



HYDRAULIC PROJECT APPROVAL

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

Issued Date: October 18, 2018
Project End Date: November 30, 2018

Permit Number: 2018-3-73+01
FPA/Public Notice Number: N/A
Application ID: 15817

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
GRAIG SCHWAB 2130 Hanson road, 2130 Hanson road ELLENSBURG, WA 98926	

Project Name: Manastash Creek Restoration

Project Description: Two cottonwood trees have fallen into the stream bordering my property causing a log jam and potential flood issue for next spring when the water runoff will be much greater. I would like permission to remove the tree trunks from the middle of the stream and have them placed along the stream bank which will help prevent further erosion along the bank.

PROVISIONS

1. **TIMING LIMITATION:** You may begin the project immediately and you must complete the project by November 30, 2018 provided the work only occurs in low flow conditions.

NOTIFICATIONS

2. You must contact the Washington Department of Fish and Wildlife by e-mail at Jennifer.nelson@dfw.wa.gov; or phone at 509-961-6639 at least 48 hours before starting work. The notification must include the permittee's name, project location, starting date, and the Hydraulic Project Approval permit number.

3. 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.

GENERAL

4. Except as modified by this HPA work must be accomplished per plans and description submitted to WDFW.

5. Disturbance of the channel bed, banks and woody shoreline vegetation must be limited to the minimum necessary to construct the project. Riparian vegetation must be straddled with equipment or be pruned as necessary without damaging the roots to allow the operation of equipment.

6. There must be no excavation or grading of the banks of Manastash Creek.

7. Best management practices must be implemented during all phases of the project to ensure that sediment-laden water does not enter waters of the state.

JOB SITE ACCESS AND EQUIPMENT

8. Use existing roadways or travel paths that are free of woody vegetation to the greatest extent possible.



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9. 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 waterward of the ordinary high water line.
 10. Remove soil or debris from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment prior to operating the equipment near water.
 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. This Hydraulic Project Approval does not authorize equipment crossings of the stream.
- LARGE WOODY MATERIAL (LWM)**
13. Trees must be kept as long as possible and the diameter of the root masses must not be reduced.
 14. LWM embedded in the bank or stream bed must be left undisturbed and intact.
 15. LWM repositioning must be limited to a single location identified in the field. LWM may be repositioned within the channel, floated free, or placed along the bank downstream from the existing jam. LWM may not be removed from the channel.
 16. LWM and debris must be repositioned gradually and in a controlled manner to prevent a sudden release of any impounded water, logs, other material or sediments which may result in downstream bed and bank degradation.
 17. Do not drag LWM through the bed or banks. Suspend large woody material during placement, repositioning, or removal so it does not damage the bed or banks. Full suspension is required to protect riparian zone vegetation.
 18. When you cannot suspend large woody material above the bed and banks, use skid logs or similar methods to avoid bank damage. Avoid damage to stream banks and vegetation when removing skid logs after completing the work, and restore the bank to pre-project condition.
 19. All woody material must be left onsite, within the bank full channel.

REVEGETATION

20. All areas disturbed by the work must be protected against erosion using vegetation, slash or other means within seven days of disturbance.

LOCATION #1:	Site Name: Manastash Creek Restoration 2130 Hanson road, ELLENSBURG, WA 98926					
WORK START:	October 18, 2018	WORK END:	November 30, 2018			
<u>WRIA</u>	<u>Waterbody:</u>			<u>Tributary to:</u>		
39 - Yakima (Above Naches R)	Manastash Creek (rb)			Yakima River		
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
	05	17 N	18 E	46.987	-120.608	Kittitas



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Location #1 Driving Directions

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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.

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



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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, PO Box 43234, Olympia, Washington 98504-3234; 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 jennifer.nelson@dfw.wa.gov
Jennifer Nelson 509-961-6639

A handwritten signature in cursive script that reads "Jennifer Nelson".

for Director
WDFW
