



# HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - See appeal process at end of HPA

North Puget Sound  
16018 Mill Creek Boulevard  
Mill Creek, WA 98012-1296  
(425) 775-1311

Issue Date: September 11, 2013  
Project Expiration Date: September 10, 2018

Control Number: 131581-1  
FPA/Public Notice #: N/A

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
WDNR PO Box 47027 Olympia, WA 98504-7027 360-902-1085 Fax: 360-902-1786	WDNR ATTENTION: Lisa Randlette PO Box 47027 Olympia, WA 98504 360-902-1085 Fax: 360-902-1786

**Project Name:** Quartermaster Harbor Mooring Buoy Management Plan

**Project Description:** Remove: a 60-foot (approx.) sunken vessel; up to 40 creosote pilings; and up to 75 abandoned private recreational mooring buoys and associated marine debris, on state-owned aquatic lands. Authorize placement, relocation, and/or reinstallation of up to 200 existing, privately-owned recreational mooring buoys.

## PROVISIONS

- 1. TIMING LIMITATIONS:** The project may begin immediately and shall be completed by September 10, 2018. Project specific timing limitations are included in the provisions below.
- 2. NOTIFICATION REQUIREMENT:** No less than three working days prior to start of work, the applicant or their representative shall notify the Area Habitat Biologist (AHB) listed below by email (Laura.Arber@dfw.wa.gov) or phone (425)379-2306, of the project start date. The notifications shall include the applicants name, project location, starting date of work or completion date of work, and the control number of this HPA.
- 3. APPROVED PLANS:** Work shall be accomplished per plans and specifications submitted with the JARPA and approved by the Washington Department of Fish and Wildlife, entitled 'QUARTERMASTE HARBOR MOORING BUOY MANAGEMENT PLAN', received (AUGUST 1, 2013), except as modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during all phases of the project proposal.
- 4. Project activities shall include removing up to 40 creosote treated timber piles, up to 75 abandoned recreational mooring buoys and associated marine debris, and a 60-ft (approximately) sunken vessel, and authorizing placement, relocation, and/or reinstallation of up to 200 existing recreational mooring buoys, as illustrated in your plans received August 1, 2013, except as modified by this Hydraulic Project Approval.**
- 5. All trash and unauthorized fill, including concrete blocks or pieces, bricks, asphalt, metal, treated wood, glass, floating debris, and paper, below the ordinary high water line (OHWL) in and around the applicant's project area shall be removed and deposited at an approved upland disposal site.**

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## PILE REMOVAL

6. **TIMING LIMITATIONS:** The project may begin immediately and shall be completed by September 10, 2018, provided, work below the ordinary high water line shall not occur from January 15 through July 31 of any year for the protection of migrating juvenile salmonids.

7. During creosote-piling removal, containment booms and absorbent sausage booms (or other oil absorbent fabric) shall be placed around the perimeter of the work area to capture wood debris, oil, and other materials released into marine waters as a result of construction activities. All accumulated debris shall be collected and disposed upland at an approved disposal site.

8. The existing piles shall be removed and disposed of upland such that they do not enter waters of the state. In the event that the piles cannot be completely removed then the remainder of the pile shall be removed with a clamshell bucket, chain, or similar means, or cut off at least one foot below the mudline.

9. Extracted piles shall be cut to size as required by container and disposal contractors.

10. Piles, stubs, debris, and all associated excavated sediments shall be contained and prevented from entering waters of the state.

## MOORING BUOYS

11. As specified in the application, up to 75 abandoned buoys shall be removed. Divers shall remove submerged line/ chain/ buoy from anchors and remove off site by vessel. Divers will extract the anchors using floats, dependent on the extent of embedment in the sediment, or leave the anchors in place to minimize disruption to the bottom sediments.

12. New mooring buoys should be marked with a Department of Natural Resources issued identification number, or a Washington Department of Fish and Wildlife (WDFW) identification number consisting of the Hydraulic Project Approval (HPA) Control Number followed by WDFW. For example, if the HPA Control Number is 0000566456-01, then the mooring buoy identification number is 566456-01WDFW.

13. **TIMING LIMITATIONS:** The project may begin Immediately and shall be completed by September 10, 2018.

14. The mooring buoys shall be deployed at the locations (buoy fields) indicated on the site plan submitted and approved by WDFW. The Area Habitat Biologist listed below may approve deployment at a different location than that in the approved plans.

15. The mooring buoy systems shall be located to avoid shading impacts from vessels and/or damage from vessel props to eelgrass, kelp, other significant macroalgae species, or Pacific herring spawning substrate.

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16. The preliminary level eelgrass/macroalgae habitat survey, conducted by a qualified diver/biologist and submitted to WDFW with the approved application, verifies the absence of eelgrass, kelp, or other significant macroalgae species in a documented spawning location of Pacific herring; therefore, the mooring buoy systems shall use either an embedment style anchor or a surface anchor dependent upon DNRs requirements.

## THE FOLLOWING APPLY TO BOTH NEW INSTALLATIONS, AND REPAIR AND MAINTENANCE ACTIVITIES

17. The line length between the anchor and surface float shall not exceed the water depth as measured at extreme high tide plus a maximum of 20 percent additional line for scope.

18. The buoy system shall include a subsurface float designed to keep the line between the anchor and surface float from contacting the bottom during low tide cycles. The subsurface float shall be located off the bottom a distance equal to 1/3 the line length.

19. The buoy system shall be installed and used in a manner that will not damage the bed or aquatic vegetation as a result of anchor or chain movement for the life of the buoy system.

20. Floatation for the buoy shall be fully enclosed and contained to prevent breakup or loss of floatation material into the water.

21. Project activities shall be conducted to minimize siltation of beach areas and bed materials.

22. Water quality shall not be degraded to the detriment of fish life as a result of this project.

## DERELICT VESSEL REMOVAL

23. TIMING LIMITATIONS: If the removal method involves only the use of floatation bags with no hydraulic jetting of sediments, the vessel may be removed at any time of the year through September 10, 2018.

If the removal involves the use of hydraulic jetting for sling placement, work shall be accomplished between August 1 and February 15 of any year through September 10, 2018.

24. All debris or deleterious material resulting from the vessel removal shall be removed from the aquatic bedlands and state waters, and prevented from re-entering waters of the state. A boom or similar device shall be used to contain floatable materials.

25. The vessel and associated materials shall be disposed of so that it does not re-enter state waters.

26. The sunken vessel shall not be drug along the bed.

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## HABITAT PROVISIONS

27. Construction barge/boat movements shall not shade any portion of the eelgrass habitat for a continuous period longer than 4 days between March 21 and September 21. Any portion of the eelgrass habitat that is shaded for 4 consecutive days shall receive, at a minimum, 3 consecutive days of uninterrupted natural light.
28. Barges shall be restricted to water levels or tide elevations adequate to prevent grounding of the barge, however, barges are permitted to 'spud down', anchor, or otherwise stabilize themselves to maintain position when conducting a removal.
29. Anchoring devices shall not 'spud down' in eelgrass or kelp beds.
30. If kelp or eelgrass beds are present, vessel operation shall be restricted to tidal elevations adequate to prevent propeller related damage to vegetation.
31. Eelgrass and kelp shall not be adversely impacted due to any project activities (e.g., barge shall not ground, anchors and spuds shall not be deployed, equipment shall not operate, and other project activities shall not occur in eelgrass and kelp).
32. All natural habitat features on the beach larger than 12 inches in diameter, including trees, stumps, logs, and large rocks, shall be retained on the beach following construction. These habitat features may be moved during construction if necessary.

## WATER QUALITY PROVISIONS

33. Project activities shall be conducted to minimize siltation of the beach area and bed.
34. 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 Department of Ecology at 1-800-258-5990, and to the Area Habitat Biologist listed below.
35. All debris or deleterious material resulting from construction shall be removed from the beach area and bed and prevented from entering waters of the state.
36. No petroleum products or other deleterious materials shall enter surface waters.
37. Wood treated with preservatives, trash, waste, or other deleterious materials shall not be burned below the ordinary high water line. Limited burning of untreated wood or similar material may be allowed at or above the mean higher high water line.
38. Project activities shall not degrade water quality to the detriment of fish life.



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## PROJECT LOCATIONS

### Location #1 Quartermaster Harbor

WORK START: September 11, 2013				WORK END: September 10, 2018		
WRIA: 09.9110		Waterbody: Wria 09 Marine		Tributary to: Puget Sound		
1/4 SEC: All	Section: 99	Township: 22 N	Range: 03 E	Latitude: N 47.343796	Longitude: W 122.467282	County: King
<u>Location #1 Driving Directions</u>						
<p>From the South: From WA-16 W, take the 6th Ave. exit (Exit 3), toward WA-163 N / Ruston. Stay straight to go onto Bantz Blvd. Take the 1st right onto N. Pearl St. / WA-163 N. Take the Point Defiance-Tahlequah Ferry (check schedule / fares). Go northeast on Vashon Hwy SW. Turn left to stay on Vashon Hwy SW. Turn right onto SW Burton Dr. Take the 3rd left onto 97th Ave. SW. Turn slight right onto SW Harbor Dr. Turn left into Burton Acres Park. Access project site (Quartermaster Harbor) from public boat ramp.</p> <p>From the North: From WA-99 N, take W. Marginal Way S toward 1st Ave. SW. Marginal Way S. becomes Highland Park Way SW. Highland Park Way SW becomes 9th Ave. SW. Turn right onto SW Henderson St. SW Henderson St. becomes SW Barton Pl. SW Barton Pl. becomes SW Barton St. SW Barton St. becomes California Ave. SW. California Ave. SW becomes SW Brace Point Dr. Turn slight right onto SW Wildwood Pl. Turn slight right onto Fauntleroy Way SW. Take the 1st left on SW Barton St. Take the Fauntleroy-Vashon Island Ferry (check schedule / fares). Go south on Vashon Hwy SW. Turn left onto SW Burton Dr. Take the 3rd left onto 97th Ave. SW. Turn slight right onto SW Harbor Dr. Turn left into Burton Acres Park. Access project site (Quartermaster Harbor) from public boat ramp.</p>						

## 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 (formerly RCW 77.20). 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



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(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. A minor modification to the required work timing means up to a one-week deviation from the timing window in the HPA when there are no spawning or incubating fish 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. To request a minor modification to your HPA, submit a written request that clearly indicates you are requesting a minor modification to an existing HPA. Include the HPA number and a description of the requested change and 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). Do not include payment with your request. 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 paid an application fee for your original HPA you must include payment of \$150 with your written request or request billing to an account previously established with the department. If you did not pay an application fee for the original HPA, no fee is required for a change to it. To request a major modification to your HPA, submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Include the HPA number, check number or billing account number, and a description of the requested change. Send your written request and payment, if applicable, by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. If you are charging the fee to a billing account number or you are not subject to the fee, you may email your request 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

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 220-110-340 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 Washington Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091; 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 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.



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B. FORMAL APPEALS: WAC 220-110-350 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 Washington Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091; 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.

ENFORCEMENT: Sergeant Olson (25) P1

Habitat Biologist Laura Arber	425-379-2306		for Director WDFW
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CC: