



# HYDRAULIC PROJECT APPROVAL

**RECEIVED**  
 Washington Department of Fish & Wildlife  
 JAN 21 2022  
 PO Box 43234  
 Olympia, WA 98504-3234  
 (360) 902-2200  
**Kittitas County CDS**

Issued Date: November 20, 2020  
 Project End Date: November 19, 2025

Permit Number: 2020-3-75+01  
 FPA/Public Notice Number: N/A  
 Application ID: 23445

### PERMITTEE

SSHI LLC, dba D.R. Horton  
 ATTENTION: Jennifer Reiner  
 11241 Slater Avenue NE, Ste 200  
 Kirkland, WA 98033

### AUTHORIZED AGENT OR CONTRACTOR

Anchor QEA, LLC  
 ATTENTION: Joshua Jensen  
 1201 3rd Avenue, Ste 2600  
 Seattle, WA 98101

**Project Name:** Whiskey Creek WDFW Restoration Activities

**Project Description:** DR Horton has prepared a Restoration Plan to address the requirements of WDFW HPA No. 20409 for the DR Horton Black Horse at Whiskey Creek residential development project. The plan is provided to address areas impacted from the recently replaced Whiskey Creek culvert at Bender Road, a proposal for irrigation ditch dissipation pad work, and a proposal to remove the flow restriction plate from within the Whiskey Creek culvert. The flow restriction plate will need to remain in-place until the siphon at the Ellensburg Water Company under Whiskey Creek is corrected. Kittitas County has agreed to remove the flow restriction plate once this action is completed, no later than January 2025 as specified in condition #34.

## PROVISIONS

1. This STANDARD Hydraulic Project Approval (HPA) is issued for the restoration activities relating to the "Black Horse at Whiskey Creek" culvert replacement project, which will include: irrigation ditch dissipation pads; revegetation and restoration plantings; and the removal of the culvert flow restriction plate, not to be replaced.

### TIMING - PLANS - INVASIVE SPECIES CONTROL

2. **TIMING LIMITATION:** You may begin the project immediately and you must complete the project by November 19, 2025.

3. **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, 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.

4. **INVASIVE SPECIES CONTROL:** Thoroughly remove visible dirt and debris from all equipment and gear (including drive mechanisms, wheels, tires, tracks, buckets, and undercarriage) before arriving and leaving the job site to prevent the transport and introduction of invasive species. Properly dispose of any water and chemicals used to clean gear and equipment. You can find this and additional information in the Washington Department of Fish and Wildlife's "Invasive Species Management Protocols", available online at <https://wdfw.wa.gov/species-habitats/invasive/prevention>.

### NOTIFICATION REQUIREMENTS

5. **PRE-CONSTRUCTION NOTIFICATION:** You, your agent, or contractor must contact the Washington Department of Fish and Wildlife (WDFW) by e-mail at [elizabeth.torrey@dfw.wa.gov](mailto:elizabeth.torrey@dfw.wa.gov) at least five business days before beginning work on-site. WDFW may conduct inspections during construction.

6. **POST-CONSTRUCTION NOTIFICATION:** You, your agent, or contractor must contact the Washington Department of Fish and Wildlife (WDFW) by e-mail at [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov) within five business days after completing the work. The notification must include the permit number and photographs of the completed project site. WDFW may



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conduct inspections after construction.

**7. 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 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 - JOB SITE ACCESS - EQUIPMENT - EROSION AND POLLUTION CONTAINMENT

8. 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, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.

9. Station and operate equipment used for this project landward of the ordinary high water line. Equipment including trackhoes, backhoes, etc. may extend their boom/arm to grasp or place materials below the ordinary high water line, but all cab and drive mechanisms must remain above the ordinary high water line.

10. Check equipment daily for leaks and complete any required repairs in an upland location before using the equipment in or near the water.

11. Protect all disturbed areas from erosion. Maintain erosion and sediment control until all work and cleanup of the job site is complete.

12. Stop all hydraulic project activities except those needed to control erosion and siltation, if flow conditions arise that will result in erosion or siltation of waters of the state.

13. Prevent project contaminants, such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials, from entering or leaching into waters of the state.

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

### IRRIGATION DITCH DISSIPATION PADS

15. The irrigation ditches must terminate landward of the OHWL of Whiskey Creek such that fish cannot access the ditches at least up to a 2 year flow event.

16. Locate and construct the dissipation pads per the approved plans and specifications submitted to the Washington Department of Fish and Wildlife. The pads must be constructed of rounded rock to prevent erosion and sedimentation arising from irrigation discharge. The pads must be installed such that the elevations preclude fish access at flows at least up to a 2 year event.

17. To prevent scouring, protect the watercourse bank and bed at the point of discharge using biotechnical techniques. Plant a minimum of one row of native willow stakes or other comparable species around the energy dissipators to hold the rocks in place and prevent erosion.

### FLOW RESTRICTION PLATE REMOVAL

18. The flow restriction plate must be removed prior to January 2025. Every effort must be made to coordinate removal efforts during summer low flows to minimize impact to the watercourse.

19. Unbolt and detach the restriction plate from the culvert face using hand-held tools only. Ensure that no debris or metal pieces are lost in the stream during removal efforts.

20. The unbolted restriction plate must be cleanly lifted in a vertical manner such that no disturbance to the streambed occurs during removal efforts. The equipment which is lifting the plate must be stationed on the paved roadway.

### RESTORATION PLANTINGS

21. Replant the job site with the plant species composition and planting densities listed in the approved planting plan.



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22. Seed areas disturbed by construction activities with a native seed mix suitable for the site that has at least one quick-establishing plant species. Replace native riparian zone and aquatic vegetation, and wetland vascular plants (except noxious weeds) damaged or destroyed by construction using a proven methodology.

23. Complete replanting of riparian vegetation during the dormant season (late fall through late winter) per the approved plan. Maintain plantings for at least three years to ensure at least 80% of the plantings survive. Dead plants must be replaced such that the 80% benchmark is met.

### DEMOBILIZATION AND CLEANUP

24. Upon completion of the project, remove all materials or equipment from the site and dispose of all excess spoils and waste materials in an upland area above the limits of anticipated floodwater.

25. Remove temporary erosion and sediment control methods after job site is stabilized or within three months of project completion, whichever is sooner.

LOCATION #1: Site Name: Whiskey Creek Development  
1406 W Bender Rd, Ellensburg, WA 98926-9488

WORK START: November 20, 2020

WORK END: November 19, 2025

<u>WRIA</u>		<u>Waterbody:</u>			<u>Tributary to:</u>	
39 - Yakima (Above Naches R)		Various			Various	
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
SW 1/4	27	18 N	18 E	47.0247	-120.56887	Kittitas
<u>Location #1 Driving Directions</u>						

From I-90 East, take exit 106 onto US-97 South. Drive straight on US-97 South for approximately 0.5 mile and continue on West University Way for another 0.6 mile. Turn left onto Reecer Creek Road and drive for 1 mile until the property is reached.

## 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.

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 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.

## APPEALS INFORMATION



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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  
Elizabeth Torrey

Elizabeth.Torrey@dfw.wa.gov  
509-607-6711

A handwritten signature in blue ink that reads "Elizabeth Torrey".

for Director  
WDFW

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