



HYDRAULIC PROJECT APPROVAL

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

Issued Date: January 28, 2019
Project End Date: May 21, 2023

Permit Number: 2019-6-49+01
FPA/Public Notice Number: N/A
Application ID: 16918

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
Ryan Rutkosky 333 S Meridian St Puyallup, WA 98371	

Project Name: TRANSFER APP 10535- Clarks Creek Elodea Management

Project Description: Modification: We are requesting coverage to remove Elodea in the lower 200 ft of Meeker Creek, at the confluence with Clarks Creek, as well as, an additional 150 ft of Clarks Creek, at the upstream end of the project. See attached maps for locations. Elodea removal in this proposed area will be identical to already permitted Diver Assisted Suction Harvesting (DASH) methods as described in the HPA. During field investigations, it has been discovered that the lower Meeker Creek area and upper Clarks Creek area are experiencing elodea growth. If this elodea is not removed during the project, then this area could easily become a source to repopulate the newly cleared areas downstream, thus reducing the effectiveness of the removal project. Only Elodea removal will occur in these areas; no other activities will occur in or near Meeker Creek/Clarks Creek.

TRANSFER from APP 10535

Original Application: This project includes removing elodea and invasive, curly-leafed pond weed from a 3-mile stretch of Clarks Creek by a diver-assisted suction harvesting (DASH) method. We are requesting a 5-year permit, with the same course of work implemented each calendar year, during the permitted in-water work window. Removal of overgrowth of elodea from Clarks Creek has been an on-going project in which the City, Pierce County, Puyallup Tribe of Indians, WDFW, and Ecology have worked together for many years to address. Annual removal of the elodea addresses the excessive plant volumes which cause seasonal water elevation changes, up to two feet increases, and work to create an overall reduction in presence of elodea which contributes to sediment loading and low levels of dissolved oxygen. This annual elodea management/removal is identified in the current Clarks Creek Sediment and Dissolved Oxygen TMDL as a required implementation project.

PROVISIONS

TIMING - PLANS - INVASIVE SPECIES CONTROL

1. TIMING LIMITATION: Work below the ordinary high water line must only occur between June 1 and August 1 of any year.
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 "CC Elodea Renewal", dated December 21, 2018 and "Weed Capture Plans 2018-2023", dated May 2, 2018, 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: Follow Level 1 Decontamination protocol for low risk locations. Thoroughly remove



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visible dirt and organic 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. For contaminated or high risk sites please refer to the Level 2 Decontamination protocol. You can find this and additional information in the Washington Department of Fish and Wildlife's "Invasive Species Management Protocols", available online at <http://wdfw.wa.gov/publications/search.php?Cat=Aquatic Invasive Species>.

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; mail to Post Office Box 43234, Olympia, Washington 98504-3234; or fax to (360) 902-2946 at least three business days before starting work. 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 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 AND JOB SITE ACCESS

6. 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.

7. Use existing roadways or travel paths if possible.

8. Limit alteration or disturbance of the bank and bank vegetation to that needed to conduct the project. Protect all disturbed areas from erosion, using vegetation or other means. Replant the banks within one year with native or other approved woody species.

9. Clean, angular rock may be used for a temporary construction access. This rock shall be removed from the site and banks restored to preproject conditions following instream rock removal.

10. 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.

CONSTRUCTION-RELATED SEDIMENT, EROSION AND POLLUTION CONTAINMENT

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

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

13. Use environmentally acceptable lubricants composed of biodegradable base oils such as vegetable oils, synthetic esters, and polyalkylene glycols in equipment operated in or near the water.

14. Operate and anchor vessels and barges during construction in a manner that protects the bed and banks of the stream and native vegetation.

15. Conduct work in a manner that minimizes the release of sediment and sediment-laden water from the job site.

16. 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 the equipment in waters of the state.

CONSTRUCTION MATERIALS



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17. Use only clean, suitable material for the temporary access areas.

18. Do not use wood treated with oil-type preservatives (creosote, pentachlorophenol) in any hydraulic project. You may use wood treated with waterborne preservatives (ACZA, ACQ) provided the wood is approved by the Western Wood Preservers Institute for use in the aquatic environment. Any use of treated wood in the aquatic environment must follow guidelines and best management practices available at www.wwpinstitute.org.

ELODEA AND CURLY-LEAFED POND WEED REMOVAL

19. The operation shall target elodea and curly-leafed pond weed growing within the active defined channel. This shall be accomplished with the DASH method that will remove the entire plant.

20. Existing fish habitat components such as logs, stumps, and large boulders may be relocated within the water body if needed to operate the equipment. Do not remove these habitat components from the water body.

21. Any device used for diverting water from a fish-bearing stream shall be equipped with a fish guard to prevent passage of fish into the diversion pursuant to RCW 77.57.120(9)(m). The pump intake shall be screened by one of the following:

- a. Perforated plate: 0.094 inch (maximum opening diameter);
- b. Profile bar: 0.069 inch (maximum width opening); or
- c. Woven wire: 0.087 inch (maximum opening in the narrow direction).

The minimum open area for all types of fish screens is twenty-seven percent. The screened intake must have enough surface area to ensure that the velocity through the screen is less than 0.4 feet per second.

22. When hand-pulling aquatic noxious weeds, remove the entire plant when possible.

23. Completely remove detached plants and plant parts from waters of the state when possible.

24. Dispose of detached plants and plant parts at an upland site so they will not reenter waters of the state.

25. A floated boom, chain link fence, or large mesh net shall be maintained at the specified locations downstream of the cutting operation to intercept floating vegetation. The vegetation retrieval areas shall be located and managed so that a tracked excavator can operate from the top of the bank with no stream bank disturbance. The interceptor shall pass juvenile fish and be maintained at all times so that stream back erosion is prevented.

DEMOBILIZATION AND CLEANUP

26. To avoid fish stranding, the bed must not contain pits, potholes, or large depressions when dredging is finished.

27. 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.

LOCATION #1:		333 S Meridian St, Puyallup, WA 98371				
WORK START:		January 28, 2019		WORK END:		May 21, 2023
<u>WRIA</u>		<u>Waterbody:</u>			<u>Tributary to:</u>	
10 - Puyallup - White		Clarks Creek			Puyallup River	
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
	37	20 N	04 E	47.185977	-122.320796	Pierce
<u>Location #1 Driving Directions</u>						



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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 elizabeth.bockstiegel@dfw.wa.gov
Elizabeth Bockstiegel 360-480-2908

for Director
WDFW