressions created during project activities shall be reshaped to preproject beach level upon project completion.
14. Eelgrass and kelp shall not be adversely impacted due to any project activities (e.g., barge shall not ground, equipment shall not operate, and other project activities shall not occur in eelgrass and kelp).
15. Intertidal wetland vascular plants shall not be adversely impacted due to project activities (e.g., barge shall not ground, equipment shall not operate, and other activities shall not occur in intertidal wetland vascular plants). If such vegetation is adversely impacted, it shall be replaced using proven methodology.
16. Project activities shall be conducted to minimize siltation of the beach area and bed.

### WATER QUALITY:

17. All debris or deleterious material resulting from construction shall be removed from the beach area and bed and prevented from entering waters of the state.
18. No petroleum products or other deleterious materials shall enter surface waters. An emergency spill containment kit must be located on site along with a pollution prevention plan detailing planned fueling, materials storage, and equipment storage. Waste storage areas must be prepared to address prevention and cleanup of accidental spills.
19. All equipment used on this site, including excavator, barge deck, and hand tools, shall be thoroughly cleaned before arriving at the site. Equipment shall also be clean after leaving the site and before moving to a new construction site. All water and chemicals used to clean equipment should be properly disposed of to prevent the spread of invasive species.
20. Project activities shall not degrade water quality to the detriment of fish life.

LOCATION #1:	Site Name: Herron Island Ferry Terminals , , WA		
WORK START:	March 24, 2015	WORK END:	December 31, 2016



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<u>WRIA</u>		<u>Waterbody:</u>			<u>Tributary to:</u>	
15 - Kitsap		Wria 15 Marine				
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
	32	21 N	01 W	47.266994	-122.827514	Pierce
<u>Location #1 Driving Directions</u>						
LOCATION #2:	Site Name: Herron Island Ferry Terminals , , WA					
WORK START:	March 24, 2015			WORK END:	December 31, 2016	
<u>WRIA</u>		<u>Waterbody:</u>			<u>Tributary to:</u>	
15 - Kitsap		Wria 15 Marine				
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
	28	21 N	01 W	47.275319	-122.815408	Pierce
<u>Location #2 Driving Directions</u>						

### 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.



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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. 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. Minor modifications do not require you to pay additional application fees or be issued a new HPA. 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 do 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 control 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). 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 pay an additional \$150 for the major modification. If you did not pay an application fee for the original HPA, no fee is required for a change to it. 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 do 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 control 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, payment of the application the original application was subject to an application fee, and the requestor's signature. Send your written request and payment, if applicable, by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. You should allow up to 45 days for the department to process your request.

### APPEALS INFORMATION



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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 through an informal conference with the WDFW employee responsible for the decision and a supervisor. If a resolution is not reached through the informal conference, or you are not the person who applied for the HPA, the HPA Appeals Coordinator or designee will conduct an informal hearing and recommend a decision to the Director or designee. If you are not satisfied with the results of the informal appeal, you may file a request for a formal appeal.

**B. FORMAL APPEALS:** WAC 220-110-350 is the rule describing how to request a formal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete formal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request a formal appeal of that action. You must send your request for a formal appeal to the clerk of the Pollution Control Hearings Boards and serve a copy on WDFW within 30 days from the date you receive notice of the decision. You may serve WDFW by mail to the Washington Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to [HPAapplications@dfw.wa.gov](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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Habitat Biologist

matthew.curtis@dfw.wa.gov

Matthew Curtis

360-902-2578

A handwritten signature in black ink, appearing to be "M. Curtis".

for Director

WDFW

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