



HYDRAULIC PROJECT APPROVAL

Washington Department of
Fish & Wildlife
PO Box 43234
Olympia, WA 98504-3234
(360) 902-2200

Issued Date: July 01, 2016
Project End Date: September 30, 2016

Permit Number: 2016-4-457+01
FPA/Public Notice Number: N/A
Application ID: 8110

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
Nooksack Indian Tribe ATTENTION: Katherine Canete PO Box 157 Deming, WA 98244-0157	Nooksack Indian Tribe ATTENTION: Lindsie Fratus PO Box 157 Deming, WA 98244

Project Name: North Fork Nooksack River Farmhouse Reach Restoration Project Phase 2b

Project Description: The Farmhouse Restoration Project Phase 2b is the continuation of a multi-phased restoration approach in a dynamic unconfined section of the North Fork Nooksack river. The area will be treated with 16 ELJ's, with an additional 4 structures to be constructed if funding and timing allows. The treatment is meant to address rapid channel shifting, preservation and creation of stable forested islands and provide stable side channel habitat appropriate for spawning of ESA listed Early Chinook.

PROVISIONS

TIMING - PLANS - INVASIVE SPECIES CONTROL

1. The project elements of Farmhouse Phase 2b may begin immediately and shall be completed by September 30, 2016; Provided: Work prior to July 15 shall be limited to access road development, placement of temporary access bridges, preparation for and staging of construction materials in designated areas and the construction of any engineered log jams located greater than 50 feet from any wetted channel. Work after August 15 shall be limited to work conducted a minimum distance of 50 feet from any channel with the potential of having adult Spring Chinook present with the exception of retrieving temporary equipment crossings and associated infrastructure.
2. APPROVED PLANS: You must accomplish the work per plans and specifications submitted with the application and approved by the Washington Department of Fish and Wildlife, entitled APPS Application 8110, submitted on June 9, 2016, and all associated documentation including, plans, photos, official communications, and design documents, except as modified by this Hydraulic Project Approval. You must have a copy of these plans available on site during all phases of the project proposal.
3. INVASIVE SPECIES CONTROL: Thoroughly clean all equipment and gear before arriving and leaving the job site to prevent the transport and introduction of aquatic invasive species. Properly dispose of any water and chemicals used to clean gear and equipment. You can find additional information in the Washington Department of Fish and Wildlife's Invasive Species Management Protocols (November 2012), available online at <http://wdfw.wa.gov/publications/01490/wdfw01490.pdf>.

NOTIFICATION REQUIREMENTS

4. NOTIFICATION: You, your agent, or contractor must contact the Washington Department of Fish and Wildlife by e-mail at HPAapplications@dfw.wa.gov; mail to Post Office Box 43234, Olympia, Washington 98504-3234; or fax to (360) 902-2946 at least three business days before starting work. The notification must include the permittee's name, project location, starting date, and the Hydraulic Project Approval permit number.
5. FISH KILL/ WATER QUALITY PROBLEM NOTIFICATION: If a fish kill occurs or fish are observed in distress at the job site, immediately stop all activities causing harm. Immediately notify the Washington Department of Fish and Wildlife of the problem. If the likely cause of the fish kill or fish distress is related to water quality, also notify the



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Washington Military Department Emergency Management Division at 1-800-258-5990. Activities related to the fish kill or fish distress must not resume until the Washington Department of Fish and Wildlife gives approval. The Washington Department of Fish and Wildlife may require additional measures to mitigate impacts.

STAGING AND EQUIPMENT

6. Establish staging areas (used for equipment storage, vehicle storage, fueling, servicing, and hazardous material storage) in a location and manner that will prevent contaminants such as petroleum products, hydraulic fluid, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.
7. Conduct all fueling activities a minimum of 100 feet away from any stream channel or place equipment in a secondary containment unit (i.e. pumps) to prevent the spillage of petro-chemicals. A petroleum spill kit is required to be present at the construction site for the duration of the project.
8. Limit the removal of native vegetation to the minimum amount needed to construct the project.
9. Repositioning of large woody material, either to provide access routes for equipment or wood that is present within the footprint of planned ELJ's, shall be placed to provide stable functional fish habitat. Repositioning of wood shall be kept to the minimum necessary to construct the approved structures. Scavenging of naturally occurring woody material for incorporation into ELJ structures is not authorized.
10. Equipment used for this project may operate waterward of the ordinary high water line, provided the drive mechanisms (wheels, tracks, tires, etc.) do not enter or operate within the wetted perimeter of the river or side channels. Steel plates or bridges will be used at all water crossing locations.
11. Check equipment daily for leaks and complete any required repairs in an upland location before using the equipment in or near the water.
12. Environmentally acceptable lubricants composed of biodegradable base oils such as vegetable oils, synthetic esters, and polyalkylene glycols should be used in equipment operated in or near the water.

IN-WATER WORK AREA ISOLATION USING A COFFERDAM STRUCTURE

13. An isolation area will be in place prior to excavation of streambed substrate for any engineered log jam location that is in contact with water that could potential hold fish life.
14. Use a cofferdam, dike, or similar structure to exclude water from the work area.
15. Maintain water quality when installing and removing the cofferdam, dike or similar structure.
16. Capture and safely move fish life from the work area to the nearest suitable free-flowing water.
17. All persons participating in capture and removal must have training, knowledge, and skills in the safe handling of fish life.
18. If electrofishing is conducted, a person with electrofishing training must be on-site to conduct or direct all electrofishing activities.
19. Route the construction water (wastewater) from the project to an upland area above the limits of anticipated floodwater. Remove fine sediment and other contaminants before discharging the construction water to waters of the state.
20. If pumping construction wastewater from an isolation area, ensure that surface flows outside of the isolation area are not impacted. If flow on the surface is lost as a result of pumping from a nearby sump, the isolation area and water management methods will be re-evaluated.
21. Sequence the work to minimize the duration of dewatering.
22. Upon completion of each ELJ location, the coffer dam material shall be removed from the site and the site returned to pre-project or improved conditions.

TEMPORARY BRIDGES AND WATER CROSSING STRUCTURES



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23. Temporary bridge structures and steel plate crossings will be placed in a manner to minimize damage to the streambed and banks. Woody slash mats or log bundles can be used to smooth the transition from the bank to the stream crossings. In the event that stream banks must be manipulated in order to gain access to the crossing locations, restoration of these areas to as close to pre- project contour is required.

24. Wide stream crossings needing to utilize a twin span structure with a center in-water support may be used as needed. Bridges using this design will not be placed in spawning areas and will pay special attention to potential scour of the streambed as a result of flows sweeping around the supporting structure.

25. Bridge center supports may not be excavated into the substrate or utilize driven pilings.

26. Steel plate crossing shall be utilized as needed throughout the project. Steel plates should be used to prevent equipment drive mechanisms from damaging stream banks or substrate, disperse equipment weight and prevent drive mechanisms from entering or disturbing surface water.

27. Temporary bridges and steel plate crossings will be installed to allow the range of expected flows to pass freely beneath the structure. If forecasted river levels are expected to exceed the capacity of any of the crossing structures, immediate removal of the structures is required.

DEMOBILIZATION AND CLEANUP

28. Prior to demobilization from the site, remove all temporary stream crossings, abandon and scarify all temporary access routes and restore any banks damaged as a result of equipment access.

29. Replace native riparian zone vegetation damaged or destroyed by construction with native trees and shrubs.

30. Replanting of riparian vegetation should occur during the first dormant season (late fall through late winter) after project completion. Maintain plantings for at least three years to ensure at least eighty percent of the plantings survive.

31. Upon completion of the project, remove all extra construction materials, garbage, and equipment from the site. Any waste material should be appropriately disposed of in an upland area above the limits of anticipated floodwater.

LOCATION #1:		Site Name: Nooksack River NF and Falls Creek Mount Baker Hwy (SR 542)/ North Fork Road, Maple Falls, WA 98266				
WORK START:		July 1, 2016		WORK END:		September 30, 2016
<u>WRIA</u>		<u>Waterbody:</u>			<u>Tributary to:</u>	
01 - Nooksack		Nooksack River			Bellingham Bay	
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
NE 1/4	01	39 N	05 E	48.904731	-122.110509	Whatcom
<u>Location #1 Driving Directions</u>						

APPLY TO ALL HYDRAULIC PROJECT APPROVALS



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This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW. 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 unless this is a General HPA. If this is a General HPA you must use the Major Modification process described below. Any approved minor modification will require issuance of a letter documenting the approval. A minor modification to the required work timing means any change to the work start or end dates of the current work season to enable project or work phase completion. Minor modifications will be approved only if spawning or incubating fish are not 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. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a minor modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you did not use APPS you must submit a written request that clearly indicates you are seeking a minor modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. 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.



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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 pay an additional \$150 for the major modification. If you did not pay an application fee for the original HPA, no fee is required for a change to it. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a major modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you did not use APPS you must submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, payment if the original application was subject to an application fee, and the requestor's signature. Send your written request and payment, if applicable, by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. You may email your request for a major modification to HPAapplications@dfw.wa.gov, but must send a check or money order for payment by surface mail. 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 220-660-460 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 HPA Appeals Coordinator, 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. 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 220-660-470 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.



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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 HPA Appeals Coordinator, 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. 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.

Habitat Biologist Joel.Ingram@dfw.wa.gov
Joel Ingram 360-466-4345, Ext:271

for Director
WDFW