

General Hydraulic Project Approval for Public Works Road Maintenance Projects



Washington State
Association of Counties

June, 2011

Washington State Association of Counties

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2010 — 2011 Western Washington Counties

General Hydraulic Project Approval for Public Works Road Maintenance Projects

I. Introduction

Environmental review and regulatory decision-making for projects and work that may impact the state's natural resources is a complex process involving multiple federal, state and local agencies charged with administering distinct or overlapping processes with no one agency authorized to lead the entire process.

Identifying, understanding and negotiating the myriad decision-making processes can be confusing, frustrating and costly (for applicants and agencies alike). The process in Washington State often involves multiple stages and iterations, requiring additional time and effort as applicants attempt to supply correct information and reviewing agencies provide feedback.

Starting in 2009, the Washington State Association of County Engineers (WSACE) established a working group with the Washington State Department of Fish and Wildlife (WDFW) to find ways to improve the hydraulic permitting process for counties. This effort provided the basis for the Washington State Association of Counties (WSAC) to pursue funding for this project.

A. Governor's Directive.

Washington State Governor Christine Gregoire for many years has provided direction to state agencies to improve and streamline regulatory processes. In 2006 Governor Gregoire issued Executive Order 06-02 for regulatory improvement including development of one-stop permitting, multi-agency review and coordinated state, federal and local review.

In December 2009, Governor Gregoire issued Executive Order 09-07 providing additional direction to state agencies to streamline the state's environmental review and regulatory decision-making programs. Executive Order 09-07 highlights include:

- "...the scope and depth of the current economic difficulties represent an opportunity for reform, one that calls for improved agency operations, new thinking as to how agencies work internally and with each other, reform of organizational structures and improved processes for our citizens, with greater responsiveness, transparency and inclusion."
- "The goal is to provide citizens with a simpler way to receive coordinated, timely and consistent environmental permits from state agencies."

More information on Governor Gregoire's Executive Order 09-07 on "Washington's

Natural Resources Reform Initiatives” can be found at:

- http://www.governor.wa.gov/execorders/eo_09-07.pdf and,
- <http://www.governor.wa.gov/priorities/reform/naturalresources.asp>.

Governor Gregoire's Executive Order 09-07 follows the recommendations of the [Transportation Permit Efficiency and Accountability Committee \(TPEAC\)](#)¹. The TPEAC was a multi-stakeholder committee, comprised of representatives from federal, state and local agencies, tribes, business and environmental interests.

The benefits to be gained in permit streamlining, beyond merely getting the regulatory agencies and their respective business practices into alignment, include:

- Clearer and more predictable permitting and regulatory practices.
- Appropriately scaled permitting review and consideration based on project scale and natural resource impact.
- Retention of permitting knowledge and know-how in the system (note, across the country there is a knowledge flight from the permitting and regulatory agencies occurring as senior staff leave without adequate succession planning).
- Renewed commitment to looking at and structuring the permitting and regulatory review system with the applicant in mind, i.e., the entity in the end who is trying to understand and navigate the system.
- Focus on outcomes (environmental, regulatory performance) instead of strictly rote application of process, procedure and chapter/verse.

B. Legislative Charge.

In 2001, The Environmental Permit Streamlining Act² was adopted which included the establishment of the TPEAC. This legislation also established multi-agency permit (MAP) teams to help the Washington State Department of Transportation obtain permits necessary to carry out its maintenance and construction programs.

The TPEAC worked for five years, and produced and contributed to tools to improve the efficiency and effectiveness of the permitting process, including multi-agency programmatic permits for transportation projects.

One of TPEAC's recommendations was to “expand efforts (of permit streamlining) beyond state transportation projects.”

In March 2010, at the request of WSAC, the Legislature passed and Governor Gregoire signed into law the 2010 Transportation Supplemental Budget (Ch. 247, Laws

¹ <http://www.ora.wa.gov/spotlight-series/tpeac/index.htm>.

² Ch. 2, Laws of 2001, 1st Sp. Session, <http://apps.leg.wa.gov/documents/billdocs/2001-02/Pdf/Bills/Session%20Law%202001/6188.SL.pdf>.

of 2010)³, including a proviso in section 103(3), calling for implementation of a “. . . pilot program to develop and implement a streamlined process for programmatic hydraulic project approvals for multiple recurring local transportation and public works projects.”

The transportation budget provided WSAC with \$150,000 to fund staffing at WSACE and WDFW to implement this proviso. The project focused on developing a programmatic permit referred to as general hydraulic project approval (GHPA) by WDFW. The GHPA was intended to cover routine county road, culvert, ditch, and bridge maintenance and would be a template for Washington counties using Kitsap County as the initial applicant.

A programmatic permit (or GHPA), as defined in The Environmental Permit Streamlining Act (ESB 6188)⁴, “means a permit that covers a geographic or statewide area and applies to a variety of projects, activities, or locales. A programmatic permit may allow actions to proceed without individual approval by each permit decision making agency.”

C. Hydraulics Project Approvals.

The Hydraulics Project Approval (HPA) is a permit that is issued by the Washington State Department of Fish and Wildlife under Chapter 77.55 RCW and Chapter 220-110 WAC for the purpose of protecting fish life.

Currently, WDFW issues HPAs for work that “. . .will use, divert, obstruct, or change the natural flow or bed of any of the salt or freshwaters of the state.” (RCW 77.55.011(8)). Typical work regulated by WDFW under the Hydraulics Code includes streambank protection, constructing and maintaining bulkheads, overwater structures, and culverts, and modifying stream channels.

This work has a tremendous variability with regards to potential impacts on fish life, ranging from no or minor impacts, such as cleaning debris from non-fish bearing ditches to constructing large culverts or bridges in waters bearing ESA listed fish species.

Washington counties obtain over 1,000 HPAs per year to conduct maintenance work on transportation and public works projects, which includes, maintaining and repairing culverts and bridges, removing beaver dams, maintenance of drainage facilities. Much of the county's maintenance work has no or minimal impact on fish life, and is conducted routinely many times throughout the year.

Due to shrinking budgets and the recognition that more effort needs to be expended in monitoring work activities, and less effort in administering individual HPAs, WDFW has followed the recommendations of TPEAC and streamlined the HPA program by

³ Ch. 247, laws of 2010, section 103(3) at <http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Session%20Law%202010/6381-S.SL.pdf>.

⁴ Ch. 2, Laws of 2001, 1st Sp. Session, <http://apps.leg.wa.gov/documents/billdocs/2001-02/Pdf/Bills/Session%20Law%202001/6188.SL.pdf>.

utilizing GHPAs for work that is repetitive and has a low potential to impact fish life. Issuance of GHPAs has helped WDFW reduce their annual issuance of HPAs from 6,500 in the late 1990's to approximately 4,000 in 2010 for projects that have a low potential to impact fish life.

D. GHPA Template Development.

WSAC coordinated development of the GHPA template. WSACE worked with WSAC, WDFW, and Kitsap County as the pilot county together with a technical review committee. Western Washington tribes also provided input directly to WDFW on proposed permit requirements.

The technical review committee consisting of representatives from WSACE, western Washington counties, WDFW, Washington State Department of Transportation (WSDOT) provided review and input into the various drafts of the GHPA as it was being developed. This committee was comprised of the following individuals from their respective public works divisions:

- Gary Rowe (WSAC/WSACE)
- Lisa Hemesath (Clark County)
- Tony Carroll (Kitsap County)
- Janine Johanson (King County)
- Jeremy Graham (Mason County)
- Jeff Rudolph (Pierce County)
- Greg Hueckel/Scott Boettcher (WSAC consultant support)
- Ted Parker (Snohomish County)
- Mike Clark (Thurston County)
- Chris Brueske (Whatcom County)
- Gregor Meyer (WSDOT)
- Randi Thurston (WDFW)

E. Additional Review

Presentations and updates of this project were also given to the Regional Road Maintenance Forum (RRMF), with representatives from Clallam County, Clark County, King County, Kitsap County, Mason County, Pierce County, Snohomish County and Thurston County and WSDOT. This forum was provided with updates in September and November 2010, and February and April 2011.

As representatives of city, county and state road maintenance divisions, the RRMF provided feedback from the perspective of having successfully gained programmatic coverage under the Endangered Species Act (ESA) for their road maintenance activities in a 4(d) rule issued by the National Marine Fisheries Service (NMFS) in 2002.

A presentation of this project was also given to the WSAC Conference in Spokane on November 11, 2010 and to the House Transportation Committee on February 14, 2011. (see Appendix 1)

II. GHPA Project

The final outcome of this project was to develop one GHPA for Kitsap County that would enable them to conduct routine local transportation and public works maintenance projects under one permit authorized by the State Hydraulic Code, RCW 77.55. The GHPA included multiple chapters, with each chapter detailing permit conditions for a single work activity. A primary goal of the project was to create the GHPA so that other Washington counties could also use the permit template, either partially or in its entirety.

Describing, defining and documenting different types of local transportation and public works work activities appropriate for GHPAs initiated the development of the GHPA. A total of 75 individual HPAs issued to Kitsap County from 2006-2010 were screened to identify 9 discrete work activities that were routinely conducted by Kitsap County Public Works that had a low potential to negatively affect fish life and that required an HPA by WDFW. Additionally, these work activities also received coverage under a separate approval under the ESA section 4(d) rule issued by the NMFS to the RRMF.

Conditions for each work activity that met the requirements of 77.55 RCW (State Hydraulics Code) were developed as a chapter of the GHPA. A schedule for chapter completions and reviews was established from September 2010 through January 2011, and strictly followed through the completion of the GHPA.

A total of seven iterations of the permit chapters were drafted by WDFW and reviewed by western Washington tribes and the Northwest Indian Fisheries Commission and western Washington counties, and the RRMF including WSDOT.

A. Keys to Success.

The following keys to success were integral in providing an effective and efficient GHPA for both the county applicants and WDFW.:

1) Template Modification:

- The GHPA template developed through this process can be modified if the county demonstrates their ability to protect fish life with the modified conditions. WDFW has provided the individual counties the opportunity to discuss individual conditions in the GHPA during the application process.

2) Permit Flexibility:

- To provide flexibility for WDFW to make modifications to the GHPA on site, minor modifications of the GHPA are allowed as authorized in RCW 77.55.231 provided the authorized county consult with the Area Habitat Biologist (AHB) and the AHB concurs that the proposed modification is within the scope of this permit and provides adequate protection for

preservation of fish life.

3) Permit Transparency:

- The permit requires notification to WDFW of planned maintenance work at least three days prior to starting work. In the case of unscheduled maintenance work, the permit requires a three day notice after work has begun.

4) Ongoing Consultation:

- When provisions require technical knowledge of fish or fish habitats, guidance was provided in the note section offering WDFW or Tribal consultation for this information and/or assessment.
- Annual reporting of work performed and an annual review meeting is required with the county, WDFW and tribes.

B. GHPA Chapters

The following is a summary of the nine chapters that have been developed. The full content of the chapters appears in the GHPA issued to Kitsap County (see Appendix 2).

Provisions That Apply to All Chapters:

- These provisions include which chapters are covered under the GHPA, plan submittal, notification, annual reporting of work activities including an annual meeting with the WDFW and Tribes, and work site restoration.

Chapter 1 - Maintenance and Repair of Culverts in Fish Bearing Waters:

- This Chapter authorizes sediment removal, woody material removal/repositioning and repair of culverts in fish-bearing waters within or adjacent to county owned and maintained roads.

Chapter 2 - Maintenance, Repair and Replacement of Culverts in Non Fish-Bearing Waters:

- This Chapter authorizes sediment removal and woody material removal/repositioning from culverts in non fish-bearing waters within or adjacent to county owned and maintained roads.

Chapter 3 - Maintenance of Natural Watercourses Which Have Been Altered By Humans:

- This Chapter authorizes sediment removal and woody material removal/repositioning from natural watercourses, which have been altered by humans within or adjacent to county owned or maintained

roads with a channel-bed width of six feet or less.

Chapter 4 - Maintenance and Repair of Bridges:

- This Chapter authorizes maintenance activities including repositioning of large woody material accumulated on the bridge supports and approaches, sweeping and/or vacuuming, spot cleaning, painting and application of other protective coatings, removal and replacement of existing concrete or asphalt overlay and repair and replacement of select bridge elements above state waters.

Chapter 5 - Beaver Dam Removal and Installation of Exclusion Devices:

- This Chapter authorizes removal and notching of beaver dams and installation of beaver exclusion devices within or adjacent to the right-of-way of county owned or maintained roads and properties.

Chapter 6 - Maintenance and Repair of Fishways:

- This Chapter authorizes sediment removal, woody material removal/repositioning and repair of county owned and maintained fishways.

Chapter 7 - Maintenance and Repair of Tidegates:

- This chapter authorizes the removal of bedload sediments, plant and small woody material and manmade debris blocking county-owned and maintained tide gates.

Chapter 8 - Road Washout Material/Manmade Debris Cleanup:

- This Chapter authorizes the removal of asphalt, riprap and other manmade debris from the streambed and streambank with some exceptions.

C. Kitsap County GHPA Issuance and Other County Applicants

Kitsap County submitted a Joint Aquatic Resources Permit Application (JARPA) and completed the State Environmental Policy Act (SEPA) review of their GHPA. A GHPA permit was issued on 5/17/11. Other western Washington counties are now able to apply for a GHPA for their county using all or selected chapters by going through the normal application process. A model JARPA has also been developed to facilitate the application process. Pierce, Thurston, Snohomish, Cowlitz, Skagit and Clallam Counties and the City of Edgewood have expressed interest in applying for GHPAs.

D. Cost Benefits and Efficient Project Delivery

A significant benefit to developing general permits is to remove the cost to the

applicant (and regulatory agencies) for developing the individual applications. The total number of individual HPAs obtained by five western Washington counties ranged from 24 (Kitsap) to 79 (King) HPAs per year (Table 1) for maintenance work that was not currently covered under a GHPA.

Each HPA application costs approximately \$980 (Table 2) for time spent by county staff in preparing the application. Total cost savings can be calculated by multiplying the number of individual HPAs that would be covered under the GHPA by five years (the length of time the GHPA is in effect) and then by \$980.

Costs savings from using this GHPA for maintenance work can be estimated as follows:

- \$117,600 (Kitsap County) to \$387,100 (King County) for total cost savings.
- \$178,360 is the average cost savings over the five year permit time frame for these five counties.
- \$3.4 million in potential savings for all 19 western Washington counties for permitting costs using this GHPA over five years.
- Additional similar savings for eastern Washington counties if the GHPA template were to be taken to the 20 counties east of the Cascade Mountains.

Table 1			
Number Of Individual HPAs Obtained Annually By Western Washington Counties For Maintenance Work On Public Works Projects			
County	# HPAs per Year.	Cost/Year	Cost Savings over 5 years
Pierce	35	\$ 34,300	\$ 171,500
Kitsap	24	\$ 23,520	\$ 117,600
Whatcom	24	\$ 23,520	\$ 117,600
Mason	20	\$ 19,600	\$ 98,000
King	79	\$ 77,420	\$ 387,100
Total	182	\$ 178,360	\$ 891,800
Average	36.4	\$ 35,672	\$ 178,360

Table 2		
Estimate of the time and cost to develop one JARPA and SEPA application for a single public works maintenance project		
HPA Production Estimate	Person Hours	Vehicle Hours
Eng. Tech 3 Hourly + Benefits	\$ 40.87	\$ 10.00
Preliminary Data Collection	4	2
Site Visit With Biologist	2	2
Develop JARPA	3	
Develop Plans Drawings	3	
Obtain SEPA/Shorelines	3	
Project Packet Development	2	
Plan Revisions	2	
Develop BMP's & Bypass Plans	2	
Field Time For Project Execution	2	
Estimated Hours	23	4
Total	\$ 940.01	\$ 40.00

Conceivably, cost savings for the counties could also be shared by WDFW, as there will be fewer HPA applications to process. This GHPA, if adopted by all the western Washington counties, would save WDFW from having to process 728 individual HPA applications annually, roughly 18% of the current total of WDFW's estimated 4,000 annual individual HPA applications. Time saved from permit processing could be applied to focusing on environmental outcomes instead of focusing on the application processes and procedures.

III. Looking Ahead

A. Future Partnering between WDFW and Local Governments

Recommendations from the TPEAC process included forming partnerships between permitting authorities and the applicant to work together on permits and their issues. These "Multi-agency Permitting (MAP) Teams" were also a focus in Governor Gregoire's Executive Order 09-07 "Washington's Natural Resources Reform Initiatives" with the call to "...expand the use of MAP Teams" in government services.

The review committee that was formed for this project involved staff from eight counties, WSAC, WDFW and WSDOT. This was essentially a "MAP Team" for this project.

Partnering will continue throughout the duration of the GHPA. The GHPA

- Establishes annual reporting requirements of the permittee consisting of

an annual report of work performed each calendar year to be submitted to WDFW.

- Requires an annual meeting with WDFW and tribes to assess how the GHPA is working and to discuss recommended changes, plans for work to be performed under the GHPA, compliance and monitoring information and to develop and implement a process for county capital projects.

This type of routine communication fosters a sense of partnership between WDFW and the counties that should continue to make improvements in the permit process surrounding the GHPA.

Recommendation: This partnering approach should be extended to (1) cross training opportunities as offered through the RRMF for WDFW and county staff and (2) invitations to WDFW to participate in the RRMF on a routine basis.

B. Future Work Covered Under a County-Wide GHPA

The work activities selected for this county-wide GHPA are routine, and have a low risk potential to negatively affect fish life and required a HPA by WDFW.

Recommendation: The scope of future GHPAs should be expanded to other work conducted by counties that meet the criteria of having a low risk potential to negatively affect fish life, such as certain work normally covered under emergencies, replacement of infrastructure facilities (i.e., culverts, small bridges), and minor new construction.

C. Multi-Agency Programmatic Approaches

It is also our recommendation the county-wide permitting approach be expanded to meet permitting requirements from other permitting agencies. These multi-agency permits were a focus of Governor Gregoire's Executive Order 09-07 "Washington's Natural Resources Reform Initiatives:

- "The Cabinet shall also evaluate combining permit regulations of multiple agencies and local governments and issuing consolidated environmental permits through a single entity within a specified geographic area."

The counties participating in the RRMF are currently covered under the ESA section 4(d) rule issued by the National Marine Fisheries Service. With the issuance of the WDFW GHPA, counties participating in the RRMF will also be covered by a state general permit for the same work. Efforts to look at overlapping coverage by local government regulations should also be considered.

Recommendation: (1) The existing GHPA and Regional Road Maintenance Forum

4(d) rule needs to be synchronized to eliminate duplication and/or contradiction of permitting conditions for the same work activity and to fully realize the efficiency and system-wide benefits that general permits can offer.

(2) Other permits, e.g., the U.S. Army Corps of Engineers 404, the Department of Ecology 401 and the county Shoreline Substantial Development Permit should be incorporated into future efforts for county-wide general permits.

D. Internet-Based Permitting

The internet can be a very powerful tool for environmental permitting. The Governor's Office of Regulatory Assistance with WSAC and the Association of Washington cities have been developing an internet based tool to serve as the infrastructure for environmental permitting. The objectives of this internet-based tool, termed Integrated Project Review and Management Tool (iPRMT) include:

- Help applicants identify, understand and navigate permit requirements.
- Help applicants prepare complete applications.
- Organize and document project information to better structure and organize decision-making and decision-making transparency.
- Improve tracking and reporting for permit activities.

The tool is an online "meeting room" where applicants for environmental permits can submit their project information for early review by regulators.

- All documents supporting a project's permit applications, such as drawings, descriptions and wetland delineations, etc, can be uploaded to the site.
- Agency reviewers and applicants can communicate online and share up-to-date documents and decisions.

During this project, a reporting mechanism was developed in iPRMT to allow counties to report their work under the GHPA. When the counties engage in work, either planned or unplanned, they can report their activities, on a mapped site location, in real-time in iPRMT. This allows WDFW another avenue to readily access county work and locations under the GHPA that increases their ability to monitor for compliance and environmental outcomes.


Additionally, a JARPA for this GHPA was entered into iPRMT that can be applied to other Western Washington counties. This will streamline individual counties process in developing their individual JARPAs necessary to apply for the GHPA.

Recommendation: The use of iPRMT for applying for county-wide GHPAs as well as

[REDACTED] for reporting work activities under their respective GHPAs should be furthered.

Appendix 1

PowerPoint Presentation of the GHPA Project Given to the House Transportation Committee on February 14, 2011




Washington State
Association of Counties

General Hydraulic Project
Approval (GHPA)
Pilot Project
Progress Report

House Transportation Committees
February 14, 2011

1



Washington State
Association of Counties

GHPA Pilot Project Progress Report

- Project funds (\$150k) provided in 2010 Supplemental Transportation Budget – thank you.
- Develop and implement a streamlined process for programmatic hydraulic project approvals for multiple, recurring local transportation and public works projects.
- A Cooperative Effort with the Washington State Association of Counties and the Washington State Department of Fish and Wildlife.

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GHPA Project Team

- Washington State Assoc. of County Engineers
- State agencies – WDFW, WSDOT
- Pilot County – Kitsap County
- Technical input - Clark, King, Kitsap, Mason, Pierce, Snohomish, Thurston, and Whatcom Counties
- Permit review – tribes, regional road maintenance forum

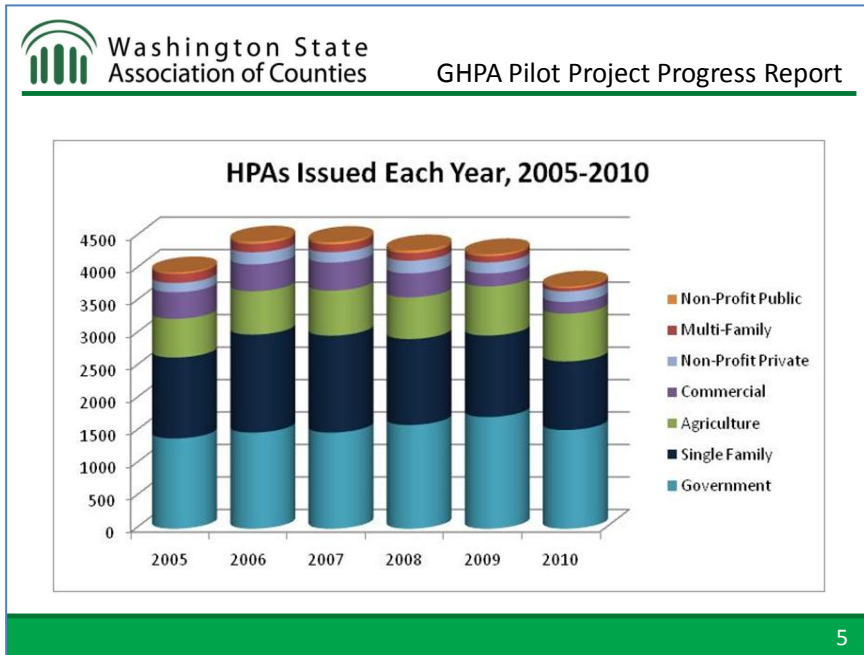
3



Hydraulic Project Approvals

- Authorized by Chapter 77.55 RCW
- WDFW issues approx. 4,000 HPAs per year
- State and local government are biggest users

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- Washington State Association of Counties GHPA Pilot Project Progress Report
- ### Why do we want to use GHPAs?
- Expense
 - Permit application time and resources can be expensive for the applicant.
 - Efficiency
 - Permit conditions can be repetitive of existing permits for similar activities and locations.
- 6



Why do we want to use GHPAs?

- Consistency
 - Permit conditions are often inconsistent for the same activity
- Funding
 - Reductions in state and local funding require looking for more efficient processes

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General HPA Pilot Project:

- Develop General HPA conditions for discrete maintenance activities for west side counties
- Provide one General HPA with chapters covering multiple activities.
- Permit conditions are detailed in each chapter.
- Activities include those that are repetitive and have a low potential to negatively affect fish life.
- General HPA permit for five years.

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General HPA Chapters:

1. Provisions That Apply to All Chapters
2. Maintenance of Culverts in Fish Bearing Waters
3. Maintenance and Replacement of Culverts in Non Fish-Bearing Waters
4. Maintenance of Roadside Ditches That Are Natural Watercourses or Streams
5. Maintenance of Bridges

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General HPA Chapters:

6. Beaver Dam Removal and Installation of Exclusion Devices
7. Maintenance of Fishways
8. Maintenance of Tidegates
9. Removal of Road Washout Material/Manmade Debris Cleanup
10. Maintenance of Ferry Terminals

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Monitoring and Reporting:

- WDFW notification is required on all planned maintenance activities
- Annual report of work performed each calendar year
- County and WDFW shall meet annually to assess how the HPA is working and discuss recommended changes
- WDFW has been invited to participate in the Regional Road Maintenance Forum

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Goals for Completion:

- All 10 chapters are scheduled to be completed and reviewed by March 1.
- Pilot county (Kitsap) is in the process of submitting their application.
- Beginning outreach to other counties to make the GHPA permit template available for their use.

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Potential Cost Savings with GHPA:

- West side counties average 36 individual permits for maintenance activities each year (684 for 19 counties)
- Individual HPA costs about \$1,000 for preparation and submittal (county cost)
- Potential to avoid \$684,000 per year - \$3.4 million over five years.
- Assumed time savings for WDFW, as well.

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Lessons learned:

- Efforts to streamline permits requires an investment upfront for the time and energy to review and update permit conditions.
- General HPAs have very restrictive conditions that in some cases may limit their usefulness and require individual permit applications.
- While the permit template provides a framework, conditions may require specific conditions for individual counties.

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Washington State
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Contacts

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Appendix 2
General Hydraulic Project Approval for Kitsap County



HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - See appeal process at end of HPA

Statewide
600 Capitol Way N
Olympia, WA 98501-1091
(360) 902-2200

Issue Date: May 17, 2011

Control Number: 123199-1

Project Expiration Date: May 16, 2016

FPA/Public Notice #: N/A

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
Kitsap County Department of Public Works ATTENTION: Anthony Carroll 614 Division Street MS-26 Port Orchard, WA 98366 360-337-4794 Fax: 360-876-1857	

Project Name: Kitsap County Public Infrastructure Maintenance

Project Description: Maintenance and repair of Kitsap County roadways, culverts, bridges, fishways and tide gates.

PROVISIONS

GENERAL PROVISIONS THAT APPLY TO ALL CHAPTERS GENERAL DESCRIPTION:

1. Activities covered under this General Hydraulic Project Approval (GHPA) include:
 - a. Maintenance and repair of culverts in fish-bearing waters.
 - b. Maintenance and repair of culverts and drainage facilities and replacement of culverts in non fish-bearing waters.
 - c. Maintenance of natural watercourses which have been altered by humans.
 - d. Maintenance and repair of bridges.
 - e. Removal and notching of beaver dams and installation of beaver exclusion devices.
 - f. Maintenance and repair of fishways.
 - g. Maintenance and repair of tide gates.
 - h. Road washout material and manmade debris cleanup.

PLANS:

2. Except as modified by this Hydraulic Project Approval (HPA), work shall be conducted under plans and specifications submitted by Kitsap County Public Works as application and accepted by Washington Department of Fish and Wildlife (WDFW) on April 27, 2011 for this HPA entitled: 'Beaver Deceiver Fence' and 'Beaver Defeater'.

3. The permittee shall use the Regional Road Maintenance, Endangered Species Act, Program Guidelines (August 2003) Element 10 BMP and Conservation Guidelines to help in the Best Management Practices selection process.

NOTIFICATION:

4. The permittee shall contact the Regional Habitat Program Manager, Compliance Coordinator, the Area Habitat Biologist and the Tribes (Attachment 3) at least three days before starting planned maintenance work. The permittee does not have to notify WDFW prior to starting unscheduled maintenance work but shall contact the Regional Habitat Program Manager, Compliance



HYDRAULIC PROJECT APPROVAL

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Coordinator, the Area habitat Biologists and the Tribes (Attachment 3) within three business days after starting the work. Notification is not required for routine deck cleaning with a vacuum sweeper or eductor unit. The permittee shall send the notification by e-mail and it shall include the starting date, description of work, waterbody name, location including road number and milepost if applicable, and the control number of this HPA.

5. 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), immediately stop work except for efforts to control leaks or spills or prevent toxic substances from entering the water and notify the Washington Military Department's Emergency Management Division at 1-800-258-5990, and the AHB listed below. The permittee must not restart work on the project until approved by the AHB.

ANNUAL REPORTING:

6. Kitsap County Public Works shall compile an annual report of work performed each calendar year following the attached Excel report template (Attachment 4). The annual report shall be titled 'Kitsap County Public Works Maintenance General HPA Annual Report' and submitted to the WDFW Habitat Program at HPAapplications@dfw.wa.gov and the Tribes by February 28 of the following year, and in the final year of the HPA, prior to the expiration date. An annual report is required even if no work was performed. The annual report shall include:

- a. HPA control number, permittee, contact person, address, telephone number, date of report, time period.
- b. Total number of projects completed for each chapter.
- c. Problem(s) encountered, such as: Inability to comply with provisions, lack of notification to WDFW, any impacts to fish habitat or water quality, any corrective actions taken to rectify these problems.
- d. Recommendations for improvement to provisions and mitigation.
- e. List of individual projects completed: Include water body name, road number and milepost if applicable, latitude and longitude in WGS 84 decimal degree format, date and duration of work, description of work including the volume of fill material placed or removed and whether or not large woody material was repositioned.

ANNUAL REVIEW MEETING:

7. Kitsap County Public Works, WDFW and the Tribes shall meet annually to assess how this HPA is working and discuss:

- a. Recommended changes (if any) to this HPA permit conditions.
- b. Plans for work to be performed under this HPA for the upcoming year.
- c. Any pertinent compliance or effectiveness monitoring information.
- d. Repair of culverts, bridges and fishways in fish-bearing waters conducted under this HPA.
- e. Developing and implementing a process to get structures needing replacement in the county's capital projects list, including but not limited to, fish passage barrier culverts and structures requiring repetitive repairs.



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8. The annual review shall be initiated by Kitsap County Public Works and shall be held between March 1 and May 1. Kitsap County Public Works shall contact the Regional Habitat Program Manager and the Tribes to arrange the review.

DEFINITIONS:

9. These definitions apply to the provisions of this HPA.

- a. **Adjacent:** A work area joining or abutting the right-of-way.
- b. **Drainage Facility:** Pipes, catch basins and associated conveyance systems including ditches, detention ponds, underground storage vaults that contain a stream or a natural watercourse. Drainage facilities that do not contain a stream or a natural watercourse are outside the jurisdiction of Chapter 77.55 RCW and do not require a HPA.
- c. **Flood plain:** Flat or nearly flat land that borders a stream, river, or other waterbody and experiences occasional floods in typically dry areas. It includes the floodway or watercourse, channel and adjacent areas that carry higher velocity flows, and the flood fringe or the area on either side of the floodway that floodwaters inundate, but generally flow more slowly.
- d. **Maintenance:** Those activities directed and/or funded by Kitsap County Public Works that are conducted on currently serviceable road structures and drainage facilities involving no expansion, no replacement or use beyond that previously existing.
 - * **Scheduled Maintenance:** Budgeted and anticipated work performed on a regular basis. Scheduled maintenance is intended to maintain the road facility so that it substantially retains its original intended use and function.
 - * **Unscheduled Maintenance:** Unanticipated work that occurs due to unusual weather conditions, vandalism, accidents, or other unexpected factors. Unscheduled maintenance work activities are similar to scheduled maintenance activities except that work is unanticipated.
- e. **Manmade Debris:** Material made or brought to the site by humans rather than occurring in nature (naturally). It includes, but is not limited to, asphalt, angular rock such as riprap and wood used for construction.
- f. **Natural Watercourses Which Have Been Altered by Humans:** Roadside ditches and stormwater facilities that are altered natural watercourses and streams and therefore are waters of the state.
- g. **Ordinary High Water Line (OHWL):** The mark on the shores of all waters that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in ordinary years, as to mark upon the soil or vegetation a character distinct from that of the abutting upland provided that in any area where the ordinary high water line cannot be found the ordinary high water line adjoining saltwater shall be the line of mean higher high water and the ordinary high water line adjoining freshwater shall be the elevation of the mean annual flood.
- h. **Riprap:** Rock material used for bank protection that does not include waste concrete or asphalt material.



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- i. Sediment(s): Settled particulate matter located in the predominant biologically active aquatic zone, or exposed to the water column. Sediment also includes settled particulate matter exposed by human activity (e.g., dredging) to the biologically active aquatic zone or to the water column.
 - j. Slope Ratio: A measure of the difference between the culvert bed and the natural channel.
 - k. Toe of Bank: The distinct break in slope between the stream bank or shoreline and the stream bottom or marine beach or bed, excluding areas of sloughing. For steep banks that extend into the water, the toe may be submerged below the ordinary high water line. For artificial structures, such as jetties or bulkheads, the toe refers to the base of the structure, where it meets the stream bed or marine beach or bed.
 - l. Unimpeded Fish Passage: Structures shall be maintained or repaired so as not to impede passage of the juvenile and adult life stages of any fish species that is present in the stream.
 - m. Wetted Perimeter: The areas of a watercourse covered with water, flowing or non-flowing.

WORK SITE RESTORATION:

9. All temporary work structures, devices, equipment, materials, silt, excess dirt or overburden, construction and man-made debris from the project shall be completely removed from waters of the state, adjacent shoreline, and riparian areas immediately following completion of the project.

10. All areas disturbed by the work shall be protected against erosion using vegetation and other means within seven days of disturbance. Affected streambank areas shall be restored to pre-project or improved habitat condition. The disturbed areas of vegetation shall be re-vegetated during the first available dormant season (typically November 1 to April 1) with native or other woody species approved by WDFW (Attachment 5). Vegetative cuttings or shrubs shall be planted at a maximum interval of three feet (on center). Plantings shall be maintained as necessary for three years to ensure 80 percent or greater survival of each species.

11. Silt fences shall be removed once the disturbed area is permanently stabilized and no longer susceptible to erosion.

INVASIVE SPECIES CONTROL:

12. To prevent the spread of invasive species such as zebra mussels, snail species, and weeds the permittee should thoroughly clean all tools and equipment before they are brought to the work site.

OTHER

13. This HPA does not authorize the use of explosives.

14. This HPA does not authorize realigning the watercourse.

15. Equipment crossings of the stream are not authorized by this HPA.



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CHAPTER 1 - MAINTENANCE AND REPAIR OF CULVERTS IN FISH-BEARING WATERS

CHAPTER DESCRIPTION:

1. This Chapter authorizes sediment removal, woody material removal/repositioning, and repair of culverts in fish-bearing waters within or adjacent to the right-of-way of Kitsap County-owned and -maintained roads. Culverts shall be repaired to as-built conditions provided the work does not install a culvert liner, extend or replace the existing culvert.

2. DETERMINING FISH PRESENCE: Stream segments shall be considered fish-bearing if they are Department of Natural Resources Water Type F or Type S or when a defined channel is two feet wide or wider between the ordinary high water line (OHWL), has a gradient of 16 percent or less and a basin size smaller than 50 acres; or when a defined channel is two feet wide or wider between the OHWL with a gradient of less than 20 percent and a basin size larger than 50 acres.

NOTE: WDFW does not have regulatory authority in watercourses that are entirely artificial (Chapter 77.55 RCW). WDFW will determine whether or not a watercourse is entirely artificial. WDFW recommends Kitsap County contact the local WDFW Area Habitat Biologist for concurrence prior to working in a watercourse believed to be entirely artificial unless the watercourse has been previously determined by WDFW to be entirely artificial.

TIMING:

3. Work authorized by this Chapter may begin immediately and shall be completed by May 16, 2016 provided:

- a. Shall be conducted when the watercourse or stream is dry, or:
- b. Work below the ordinary high water line (OHWL) shall occur during the attached work windows (Allowable Freshwater Work Times for Maintenance Work, Attachment 1), except in cases where woody material is blocking stream flow, and is moved by hand and floated downstream; this woody material repositioning work may occur year around.

WORKSITE FISH EXCLUSION AND FISH REMOVAL:

4. Before dewatering, fish life shall be temporarily excluded from the work area.

5. The permittee shall have a qualified biologist or staff person trained by WDFW, US Fish and Wildlife Service, National Marine Fisheries Service, or with equivalent electrofishing training supervise the capture and safe removal of food fish, game fish, and other fish life from the job site. Fish removal and exclusion shall follow protocol (Attachment 7). Whenever a fish exclusion device is installed, the permittee shall have fish capture and transportation equipment ready on the job site. Captured fish shall be immediately and safely transferred to free-flowing water downstream of the project site. The permittee may request that WDFW staff help capture and safely move fish life from the job site to free-flowing water. Assistance may be granted if personnel are available.



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BYPASS PROVISIONS FOR WORK IN THE WATER:

6. A temporary bypass is not required for work performed in a natural dry stream channel or when the work performed is not in the water provided silt is prevented from entering the stream. A temporary bypass is also not required for work performed in the water with hand-held tools only or for woody material repositioning or removal. A temporary bypass to divert flow around the work area shall be in place before starting other work in the water.

7. A bypass shall be constructed using an upstream and downstream bypass dam and one or more of the following methods:

- a. Stream bypass by pumping.
- b. Stream bypass by gravity through pipe.
- c. Stream bypass by gravity into existing side or constructed channel.

8. A cofferdam or similar device shall be installed at the bypass inlet to divert the entire flow through the bypass.

9. A cofferdam or similar device shall be installed at the downstream end of a bypass to prevent backwater from entering the work area.

10. The bypass shall be large enough to pass all anticipated flows and debris for the duration of the project.

11. Water bypassed around the work site shall be returned to the channel downstream of the work site. The stream below the work area shall not be dewatered. The bypass downstream discharge point shall be designed to minimize erosion and scour to the adjacent channel, banks, and vegetation.

12. All work below the OHWL shall be completed before releasing the water flow to the project area.

13. Water shall be reintroduced into the channel in a manner that minimizes the mobilization of sediments and fines into downstream waters and to avoid erosion or scour of the stream channel, banks, and vegetation.

14. Upon completion of the project, all material used in the temporary bypass shall be removed from the site and the site returned to pre-project or improved conditions.

SCREENING (FOR WORKING IN THE WATER):

15. 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 device pursuant to RCW 77.57.010 and 77.57.070. 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).



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- c. Woven wire: 0.087 inch (maximum opening in the narrow direction).
 - d. The minimum open area for all types of fish guards is 27%. The screened intake shall consist of a facility with enough surface area to ensure that the velocity through the screen is less than 0.4 feet per second. Screen maintenance shall be adequate to prevent injury or entrapment of juvenile fish and the screen shall remain in place whenever water is withdrawn from the stream through the pump intake.

16. Fish screens on dewatering pumps within the dry channel by-passed work area may be removed as long as all fish have been removed and excluded from the dry work area, and water level within the bypassed work area has been lowered to streambed elevation.

WATER QUALITY PROVISIONS:

17. Fresh cement, concrete or concrete by-products shall not enter the stream at any time. All forms used for concrete shall be completely sealed to prevent the possibility of fresh concrete from entering the stream. Any release agent used on the forms shall be biodegradable. All concrete shall be sufficiently cured prior to contact with water so no leaching occurs, and shall cure at least 3 days. Any dewatering from an area containing curing concrete shall be discharged landward of the OHWL and shall not enter surface waters.

18. Silt-laden water shall be prevented from entering the stream.

19. The permittee shall remove fine sediments and other contaminants from construction waste water before the water is discharged back to a watercourse or stream.

20. If flow conditions that may cause siltation occur during this project, the permittee shall stop work until the flow subsides.

21. No petroleum products, hydraulic fluid, chemicals, or any other toxic or deleterious materials may enter or leach into waters of the state.

22. Material removed from inside a cofferdam shall be disposed of outside the floodplain of the stream.

EQUIPMENT PROVISIONS:

23. Disturbance of the streambed, banks, and associated vegetation shall be limited to that necessary to perform the project provided existing trees measuring 4.5 feet or greater in height above grade or with a diameter of four inches or greater are not be damaged or destroyed except as needed to construct an equipment access road.

24. Where practicable, based on site conditions and the maintenance activity, work shall be accomplished by hand or with hand-held tools.

25. If heavy equipment is needed, existing access locations, the roadway, or shoulder should be



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used wherever possible to access the site. If not possible, minor grading of the bank to allow temporary access for equipment is allowed provided: the access doesn't exceed 15 feet in width and 150 feet in length, only one access is constructed per location, all materials used to construct the access are removed immediately upon project completion, and the access site is re-vegetated upon project completion.

26. Equipment may operate below the OHWL as long as the drive mechanisms (wheels, tracks, tires, etc.) shall not enter or operate below the OHWL unless the work area is dry, or a bypass is in place.

27. Equipment shall be free of external petroleum-based products while working near the water.

28. Soil and debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment before working below the OHWL.

29. Equipment shall be checked daily for leaks and any necessary repairs shall be completed before working near the water.

30. With the exception of bypass pumps, all machinery and equipment shall be serviced, fueled, and maintained on uplands to prevent contamination of surface waters. When practicable, this should be done more than 200 feet from waters of the state. Fueling areas shall be equipped with enough spill containment materials to prevent a spill from reaching waters of the state.

SEDIMENT REMOVAL PROVISIONS:

31. Sediment removal shall not be conducted in fish spawning areas unless it is designed to create or improve the access/or quality of fish spawning areas.

32. Bedload sediments may be removed from within the culvert, and from the streambed extending no more than 25 linear feet immediately upstream of the inlet or downstream of the outlet.

33. Sediment removal shall be limited to restoring the ditchline or streambed to original base level provided adequate sediment remains in the culvert to allow fish passage. The streambed shall have a gradual taper of the ground line to meet the native streambed (or original ditch profile) and cross-drain area profiles at each location after sediment removal.

34. The permittee shall not remove more than 50 cubic yards of material per year from each culvert location.

35. Sediment removal shall be limited to deepening of the streambed. Banks shall not be disturbed.

36. Sediment removal from a culvert shall not result in a head cut in the channel that erodes upstream, or damage to the toe of the bank downstream of the sediment removal site.

37. A Vactor or similar vacuum excavation vehicle may be used to remove sediments if the fish



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exclusion and removal protocol is followed.

38. Material within the culvert shall be jetted only when the work area is dry, or a bypass is in place. Jetted sediments shall be removed from the stream before return of stream flows.

39. At the end of the maintenance activity, the work area shall contain no pits, sumps or potholes, or depressions that may trap fish or create a fish passage barrier when water levels fluctuate.

40. All excavated material shall be removed and disposed of so not to reenter the watercourse. No material shall be side cast into adjacent wetlands, or other waters of the state.

WOODY MATERIAL REMOVAL AND REPOSITIONING PROVISIONS:

41. 'Large woody material' means trees or tree parts larger than four inches in diameter and longer than six feet, and rootwads, wholly or partially waterward of the ordinary high water line.

42. The permittee may only move woody material from within the culvert and within 25 feet immediately upstream of the culvert inlet except the permittee shall not remove or reposition woody material in the channel that has been installed as part of a hydraulic project approved by WDFW

43. Large woody material embedded in the bank or streambed shall be left undisturbed and intact.

44. If non-embedded woody material must be moved then:

- a. All large woody material shall be repositioned below the OHWL or floated free immediately downstream of the work site to provide functional fish habitat.
- b. Large woody material shall not be destroyed or reduced in value as fish habitat. Large woody material shall not be cut into smaller pieces except to allow floating or suspension of large woody material to reposition it away from the culvert. Root wads shall not be removed from the trunk (bole). Boles shall not be reduced in girth.
- c. Natural woody material that is smaller than large woody material may be repositioned within the stream, floated downstream, deposited on the bank or removed and disposed of so not to reenter the watercourse.
- d. If releasing or repositioning large woody material downstream of a worksite could create an unsafe hazard to life, the public, property or roadway infrastructure, the large woody material may be placed below the OHWL at another location within the same waterbody.

45. All manmade debris and wood used for construction including treated wood removed with the natural wood shall be disposed of so not to reenter the watercourse.

46. Whenever possible, woody material shall be floated free. Woody material shall not be dragged across the bed or bank.

47. Where large woody material cannot be floated free, large woody material shall be suspended during its removal so no portion of the large woody material or limbs can damage the bed or banks.



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Full suspension shall be used to avoid damage to riparian vegetation. It may be necessary to cut the large woody material in place, to a size that allows suspension during removal.

48. Large woody material repositioning shall be accomplished in a manner which minimizes the release of bedload, logs, or debris downstream.

49. Depressions created in gravel bars shall be filled, smoothed over, and sloped toward the bank on a minimum two percent gradient.

CULVERT REPAIR PROVISIONS:

50. Culverts shall be repaired to as-built conditions provided the work does not install a culvert liner, extend or replace the existing culvert.

51. Only existing concrete culvert structures may be repaired with cement, concrete, or concrete by-products.

52. Repaired culverts shall provide unimpeded fish passage.

53. Repaired culverts shall be maintained to avoid inlet scouring and to prevent erosion of streambanks downstream of the project.

54. Material types not previously authorized in a HPA for use at the site are not authorized for use under this HPA except a log toe may be installed instead of angular rock to repair the culvert inlet or outlet.

55. Fill associated with culvert repairs shall be protected from erosion to the 100-year peak flow.

56. Culvert repair may include repair of existing riprap protecting the culvert inlet and outlet as long as:

- a. Imported riprap material installed shall not exceed a total of 25 cubic yards or 0.5 cubic yards per linear foot annually whichever is less.
- b. The bank protection repair shall not extend beyond the footprint of the existing armored inlet or outlet.
- c. The streambank immediately above the riprap shall be planted with native or other woody species approved by WDFW (Attachment 5). Vegetative cuttings shall be planted at a maximum interval of three feet (on center). Plantings shall be maintained as necessary for three years to ensure 80 percent or greater survival of each species.
- d. A toe of rock or a log toe shall be installed below the potential scour depth before placing the riprap.
- e. Bank sloping shall be accomplished in a manner that avoids release of overburden material into the water. Overburden material resulting from the project shall be removed and disposed of so not to reenter the watercourse.
- f. Riprap shall be clean and durable, free from dirt, sand, clay and rock fines and shall be installed to withstand the 100 year flow flood event. g. On site river gravels from the



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- channel shall not be used as exterior armor.
- h. Filter fabric may be installed before placing the riprap.

57. Riprap dislodged from the existing bank protection not used for the repair shall be removed from the streambed. Dislodged riprap may be used as backfill for the bank protection repair. If dislodged riprap is used as backfill, it shall be used in a manner that prevents the riprap from re-entering waters of the state. All dislodged riprap not used as backfill shall be removed from the watercourse or stream and disposed of so not to reenter the watercourse or stream.

CHAPTER 2 - MAINTENANCE, REPAIR, AND REPLACEMENT OF CULVERTS AND DRAINAGE FACILITIES IN NON FISH-BEARING WATERS CHAPTER DESCRIPTION:

1. This Chapter authorizes sediment removal and woody material removal/repositioning from culverts and drainage facilities in non fish-bearing waters within or adjacent to the right-of-way of Kitsap County-owned and -maintained roads. This Chapter authorizes the repair of culverts and drainage facilities to as-built conditions provided the work does not install a culvert liner, extend the existing culvert, or expand the drainage facility. In addition, this Chapter authorizes the replacement of culverts using the stream-simulation design provided the work does not relocate an existing culvert.

2. DETERMINING NON FISH-BEARING WATERS: Stream segments shall be considered non fish-bearing if the defined channel is less than two feet wide between the OHWL, has a gradient of more than 16 percent and a basin size greater than 50 acres; or when a defined channel is less than two feet between the OHWL with a gradient of more than 20 percent and a basin size smaller than 50 acres.

NOTE: WDFW does not have regulatory authority in watercourses that are entirely artificial (Chapter 77.55 RCW). WDFW will determine whether or not a watercourse is entirely artificial. WDFW recommends Kitsap County contact the WDFW Area Habitat Biologist for concurrence prior to working in a watercourse believed to be entirely artificial unless the watercourse has been previously determined by WDFW to be entirely artificial.

TIMING:

3. Work authorized by this Chapter may begin immediately and shall be completed by May 16, 2016 provided:

- a. Work shall be conducted when the watercourse or stream is dry, or
- b. Work in the water of non fish-bearing streams within 0.25 miles of a Type S or F water or within two miles of a fish hatchery intake within the same waterbody, shall be conducted only between July 1 and October 15 of any calendar year except in cases where woody material is blocking stream flow, is moved by hand and floated downstream; this woody debris repositioning work may occur year around.
- c. Work in the water of non fish-bearing streams greater than 0.25 miles from a Type S or F water or greater than two miles from a fish hatchery intake may occur year around.



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BYPASS PROVISIONS FOR WORK IN THE WATER:

4. A temporary bypass is not required for work performed in a natural dry stream channel or when the work performed is not in the water provided silt is prevented from entering the stream. A temporary bypass is also not required for work performed in the water with hand-held tools only or for woody material repositioning or removal. A temporary bypass to divert flow around the work area shall be in place before starting other work in the water.
5. A bypass shall be constructed using an upstream and downstream bypass dam and one or more of the following methods:
 - a. Stream bypass by pumping.
 - b. Stream bypass by gravity through pipe.
 - c. Stream bypass by gravity into existing side or constructed channel.
6. A cofferdam or similar device shall be installed at the bypass inlet to divert the entire flow through the bypass.
7. A cofferdam or similar device shall be installed at the downstream end of a bypass to prevent backwater from entering the work area.
8. The bypass shall be large enough to pass all anticipated flows and debris for the duration of the project.
9. Water bypassed around the work site shall be returned to the channel downstream of the work site. The stream below the work area shall not be dewatered. The bypass downstream discharge point shall be designed to minimize erosion and scour to the adjacent channel, banks, and vegetation.
10. All work below the OHWL shall be completed before releasing the water flow to the project area.
11. Water shall be reintroduced into the channel in a manner that minimizes the mobilization of sediments and fines into downstream waters and to avoid erosion or scour of the stream channel, banks, and vegetation.
12. Upon completion of the project, all material used in the temporary bypass shall be removed from the site and the site returned to pre-project or improved conditions.

WATER QUALITY PROVISIONS:

13. Fresh cement, concrete or concrete by-products shall not enter the stream at any time. All forms used for concrete shall be completely sealed to prevent the possibility of fresh concrete from entering the stream. Any release agent used on the forms shall be biodegradable. All concrete shall be sufficiently cured prior to contact with water so no leaching occurs, and shall cure at least 3 days. Any dewatering from an area containing curing concrete shall be discharged landward of the



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OHWL and shall not enter surface waters.

14. Silt-laden water shall be prevented from entering the stream.

15. The permittee shall remove fine sediments and other contaminants from construction waste water before the water is discharged back to a watercourse or stream.

16. If flow conditions that may cause siltation occur during this project, the permittee shall stop work until the flow subsides.

17. No petroleum products, hydraulic fluid, chemicals, or any other toxic or deleterious materials may enter or leach into waters of the state. 18. Material removed from inside a cofferdam shall be disposed of outside the floodplain of the stream.

EQUIPMENT PROVISIONS:

19. Disturbance of the streambed, banks, and associated vegetation shall be limited to that necessary to perform the project provided existing trees measuring 4.5 feet or greater in height above grade or with a diameter of four inches or greater are not be damaged or destroyed except as needed to construct an equipment access road.

20. Where practicable, based on site conditions and the maintenance activity, work shall be accomplished by hand or with hand-held tools.

21. If heavy equipment is needed, existing access locations, the roadway, or shoulder should be used wherever possible to access the site. If not possible, minor grading of the bank to allow temporary access for equipment is allowed provided: the access doesn't exceed 15 feet in width and 150 feet in length, only one access is constructed per location, all materials used to construct the access are removed immediately upon project completion, and the access site is re-vegetated upon project completion.

22. Equipment may operate below the OHWL as long as the drive mechanisms (wheels, tracks, tires, etc.) shall not enter or operate below the OHWL unless the work area is dry, or a bypass is in place.

23. Equipment shall be free of external petroleum-based products while working near the water.

24. Soil and debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment before working below the OHWL.

25. Equipment shall be checked daily for leaks and any necessary repairs shall be completed before working near the water.

26. With the exception of bypass pumps, all machinery and equipment shall be serviced, fueled, and maintained on uplands to prevent contamination of surface waters. When practicable, this



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should be done more than 200 feet from waters of the state. Fueling areas shall be equipped with enough spill containment materials to prevent a spill from reaching waters of the state.

SEDIMENT REMOVAL PROVISIONS:

27. Bedload sediments may be removed from within the culvert or drainage facility, and from the streambed extending no more than 25 linear feet immediately upstream of the inlet or downstream of the outlet.

28. Sediment removal shall be limited to restoring the ditchline or streambed to original base level with a gradual taper of the ground line to meet the native streambed (or original ditch profile) and cross-drain area profiles at each location.

29. The permittee shall not remove more than 50 cubic yards of material per year from each culvert or drainage facility location.

30. Sediment removal shall be limited to deepening of the streambed. Banks shall not be disturbed.

31. Sediment removal from a culvert shall not result in a head cut in the channel that erodes upstream, or damage to the toe of the bank downstream of the sediment removal site.

32. A Vactor or similar vacuum excavation vehicle may be used to remove sediments if the fish exclusion and removal protocol is followed.

33. Material within the culvert or drainage facility shall be jetted only when the work area is dry, or a bypass is in place. Jetted sediments shall be removed from the stream before return of stream flows.

34. All excavated material shall be removed and disposed of so not to reenter the watercourse. No material shall be side cast into adjacent wetlands, or other waters of the state.

WOODY MATERIAL REMOVAL AND REPOSITIONING PROVISIONS:

35. 'Large woody material' means trees or tree parts larger than four inches in diameter and longer than six feet, and rootwads, wholly or partially waterward of the ordinary high water line.

36. The permittee may only move woody material from within the culvert and within 25 feet immediately upstream of the culvert or drainage facility inlet except the permittee shall not remove or reposition woody material in the channel that has been installed as part of a hydraulic project approved by WDFW.

37. Large woody material embedded in the bank or streambed shall be left undisturbed and intact.

38. If non-embedded woody material must be moved then:

- a. All large woody material shall be repositioned below the OHWL or floated free



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- immediately downstream of the work site to provide functional fish habitat.
- b. Large woody material shall not be destroyed or reduced in value as fish habitat. Large woody material shall not be cut into smaller pieces except to allow floating or suspension of large woody material to reposition it away from the culvert. Root wads shall not be removed from the trunk (bole). Boles shall not be reduced in girth.
 - c. Natural woody material that is smaller than large woody material may be repositioned within the stream, floated downstream, deposited on the bank or removed and disposed of so not to reenter the watercourse.
 - d. If releasing or repositioning large woody material downstream of a worksite could create an unsafe hazard to life, the public, property or roadway infrastructure, the large woody material may be placed below the OHWL at another location within the same waterbody.
39. All manmade debris and wood used for construction including treated wood removed with the natural wood shall be disposed of so not to reenter the watercourse.
40. Whenever possible, woody material shall be floated free. Woody material shall not be dragged across the bed or bank.
41. Where large woody material cannot be floated free, large woody material shall be suspended during its removal so no portion of the large woody material or limbs can damage the bed or banks. Full suspension shall be used to avoid damage to riparian vegetation. It may be necessary to cut the large woody material in place, to a size that allows suspension during removal.
42. Large woody material repositioning shall be accomplished in a manner which minimizes the release of bedload, logs, or debris downstream.
43. Depressions created in gravel bars shall be filled, smoothed over, and sloped toward the bank on a minimum two percent gradient.
- CULVERT AND DRAINAGE FACILITY REPAIR PROVISIONS:**
44. Only existing concrete culvert structures and drainage facilities may be repaired with cement, concrete, or concrete by-products.
45. Repaired culverts and drainage facilities shall be maintained to avoid inlet scouring and to prevent erosion of streambanks downstream of the project.
46. Material types not previously authorized in a HPA for use at the site are not authorized for use under this HPA except a log toe may be installed instead of angular rock to repair the culvert or drainage facility inlet or outlet.
47. Fill associated with culvert and drainage facility repairs shall be protected from erosion to the 100-year peak flow.



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48. Culvert and drainage facility repair may include repair of existing riprap protecting the culvert or drainage facility inlet and outlet as long as:

- a. Imported riprap material installed shall not exceed a total of 25 cubic yards or 0.5 cubic yards per linear foot annually whichever is less.
- b. The bank protection repair shall not extend beyond the footprint of the existing armored inlet or outlet.
- c. The streambank immediately above the riprap shall be planted with native or other woody species approved by WDFW (Attachment 5). Vegetative cuttings shall be planted at a maximum interval of three feet (on center). Plantings shall be maintained as necessary for three years to ensure 80 percent or greater survival of each species.
- d. A toe of rock or a log toe shall be installed below the potential scour depth before placing the riprap.
- e. Bank sloping shall be accomplished in a manner that avoids release of overburden material into the water. Overburden material resulting from the project shall be removed and disposed of so not to reenter the watercourse.
- f. Riprap shall be clean and durable, free from dirt, sand, clay and rock fines and shall be installed to withstand the 100 year flow flood event.
- g. On site river gravels from the channel shall not be used as exterior armor.
- h. Filter fabric may be installed before placing the riprap.

49. Riprap dislodged from the existing bank protection not used for the repair shall be removed from the streambed. Dislodged riprap may be used as backfill for the bank protection repair. If dislodged riprap is used as backfill, it shall be used in a manner that prevents the riprap from re-entering waters of the state. All dislodged riprap not used as backfill shall be removed from the natural watercourse or stream and disposed of so not to reenter the watercourse.

CULVERT REPLACEMENT PROVISIONS:

50. Replacement culverts shall use the stream-simulation design option.

51. The slope ratio shall be less or equal to 1.25.

52. The channel bed width inside the culvert shall be a minimum 1.2 times the width of the bankfull channel plus two feet.

53. The channel-bed width shall be determined using the methodology described in 'Design of Road Culverts for Fish Passage, 2003, Appendix H Measuring Channel-Bed Width' (Attachment 6).

54. Footings of replaced bottomless culverts shall be buried deep enough to avoid becoming exposed by scour of the streambed for the life of the culvert structure.

55. Replaced culverts shall be installed to maintain structural integrity to the 100-year peak flow with consideration of the debris likely to be encountered.

56. Fill associated with the replaced culvert or drainage facility shall be protected from erosion to



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the 100-year peak flow.

57. Culverts shall be designed and installed to avoid inlet scouring and shall be designed in a manner to prevent erosion of streambanks downstream of the project.

57. Replacement culverts shall consist of a single barrel.

58. Approach material shall be structurally stable.

59. The culvert inlet and outlet may be protected provided:

- a. Rock or logs shall be used as stabilization along each stream bank for up to a maximum of ten lineal feet.
- b. The streambank immediately above the riprap shall be planted with native or other woody species approved by WDFW (Attachment 5). Vegetative cuttings shall be planted at a maximum interval of three feet (on center). Plantings shall be maintained as necessary for three years to ensure 80 percent or greater survival of each species or a contingency species approved by the AHB.
- c. A log toe shall be installed below the potential scour depth before placing the riprap.
- d. Bank sloping shall be accomplished in a manner that avoids release of overburden material into the water. Overburden material resulting from the project shall be removed and disposed of so not to reenter the watercourse.
- e. Riprap shall be clean and durable, free from dirt, sand, clay and rock fines and shall be installed to withstand the 100 year flow flood event.
- f. On site river gravels from the channel shall not be used as exterior armor.
- g. Filter fabric may be installed before placing the riprap.

60. Riprap dislodged from the existing bank protection not used for the repair shall be removed from the streambed. Dislodged riprap may be used as backfill for the bank protection repair. If dislodged riprap is used as backfill, it shall be used in a manner that prevents the riprap from re-entering waters of the state. All dislodged riprap not used as backfill shall be removed from the watercourse or stream and disposed of so not to reenter the watercourse or stream.

CHAPTER 3 - MAINTENANCE OF NATURAL WATERCOURSES WHICH HAVE BEEN ALTERED BY HUMANS

CHAPTER DESCRIPTION:

1. This Chapter authorizes sediment removal and woody material removal/repositioning from natural watercourses which have been altered by humans within or adjacent to the right-of-way of Kitsap County-owned or maintained roads with a channel-bed width of six feet or less. This HPA does not authorize repair, replacement, or installation of new bank protection.
2. The channel-bed width shall be determined using the methodology described in 'Design of Road Culverts for Fish Passage, 2003, Appendix H Measuring Channel-Bed Width' (Attachment 6).



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TIMING:

3. Work authorized by this Chapter may begin immediately and shall be completed by May 16, 2016 provided:

- a. Work shall be conducted when the watercourse is dry, or;
- b. Work below the ordinary high water line (OHWL) shall occur during the attached work windows (Allowable Freshwater Work Times for Maintenance Work, Attachment 1), except in cases where woody material is blocking stream flow, and is moved by hand and floated downstream; this woody material repositioning work may occur year around.

WORKSITE FISH EXCLUSION AND FISH REMOVAL:

4. Before dewatering, fish life shall be temporarily excluded and relocated out of the work area.

5. The permittee shall have a qualified biologist or staff person trained by WDFW, US Fish and Wildlife Service, National Marine Fisheries Service, or with equivalent electrofishing training supervise the capture and safe removal of food fish, game fish, and other fish life from the job site. Fish removal and exclusion shall follow protocol (Attachment 7). Whenever a fish exclusion device is installed, the permittee shall have fish capture and transportation equipment ready on the job site. Captured fish shall be immediately and safely transferred to free-flowing water downstream of the project site. The permittee may request that WDFW staff help capture and safely move fish life from the job site to free-flowing water. Assistance may be granted if personnel are available.

BYPASS PROVISIONS FOR WORK IN THE WATER:

6. A temporary bypass is not required for work performed in a natural dry stream channel or when the work performed is not in the water provided silt is prevented from entering the stream. A temporary bypass is also not required for work performed in the water with hand-held tools only or for woody material repositioning or removal. A temporary bypass to divert flow around the work area shall be in place before starting other work in the water.

7. A bypass shall be constructed using an upstream and downstream bypass dam and one or more of the following methods:

- a. Stream bypass by pumping.
- b. Stream bypass by gravity through pipe.
- c. Stream bypass by gravity into existing side or constructed channel.

8. A cofferdam or similar device shall be installed at the bypass inlet to divert the entire flow through the bypass.

9. A cofferdam or similar device shall be installed at the downstream end of a bypass to prevent backwater from entering the work area.

10. The bypass shall be large enough to pass all anticipated flows and debris for the duration of the project.



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11. Water bypassed around the work site shall be returned to the channel downstream of the work site. The stream below the work area shall not be dewatered. The bypass downstream discharge point shall be designed to minimize erosion and scour to the adjacent channel, banks, and vegetation.

12. All work below the OHWL shall be completed before releasing the water flow to the project area.

13. Water shall be reintroduced into the channel in a manner that minimizes the mobilization of sediments and fines into downstream waters and to avoid erosion or scour of the stream channel, banks, and vegetation.

14. Upon completion of the project, all material used in the temporary bypass shall be removed from the site and the site returned to pre-project or improved conditions.

SCREENING (FOR WORKING IN THE WATER):

15. 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 device pursuant to RCW 77.57.010 and 77.57.070. 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).
- c. Woven wire: 0.087 inch (maximum opening in the narrow direction).
- d. The minimum open area for all types of fish guards is 27%. The screened intake shall consist of a facility with enough surface area to ensure that the velocity through the screen is less than 0.4 feet per second. Screen maintenance shall be adequate to prevent injury or entrapment of juvenile fish and the screen shall remain in place whenever water is withdrawn from the stream through the pump intake.

16. Fish screens on dewatering pumps within the dry channel by-passed work area may be removed as long as all fish have been removed and excluded from the dry work area, and water level within the bypassed work area has been lowered to channel bed elevation.

WATER QUALITY PROVISIONS:

17. Silt-laden water shall be prevented from entering the watercourse.

18. The permittee shall remove fine sediments and other contaminants from construction waste water before the water is discharged back to a watercourse or stream.

19. If flow conditions that may cause siltation occur during this project, the permittee shall stop work until the flow subsides.

20. No petroleum products, hydraulic fluid, chemicals, or any other toxic or deleterious materials



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may enter or leach into waters of the state.

21. Material removed from inside a cofferdam shall be disposed of outside the floodplain of the watercourse.

EQUIPMENT PROVISIONS:

22. Disturbance of the streambed, banks, and associated vegetation shall be limited to that necessary to perform the project provided existing trees measuring 4.5 feet or greater in height above grade or with a diameter of four inches or greater are not be damaged or destroyed except as needed to construct an equipment access road.

23. Where practicable, based on site conditions and the maintenance activity, work shall be accomplished by hand or with hand-held tools.

24. If heavy equipment is needed, existing access locations, the roadway, or shoulder should be used wherever possible to access the site. If not possible, minor grading of the bank to allow temporary access for equipment is allowed provided: the access doesn't exceed 15 feet in width and 150 feet in length, only one access is constructed per location, all materials used to construct the access are removed immediately upon project completion, and the access site is re-vegetated upon project completion.

25. Equipment may operate below the OHWL as long as the drive mechanisms (wheels, tracks, tires, etc.) shall not enter or operate below the OHWL unless the work area is dry, or a bypass is in place.

26. Equipment shall be free of external petroleum-based products while working near the water.

27. Soil and debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment before working below the OHWL.

28. Equipment shall be checked daily for leaks and any necessary repairs shall be completed before working near the water.

29. With the exception of bypass pumps, all machinery and equipment shall be serviced, fueled, and maintained on uplands to prevent contamination of surface waters. When practicable, this should be done more than 200 feet from waters of the state. Fueling areas shall be equipped with enough spill containment materials to prevent a spill from reaching waters of the state.

SEDIMENT REMOVAL PROVISIONS:

30. Sediment removal shall not be conducted in fish spawning areas unless it is designed to create or improve the access/or quality of fish spawning areas.

31. Sediment removal shall be limited to restoring the channel bed to original base level with a



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gradual taper of the ground line to meet the native channel bed and cross-drain area profiles at each location.

32. The permittee shall not remove more than 50 cubic yards of material per year from the channel at each location. There shall be no more than three sediment removal locations per stream mile per year.

33. Sediment removal shall be limited to deepening of the channel bed. Banks shall not be disturbed.

34. Sediment removal from the channel bed shall not result in a head cut in the channel that erodes upstream, or damage to the toe of bank downstream of the site of sediment removal.

35. A Vactor or similar vacuum excavation vehicle may be used to remove sediments if the fish exclusion and removal protocol is followed.

36. At the end of the maintenance activity, the work area shall contain no pits, sumps or potholes, or depressions that may trap fish or create a fish passage barrier when water levels fluctuate.

37. All excavated material shall be removed and disposed of so not to reenter the watercourse. No material shall be side cast into adjacent wetlands, or other waters of the state.

WOODY MATERIAL REMOVAL AND REPOSITIONING PROVISIONS:

38. 'Large woody material' means trees or tree parts larger than four inches in diameter and longer than six feet, and rootwads, wholly or partially waterward of the ordinary high water line.

39. The permittee shall not remove or reposition woody material in the channel that has been installed as part of a hydraulic project approved by WDFW.

40. Large woody material embedded in the bank or channel bed shall be left undisturbed and intact.

41. If non-embedded woody material must be moved then:

- a. All large woody material shall be repositioned below the OHWL or floated free immediately downstream of the work site to provide functional fish habitat.
- b. Large woody material shall not be destroyed or reduced in value as fish habitat. Large woody material shall not be cut into smaller pieces except to allow floating or suspension of large woody material to reposition it. Root wads shall not be removed from the trunk (bole). Boles shall not be reduced in girth.
- c. Natural woody material that is smaller than large woody material may be repositioned within the channel, floated downstream, deposited on the bank or removed and disposed of so not to reenter the watercourse.
- d. If releasing or repositioning large woody material downstream of a worksite could create an unsafe hazard to life, the public, property or roadway infrastructure, the large



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woody material may be placed below the OHWL at another location within the same waterbody.

42. All manmade debris and wood used for construction including treated wood removed with the natural wood shall be disposed of so not to reenter the watercourse.

43. Whenever possible, woody material shall be floated free. Woody material shall not be dragged across the bed or bank.

44. Where large woody material cannot be floated free, large woody material shall be suspended during its removal so no portion of the large woody material or limbs can damage the bed or banks. Full suspension shall be used to avoid damage to riparian vegetation. It may be necessary to cut the large woody material in place, to a size that allows suspension during removal.

45. Large woody material repositioning shall be accomplished in a manner which minimizes the release of bedload, logs, or debris downstream.

46. Depressions created in gravel bars shall be filled, smoothed over, and sloped toward the bank on a minimum two percent gradient.

CHAPTER 4 - MAINTENANCE AND REPAIR OF BRIDGES

CHAPTER DESCRIPTION:

1. This Chapter authorizes Kitsap County-owned and -maintained bridge maintenance activities including:

- a. The repositioning of large woody material accumulated on the bridge supports and approaches.
- b. Sweeping and/or vacuuming the deck, sidewalks, gutters, and drains and the washing of the deck and drains.
- c. Spot cleaning of bridge fracture critical points.
- d. Bridge superstructure cleaning and washing.
- e. Painting and application of other protective coatings and includes preparatory dry cleaning and washing.
- f. Removal and replacement of existing concrete or asphalt overlay of the deck road surface, gutters, and sidewalks.
- g. Repair and replacement of select bridge elements above OHWL of state waters.

TIMING FOR BRIDGE SUPERSTRUCTURE CLEANING AND WASHING:

2. Work authorized by the Chapter may begin immediately and shall be completed by May 16, 2016 provided:

- a. Cleaning and washing of bridge superstructure and bridge spot cleaning shall only occur from November 1 to December 31 and January 1 to May 31 of any year.
- b. Repositioning of woody material accumulated on bridge supports or approaches or



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work using a temporary work platform: i. Shall be conducted when the watercourse or stream is dry, or: ii. Work below the ordinary high water line (OHWL) shall occur during the attached work windows (Allowable Freshwater Work Times for Maintenance Work, Attachment 1 or Allowable Saltwater Work Time for maintenance Work, Attachment 2), except in cases where large woody material is lodged against the bridge support structure, is not embedded, and is to be relocated downstream; this work may occur year around.

c. All other work authorized in the Chapter may occur year-around.

WATER QUALITY PROVISIONS:

3. Lumber used to repair bridges shall not contain creosote or pentachlorophenol.

4. All lumber to be used for the project shall meet or exceed the standards established in 'Best Management Practices For the Use of Treated Wood in Aquatic and Other Sensitive Environments' developed by the Western Wood Preservers Institute, Wood Preservation Canada, Southern Pressure Treaters' Association, and Timber Piling Council, dated August 1, 2006, and any current amendments or addenda to it. Current amendments and addenda include but may not be limited to 'Amendment #1: CCA - Chromated Copper Arsenate', dated October 25, 2006; and 'Addendum #1: ACC - Acid Chromated Copper', dated February 28, 2007.

5. Semi-transparent, water-repellent stain, latex paint, or oil-based paint shall be used on new treated wood to reduce leaching of arsenic, chromium, and copper.

6. Fresh cement, concrete or concrete by-products shall not enter the stream at any time. All forms used for concrete shall be completely sealed to prevent the possibility of fresh concrete from entering the stream. Any release agent used on the forms shall be biodegradable. All concrete shall be sufficiently cured prior to contact with water so no leaching occurs, and shall cure at least 3 days. Any dewatering from an area containing curing concrete shall be discharged landward of the OHWL and shall not enter surface waters.

7. Silt-laden water and debris shall be prevented from entering the stream.

8. Wastewater from project activities and water removed from within the work area shall be routed to an area landward of the ordinary high water line to remove fine sediment and other contaminants prior to being discharged to the stream.

9. If flow conditions that may cause siltation occur during this project, the permittee shall stop work until the flow subsides.

10. Washing shall be done with clean water. Detergents or other cleaning agents shall not be used except: a. A 5.25% sodium hypochlorite solution may be directly applied onto areas of bird guano or fungus growth remaining after removal and any pressure washing of bulk deposit or growth. The sodium hypochlorite solution shall not be added to the water used for pressure washing. Wash water containing sodium hypochlorite must be fully contained and shall not enter state waters. b.



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The permittee may use a degreaser on an absorbent material to remove residual grease after hand cleaning the surface as long as none of this material enters state waters.

11. No petroleum products, hydraulic fluid, chemicals, or any other toxic or deleterious materials may enter or leach into waters of the state.

EQUIPMENT PROVISIONS:

12. Disturbance of the streambed, banks, and associated vegetation shall be limited to that necessary to perform the project provided existing trees measuring 4.5 feet or greater in height above grade or with a diameter of four inches or greater are not be damaged or destroyed except as needed to construct an equipment access road.

13. The banks and shoreline shall not be disturbed when placing, using, or removing a temporary floating or bridge pier-mounted platform.

14. Where practicable, based on site conditions and the maintenance activity, work shall be accomplished by hand or with hand-held tools.

15. If heavy equipment is needed, equipment shall be operated from a barge, bridge deck, bridge approaches, temporary floating, or bridge pier-mounted work platform, or an existing access locations, the roadway, or shoulder should be used wherever possible to access the site. If not possible, minor grading of the bank to allow temporary access for equipment is allowed provided: the access doesn't exceed 15 feet in width and 150 feet in length, only one access is constructed per location, all materials used to construct the access are removed immediately upon project completion, and the access site is re-vegetated upon project completion.

16. Equipment shall be free of external petroleum-based products while working near the water.

17. Soil and debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment.

18. Equipment shall be checked daily for leaks and any necessary repairs shall be completed before working near the water.

19. All machinery and equipment shall be serviced, fueled, and maintained on uplands to prevent contamination of surface waters. When practicable, this should be done more than 200 feet from waters of the state. Fueling areas shall be equipped with enough spill containment materials to prevent a spill from reaching waters of the state.

20. Anchoring of a barge or other temporary floating platform shall not occur in fish spawning areas or areas with eelgrass, kelp, and/or other intertidal wetland vascular plants.

21. Barges or other temporary floating platforms shall not ground on the bed of state waters.



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WOODY MATERIAL REMOVAL AND REPOSITIONING OF WOODY MATERIAL ACCUMULATED ON THE BRIDGE SUPPORTS OR APPROACH PROVISIONS:

22. 'Large woody material' means trees or tree parts larger than four inches in diameter and longer than six feet, and rootwads, wholly or partially waterward of the ordinary high water line.

23. Large woody material embedded in the bank or watercourse bed shall be left undisturbed and intact.

24. If non-embedded woody material must be moved then:

- a. All large woody material shall be repositioned below the OHWL or floated free immediately downstream of the work site to provide functional fish habitat.
- b. Large woody material shall not be destroyed or reduced in value as fish habitat. Large woody material shall not be cut into smaller pieces except to allow floating or suspension of large woody material to reposition it away from the culvert. Root wads shall not be removed from the trunk (bole). Boles shall not be reduced in girth.
- c. Natural woody material that is smaller than large woody material may be repositioned within the stream, floated downstream, deposited on the bank or removed and disposed of so not to reenter the watercourse.
- d. If releasing or repositioning large woody material downstream of a worksite could create an unsafe hazard to life, the public, property or roadway infrastructure, the large woody material may be placed below the OHWL at another location within the same waterbody.

25. All manmade debris and wood used for construction including treated wood removed with the natural wood shall be disposed of so not to reenter the watercourse.

26. Whenever possible, woody material shall be floated free. Woody material shall not be dragged across the bed or bank.

27. Where large woody material cannot be floated free, large woody material shall be suspended during its removal so no portion of the large woody material or limbs can damage the bed or banks. Full suspension shall be used to avoid damage to riparian vegetation. It may be necessary to cut the large woody material in place, to a size that allows suspension during removal.

28. Large woody material repositioning shall be accomplished in a manner which minimizes the release of bedload, logs, or debris downstream.

29. Depressions created in gravel bars shall be filled, smoothed over, and sloped toward the bank on a minimum two percent gradient.

DECK SWEEPING, DECK AND DRAIN CLEANING:

30. The deck shall first be cleaned using dry methods and equipment (scraping, sweeping, vacuuming) that will prevent debris and substances from entering state waters.



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31. If a pickup broom is not used, drains and open joints shall be adequately sealed before sweeping.

32. Cleaned debris, sediment, substances and/or deck wash water shall not enter state waters through deck drains.

33. After cleaning operations are completed, cleaned debris, sediment and substances shall be removed from deck drains and disposed of in a manner that prevents it from entering the watercourse.

34. Direct drain flushing water may enter state waters only after deck drains are cleaned of debris and sediment.

BRIDGE SUPERSTRUCTURE CLEANING AND WASHING:

35. Prior to washing, the deck shall first be cleaned using dry methods and equipment (scraping, sweeping, vacuuming) that will prevent debris and substances from entering state waters.

36. Washing shall occur with the minimum water pressure necessary to accomplish the work to prevent existing paint from being removed and entering state waters.

37. Cleaned debris, sediment, substances and/or deck wash water shall not enter state waters through deck drains.

38. After cleaning operations are completed, cleaned debris, sediment and substances shall be removed from deck drains and disposed of in a manner that prevents it from entering the watercourse.

39. Direct drain flushing water may enter state waters only after deck drains are cleaned of debris and sediment.

40. The permittee may use temporary floating platforms or bridge pier-mounted work platforms.

41. The permittee shall not disturb the bed, streambanks, or shoreline when placing, using, or removing a temporary floating or pier-mounted work platform.

BRIDGE SPOT CLEANING:

42. The bridge shall be spot cleaned using dry and/or wet methods: hand/dry scraping, sweeping, vacuuming, low-pressure high volume washing.

43. Washing shall occur with the minimum water pressure necessary to accomplish the work to prevent existing paint from being removed and entering state waters.



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44. Wash water and debris resulting from pressure washing shall be filtered through a filter structure to prevent debris from entering state waters.

45. Cleaned debris, sediment, substances and/or deck wash water shall not enter state waters through deck drains.

46. After cleaning operations are completed, cleaned debris, sediment and substances shall be removed from deck drains and disposed of in a manner that prevents it from entering the watercourse.

47. Direct drain flushing water may enter state waters only after deck drains are cleaned of debris and sediment.

REMOVAL AND APPLICATION OF PROTECTIVE COATINGS:

48. Prior to washing, the deck shall first be cleaned using dry methods and equipment (scraping, sweeping, vacuuming) that will prevent debris and substances from entering state waters.

49. Wash water and debris resulting from high-pressure washing shall be filtered through a filter structure to prevent debris from entering state waters.

50. Cleaned debris, sediment, substances and/or deck wash water shall not enter state waters through deck drains.

51. After cleaning operations are completed, cleaned debris, sediment and substances shall be removed from deck drains and disposed of in a manner that prevents it from entering the watercourse.

52. Direct drain flushing water may enter state waters only after deck drains are cleaned of debris and sediment.

53. Paint or protective coatings shall be removed in a manner that prevents any paints, paint flakes, primers, blasting abrasives, rust, solvents, degreasers and other waste materials from entering the watercourse.

54. The permittee shall use tarps or other containment measures to trap and prevent blasting abrasives, protective coatings, rust, and grease from entering the watercourse.

55. Paints, stains, preservatives, and solvents shall be stored, mixed, and transferred on land and not on the bridge to prevent these materials from entering the watercourse in the event of a spill.

56. The permittee shall not clean equipment in the watercourse or where wash-water can enter the watercourse.

57. The permittee may use temporary floating platforms or pier-mounted work platforms.



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58. The permittee shall not disturb the bed, streambanks, or shoreline when placing, using, or removing a temporary floating or pier-mounted work platform.

BRIDGE DECK OVERLAY REPLACEMENT PROVISIONS:

59. The existing subsurface shall be structurally sound to prevent existing or new overlay material from entering state waters.

60. During the removal of the existing surface and installation of the new overlay, the permittee shall use tarps or other containment measures to trap and prevent water, debris, and substances from entering the watercourse.

61. Bridge drains shall be blocked during bridge deck overlay replacement to prevent water, debris, and substances from entering the watercourse.

62. New overlay material shall not enter waters of the state.

OTHER MAINTENANCE AND REPAIR PROVISIONS:

63. Material types not previously authorized in a HPA for use at the site are not authorized for use under this HPA.

64. Only existing concrete bridge elements may be repaired with cement, concrete, or concrete by-products.

65. This HPA authorizes only the following routine maintenance activities to maintain the bridge to as-built conditions:

- a. Lubricating bearings.
- b. Sealing cracks in bridge deck.
- c. Repairing bridge deck with concrete (temporary deck repair).
- d. Repairing and sealing deck joints.
- e. Sealing deck spalls.
- f. Repairing concrete structures.
- g. Cleaning and sealing accessible concrete caps (sealing abutment and pier caps).
- h. Repairing pier caps.
- i. Adding/repairing/replacing bracing.
- j. Sealing approach joints.
- k. Repairing or leveling approaches.
- l. Replacing or repairing expansion joints.
- m. Building or repairing mat gutters (mat gutter maintenance).
- n. Replacing bridge railings.
- o. Replacing corroded secondary braces.
- p. Repairing piling.
- q. Replacing timber planks on abutment backwalls.



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- r. Replacing pier caps.
- s. Replacing timber planks or running boards on timber decks.

66. The permittee may use temporary floating platforms or pier-mounted work platforms.

67. The permittee shall not disturb the bed, streambanks, or shoreline when placing, using, or removing a temporary floating or pier-mounted work platform.

68. The permittee shall use tarps or other containment measures to trap and prevent debris, grindings, fresh cement, sealant, rust, grease, treated wood cuttings or other toxic or deleterious materials from entering the watercourse.

CHAPTER 5 - BEAVER DAM REMOVAL AND INSTALLATION OF EXCLUSION DEVICES

CHAPTER DESCRIPTION:

1. This Chapter authorizes removal and notching of beaver dams and installation of beaver exclusion devices within or adjacent to the right-of-way of Kitsap County-owned or maintained roads.

TIMING:

2. Work authorized by this Chapter may begin immediately and shall be completed by May 16, 2016.

3. Beaver dams may be notched, beaver dams and associated debris may be removed, and beaver exclusion devices may be installed in streams, rivers and other waters of the state year round provided:

- a. The beaver dam is new, in existence for one year or less.
- b. The existing condition of the beaver dam threatens safety or the ROW structure.
- c. The stream is flowing with a water depth of at least six inches.
- d. All work performed outside the attached work windows (Allowable Freshwater Work Times for Maintenance Work, Attachment 1), is done with hand tools only.

4. Heavy equipment may be used to remove beaver dams and associated debris and install beaver exclusion devices streams, rivers and other waters of the state provided:

- a. The beaver dam is new, in existence for one year or less.
- b. The existing condition of the beaver dam threatens safety or the ROW structure.
- c. The stream is flowing with a water depth of at least six inches.
- d. The work occurs during the attached work windows (Allowable Freshwater Work Times for Maintenance Work, Attachment 1), except in cases where equipment is used to push down on the top of a beaver dam in which case work may occur year around.

WATER QUALITY PROVISIONS:



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5. Except for sediment released from removal of the beaver dam, silt-laden water shall be prevented from entering the stream.

6. If flow conditions that may cause siltation occur during this project, the permittee shall stop work until the flow subsides.

7. No petroleum products, hydraulic fluid, chemicals, or any other toxic or deleterious materials may enter or leach into waters of the state.

EQUIPMENT PROVISIONS:

8. Disturbance of the streambed, banks, and associated vegetation shall be limited to that necessary to perform the project provided existing trees measuring 4.5 feet or greater in height above grade or with a diameter of four inches or greater are not be damaged or destroyed except as needed to construct an equipment access road.

9. Where practicable, based on site conditions and the maintenance activity, work shall be accomplished by hand or with hand-held tools.

10. If heavy equipment is needed, existing access locations, the roadway, or shoulder should be used wherever possible to access the site. If not possible, minor grading of the bank to allow temporary access for equipment is allowed provided: the access doesn't exceed 15 feet in width and 150 feet in length, only one access is constructed per location, all materials used to construct the access are removed immediately upon project completion, and the access site is re-vegetated upon project completion.

11. Equipment may operate below the OHWL as long as the drive mechanisms (wheels, tracks, tires, etc.) shall not enter or operate below the OHWL unless the work area is dry, or a bypass is in place.

12. Equipment shall be free of external petroleum-based products while working near the water.

13. Soil and debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment before working below the OHWL.

14. Equipment shall be checked daily for leaks and any necessary repairs shall be completed before working near the water.

15. All machinery and equipment shall be serviced, fueled, and maintained on uplands to prevent contamination of surface waters. When practicable, this should be done more than 200 feet from waters of the state. Fueling areas shall be equipped with enough spill containment materials to prevent a spill from reaching waters of the state.

BEAVER DAM NOTCHING AND BEAVER DAM REMOVAL PROVISIONS:



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16. Fish may be stranded by dam notching or removal. The permittee shall have fish capture and transportation equipment ready and on the job site to capture and safely move stranded food fish, game fish, and other fish life from the work area when the water level drops. When required, the permittee shall have a qualified biologist or staff person trained by WDFW, US Fish and Wildlife Service, National Marine Fisheries Service, or an equivalent entity supervise the capture and safe removal of food fish, game fish, and other fish life from the job site. Fish removal and exclusion shall follow protocol (Attachment 7). Captured fish shall be immediately and safely transferred to free-flowing water downstream of the project site.

17. Beaver dam notching or removal shall occur in a manner that ensures the gradual, slow release of impounded water to prevent the mobilization of sediments and fines into downstream waters and to avoid erosion of banks and scour of the stream channel.

WOODY MATERIAL REMOVAL AND REPOSITIONING PROVISIONS:

18. 'Large woody material' means trees or tree parts larger than four inches in diameter and longer than six feet, and rootwads, wholly or partially waterward of the ordinary high water line.

19. Only woody material from the beaver dam structure shall be moved or repositioned.

20. Large woody material embedded in the bank or streambed shall be left undisturbed and intact.

21. If non-embedded woody material must be moved then:

- a. All large woody material shall be repositioned below the OHWL or floated free immediately downstream of the work site to provide functional fish habitat.
- b. Large woody material shall not be destroyed or reduced in value as fish habitat. Large woody material shall not be cut into smaller pieces except to allow floating or suspension of large woody material to reposition it away from the culvert. Root wads shall not be removed from the trunk (bole). Boles shall not be reduced in girth.
- c. Natural woody material that is smaller than large woody material may be, in order of preference, repositioned within the stream, floated downstream, deposited on the bank or removed and disposed of so not to reenter the watercourse.
- d. If releasing or repositioning large woody material downstream of a worksite could create an unsafe hazard to life, the public, property or roadway infrastructure, the large woody material may be placed below the OHWL at another location within the same waterbody.

22. All manmade debris and wood used for construction including treated wood removed with the natural wood shall be disposed of so not to reenter the watercourse.

23. Whenever possible, woody material shall be floated free. Woody material shall not be dragged across the bed or bank.

24. Where large woody material cannot be floated free, large woody material shall be suspended during its removal so no portion of the large woody material or limbs can damage the bed or banks.



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Full suspension shall be used to avoid damage to riparian vegetation. It may be necessary to cut the large woody material in place, to a size that allows suspension during removal.

25. Large woody material repositioning shall be accomplished in a manner which minimizes the release of bedload, logs, or debris downstream.

26. Depressions created in gravel bars shall be filled, smoothed over, and sloped toward the bank on a minimum two percent gradient.

EXCLUSION DEVICE PROVISIONS:

27. This chapter of the HPA does not authorize the installation of water leveling devices.

28. This chapter of the HPA authorizes the construction and installation of beaver defeaters, deceivers and exclusion devices within streams, rivers and other waters of the state provided: a. The plan for the exclusion device is approved in this HPA.

- b. The installed device does not impede the natural flow of the stream, river or other waters of the state.
- c. In fish-bearing streams, the defeater, deceiver or exclusion device is installed and maintained to provide unimpeded fish passage.
- d. Installation shall not cause harm to fish life.

CHAPTER 6 - MAINTENANCE AND REPAIR OF FISHWAYS

CHAPTER DESCRIPTION:

1. This Chapter authorizes sediment removal, woody material removal/repositioning, and repair of fishways owned or maintained by Kitsap County. Fishways shall be repaired to as-built conditions.

TIMING:

2. Work authorized by this Chapter may begin immediately and shall be completed by May 16, 2016, provided: a. Work shall be conducted when the watercourse is dry, or b. Work below the ordinary high water line (OHWL) shall be conducted only during the attached work windows (Allowable Freshwater Work Times for Maintenance Work, Attachment 1), except in cases where woody material is blocking stream flow, and is moved by hand and floated downstream; this woody material repositioning work may occur year around.

WORKSITE FISH EXCLUSION AND FISH REMOVAL:

- 3. Before dewatering, fish life shall be temporarily excluded and relocated out of the work area.
- 4. The permittee shall have a qualified biologist or staff person trained by WDFW, US Fish and Wildlife Service, National Marine Fisheries Service, or with equivalent electrofishing training supervise the capture and safe removal of food fish, game fish, and other fish life from the job site.



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Fish removal and exclusion shall follow protocol (Attachment 7). Whenever a fish exclusion device is installed, the permittee shall have fish capture and transportation equipment ready on the job site. Captured fish shall be immediately and safely transferred to free-flowing water downstream of the project site. The permittee may request that WDFW staff help capture and safely move fish life from the job site to free-flowing water. Assistance may be granted if personnel are available.

BYPASS PROVISIONS FOR WORK IN THE WATER:

5. A temporary bypass is not required for work performed in a natural dry stream channel or when the work performed is not in the water provided silt is prevented from entering the stream. A temporary bypass is also not required for work performed in the water with hand-held tools only or for woody material repositioning or removal. A temporary bypass to divert flow around the work area shall be in place before starting other work in the water.

6. A bypass shall be constructed using an upstream and downstream bypass dam and one or more of the following methods:

- a. Stream bypass by pumping.
- b. Stream bypass by gravity through pipe.
- c. Stream bypass by gravity into existing side or constructed channel.

7. A cofferdam or similar device shall be installed at the bypass inlet to divert the entire flow through the bypass.

8. A cofferdam or similar device shall be installed at the downstream end of a bypass to prevent backwater from entering the work area.

9. The bypass shall be large enough to pass all anticipated flows and debris for the duration of the project.

10. Water bypassed around the work site shall be returned to the channel downstream of the work site. The stream below the work area shall not be dewatered. The bypass downstream discharge point shall be designed to minimize erosion and scour to the adjacent channel, banks, and vegetation.

11. All work below the OHWL shall be completed before releasing the water flow to the project area.

12. Water shall be reintroduced into the channel in a manner that minimizes the mobilization of sediments and fines into downstream waters and to avoid erosion or scour of the stream channel, banks, and vegetation.

13. Upon completion of the project, all material used in the temporary bypass shall be removed from the site and the site returned to pre-project or improved conditions.

SCREENING (FOR WORKING IN THE WATER):



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14. 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 device pursuant to RCW 77.57.010 and 77.57.070. 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).
- c. Woven wire: 0.087 inch (maximum opening in the narrow direction).
- d. The minimum open area for all types of fish guards is 27%. The screened intake shall consist of a facility with enough surface area to ensure that the velocity through the screen is less than 0.4 feet per second. Screen maintenance shall be adequate to prevent injury or entrapment of juvenile fish and the screen shall remain in place whenever water is withdrawn from the stream through the pump intake.

15. Fish screens on dewatering pumps within the dry channel by-passed work area may be removed as long as all fish have been removed and excluded from the dry work area, and water level within the bypassed work area has been lowered to watercourse bed elevation.

WATER QUALITY PROVISIONS:

16. Lumber used to repair fishways shall not contain creosote or pentachlorophenol.

17. All lumber to be used for the project shall meet or exceed the standards established in 'Best Management Practices For the Use of Treated Wood in Aquatic and Other Sensitive Environments' developed by the Western Wood Preservers Institute, Wood Preservation Canada, Southern Pressure Treaters' Association, and Timber Piling Council, dated August 1, 2006, and any current amendments or addenda to it. Current amendments and addenda include but may not be limited to 'Amendment #1: CCA - Chromated Copper Arsenate', dated October 25, 2006; and 'Addendum #1: ACC - Acid Chromated Copper', dated February 28, 2007.

18. Fresh cement, concrete or concrete by-products shall not enter the stream at any time. All forms used for concrete shall be completely sealed to prevent the possibility of fresh concrete from entering the stream. Any release agent used on the forms shall be biodegradable. All concrete shall be sufficiently cured prior to contact with water so no leaching occurs, and shall cure at least 3 days. Any dewatering from an area containing curing concrete shall be discharged landward of the OHWL and shall not enter surface waters.

19. Silt-laden water shall be prevented from entering the stream.

20. The permittee shall remove fine sediments and other contaminants from construction waste water before the water is discharged back to a watercourse or stream.

21. If flow conditions that may cause siltation occur during this project, the permittee shall stop work until the flow subsides.



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22. No petroleum products, hydraulic fluid, chemicals, or any other toxic or deleterious materials may enter or leach into waters of the state.

23. Material removed from inside a cofferdam shall be disposed of outside the floodplain of the stream.

EQUIPMENT PROVISIONS:

24. Disturbance of the streambed, banks, and associated vegetation shall be limited to that necessary to perform the project provided existing trees measuring 4.5 feet or greater in height above grade or with a diameter of four inches or greater are not be damaged or destroyed except as needed to construct an equipment access road.

25. Where practicable, based on site conditions and the maintenance activity, work shall be accomplished by hand or with hand-held tools.

26. If heavy equipment is needed, existing access locations, the roadway, or shoulder should be used wherever possible to access the site. If not possible, minor grading of the bank to allow temporary access for equipment is allowed provided: the access doesn't exceed 15 feet in width and 150 feet in length, only one access is constructed per location, all materials used to construct the access are removed immediately upon project completion, and the access site is re-vegetated upon project completion.

27. Equipment may operate below the OHWL as long as the drive mechanisms (wheels, tracks, tires, etc.) shall not enter or operate below the OHWL unless the work area is dry, or a bypass is in place.

28. Equipment shall be free of external petroleum-based products while working near the water.

29. Soil and debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment before working below the OHWL.

30. Equipment shall be checked daily for leaks and any necessary repairs shall be completed before working near the water.

31. With the exception of bypass pumps, all machinery and equipment shall be serviced, fueled, and maintained on uplands to prevent contamination of surface waters. When practicable, this should be done more than 200 feet from waters of the state. Fueling areas shall be equipped with enough spill containment materials to prevent a spill from reaching waters of the state.

SEDIMENT REMOVAL PROVISIONS:

32. Bedload sediments may be removed from within the fishway only.

33. Sediment removal shall be limited to restoring the streambed to original base level provided



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adequate sediment remains in the fishway to allow fish passage. The streambed shall have a gradual taper of the ground line to meet the native watercourse bed (or original ditch profile) and cross-drain area profiles at each location after sediment removal.

34. The permittee shall not remove more than 50 cubic yards of material per year from each fishway.

35. A Vactor or similar vacuum excavation vehicle may be used to remove sediments if the fish exclusion and removal protocol is followed.

36. Sediment removal from the fishway shall not result in a head cut in the channel that erodes upstream, or damage to the toe of bank downstream of the site of sediment removal.

37. At the end of the maintenance activity, the work area shall contain no pits, sumps or potholes, or depressions that may trap fish or create a fish passage barrier when water levels fluctuate.

38. All excavated material shall be removed and disposed of so not to reenter the watercourse. No material shall be side cast into adjacent wetlands, or other waters of the state.

WOODY MATERIAL REMOVAL AND REPOSITIONING PROVISIONS:

39. 'Large woody material' means trees or tree parts larger than four inches in diameter and longer than six feet, and rootwads, wholly or partially waterward of the ordinary high water line.

40. The permittee may only move woody material from within the fishway except the permittee shall not remove or reposition woody material in the channel that has been installed as part of a hydraulic project approved by WDFW.

41. Large woody material embedded in the bank or watercourse bed shall be left undisturbed and intact.

42. If non-embedded woody material must be moved then:

- a. All large woody material shall be repositioned below the OHWL or floated free immediately downstream of the work site to provide functional fish habitat.
- b. Large woody material shall not be destroyed or reduced in value as fish habitat. Large woody material shall not be cut into smaller pieces except to allow floating or suspension of large woody material to reposition it away from the culvert. Root wads shall not be removed from the trunk (bole). Boles shall not be reduced in girth.
- c. Natural woody material that is smaller than large woody material may be, in order of preference, repositioned within the stream, floated downstream, deposited on the bank or removed and disposed of so not to reenter the watercourse.
- d. If releasing or repositioning large woody material downstream of a worksite could create an unsafe hazard to life, the public, property or roadway infrastructure, the large woody material may be placed below the OHWL at another location within the same waterbody.



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43. All manmade debris and wood used for construction including treated wood removed with the natural wood shall be disposed of so not to reenter the watercourse.

44. Whenever possible, woody material shall be floated free. Woody material shall not be dragged across the bed or bank.

45. Where large woody material cannot be floated free, large woody material shall be suspended during its removal so no portion of the large woody material or limbs can damage the bed or banks. Full suspension shall be used to avoid damage to riparian vegetation. It may be necessary to cut the large woody material in place, to a size that allows suspension during removal.

46. Large woody material repositioning shall be accomplished in a manner which minimizes the release of bedload, logs, or debris downstream.

FISHWAY REPAIR PROVISIONS:

47. Existing concrete culvert structures may be repaired with cement, concrete, or concrete by-products.

48. Vertical drops in the streambed and fishway, within the project area, shall not be greater than 0.8 feet.

49. Repaired fishways shall provide unimpeded fish passage.

50. Repaired fishways shall be maintained to avoid inlet scouring and to prevent erosion of streambanks downstream of the project.

51. Material types not previously authorized in a HPA for use at the site are not authorized for use under this HPA except a log toe may be installed instead of angular rock to repair the fishway inlet or outlet.

52. Fill associated with fishway repairs shall be protected from erosion to the 100-year peak flow.

53. Fishway repair may include repair of existing riprap protecting the fishway inlet and outlet as long as:

- a. Imported riprap material installed shall not exceed a total of 25 cubic yards or 0.5 cubic yards per linear foot annually whichever is less.
- b. The bank protection repair shall not extend beyond the footprint of the existing armored inlet or outlet.
- c. The streambank immediately above the riprap shall be planted with native or other woody species approved by WDFW (Attachment 5). Vegetative cuttings shall be planted at a maximum interval of three feet (on center). Plantings shall be maintained as necessary for three years to ensure 80 percent or greater survival of each species.
- d. A toe of rock or a log toe shall be installed below the potential scour depth before



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- e. placing the riprap. Bank sloping shall be accomplished in a manner that avoids release of overburden material into the water. Overburden material resulting from the project shall be removed and disposed of so not to reenter the watercourse.
 - f. Riprap shall be clean and durable, free from dirt, sand, clay and rock fines and shall be installed to withstand the 100 year flow flood event.
 - g. On site river gravels from the channel shall not be used as exterior armor.
 - h. Filter fabric shall be installed before placing the riprap.

54. Riprap dislodged from the existing bank protection not used for the repair shall be removed from the streambed. Dislodged riprap may be used as backfill for the bank protection repair. If dislodged riprap is used as backfill, it shall be used in a manner that prevents the riprap from re-entering waters of the state. All dislodged riprap not used as backfill shall be removed from the watercourse or stream and disposed of so not to reenter the watercourse or stream.

CHAPTER 7 - MAINTENANCE AND REPAIR OF TIDE GATES

CHAPTER DESCRIPTION:

1. This chapter authorizes the removal of bedload sediments, plant and small woody material, and manmade debris blocking Kitsap County-owned and -maintained tide gates. This Chapter authorizes the repair of tide gate splash pads and lids and the repair and replacement of damaged or worn hinges, hinge pins, nuts and bolts necessary to keep the tide gate in good operating condition.

TIMING:

- 2. Work authorized by this Chapter may begin immediately and shall be completed by May 16, 2016 provided:
 - a. Work below the ordinary high water line (OHWL) in fish-bearing waters shall be conducted between August 15 and October 15th of any year, except the removal of trash, sediment, wood, and plant debris blocking tide gates with hand-held tools may occur year-around.
 - b. Work in non fish-bearing waters may occur year-around.

3. All work authorized in this chapter shall occur during low tide when the work area is not inundated by saltwater.

WATER QUALITY PROVISIONS:

4. Fresh cement, concrete or concrete by-products shall not enter the water at any time. All forms used for concrete shall be completely sealed to prevent the possibility of fresh concrete from entering the water. Any release agent used on the forms shall be biodegradable. All concrete shall be sufficiently cured prior to contact with water so no leaching occurs, and shall cure at least 3 days. Any dewatering from an area containing curing concrete shall be discharged landward of the OHWL and shall not enter surface waters.



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5. Silt-laden water shall be prevented from entering the stream.

6. The permittee shall remove fine sediments and other contaminants from construction waste water before the water is discharged back to a watercourse or stream.

7. If flow conditions that may cause siltation occur during this project, the permittee shall stop work until the flow subsides. 8. No petroleum products, hydraulic fluid, chemicals, or any other toxic or deleterious materials may enter or leach into waters of the state.

EQUIPMENT PROVISIONS:

9. Work shall be accomplished by hand or with hand-held tools.

10. Disturbance of the streambed, banks, and associated vegetation shall be limited to that necessary to perform the project provided existing trees measuring 4.5 feet or greater in height above grade or with a diameter of four inches or greater are not be damaged or destroyed except as needed to construct an equipment access road.

11. Existing vegetation shall be retained on the sidewalls of the channel to the maximum extent possible.

REMOVAL OF TRASH, SEDIMENT, WOOD AND PLANT DEBRIS PROVISIONS:

12. At the end of the maintenance activity, the work area shall contain no pits, sumps or potholes, or depressions that may trap fish when water levels fluctuate.

13. All excavated material shall be removed and disposed of so not to reenter the watercourse. No material shall be side cast into adjacent wetlands, or other waters of the state.

WOODY MATERIAL REMOVAL AND REPOSITIONING PROVISIONS:

14. 'Large woody material' means trees or tree parts larger than four inches in diameter and longer than six feet, and rootwads, wholly or partially waterward of the ordinary high water line.

15. The permittee may only move woody material blocking the tide gate and within 25 feet immediately upstream of the tide gate except the permittee shall not remove or reposition woody material in the channel that has been installed as part of a hydraulic project approved by WDFW.

16. Large woody material embedded in the bank or watercourse bed shall be left undisturbed and intact.

17. If non-embedded woody material must be moved then:

a. All large woody material shall be repositioned below the OHWL or floated free immediately downstream or on the beach of the work site to provide functional fish habitat.



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b. Large woody material shall not be destroyed or reduced in value as fish habitat. Large woody material shall not be cut into smaller pieces except to allow floating or suspension of large woody material to reposition it away from the culvert. Root wads shall not be removed from the trunk (bole). Boles shall not be reduced in girth.

c. Natural woody material that is smaller than large woody material may be repositioned within the stream, floated downstream, deposited on the bank or removed and disposed of so not to reenter the watercourse.

d. If releasing or repositioning large woody material downstream of a worksite could create an unsafe hazard to life, the public, property or roadway infrastructure, the large woody material may be placed below the OHWL at another location within the same waterbody.

18. All manmade debris removed including but not limited to treated wood shall be removed and disposed of so not to reenter the watercourse.

19. Whenever possible, woody material shall be floated free. Woody material shall not be dragged across the bed or bank.

20. Where large woody material cannot be floated free, large woody material shall be suspended during its removal so no portion of the large woody material or limbs can damage the bed or banks. Full suspension shall be used to avoid damage to riparian vegetation. It may be necessary to cut the large woody material in place, to a size that allows suspension during removal.

21. Large woody material repositioning shall be accomplished in a manner which minimizes the release of bedload, logs, or debris downstream.

22. Depressions created in gravel bars shall be filled, smoothed over, and sloped toward the bank on a minimum two percent gradient.

REPAIR PROVISIONS:

23. The repair of the damaged tide gate shall not change the configuration of the existing tide gate.

24. Material types not previously authorized in a HPA for use at the site are not authorized for use under this HPA.

25. Only existing concrete culvert structures may be repaired with cement, concrete, or concrete by-products.

26. If a rock outfall splash pad is repaired, its footprint shall be held to an absolute minimum, shall not exceed 3 times the tide gate pipe diameter in width and shall not extend more than 6 feet waterward of the end of the tide gate.



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27. Replacement rock for the splash pad shall be composed of clean, angular material of a sufficient durability and size to prevent its being broken up or washed away by high water or wave action.

28. Any rock broken up or washed away from the existing rock outfall splash pad shall be removed from the beach or channel and disposed so not to reenter the watercourse.

CHAPTER 8 - ROAD WASHOUT MATERIAL/MANMADE DEBRIS CLEANUP

CHAPTER DESCRIPTION:

1. This Chapter authorizes the removal of asphalt, riprap and other manmade debris and from the streambed and streambank, except manmade debris embedded in the streambed causing the streambed to aggrade upstream shall not be removed under this HPA.

FRESHWATER TIMING:

2. Work authorized by this Chapter may begin immediately and shall be completed by May 16, 2016 provided:

- a. Work shall be conducted when the watercourse or watercourse. is dry, or
- b. Work below the ordinary high water line (OHWL) shall be conducted only during the attached work windows (Allowable Freshwater Work Times for Maintenance Work, Attachment 1).

SALTWATER TIMING:

3. Work authorized by this Chapter may begin immediately and is valid through May 16, 2016 provided:

- a. Work below the ordinary high water line (OHWL) shall be conducted only during the attached work windows (Allowable Saltwater Work Times for Maintenance Work, Attachment 2).
- b. Cleanup activities in Sinclair Inlet and Eagle Harbor with year around forage fish spawning areas shall be allowed outside the timing window for Tidal Reference Area 5 as long as a WDFW confirms a lack of spawn during a site inspection. Arrangements for a site inspection shall be made with the Area Habitat Biologist (Attachment 3).
- c. Cleanup activities shall not occur when the project area, including the work corridor, is inundated by tidal waters.

WATER QUALITY PROVISIONS:

4. Silt-laden water shall be prevented from entering the stream.

5. The permittee shall remove fine sediments and other contaminants from construction waste water before the water is discharged back to a watercourse or stream.



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6. If flow conditions that may cause siltation occur during this project, the permittee shall stop work until the flow subsides.

7. No petroleum products, hydraulic fluid, chemicals, or any other toxic or deleterious materials may enter or leach into waters of the state.

EQUIPMENT PROVISIONS:

8. Disturbance of the streambed, banks, and associated vegetation shall be limited to that necessary to perform the project provided existing trees measuring 4.5 feet or greater in height above grade or with a diameter of four inches or greater are not be damaged or destroyed except as needed to construct an equipment access road.

9. Where practicable, based on site conditions and the maintenance activity, work shall be accomplished by hand or with hand-held tools.

10. If heavy equipment is needed, existing access locations, the roadway, or shoulder should be used wherever possible to access the site. If not possible, minor grading of the bank to allow temporary access for equipment is allowed provided: the access doesn't exceed 15 feet in width and 150 feet in length, only one access is constructed per location, all materials used to construct the access are removed immediately upon project completion, and the access site is re-vegetated upon project completion.

11. Equipment may operate below the OHWL as long as the drive mechanisms (wheels, tracks, tires, etc.) shall not enter or operate below the OHWL unless the work area is dry, or a bypass is in place.

12. Equipment shall be free of external petroleum-based products while working near the water.

13. Soil and debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment before working below the OHWL.

14. Equipment shall be checked daily for leaks and any necessary repairs shall be completed before working near the water.

15. With the exception of bypass pumps, all machinery and equipment shall be serviced, fueled, and maintained on uplands to prevent contamination of surface waters. When practicable, this should be done more than 200 feet from waters of the state. Fueling areas shall be equipped with enough spill containment materials to prevent a spill from reaching waters of the state.

MANMADE DEBRIS REMOVAL PROVISIONS:

16. All natural woody material embedded in the bank or bed shall be left undisturbed and intact.

17. All natural non-embedded large woody material shall be retained waterward of the OHWL but



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may be repositioned if necessary.

18. Manmade debris shall be removed carefully to minimize the mobilization of sediments and fines into the water.

19. If breaking up the manmade debris is required before removal, debris shall be prevented from directly contacting the bed and entering the water.

20. All removed debris shall be disposed of so not to reenter the watercourse.

21. At the end of each work day, the debris removal work area shall contain no pits, or potholes, or depressions that may trap fish as a result of fluctuation in water levels.

VEGETATION PROVISIONS:

22. Existing aquatic vegetation shall not be damaged by manmade debris removal activities.

NOTES:

Minor modifications to this permit are allowed under this permit as authorized in RCW 77.55.231 provided that Kitsap County consult with the Area Habitat Biologist (AHB) and the AHB concurs that the proposed modification is within the scope of this permit and provides adequate protection for preservation of fish life.

If the permittee is unsure whether or not a sediment removal in a fish spawning area will create or improve the access/or quality of fish spawning areas they should contact the local AHB for a determination.

County-owned and maintained structures should be considered for replacement if (1) adverse habitat conditions related to fish or fish habitat are associated with repetitive repairs to County infrastructure, (2) the infrastructure at the site has a history of maintenance actions, and (3) the infrastructure has been repaired and/or maintained more than twice under this HPA.

In case of an emergency arising from weather or stream flow or other natural conditions, WDFW AHBs, upon request will issue a separate emergency HPA for removing obstructions. Conditions of an oral approval for an emergency HPA will be put in writing within 30 days. A 'hotline' telephone number is available for emergency calls during non-working hours. That number is (360) 902-2537. During normal hours, contact the Montesano Fish and Wildlife office (360) 249-4628.



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PROJECT LOCATIONS

Location #1 All State Waters in Kitsap County

WORK START: May 17, 2011				WORK END: May 16, 2016			
<u>WRIA:</u> 15.0000		<u>Waterbody:</u> Various			<u>Tributary to:</u> Various		
<u>1/4 SEC:</u> All	<u>Section:</u> 99	<u>Township:</u> 99	<u>Range:</u> 99	<u>Latitude:</u> N	<u>Longitude:</u>	<u>County:</u> Kitsap	
<u>Location #1 Driving Directions</u>							

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(s) to whom this Hydraulic Project Approval is issued has the right to appeal those decisions. Procedures for filing appeals are listed below.

Requests for any change to an unexpired HPA must be made in writing. Requests for new HPAs must be made by submitting a new complete application. Send your requests to the department by: mail to the Washington Department of Fish and Wildlife, Habitat Program, 600 Capitol Way North, Olympia, Washington 98501-1091; 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.



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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) 902-2260 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; 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.

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; 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 Jackson (29) P3

Habitat Biologist Randi Thurston	360-902-2550	<i>Randi L. Thurston</i>	for Director WDFW
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CC: by Email
 Alison O'Sullivan, Suquamish Tribe
 Dennis Lewarch, Suquamish Tribe



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Jessica Coyle, Port Gamble S'Klallam Tribe
Cynthia Rossi, Point No Point Treaty Council
Randy Lumper, Skokomish Tribe
Jeff Dickison, Squaxin Tribe
Jim Weber, Northwest Indian Fisheries Commission
Pat McGraner, Department of Ecology
Steve Heacock, Kitsap County
Gary Rowe, Washington State Association of Counties

Attachments:

Attachment One - Allowable Freshwater Work Times for Maintenance Work Done by Kitsap County Public Works Authorized in HPA 123199-01

Attachment Two - Allowable Saltwater Work times for Maintenance Work Done by Kitsap County Public Works Authorized in HPA 123199-01

Attachment Three - Contact Information

Attachment Four - Kitsap County Public Works Maintenance General HPA Annual Report Template (Example)

Attachment Five - Approved Native Riparian Plant Species

Attachment Six - Design of Road Culverts for Fish Passage, 2003 - Appendix H - Measuring Channel-Bed Width

Attachment Seven - Protocol for Fish Removal

Plans and Specifications:

Beaver Deceiver Fence

Beaver Defeater