Washington Department of FISH and WILDLIFE

HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - See appeal process at end of HPA

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

Issue Date: February 13, 2014
Project Expiration Date: October 31, 2017

Control Number: 130098-1
FPA/Public Notice #: N/A

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
City of Puyallup	City of Puyallup
ATTENTION: Mark Palmer	ATTENTION: Joy Rodriguez
333 S Meridian St	333 S Meridian
Puyallup, WA 98371	Puyallup, WA 98371
253-435-3606	253-841-5549
Fax: 253-841-5437	Fax: 253-841-5484

Project Name: Clarks Creek Sediment Removal Demonstration

Project Description: This demonstration project includes removing accumulated sediment from a 400-foot stretch of Clarks Creek using a hydraulic dredging method. This is a one-time demonstration project, in order to determine effectiveness and potential mitigation requirements.

PROVISIONS

1. Work below the ordinary high water line shall only occur between June 15 and August 1 of calendar years 2014-2017. Following the one time sediment removal project, work below the ordinary line shall be limited to the monitoring effort only.

2. NOTIFICATION REQUIREMENT: The Area Habitat Biologist (AHB) listed below shall receive written notification (FAX or mail) 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. Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife described in the JARPA dated 3/13/13, the "Updated Final Habitat Assessment" dated 5/9/13, the "Revised Monitoring Plan" dated 2/11/14, and the "Performance Standards" dated 1/7/14, except as modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during construction. Should plans deviate from a one pump venturi suction dredge method or two pump direct suction method, alternate plans and methods of suction dredging may be covered under this permit but shall be approved by WDFW prior to dredging activity.

ANNUAL REPORTING:

4. The City of Puyallup shall compile an annual report of monitoring results each calendar year. Monitoring shall be conducted by a qualified fisheries biologist. The annual report shall be titled 'Clarks Creek Sediment Removal Demonstration Annual Monitoring Report' and submitted to the WDFW Habitat Program at HPAapplications@dfw.wa.gov and the Puyallup Tribe by October 31st of each year, and in the final year of the HPA, prior to the expiration date. The annual report shall include:
a. HPA control number, permittee, contact person, address, telephone number, and date of report.

b. Water Quality Monitoring to include temperature monitoring, only for first year during construction.
c. Fish Monitoring, pre and during construction for first year, post for remainder of the years. This should also include number and species of fish that were relocated during the initial exclusion effort.
d. Biological Monitoring, pre and during construction for first year, post for remainder of the years.
e. Native Plantings survival/ wetland impacts if applicable.
f. Performance Standards, to include sediment depths, profile, and cross sections. Total quantity of sediment and water removed only for the first year as a result of the project.

5. This HPA is issued with the understanding that the proposed work is a pilot study and additional measures may be necessary to restore fish habitat or mitigate impacts to fish life that were a result of this project which will be determined by the results of the monitoring.

SEDIMENT REMOVAL PROVISIONS:

6. A temporary block net upstream and downstream of the work area shall be in place prior to initiation of suction dredging.

7. The permittee shall capture and safely move food fish, game fish, and other fish life from the job site. The permittee shall have fish capture and transportation equipment ready and on the job site. Captured fish shall be documented, and immediately and safely transferred to free-flowing water downstream of the project site.

8. The 'excavation zone' shall be identified by boundary markers placed by the permittee prior to the commencement of sediment removal.

9. Dredging shall be conducted with a hydraulic dredge. The hydraulic dredge shall only be operated with the intake at or below the surface of the material being removed. The intake shall only be raised a maximum of three feet above the substrate for brief periods of purging or flushing the intake system.

10. Equipment shall be operated to minimize turbidity.

11. Dredging shall be accomplished by starting at the upstream end of the project boundary and working downstream.

12. Dredging shall be limited to deepening of the streambed. Banks shall not be disturbed.

13. No more than 350 cubic yards of material may be removed without additional SEPA review and a request for change of this permit.

14. Dredged streambed materials and water shall be disposed of upland so it will not re-enter state waters.

15. Existing shoreline vegetation shall not be removed or disturbed.

16. Large woody material shall be retained waterward of the ordinary high water line but may be repositioned within the stream and shall be placed or anchored to provide stable, functional fish habitat. Woody material shall not be cut or reduced in value. Other debris shall be disposed of so it will not re-enter the stream.

17. Large woody material repositioning shall be accomplished in a manner which minimizes the release of bedload, logs, or debris downstream.

18. Upon completion of the dredging, the streambed shall contain no pits, potholes, or large depressions to avoid stranding of fish. Depressions shall be filled, smoothed over, and sloped upwards toward the bank on a minimum two percent gradient.

19. Pre and post-project channel cross-sectional/profile surveys are required and are the permittee's responsibility. The cross sections shall be referenced vertically to a permanent bench mark and horizontally to a permanent base line. They shall be taken perpendicularly to the high-flow channel every 50 feet throughout the project area and 50 feet upstream and downstream immediately adjacent to the project area.

EQUIPMENT PROVISIONS:

20. The use of equipment below the ordinary high water line shall be limited to hand held tools only. The suction dredge nozzle inside diameter shall not exceed 4 1/4" for a one pump venturi system. The suction dredge nozzle inside diameter shall not exceed 3" for a two pump direct suction method, not exceed 300gpm, and trash pump shall include a minimum 1" diameter pass through.

21. Any device used for diverting water from a fish-bearing stream shall be equipped with a fish guard to prevent passage of fish into the diversion device pursuant to RCW 77.57.010 and 77.57.070. The water pump intake (not including suction dredge nozzle) shall be screened by one of the following:
a. Perforated plate: 0.094 inch (maximum opening diameter).
b. Profile bar: 0.069 inch (maximum width opening).
c. Woven wire: 0.087 inch (maximum opening in the narrow direction).
The minimum open area for all types of fish guards is 27%. The screened intake shall consist of a facility with enough surface area to ensure that the velocity through the screen is less than 0.4 feet per second. Screen maintenance shall be adequate to prevent injury or entrapment of juvenile fish and the screen shall remain in place whenever water is withdrawn from the stream through the pump intake.

22. The water diversion shall be limited so that it does not reduce summer low flow conditions downstream resulting in fish stranding or thermal pollution- not to exceed 13 degrees C.

23. Equipment drive mechanisms (wheels, tracks, tires, etc.) used for this project shall be stationed on an existing impervious surface or the bank where native vegetation will not be impacted.

24. Equipment used for this project shall be free of external petroleum-based products while working around the stream. Equipment shall be checked daily for leaks and any necessary repairs shall be completed prior to commencing work activities along the stream.

25. All equipment used on this site that will come in contact with waters of the state, including excavator, barge deck, and hand tools, shall be thoroughly cleaned before arriving at the site. All equipment that came in contact with water of the state shall also be cleaned 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.

26. Upon completion of the project, all material used for the project shall be removed from the site and the site returned to preproject or improved conditions.

WATER QUALITY PROVISIONS:

27. If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs (excluding lamprey ammocetes), or water quality problems develop (including equipment leaks or spills), immediately stop work except for efforts to control leaks or spills or prevent toxic substances from entering the water and notify the Washington Military Department's Emergency Management Division at 1-800-258-5990, and to the Area Habitat Biologist listed below. Work shall not restart on the project until approved by the Area Habitat Biologist.

28. Erosion control methods shall be used to prevent silt-laden water from entering the stream from areas of disturbed soils resulting from this project. 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.

29. Prior to starting work, temporary filter fabric, straw bale, or pea gravel-filled burlap bag check dam(s) shall be installed downstream. Accumulated sediments shall be removed during the project and prior to removing the check dam(s) after completion of work.

30. Wastewater from project activities and water removed from within the work area shall be routed to an area above the limits of flood water in an approved upland disposal site.

31. 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.

32. If high flow conditions that may cause siltation are encountered during this project, work shall stop until the flow subsides.

33. Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the stream.

34. 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 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.

PROJECT LOCATIONS

Location #1

WORK START: February 13, 2014					WORK END: October 31, 2017	
WRIA: 10.0027	Waterbody: Clarks Creek				Tributary to: Puyallup River	
1/4 SEC: NE 1/4	Section: 32	Township: 20 N	Range: 04 E	Latitude: N 47.18026226	Longitude: W 122.31893496	County: Pierce

Location #1 Driving Directions

From Highway 512 at Meridian St S, follow Meridian south to 15 Ave SW. Turn right onto 15th Ave SW, proceed west to 14th St SW. Turn right onto 14th St SW, proceed north to 12th Ave SW. Turn left onto 12th Ave SW. Clarks Creek bridge at 12th Ave SW will be approximately 200 feet west. This project is located within the 400 feet north and/or south of the 12th Ave SW bridge over Clarks Creek in Puyallup. (Exhibit 2 - Map Location).

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.

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. A minor modification to the required work timing means up to a one-week deviation from the timing window in the HPA when there are no spawning or incubating fish 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. To request a minor modification to your HPA, submit a written request that clearly indicates you are requesting a minor modification to an existing HPA. Include the HPA number and a description of the requested change and 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. 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 include payment of $150 with your written request or request billing to an account previously established with the department. If you did not pay an application fee for the original HPA, no fee is required for a change to it. To request a major modification to your HPA, submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Include the HPA number, check number or billing account number, and a description of the requested change. Send your written request and payment, if applicable, by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. If you are charging the fee to a billing account number or you are not subject to the fee, you may email your request 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 220-110-340 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

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; 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 Jackson (29) P2

Habitat Biologist Gina Piazza	360-895-3965		for Director WDFW

CC: Russ Ladley, Puyallup Tribe (emailed)