

Issue Date:
Project Expiration Date:Control Number:
FPA/Public Notice #: N/A

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
Kirkland, WA 98033	ATTENTION: Fax:

Project Name: Pier & Shoreline Restoration

Project Description: Remove existing solid concrete pier/breakwater. Install a new fully grated pier on steel piles. Remove the existing boat rail system, existing concrete blocks, install boatlift and jet ski lifts, add spawning gravel, LWD and habitat boulders along shoreline.

PROVISIONS

1. **TIMING LIMITATIONS:** The project may begin immediately and shall be completed by March 15, 2013; Provided:
 - a. Work below the ordinary high water line (OHWL) shall only occur between July 16 to March 15 of each year.
2. **NOTIFICATION REQUIREMENT:** The Area Habitat Biologist (AHB) listed below shall receive written notification by email _____ or mail (16018 Mill Creek Blvd, Mill Creek WA 98012) from the person to whom this Hydraulic Project Approval (HPA) is issued (permittee) or the agent/contractor no less than three working days prior to the start of construction activities. The notification shall include the permittee's name, project location, starting date for work, and the control number for this HPA.
3. **APPROVED PLANS:** Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife entitled PROPOSED: Pier & Shore dated February 29, except as additionally modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during construction.
4. **PHOTOGRAPHS:** Photos of this project shall be taken showing the site after work is complete. These photos shall be submitted to _____ at 16018 Mill Creek Blvd., Mill Creek, WA 98012, or e-mail (_____ @dfw.wa.gov) within 30 days of project completion.
5. Care shall be taken to prevent grounding of the barge, if used.
6. All work operations shall be conducted in a manner that causes little or no siltation to adjacent areas. A sediment control curtain shall be deployed and maintained in a functional manner to contain suspended sediments at the work site during bulkhead removal work.

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7. All trenches, depressions, or holes created within the ordinary high water line shall be backfilled prior to inundation by high water or wave action.
 8. Removal of existing structures shall be accomplished so the structure and associated material does not re-enter the lake.
 9. If any of the existing material contains creosote, during removal, containment booms and absorbent sausage booms (or other oil-absorbent fabric) shall be placed around the perimeter of the work area to capture wood debris, oil, and other materials released into fresh waters as a result of construction activities. All accumulated debris shall be collected and disposed upland at an approved disposal site.
 10. The anchoring system for the boat lift structure shall be installed and used in a manner that does not damage the lakebed as a result of anchor movement for the life of the system.
 11. The abandon mooring buoy hole shall be filled and capped with substrate consistent with current existing natural surrounding substrate or clean one-inch minus well-rounded gravel.
 12. The spawning gravel shall consist of of clean, well-rounded gravel, 2-inch minus in gradation. The gravel shall be placed extending waterward 15 feet.
 13. Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to construct the project. Within seven calendar days of project completion, all disturbed areas shall be protected from erosion using vegetation or other means. Within one year of project completion, the banks, including riprap areas, shall be revegetated with native or other approved woody species. Vegetation shall be planted at a maximum interval of three feet (on center) and maintained as necessary for three years to ensure 80 percent survival.
 14. All waste material such as construction debris, silt, excess dirt or overburden resulting from this project shall be deposited above the limits of flood water in an approved upland disposal site.
 15. All treated wood shall be professionally treated and completely cured prior to installation below the ordinary high water line to minimize leaching into the water or substrate. The use of wood treated with creosote or pentachlorophenol is not authorized.
 16. All lumber to be used for the project shall meet or exceed the standards established in 'Best Management Practices For the Use of Treated Wood in Aquatic Environments' developed by the Western Wood Preservers Institute, dated August 1, 2006.
 17. Wooden components that will be in contact with the water shall not contain creosote or pentachlorophenol. This shall include pilings, beams, structural supports, and decking. These components shall remain free of these toxic substances for the duration of their functional lives.

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18. All trash and unauthorized fill, including concrete blocks or pieces, bricks, asphalt, metal, treated wood, glass, and paper, below the OHWL in and around the applicant's project area shall be removed and deposited above the limit of flood water in an approved upland disposal site.
19. All work operations shall be conducted in a manner that causes little or no siltation to adjacent areas.
20. Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the lake.
21. Skirting or other structures shall not be constructed around the pier, dock, or float.
22. An air curtain or 6 X 6 wooden block shall be properly placed and used when installing each steel piling when using the drop hammer method. This shall include vibratory pile drivers when used in the drop hammer method.
23. Fresh concrete or concrete by-products shall not be allowed to enter the lake at any time during this project. All forms used for concrete shall be completely sealed to prevent the possibility of fresh concrete from getting into the lake.
24. If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), immediate notification shall be made to the Washington Department of Ecology at 1-800-258-5990, and to the Area Habitat Biologist listed below.

PROJECT LOCATIONS

Location				Dock and Shoreline			
WORK START:				WORK END: March 15, 2013			
WRIA: 08.6007		Waterbody: Lake Washington		Tributary to: Ship Canal			
1/4 SEC:	Section:	Township:	Range:	Latitude: N	Longitude: W	County: King	
Location #1 Driving Directions							
Map on attachment							

APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW (formerly RCW 77.20). Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying

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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.

Requests for any change to an unexpired HPA must be made in writing. Requests for new HPAs must be made by submitting a new complete application. Send your requests to the department by: mail to the Washington Department of Fish and Wildlife, Habitat Program, 600 Capitol Way North, Olympia, Washington 98501-1091; 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.

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) 902-2260 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; 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.

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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; 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.

ENFORCEMENT:

Habitat Biologist

for Director
WDFW

CC: