

HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - Appeal Pursuant to Chapter 34.05 RCW

Coastal
48 Devonshire Road
Montesano, WA 98563
(360) 249-4628

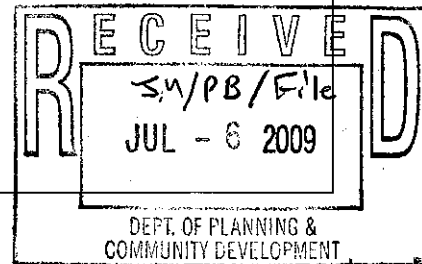
Issue Date: June 24, 2009

Control Number: 117476-1

Project Expiration Date: June 24, 2011

FPA/Public Notice #: N/A

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
City of Bainbridge Island ATTENTION: Peter Best 280 Madison Avenue North Bainbridge Island, WA 98110 206-780-3719 Fax: 206-780-0955	Anchor Environmental ATTENTION: John Small 1423 Third Ave, Suite 300 Seattle, WA 98101 206-287-9130 Fax: 206-287-9131



Project Name: Strawberry Plant Shoreline Restoration Project

Project Description: Remove concrete fill and debris spread through the intertidal zone.
 Removal of approximately 250 feet of shoreline.
 Remove 3,000 cubic yards of fill from the site, but not disturbing native soils.
 Remove 13,000 sq. ft. of concrete and asphalt paving.
 Restoration of stream mouth, intertidal, fringe marsh, and riparian habitat.
 Removal of invasive plant species
 A boat launch for non-motorized, hand carried, watercraft.
 Build overwater viewing platform in foot print of former fill, and a new pedestrian bridge over Weaver Creek.

PROVISIONS

1. Work below the ordinary high water line in fresh or salt water shall not occur from March 1 through July 15 of any year for the protection of migrating juvenile salmonids.
2. NOTIFICATION REQUIREMENT: The permittee or contractor shall notify the Area Habitat Biologist (AHB) listed below by fax (360) 876-1894, or e-mail: waldbcmw@dfw.wa.gov of the project start date. Notification shall be received by the AHB prior to the start of construction activities.
3. NOTIFICATION REQUIREMENT: Officer Langbehn shall receive written notification (e-mail: langbjdl@dfw.wa.gov or FAX: 360-876-1894) 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 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. Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife entitled "Strawberry Plant Shoreline Restoration Project" Pages 1-8 and dated April 2009, except as modified by this Hydraulic Project Approval. A copy of these plans and this HPA shall be available on site during construction.
5. All trash and unauthorized fill, including concrete blocks or pieces, bricks, asphalt, metal, treated wood, glass, floating debris, and paper, below the ordinary high water line (OHWL) in and around the applicant's project area shall be removed and deposited at an approved upland disposal site.



HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - Appeal Pursuant to Chapter 34.05 RCW

Coastal
48 Devonshire Road
Montesano, WA 98563
(360) 249-4628

Issue Date: June 24, 2009

Control Number: 117476-1

Project Expiration Date: June 24, 2011

FPA/Public Notice #: N/A

Footbridge Construction:

6. Excavation for and placement of the foundation and superstructure shall be outside the ordinary high water line.
7. The bridge structure shall be placed in a manner to avoid damage to the streambed and banks.
8. The bridge shall be constructed to pass the 100-year peak flow with consideration of debris likely to be encountered.
9. The structure shall be the minimum width necessary for foot travel and cross the stream at a perpendicular angle and shall use the BMP's at the time of construction in consultation with the WDFW area habitat biologist.
10. Structures containing concrete shall be sufficiently cured prior to contact with water to avoid leaching. Fresh concrete shall not be allowed to come into contact with state waters.
11. Wooden components which will be in contact with the water or be over water shall not contain creosote or pentachlorophenol and conform to the BMP's for wood in aquatic environments. 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.
12. Erosion control methods shall be used to prevent silt-laden water from entering the stream. These may include, but are not limited to, straw bales, filter fabric, temporary sediment ponds, check dams of pea gravel-filled burlap bags or other material, and/or immediate mulching of exposed areas.
13. 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.

Construction of Viewing Platform:

14. The construction of the overwater viewing platform shall conform to the BMP's for construction over water structures. The BMP's shall include those listed below, a-g, and the final design consideration shall be developed in consultation with WDFW area habitat biologist prior to starting construction.
 - a. Concrete or steel pile shall be used.
 - b. Minimum number of piles shall be used, preferably in a single row, and shall not number more than 24. The span between piles should be at least 20-feet except as necessary on the landward and waterward ends of the structure.
 - c. No creosote-treated material shall be used. Any other treated-wood used shall be approved for use in the marine environment.



HYDRAULIC PROJECT APPROVAL
RCW 77.55.021 - Appeal Pursuant to Chapter 34.05 RCW

Coastal
48 Devonshire Road
Montesano, WA 98563
(360) 249-4628

Issue Date: June 24, 2009
Project Expiration Date: June 24, 2011

Control Number: 117476-1
FPA/Public Notice #: N/A

-
- d. Decking shall be grated with material approved by WDFW that has an open space configuration of 60% and covers at least 50% of the surface area.
 - e. The orientation shall be north-south to the greatest extent reasonable.
 - f. The length shall not extend beyond the ordinary high water mark of the existing landfill.
 - g. The height of the bottom of the structural decking beams shall be at least 1-foot above extreme high water (EHW) and no more than 3-feet above EHW.

15. The following sound attenuation methods shall be required for the driving or proofing steel piles with an impact hammer below the ordinary high water line:

- a. For steel piles, 10 inches in diameter or less, a 6 inch thick wood block shall be installed between the piling and the impact hammer during pile driving operations or a bubble curtain shall be installed around the pile during pile driving operations.
- b. For steel piles greater than 10 inches in diameter, a bubble curtain shall be installed around the pile during pile driving operations.

16. Beach area depressions created during project activities shall be reshaped to preproject beach level upon project completion.

Boat Launch Construction:

17. The beach gravel boat ramp shall not extend beyond 10.0 ft MLLW and the logs that contain the beach gravel shall not extend beyond the MHHW line.

Bulkhead and Fill Removal:

18. As indicated in the plans, the existing piling/concrete/rock bulkhead shall be removed from the beach and deposited upland such that it does not enter waters of the state. The new slope of the beach shall conform to the plans submitted with the JARPA. All disturbed and created areas shall be replanted with appropriate vegetation.

19. Removal or destruction of native overhanging bankline vegetation shall be limited to that necessary for the construction of the project.

Water Quality:

20. Project activities shall be conducted to minimize siltation of the beach area and bed.

21. 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 Military Department's Emergency Management Division at 1-800-258-5990, and to the Area Habitat Biologist listed below.

22. All debris, petroleum products, or deleterious material resulting from construction shall be removed from the beach area and bed and prevented from entering waters of the state.



HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - Appeal Pursuant to Chapter 34.05 RCW

Coastal
48 Devonshire Road
Montesano, WA 98563
(360) 249-4628

Issue Date: June 24, 2009
Project Expiration Date: June 24, 2011

Control Number: 117476-1
FPA/Public Notice #: N/A

23. Project activities shall not degrade water quality to the detriment of fish life.

PROJECT LOCATIONS

Location #1 Eagle Harbor

WORK START: June 25, 2009				WORK END: June 24, 2011		
WRIA: 15.9100		Waterbody: Wria 15 Marine		Tributary to: Puget Sound		
1/4 SEC: S 1/2	Section: 27	Township: 25 N	Range: 02 E	Latitude: N 47.6251	Longitude: W 122.5311	County: Kitsap
Location #1 Driving Directions						

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 pursuant to RCW 77.55.021 (EXCEPT agricultural irrigation, stock watering or bank stabilization projects) or 77.55.141 are subject to additional restrictions, conditions or revocation if the Department of Fish and Wildlife determines that new biological or physical information indicates the need for such action. The person(s) to whom this Hydraulic Project Approval is issued has the right pursuant to Chapter 34.04 RCW to appeal such decisions. All agricultural irrigation, stock watering or bank stabilization Hydraulic Project Approvals issued pursuant to RCW 77.55.021 may be modified by the Department of Fish and Wildlife due to changed conditions after consultation with the person(s) to whom this Hydraulic Project Approval is issued: PROVIDED HOWEVER, that such modifications shall be subject to appeal to the Hydraulic Appeals Board established in RCW 77.55.301.



HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - Appeal Pursuant to Chapter 34.05 RCW

Coastal
48 Devonshire Road
Montesano, WA 98563
(360) 249-4628

Issue Date: June 24, 2009

Control Number: 117476-1

Project Expiration Date: June 24, 2011

FPA/Public Notice #: N/A

APPEALS INFORMATION

If you wish to appeal the issuance or denial of, or conditions provided in a Hydraulic Project Approval, there are informal and formal appeal processes available.

A. INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021, 77.55.141, 77.55.181, and 77.55.291: A person who is aggrieved or adversely affected by the following Department actions may request an informal review of:

(A) The denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval; or

(B) An order imposing civil penalties. A request for an INFORMAL REVIEW shall be in WRITING to the Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091 and shall be RECEIVED by the Department within 30 days of the denial or issuance of a Hydraulic Project Approval or receipt of an order imposing civil penalties. If agreed to by the aggrieved party, and the aggrieved party is the Hydraulic Project Approval applicant, resolution of the concerns will be facilitated through discussions with the Area Habitat Biologist and his/her supervisor. If resolution is not reached, or the aggrieved party is not the Hydraulic Project Approval applicant, the Habitat Technical Services Division Manager or his/her designee shall conduct a review and recommend a decision to the Director or his/her designee. If you are not satisfied with the results of this informal appeal, a formal appeal may be filed.

B. FORMAL APPEALS (WAC 220-110-350) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021 (EXCEPT agricultural irrigation, stock watering or bank stabilization projects) or 77.55.291:

A person who is aggrieved or adversely affected by the following Department actions may request a formal review of:

(A) The denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval;

(B) An order imposing civil penalties; or

(C) Any other 'agency action' for which an adjudicative proceeding is required under the Administrative Procedure Act, Chapter 34.05 RCW.

A request for a FORMAL APPEAL shall be in WRITING to the Department of Fish and Wildlife HPA Appeals Coordinator, shall be plainly labeled as 'REQUEST FOR FORMAL APPEAL' and shall be RECEIVED DURING OFFICE HOURS by the Department at 600 Capitol Way North, Olympia, Washington 98501-1091, within 30-days of the Department action that is being challenged. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within 30-days of the date of the Department's written decision in response to the informal appeal.

C. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021 (agricultural irrigation, stock watering or bank stabilization only), 77.55.141, 77.55.181, or 77.55.241: A person who is aggrieved or adversely affected by the denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval may request a formal appeal. The request for FORMAL APPEAL shall be in WRITING to the Hydraulic Appeals Board per WAC 259-04 at Environmental Hearings Office, 4224 Sixth Avenue SE, Building Two - Rowe Six, Lacey, Washington 98504; telephone 360/459-6327.

D. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO CHAPTER 43.21L RCW: A person who is aggrieved or adversely affected by the denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval may request a formal appeal. The FORMAL APPEAL shall be in accordance with the provisions of Chapter 43.21L RCW and Chapter 199-08 WAC. The request for FORMAL APPEAL shall be in WRITING to the Environmental and Land Use Hearings Board at Environmental Hearings Office, Environmental and Land Use Hearings Board, 4224 Sixth Avenue SE, Building Two - Rowe Six, P.O. Box 40903, Lacey, Washington 98504; telephone 360/459-6327.

E. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS results in forfeiture of all appeal rights. If there is no timely request for an appeal, the department action shall be final and unappealable.



Washington
Department of
FISH and
WILDLIFE

HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - Appeal Pursuant to Chapter 34.05 RCW

Coastal
48 Devonshire Road
Montesano, WA 98563
(360) 249-4628

Issue Date: June 24, 2009

Control Number: 117476-1

Project Expiration Date: June 24, 2011

FPA/Public Notice #: N/A

ENFORCEMENT: Sergeant Jackson (29) P3

Habitat Biologist
Chris Waldbillig

waldbcmw@dfw.wa.gov
360-874-7258

for Director
WDFW

CC: Peter Namtvedt Best, City of Bainbridge Island DCD