



# HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - See appeal process at end of HPA

North Central  
1550 Alder Street NW  
Ephrata, WA 98823-9699  
(509) 754-4624

Issue Date:

Control Number:

Project Expiration Date: March 15, 2012

FPA/Public Notice #: N/A

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
Moses Lake, WA	ATTENTION:  Spokane, WA  Fax:

Project Name: Moses Lake Shoreline Naturalization/Dock

Project Description: Removal of failing bulkhead and naturalizing the shoreline.

## PROVISIONS

1. The project may begin November 1, 2011 and shall be completed by March 15, 2012, provided: All work scheduled to be done below the Ordinary High Water Line (OHWL) of Moses Lake shall be completed during the fall/winter drawdown period.

2. All work within, below or over the OHWL shall be conducted completely in the dry or in isolation from the wetted perimeter of Moses Lake.

3. Work completed below the OHWL of Moses Lake shall be accomplished by hand or hand tools, by the use of a small track hoe, bobcat, and/or 'Walking Excavator' (a specialized low impact machine specifically designed for working in-water or on steep slopes) or by other WDFW Habitat Program approved equipment only.

4. Area Habitat Biologist shall be contacted by the permittee at (509) ext. , at least 48-hours prior to project construction/ installation at each site and again at least 48-hours prior to project completion at each site for initial and final field inspection.

5. The permittee, authorized agent, project engineer, project manager, project inspector, contractor, subcontractor, machinery operators and all others working within, below, over and adjacent the OHWL of Moses Lake shall have read this HPA prior to construction/installation activities and shall strictly follow its provisions at all times. Failure to comply with the provisions of this HPA permit may result in a civil penalty of up to one-hundred (\$100) dollars per day or a criminal gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

6. This HPA authorizes: 1) the removal of approximately 108 ft. of failing concrete bulkhead, replacing it with an armored basalt toe and fabric encased soil lift heavily planted with native



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vegetation including coyote willow (*Salix exigua*), redosier dogwood (*Cornus sericia*), and golden currant (*Ribes aureum*); 2) placement of a 6' x 22' dock and shoreline stabilization riprap adjacent to an existing covered moorage; 3) lowering of a 16' long section of the existing bulkhead to the OHWL and installation of a pea gravel swimming area landward of the lowered bulkhead; and 4) construction of a new 20' stem wall that ties in landward of the lowered 16' long bulkhead.

7. The permittee's, authorized agent, project engineer, project manager, project inspector, or qualified WDFW personnel, shall be on site at appropriate times to oversee and monitor all aspects and phases of this project, in order to ensure positive quality control, and to ensure that all WDFW HPA permit provisions and requirements are followed and met.

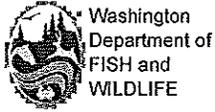
8. As there is a potential for raw soils, silt, sands, sediments, silt or sediment-laden water, petroleum products, machinery fuel, lubricants, cooling agents, chemicals, man-made wastes, construction debris and other toxic or deleterious materials to enter the OHWL or wetted perimeter, appropriate and effective erosion or other water quality control devices (i.e. sealed gravel bags, silt curtains, silt fencing, straw bale check dams, sealed coffer dams, temporary floating boom containment system (including hydro-carbon absorbent pads & booms) or other WDFW approved pollutant control devices or containment systems shall be in place prior to any project work activities.

9. These erosion control and water quality protection devices shall be properly installed, routinely checked and maintained to function properly, shall be repaired as needed, and shall remain in place as long as there is a potential for raw soils, silt, sands, sediments, silt or sediment-laden water, petroleum products, machinery fuel, lubricants, cooling agents, chemicals, man-made wastes, construction debris and other toxic or deleterious materials to enter the OHWL or wetted perimeter of Moses Lake from project activities.

10. All project toe stabilization and shoreline protection materials (riprap), shall consist of clean, washed, commercially obtained material containing no dirt or fines. Rock riprap shall be used to the 'ASOLUTE MINIMUM' amount necessary to successfully protect the bed and shoreline.

11. Prior to entering the project area and OHWL, all equipment shall be thoroughly checked for leaks, shall be repaired if necessary, and shall be cleaned completely free of any external petroleum products, hydraulic fluid, machinery coolants, chemicals, dirt, weeds (both aquatic i.e. Eurasian milfoil and terrestrial i.e. knapweed etc.), weed seeds, and/or any other deleterious materials. Equipment shall be well maintained, shall be repaired as needed, and shall remain free of leaks and of the above mentioned toxic or deleterious substances while working within or adjacent the OHWL and/or wetted perimeter.

12. Extreme care shall be taken to ensure that no excess rock, silt or sediments, silt or sediment-laden water, petroleum products, hydraulic fluid, machinery coolants or lubricants, man-made wastes, construction debris or any other toxic or deleterious materials are allowed to enter, fall or leach into or be wasted within the OHWL or wetted perimeter of Moses Lake as a result of this project, in order to protect water quality and local fish & shellfish and their habitats.



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13. The permittee and/or contractor shall have on-site at all times sufficient quantities of DOE approved petroleum absorbent booms and hydrocarbon absorbent pads, to be utilized in booming off, containing, and absorbing any potential petroleum or other spills resulting from and project or other authorized construction activities. For specific questions regarding the proper use of petroleum absorbent booms and pads or for potential sources of DOE approved booms and pads please contact Mr. \_\_\_\_\_ of DOE's Spill Response Team at (509) 329-3612, or DOE Spill Response/general information at (509) 329-3400.

14. At the first sign of any distressed, dying or dead fish life and/or any equipment leaks or spills within, over or adjacent the OHWL, the permittee, contractor and/or operator shall immediately cease all work activities, remove the machine from within or adjacent the water if possible, attempt containment of the spill, and shall contact WDFW at (509) 754-4624 and the Washington Department of Ecology, at (509) 329-3400, to report the incident. Work shall not resume until further approval is given by WDFW.

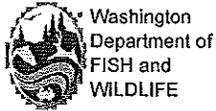
15. All excess spoils and project materials shall be completely removed from within the OHWL and not placed again within state waters. All project construction/ installation or demolition debris, man-made wastes or any other waste products or other harmful or deleterious materials shall be transported to a city, county, private, and/or other legally approved uplands disposal site outside of the OHWL and adjacent shorelines zone, and not allowed to reenter state waters or shorelines areas. Effective cleanup of the project work area after project completion is mandatory and shall be thorough and complete.

16. Any aquatic disturbances or work within, below and over the OHWL not authorized by this HPA permit, and/or any siltation and/or other water quality contamination or pollution in excess of State or Federal Water Quality Standards resulting from this project or any associated construction or other work activities up slope, will be considered damaging to fish life (fish and shellfish) and their habitats. This shall cause project operations to be immediately terminated and this HPA canceled until the damaging situation is completely rectified to WDFW's satisfaction and further approval is given by WDFW.

## PROJECT LOCATIONS

### Location #1

WORK START: November 01, 2011				WORK END: March 15, 2012			
WRIA:		Waterbody: Moses Lake			Tributary to: Crab Creek		
1/4 SEC:	Section:	Township:	Range:	Latitude:	Longitude:	County: Grant	
Location #1 Driving Directions							



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### 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 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.

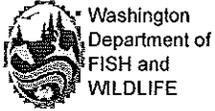
All Hydraulic Project Approvals issued under RCW 77.55.021 are subject to additional restrictions, conditions, or revocation if the Department of Fish and Wildlife determines that changed conditions require such action. The person(s) to whom this Hydraulic Project Approval is issued has the right to 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](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.

### 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 220-110-340 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.



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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 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.

**ENFORCEMENT: Sergeant**

Habitat Biologist

for Director  
WDFW

CC: