

Washington Department of Fish & Wildlife PO Box 43234 Olympia, WA 98504-3234

(360) 902-2200

Permit Number: 2018-3-33+01 Issued Date: May 17, 2018 Project End Date: February 15, 2019 FPA/Public Notice Number: N/A

Application ID: 13767

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
The Confederated Tribes and Bands of the Yakama Nation	McMillen Jacobs Associates
ATTENTION: JoDe Goudy	ATTENTION: Thad Jones
PO Box 1158	1401 W Shoreline Dr
Toppenish, NY 98948	Boise, ID 83702-6869

Project Name: Melvin R. Sampson Coho Hatchery

Project Description:

The Bonneville Power Administration (BPA) is proposing to fund construction and operation of the Melvin R. Sampson Hatchery (MRS Hatchery) in the Yakima Basin in central Washington. Operation of the MRS Hatchery would involve production of 700,000 coho salmon for release in the Yakima and Klickitat River basins. The proposed hatchery would be owned and operated by the Confederated Tribes and Bands of the Yakama Nation (Yakama Nation) and would be constructed on land owned by the Yakama Nation Land Enterprise northwest of Ellensburg in Kittitas County, Washington.

The project has three separate action areas in potential jurisdictional waters of the US and wetlands: MRS Hatchery Site, New Cascade Canal, and New Cascade Canal Bypass. The following actions will occur at each location:

MRS Hatchery Site

- Installation of a cone fish screen and intake pipe and sump into the New Cascade Bypass Canal to provide freshwater during winter months to the hatchery.
- Installation of an outlet pipe discharging from the effluent clarifier to the New Cascade Bypass Canal.
- Installation of an outlet pipe discharging water from adult holding ponds into Wehl Ditch to the north of the property.
- Demolition of a cement lined irrigation ditch and installation and covering of 24-inch pipe to supply irrigation water.

New Cascade Canal Head Gate

- · Replacement of the existing metal trash rack in the Yakima River with a high-density polyethylene (HDPE) structure with fiberglass reinforcement to minimize the formation of ice.
- Gate structures upgrade from manual to remote operation mechanics.

New Cascade Canal Bypass Diversion

· Installation of a cement low-flow deflector in front of the existing drum screen to divert low water winter flows into the New Cascade Canal Bypass channel to provide winter water to the hatchery.

PROVISIONS

1. TIMING LIMITATIONS: The project may begin July 16, 2018 and shall be completed by February 15, 2019 provided inwater work only occurs during low flow conditions.



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REDD SURVEYS

2. From October 1 to February 15, prior to performing work, the affected work area(s) and the channel 100 feet upstream and downstream of the work site shall be searched for spawning fish or redds. If redds or spawning fish are observed within the work area, the site shall be marked at the shoreline and the WDFW Habitat Biologist shall be contacted prior to performing the work to determine whether additional measures are necessary to protect fish or redds during construction.

NOTIFICATION REQUIREMENT

- 3. The permittee or contractor shall notify the Department field office, phone (509) 961-6639 or email jennifer.nelson@dfw.wa.gov, at least 72 hours prior to starting in-channel work on this project and prior to project completion and demobilization. Leave message for Jennifer Nelson, Area Habitat Biologist. The notification shall include the permittee's name, project location, starting date for work, and the control number for this Hydraulic Project Approval (HPA).
- 4. 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, Washington Department of Ecology at 1-800-424-8802, and to Jennifer Nelson, Area Habitat Biologist, 509-961-6639.

REQUIRED SUBMITTALS AND PRE-CONSTRUCTION MEETING

- 5. Prior to commencement of work within fish bearing waters, the permittee shall provide WDFW with: a) a complete set of construction plans and specifications; and b) a copy of the construction schedule.
- 6. Prior to commencement of work within fish bearing waters, the permittee shall arrange a pre-construction meeting with WDFW and key project personnel to discuss the work plan and key project elements.

GENERAL

- 7. Work shall be accomplished per plans prepared by McMillen Jacobs Associates entitled BPA and the Yakama Nation Melvin R. Sampson Coho Hatchery Design Build, dated April 28, 2017 and submitted to Washington Department of Fish and Wildlife (WDFW) with the Hydraulic Project application, except as modified by this Approval. A copy of the plans, specifications and this HPA shall be available on-site during construction.
- 8. Disturbance of the channel bed, banks, and shoreline vegetation shall be limited to the minimum necessary to construct the project.
- 9. Woody material embedded in the bank or stream bed shall be left undisturbed and intact to the greatest extent practicable.
- 10. Temporary run-off and erosion control measures (BMPs) shall be installed as needed to prevent discharge of earth and fine sediment from the work area to the flowing water.
- 11. Best management practices shall be applied such that no petroleum products, hydraulic fluids, fresh cement, sediments, or sediment laden water, chemicals, or any other toxic materials are allowed to enter or leach into the Yakima River.
- 12. Permittee shall have spill cleanup materials (including absorbent pads and containment boom) available on site. Spill kit shall be pre-positioned immediately downstream of the work area and have enough boom materials to span the entire channel (or canal).
- 13. Any deployed containment, boom or filter structure shall be routinely inspected and repaired as necessary to



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ensure its function. Debris and substances collected in the containment, boom or filter structure shall be removed from the structure at least daily, whenever accumulation place the structure at risk, and before relocation or the removal of the structure.

SCREENING AND MEASURING REQUIREMENTS

- 14. The diversions shall be screened to protect fish in a manner consistent with the current WDFW/NMFS screening criteria (Refer to the publication entitled Anadromous Salmonid Passage Facility Design by the National Marine Fisheries Service (NMFS), Northwest Region, Portland, Oregon, 2011. Copy available at Internet Link: http://www.nwr.noaa.gov/Publications/Reference-Documents/Passage-Refs.cfm).
- 15. The diversions shall be equipped with a measuring device which allows measurement of instantaneous flow (e.g. cubic feet per second) and the total annual diversion of water from the stream.

STAKING AND MARKING

- 16. The clearing limits shall be clearly marked/staked prior to any clearing or ground disturbing activity. Sensitive areas, habitat features and vegetation to be protected from disturbance shall be delineated in the field and marked so as to be clearly visible to equipment operators.
- 17. The equipment access and travel routes and material stockpile sites located near the shoreline of the Yakima River, New Cascade Bypass, and side channel shall be shall be clearly marked/staked in the field prior to use.

EQUIPMENT

- 18. Prior to arrival on site, all equipment and gear shall be pressure washed or steam cleaned so as to be free of accumulations of earth and petroleum products and free of invasive aquatic organisms and noxious weeds. Care shall be taken to ensure that all areas of equipment that may harbor invasive aquatic organisms (such as zebra mussels, quagga mussels, etc.) are thoroughly cleaned prior to arriving onsite. 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.
- 19. All equipment working within fish bearing waters shall use a biodegradable, non-toxic hydraulic fluid meeting the toxicity requirements of the U. S. Environmental Protection Agency and the U.S. Fish and Wildlife Service in the hydraulic systems.
- 20. Equipment shall be maintained in good working condition and inspected daily to ensure that fuel, lubricants, hydraulic fluid and other materials harmful to fish or other aquatic life are not leaked or spilled to the beds, banks or shorelines.
- 21. Equipment shall be stored, serviced and parked at end of the work day at locations at least 50 feet from the channel and/or wetlands. Secondary containment measures shall be used whenever slope or site conditions could direct spills of fuel, lubricants, hydraulic fluid or other harmful materials to waters of the state.
- 22. All containers storing fuel or other deleterious substances shall be secured and stored outside the OHWL to prevent incidental spills.
- 23. All lumber to be used for the project shall meet or exceed the standards established in the most recent version of 'Best Management Practices For the Use of Treated Wood in Aquatic and Wetland Environments' developed by the Western Wood Preservers Institute, Wood Preservation Canada, Southern Pressure Treaters' Association, and Southern Forest Products Association (http://www.wwpinstitute.org/), revised November 2011, and any current amendments.



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WORK AREA ISOLATION AND TEMPORARY STREAM BYPASS

24. Work areas shall be isolated from flowing water, prior to initiation of other work within the ordinary high water line. Containment structures shall be clean materials such as sand bags, ecology blocks, plastic sheeting, washed gravels, etc.. There shall be no in-water use of earth or clay. The containment must effectively isolate the work area and prevent discharge of earth, sediment and harmful materials to flowing water.

TEMPORARY STREAM FLOW BYPASS

- 25. A temporary pump system, culvert or flume shall be installed to bypass stream flow around the work area. The bypass shall effectively isolate the work area from the flowing water and pass flows to the channel immediately downstream. Stream flow shall be maintained in the channel immediately above and below the work area at all times. The bypass shall be only as long as necessary to prevent seepage or backwatering of the work area. The temporary bypass shall be of sufficient size to pass flow and debris occurring during the project.
- 26. If a pump bypass is used, the inlet shall be screened (meeting NMFS criteria, provision 14) to prevent entrainment of fish and the outlet shall be equipped with a diffuser or positioned so as to ensure discharge cannot scour/erode the bank or bed.
- 27. A dam of sandbags and plastic sheeting or equivalent clean materials shall be placed in the stream to divert the entire flow of the creek through the bypass. If necessary to prevent backwater from entering the work area, a similar clean structure shall be installed at the downstream end of the bypass. If fish are stranded in the work area, they shall be captured and released unharmed.
- 28. Upon completion of the project, all temporary bypass facilities shall be removed. Materials (other than washed gravel) used for temporary diversion and containment structures shall be removed from the site.

FISH PROTECTION AND REMOVAL

29. Containment dams and temporary stream bypass shall be installed in a manner that minimizes entrapment of fish. Fish shall be allowed volitionally leave the work area as flows are gradually reduced. Fish trapped inside of the work area or dewatered portions of the channel shall be protected from harm, captured and released unharmed upstream or downstream from the project. (Note: Permittee may request assistance from the Department for this task and assistance will be provided if the Department has personnel available. Please provide as much advanced notice as possible.)

DEWATERING OF WORK AREAS

30. During initial dewatering of the work areas, turbid water shall be pumped to an upland area for disposal by infiltration to the ground. If site conditions preclude infiltration, BMPs shall be installed to ensure fines settle out and the water is clean before it re-enters flowing water. Subsequent pumping to remove water infiltrating through the stream gravels may be discharged directly to the stream provided that: a) a perforated sump chamber is installed away from the main work area to intercept the inflow, b) waste water containing raw concrete or other harmful materials is not reaching the sump chamber, c) water being pumped from the sump is clear (no suspended solids or turbidity), and d) state water quality standards are achieved. Lines discharging water to the river, bypass, or side channel shall be equipped with a diffusing device to prevent the scouring of fine sediments from the bank or bed.

WASTE WATER MANAGEMENT

- 31. Contaminated or turbid wastewater shall be pumped to an upland location to allow removal of fine sediment and other contaminants and disposal of water by infiltration to the ground. Care shall be taken to ensure that neither raw concrete nor wastewater contaminated with raw concrete, petroleum products, fine sediment or other materials harmful to fish or aquatic life is discharged to the creek.
- 32. Fresh concrete or wastewater containing concrete shall not be allowed to come in contact with the stream, or



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surface waters which flow into the stream, during any phase of the project. (Note that raw concrete is very toxic to fish and other aquatic life.) Forms shall be sealed and/or containment structures installed to prevent leakage to the fish bearing waters. Structures containing concrete shall be sufficiently cured prior to contact with water of the stream to avoid leaching of materials harmful to fish. Concrete trucks, tools and pumper trucks shall not be rinsed in a manner or location such that concrete or water containing concrete could enter the stream, or enter surface water which flows into the stream.

NEW CASCADE CANAL HEADWORKS

- 33. Equipment shall work from the bank or upland areas such that drive mechanisms (wheels or tracks) do not come in contact with waters of the state.
- 34. A new HDPE trash rack with fiberglass reinforcements shall replace the existing metal trash rack in isolation from flowing water. The new trash rack bar spacing shall be three inches on center.
- 35. Remotely operated head gate operators may be installed to replace the existing manually controlled slide gates.
- 36. All hardware, debris, and substances used for the trash rack and head gate replacements shall be contained and removed from fish bearing waters of the Yakima River and the New Cascade Canal Bypass.

NEW CASCADE CANAL BYPASS DIVERSION DEFLECTOR

- 37. All work to construct the bypass deflector shall occur in isolation from flowing water and all concrete shall be sufficiently cured such that the pH will not harm fish life prior to contact with flowing water.
- 38. The deflector berm shall be designed and constructed to ensure the New Cascade drum screens operate within NMFS and WDFW criteria for the protection of fish life.
- 39. The deflector shall direct low flows during the non-irrigation season to the New Cascade bypass to provide perennial flow to the side channel and hatchery surface water intake.

HATCHERY SURFACE WATER DIVERSION

- 40. Work to install the fish screen and grade control structures shall occur in isolation from flowing water with the side channel bypassed around the work site.
- 41. A temporary picket weir shall be installed below the work area prior to adult fish spawning (October 1) to preclude them from the work area. The weir shall be removed immediately upon completion of the project.
- 42. The diversion facilities shall be constructed as per the approved plans except as modified by this HPA.
- 43. The concrete pad for the fish screen shall be no larger than 6.5 feet by 6.5 feet with a depth no greater than 6 inches. The top of the slab shall be level with the existing stream channel bed.
- 44. An ISI Cone Screen model ISI C66-18, capable of diverting up to 6 cfs within NMFS and WDFW criteria, shall be set on the concrete pad. The fish screen shall be operated with an automatic cleaning system.
- 45. The trench from the fish screen diversion to the pump shall have at least two bentonite (or equivalent) plugs to prevent water from piping down the trench, away from the channel.
- 46. Two sheet pile weirs may be installed downstream of the cone screen to obtain the appropriate water surface elevation over the fish screen. Drops over the weirs shall be no more than eight inches.



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- 47. Each sheet pile weir shall be covered with a well graded mix of 12 inch minus cobbles and streambed sediment (WSDOT standard specifications attached). For stability, approximately 30-40% of the streambed material shall be composed of streambed sediments washed into the cobbles to sufficiently fill voids. Onsite materials may be suitable for this purpose.
- 48. The weirs shall be constructed with a low flow notch approximately 22 inches wide and six inches deep to provide unimpeded fish passage year round. Notches in weirs may be staggered.
- 49. The channel shall be constructed to its final shape and elevation in the dry. After the streambed material has been installed, the bed shall be washed with water so as to wash fine materials down into the voids between the larger bed material, reduce permeability of the bed, and leave a clean, natural-like streambed surface. Wastewater from this washing shall be captured and pumped to an upland area for disposal.

HATCHERY OUTFALLS

- 50. The outfalls shall be constructed in isolation from flowing water.
- 51. The outfalls to the creek and pond shall be armored with large rock to prevent bed or bank erosion. The affected banks shall be restored to stable and natural-like configuration.
- 52. Native woody vegetation adapted to riparian areas (willows, cottonwoods, redosier dogwood, etc.) shall be planted in and around the riprap as it is installed, while maintaining access to the outfall for inspection and maintenance. Vegetation shall be planted at least six inches deep into the low water table.

SITE RESTORATION

- 53. The disturbed streambed areas shall be restored to a natural-like condition. All waste material shall be removed completely from the project site and disposed of in an approved upland location where it will not alter flood flows nor reduce floodplain storage.
- 54. All earth areas adjacent to the watercourse which have been exposed or disturbed by this project are to be graded to a stable slope, seeded with a suitable erosion control seed mix, and protected from erosion with biodegradable erosion control materials suitable for the location within 7 calendar days of project completion.
- 55. Native woody plants adapted to streamsides (such as redosier dogwood, gravelbar-type willows, black cottonwood, etc.) shall be established along all streambank areas disturbed by this project including banks armored with riprap. Plants shall be established immediately above the ordinary high water mark, spaced at a maximum interval of three (3) feet (on center) and maintained as necessary for three (3) years to ensure 80 percent survival. Live pole cuttings, nursery stock or transplants may be used.

MAINTENANCE

- 56. The water diversion facilities shall be maintained by the owners to ensure continued, fish protection and unimpeded fish passage within WDFW and NMFS criteria. If the facilities become a hindrance to fish passage or do not adequately prevent entrainment, the owners shall be responsible for obtaining a Hydraulic Project Approval and providing prompt repair. Financial responsibility for maintenance and repairs shall be that of the owners.
- 57. If at any time the sheet pile is exposed, the owners shall be responsible for obtaining a separate HPA to install a cap with smooth edges and/or natural materials to cover sharp edges and protect fish from descaling or other injury.
- 58. This HPA does not authorize maintenance actions associated with the new facilities. The owners shall be responsible for obtaining a separate HPA for routine maintenance of this diversion and associated facilities.



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Location #1 Driving Directions

HYDRAULIC PROJECT APPROVAL

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-120.626289

LOCATION #1: | Site Name: Melvin R. Sampson Coho Hatchery 191 Klocke Road, Ellensburg, WA 98948 WORK START: July 16, 2018 WORK END: February 15, 2019 WRIA Waterbody: Tributary to: 39 - Yakima (Above Naches R) Unknown Stream Number Unknown 1/4 SEC: Section: Township: Range: Latitude: Longitude: County:

From the intersection of Old Highway 10 and Highway 97, follow Highway 10 to the north for 2 miles until reaching Klocke Road. Turn left onto Klocke Road and the destination is on the right (see Attachment F- Figures 1 and 2).

47.041913

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.

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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.



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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.

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.



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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.

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 509-962-3421

for Director

Jennifer Melson

WDFW