



# HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - See appeal process at end of HPA

North Puget Sound  
16018 Mill Creek Boulevard  
Mill Creek, WA 98012-1296  
(425) 775-1311

Issue Date: September 05, 2012  
Project Expiration Date: December 31, 2013

Control Number: 120658-2  
FPA/Public Notice #: N/A

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
Tulalip Tribes Natural Resources ATTENTION: Kurt Nelson 6406 Marine Dr Tulalip, WA 98271 360-716-4617	

Project Name: Qwuloolt Estuary Restoration Project

Project Description: The Qwuloolt Estuary Restoration project proposes to restore tidal hydrology to approximately 360 acres of existing, degraded wetland. These wetlands were isolated from tidal action with the construction of a levee along Ebey Slough prior to the 1930's.

Through 2013, this project will remove a portion of existing levees, and excavate starter channels that will allow natural tidal channel processes to occur, and construct a new levee to protect adjacent properties.

2012 Activities: Stockpile levee material, reinforce berms, create new outlet channel, build Christofferson fill pad (no HPA required), connect Jones and Allen Creek, enlarge 2007 Allen Creek channel.

## PROVISIONS

1. **TIMING:** Work may start immediately, provided the stream is dry or in a low-flow period from July 1 to October 31 in any given year. Work shall be completed by October 31, 2013 or when the area becomes too wet to work in.

2. **NOTIFICATION REQUIREMENT:** The Area Habitat Biologist (AHB) listed below shall receive verbal or written notification (FAX or email) 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 'QWULOOTL TIDAL WETLAND RESTORATION and dated August 18, 2011 and revised plans dated AUGUST 6, 2012, except as modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during construction.

Approved actions under this permit include:

1. Berms: Approximately 20,000 cy of material will be excavated and placed along specific locations on Jones and Allen Creeks.
2. A new outlet channel to Ebey Slough will include excavation of 12,500 cy over 1000 linear feet.

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3. Allen and Jones Creek connection of 550 channel feet and removal of 3500 cy of material.
  4. Enlarge Allen Creek channel and extend the relic channel north and become the new 2012 channel, with 2800 cy of material removed.
  5. The new channels shall incorporate, where feasible, fish habitat components, streambed materials, meander configuration, and native or other approved vegetation equivalent to or greater than that which previously existed in the old channel.
  6. During construction, the new channel shall be isolated from the flowing stream by plugs at the upstream and downstream ends of the new channel. These plugs shall be substantial enough to prevent flood flows from entering the new channel during construction.
  7. Before water is diverted into the permanent new channel, approved fish habitat components, streambed materials and bank protection to prevent erosion shall be in place. Fish habitat components and bank protection material shall be installed to withstand the 100-year peak flows.
  8. Spoils from the new channel shall be placed as berms on site.
  9. The angle of the structure used to divert the stream into the new channel shall allow a smooth transition of stream flow.
  10. 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.
  11. Every effort shall be taken during all phases of this project to ensure that sediment-laden water is not allowed to enter the stream. This may be accomplished by placing a series of low gravel bag dams downstream of the project. The gravel bag dams shall consist of burlap bags filled with pea gravel. The streambed and dams shall be overlain with filter fabric on the upstream side of the dams. Accumulated silt shall be removed with the filter fabric upon completion of the project and the burlap bags shall be slit to allow the pea gravel to disperse downstream. Where necessary, hand tools may be used to ensure stream flow and fish passage are not impeded by the gravel.
  12. 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.
  13. Wastewater from project activities and water removed from within the work area shall be routed to an area landward of the ordinary high water line to allow removal of fine sediment and other contaminants prior to being discharged to the stream.
  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.



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

16. 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 stream.

17. 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. Vegetative cuttings 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 Access via 47th and 56th Ave

WORK START: September 06, 2012				WORK END: October 31, 2013		
WRIA: 07.0013		Waterbody: Ebey Slough		Tributary to: Possession Sound		
1/4 SEC: All	Section: 33	Township: 30 N	Range: 05 E	Latitude: N 48.04166	Longitude: W 122.16667	County: Snohomish
<u>Location #1 Driving Directions</u>						
Project is on Jones and Allen Creek, which drain to Ebey Slough.						

## 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.



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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.

NOTE: You may request changes to this 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 Washington Department of Fish and Wildlife. If you did not pay an application fee for the original HPA, no fee is required for a change to it. Requests for changes must include the HPA number, check number or billing account number, and a description of the requested change. Send your written requests 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](mailto:HPAapplications@dfw.wa.gov).

## 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](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



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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 Chandler (34) P2

Habitat Biologist  
Jamie Bails

bailsjlb@dfw.wa.gov  
425-379-2309

for Director  
WDFW

CC: