



# HYDRAULIC PROJECT APPROVAL

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

Issued Date: June 17, 2022  
Project End Date: June 16, 2027

Permit Number: 2022-6-256+01  
FPA/Public Notice Number: N/A  
Application ID: 27021

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
City of Edgewood ATTENTION: Joseph Blaine 2224 104th Ave E Edgewood, WA 98372-1513	

**Project Name:** Wapato Creek and Simons Creek Channel Maintenance

**Project Description:** Vegetation (mainly reed canary grass) will be removed, and large woody debris repositioned, when it inhibits the free-flow of drainage conveyance system surface water, which typically occurs when vegetation fully envelops the drainage conveyance system, thereby creating potential flooding of adjoining properties. The removal will be completed entirely with hand tools (hedge trimmer, chain saw, and pitchfork). Repositioning of woody debris will be restricted to pieces that have fallen into the stream and are obstructing flow, causing flooding issues to adjoining properties.

## PROVISIONS

### TIMING - PLANS - INVASIVE SPECIES CONTROL

1. **TIMING LIMITATION:** You may begin the project immediately and you must complete work by June 16, 2027, provided, all work below the ordinary high water line (OHWL) may only occur between June 1 and September 30 of a given year.

**EXCEPTION:** Normal maintenance work below the OHWL of a given watercourse may occur year-round, provided, the watercourse is in a naturally dry or no-flow condition, and any measures necessary to prevent erosion and sedimentation are in place and functioning properly.

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 "City of Edgewood Simons Creek and Wapato Creek Maintenance," dated May 25, 2022, and all supporting documents and communications uploaded to the APPS project file; 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 construction.

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](mailto: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 at each location. 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



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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 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.

## AQUATIC NOXIOUS WEED REMOVAL PROVISIONS

6. Plant removal within the streambed must be limited to aquatic plant species listed on the state noxious weed lists found in WAC 16-750-005, WAC 16-750-011, and WAC 16-750-015.
7. Removal is restricted to hand-pulling, using hand-held tools or equipment, or using equipment that is carried when used.
8. When hand-pulling aquatic noxious weeds, remove the entire plant when possible. Completely remove detached plants and plant parts from waters of the state so they will not reenter waters of the state.
9. Conduct work in a manner that minimizes the release of sediment and sediment-laden water from the job site.
10. Prevent contaminants from the project, such as petroleum products, hydraulic fluid, or any other toxic or harmful materials, from entering or leaching into waters of the state.
11. Work must not be conducted in fish spawning areas. For the purpose of this Hydraulic Project Approval, spawning areas are defined as portions of the streambed with rounded gravel deposits.
12. Do not use contaminated equipment, which can spread plant parts. Thoroughly remove and properly dispose of all viable plants and plant parts from the equipment before using equipment in waters of the state.
13. This Hydraulic Project Approval does not authorize the removal of native riparian zone vegetation.

## LARGE WOODY MATERIAL

14. For the purposes of this HPA, large woody material (LWM) means trees or tree parts larger than four inches in diameter and longer than six feet, and rootwads, wholly or partially waterward of the ordinary high water line.
15. Do not disturb large woody material embedded in a bank or bed.
16. Large woody material must either be repositioned with at least a third of the LWM length within the low flow channel or floated free immediately downstream of the work site to provide functional fish habitat. If releasing or repositioning woody material downstream of a worksite could create an unsafe hazard to life, the public, property or roadway infrastructure, the large woody material may be placed below the OHWL at another location within the same waterbody.
17. Large woody material must not be destroyed or reduced in value as fish habitat to the extent feasible. Large woody material must not be cut into smaller pieces except to allow floating or suspension of large woody material to reposition it. Root wads must not be removed from the trunk (bole). Boles must not be reduced in girth.
18. Do not drag non-embedded large woody material. Float or suspend large woody material during placement, repositioning, or removal so it does not damage the bed or banks. A yarding corridor or full suspension is required to protect riparian zone vegetation. Full suspension can be achieved with hand-operated or heavy equipment or aerial log yarding towers.
19. When repositioning or removing large woody material, minimize releasing bedload, logs, or debris downstream. Fill and smooth over any depressions created in the bed with material that has the same composition as native material.
20. Natural woody material that is smaller than large woody material may be, in order of preference, repositioned within the stream, floated downstream, or deposited on the bank.

## DEMOBILIZATION AND CLEANUP

21. Upon completion of the noxious weed removal, the streambed must contain no pits, potholes, or large depressions to avoid stranding fish.



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22. Deposit all trash from the project at an appropriate upland disposal location.

LOCATION #1:	Site Name: Wapato from Freeman Rd to SR 161 , , WA					
WORK START:	June 17, 2022			WORK END:	June 16, 2027	
<u>WRIA</u>		<u>Waterbody:</u>			<u>Tributary to:</u>	
10 - Puyallup - White		Wapato Creek			Port Industrial Waterway	
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
	17	20 N	04 E	47.215945	-122.309825	Pierce
<u>Location #1 Driving Directions</u>						
LOCATION #2:	Site Name: Simons from Freeman Rd to SR 161 , , WA					
WORK START:	June 17, 2022			WORK END:	June 16, 2027	
<u>WRIA</u>		<u>Waterbody:</u>			<u>Tributary to:</u>	
10 - Puyallup - White		Other			Other	
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
	17	20 N	04 E	47.215945	-122.309825	Pierce
<u>Location #2 Driving Directions</u>						

### 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. 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.



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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 civil action against you, including, but not limited to, a stop work order or notice to comply, and/or a gross misdemeanor criminal 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. 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](mailto:HPAapplications@dfw.wa.gov). 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 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, and the requestor's signature. Send your written request 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](mailto:HPAapplications@dfw.wa.gov). You should allow up to 45 days for the department to process your request.



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### 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, PO Box 43234, Olympia, Washington 98504-3234; 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 may conduct an informal hearing or review 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.

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, PO Box 43234, Olympia, Washington 98504-3234; 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.

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Habitat Biologist

Miles.Penk@dfw.wa.gov

Miles Penk

360-480-2908

A handwritten signature in black ink, appearing to read "Miles Penk".

for Director

WDFW

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