HYDRAULIC PROJECT APPROVAL

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

Issued Date: September 23, 2020
Project End Date: October 16, 2020

Permit Number: 2018-6-256+04
FPA/Public Notice Number: N/A
Application ID: 14829

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
Electron Hydro, LLC	COMPANY Electron Hydro
ATTENTION: Thom Fischer	ATTENTION: Chris Spens
1800 James St	1800 James St
Bellingham, WA 98225	Bellingham, WA 98225-4631

Project Name: Electron Hydro Diversion Repair, Spillway Replacement and Bank Protection

Project Description: This major modification is approved for work items #1 and #2, as described in Pierce County's letter to Electron Hydro dated September 18, 2020. Work item #1 is the construction of the concrete abutment (east) wall only. This is intended to secure the left side of the wood diversion structure. Work item #2 is the placement of heavy stone which may be rounded or angular at the outlet of the fish ladder to create a step pool configuration that restores fish passage through the ladder. This necessitates that a piece of large machinery will need to cross the active channel.

These two work items are approved in this modification to the HPA and the in-water work window is September 23, 2020 - October 16, 2020.

PROVISIONS

TIMING - PLANS - INVASIVE SPECIES CONTROL

1. TIMING LIMITATION: Work below the ordinary high water line must only occur between September 23, 2020 and October 16, 2020.

2. APPROVED WORK: The following work is approved: Construction of the concrete abutment (east) wall intended to secure the left side of the wood diversion structure. Placement of heavy stone which may be rounded or angular at the outlet of the fish ladder to create a step pool configuration that restores fish passage through the ladder. This necessitates that a piece of large machinery will need to cross the active channel.

3. APPROVED PLANS: You must accomplish the work per plans and specifications submitted with the application and approved by the Washington Department of Fish and Wildlife, entitled "Electron Close Out Extension request Sep 4 2020", uploaded to APPS on September 15, 2020, "Fish Ladder Operation and Maintenance Plan", uploaded to APPS on August 27, 2020, "WQMP Sep 19, 2020" uploaded to APPS on September 22, 2020, the east/right abutment wall must be the only item constructed from the approved plan set "1-Electron Hydro JARPA_Sup_28Mar2017 Plans Reduced PDF", dated May 14, 2018, except as modified by this Hydraulic Project Approval.

You must have a copy of these plans available on site during all phases of the project construction.

4. INVASIVE SPECIES CONTROL: Follow Level 1 Decontamination protocol for low risk locations. Thoroughly remove visible dirt and organic debris from all equipment and gear (including drive mechanisms, wheels, tires, tracks, buckets and undercarriage) before arriving and leaving the job site to prevent the transport and introduction of invasive species. Properly dispose of any water and chemicals used to clean gear and equipment. For contaminated or high risk sites please refer to the Level 2 Decontamination protocol. You can find this and additional information in the Washington Department of Fish and Wildlife's "Invasive Species Management Protocols", available online at http://wdfw.wa.gov/publications/search.php?Cat=Aquatic Invasive Species.

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NOTIFICATION REQUIREMENTS

5. PRE- AND POST-CONSTRUCTION NOTIFICATION: You, your agent, or contractor must contact the Washington Department of Fish and Wildlife by e-mail at HPAapplications@dfw.wa.gov; mail to Post Office Box 43234, Olympia, Washington 98504-3234; or fax to (360) 902-2946 at least three business days before starting in-water work, and again within seven days after completing the in-water work each year of construction. The notification must include the permittee's name, project location, starting date for work or date the work was completed, and the permit number. The Washington Department of Fish and Wildlife may conduct inspections during and after construction; however, the Washington Department of Fish and Wildlife will notify you or your agent before conducting the inspection.

6. DURING CONSTRUCTION: If there is any potential change to the allowable work that has been approved for the September 23, 2020 to October 16, 2020 in-water work window, the WDFW Area Habitat Biologist and the Assistant Regional Habitat Program Manager must be contacted and those changes must be approved.

7. ADDITIONAL WORK: The applicant must request to do any additional work through the submittal of a major modification to the HPA.

8. FISH KILL/ WATER QUALITY PROBLEM NOTIFICATION: If a fish kill occurs or fish are observed in distress at the job site, immediately stop all activities causing harm. Immediately notify the Washington Department of Fish and Wildlife of the problem. If the likely cause of the fish kill or fish distress is related to water quality, also notify the Washington Military Department Emergency Management Division at 1-800-258-5990. Activities related to the fish kill or fish distress must not resume until the Washington Department of Fish and Wildlife gives approval. The Washington Department of Fish and Wildlife may require additional measures to mitigate impacts.

STAGING, JOB SITE ACCESS, AND EQUIPMENT

9. Establish staging areas (used for equipment storage, vehicle storage, fueling, servicing, and hazardous material storage) in a location and manner that will prevent contaminants such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.

10. Use existing roadways or travel paths.

11. Limit the removal of native bankline vegetation to the minimum amount needed to construct the project.

12. Retain all natural habitat features on the bed or banks including large woody material and boulders. You may move these natural habitat features during construction but you must place them near the preproject location before leaving the job site.

13. Confine the use of equipment to the specific access and work corridor shown in the approved plans.

14. Remove soil or debris from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment prior to operating the equipment waterward of the ordinary high water line.

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

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

17. Equipment for placing the rock for the fish ladder must cross the Puyallup River in the most direct route and in a manner that does the least damage to the bed, streambank and streambank vegetation.

CONSTRUCTION-RELATED SEDIMENT, EROSION AND POLLUTION CONTAINMENT

18. Work in the dry watercourse (when no natural flow is occurring in the channel, or when flow is diverted around the job site).

19. Protect all disturbed areas from erosion. Maintain erosion and sediment control until all work and cleanup of the job site is complete.

20. All erosion control materials that will remain onsite must be composed of 100% biodegradable materials.

21. Stop all hydraulic project activities except those needed to control erosion and siltation, if flow conditions arise that will result in erosion or siltation of waters of the state.

22. You must route construction water (wastewater) from the project as shown in the approved construction wastewater plan "WQMP Sep 19 2020" uploaded to APPS on September 22, 2020. Remove fine sediment and other contaminants before discharging the construction water to waters of the state.

23. Deposit waste material from the project, such as construction debris, silt, excess dirt, or overburden, in an upland area above the limits of anticipated floodwater unless the material is approved by the Washington Department of Fish and Wildlife for reuse in the project.

CONSTRUCTION MATERIALS

24. Store all construction and deconstruction material in a location and manner that will prevent contaminants such as petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.

25. Do not stockpile construction material waterward of the ordinary high water line, except for excavated riverbed material.

26. To prevent leaching, construct forms to contain any wet concrete. Place impervious material over wet concrete that will come in contact with waters of the state. Forms and impervious materials must remain in place until the concrete is cured.

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

EAST ABUTMENT

28. Only the installation the east abutment is approved as part of this HPA. No other elements of the dam structure are approved to be installed in this HPA. The east abutment must be constructed according to the plans and specifications in the document "1-Electron Hydro JARPA_Sup_28Mar2017 Plans Reduced PDF", dated May 14, 2018.

FISH PASSAGE IMPROVEMENT

29. Rocks can be placed at the outlet of the fish ladder to create pools leading up to the first cell, and rock can be placed at the inlet of the fish ladder to direct flow. This rock must be removed at the end of construction for the diversion unless there are still fish passage concerns at the fish ladder.

30. Place the rock steps so that the drop between pools is a maximum of 12-inches vertical height.

31. Inspect the fish ladder for proper function at least once a day through the salmon and steelhead migration season. If passage problems develop, contact the WDFW Area Habitat Biologist to discuss modifications.

32. The owner must maintain the fish ladder to ensure it provides continued, unimpeded fish passage for the life of the project.

DEMOBILIZATION AND CLEANUP

33. Do not relocate removed or replaced structures within waters of the state. Remove and dispose of these structures in an upland area above the limits of anticipated floodwater.

LOCATION #1:	Site Name: Electron Hydro Diversion , , WA

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WORK START:	September 23, 2020			WORK END:	October 16, 2020	
WRIA		Waterbody:			Tributary to:	
10 - Puyallup - White		Puyallup River			Puyallup River	
1/4 SEC:	Section:	Township:	Range:	Latitude:	Longitude:	County:
NW 1/4	03	16 N	06 E	46.90554	-122.03974	Pierce
Location #1 Driving Directions						
Requires company escort due to numerous locked gates and access through other private property.						

APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW. Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person (s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.

The person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this Hydraulic Project Approval.

Failure to comply with the provisions of this Hydraulic Project Approval could result in civil action against you, including, but not limited to, a stop work order or notice to comply, and/or a gross misdemeanor criminal charge, possibly punishable by fine and/or imprisonment.

All Hydraulic Project Approvals issued under RCW 77.55.021 are subject to additional restrictions, conditions, or revocation if the Department of Fish and Wildlife determines that changed conditions require such action. The person(s) to whom this Hydraulic Project Approval is issued has the right to appeal those decisions. Procedures for filing appeals are listed below.

MINOR MODIFICATIONS TO THIS HPA: You may request approval of minor modifications to the required work timing or to the plans and specifications approved in this HPA unless this is a General HPA. If this is a General HPA you must use the Major Modification process described below. Any approved minor modification will require issuance of a letter documenting the approval. A minor modification to the required work timing means any change to the work start or end dates of the current work season to enable project or work phase completion. Minor modifications will be approved only if spawning or incubating fish are not present within the vicinity of the project. You may request subsequent minor modifications to the required work timing. A minor modification of the plans and specifications means any changes in the materials, characteristics or construction of your project that does not alter the project's impact to fish life or habitat and does not require a change in the provisions of the HPA to mitigate the impacts of the modification. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a minor modification through APPS. A link to APPS is at http://wdfw.wa.gov/licensing/hpa/. If you did not use APPS you must submit a written request that clearly indicates you are seeking a minor modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234, or by email to HPAapplications@dfw.wa.gov. You should allow up to 45 days for the department to process your request.

MAJOR MODIFICATIONS TO THIS HPA: You may request approval of major modifications to any aspect of your HPA. Any approved change other than a minor modification to your HPA will require issuance of a new HPA. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a major modification through APPS. A link to APPS is at http://wdfw.wa.gov/licensing/hpa/. If you did not use APPS you must submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send your written request by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. You may email your request for a major modification to HPAapplications@dfw.wa.gov. You should allow up to 45 days for the department to process your request.

APPEALS INFORMATION

If you wish to appeal the issuance, denial, conditioning, or modification of a Hydraulic Project Approval (HPA), Washington Department of Fish and Wildlife (WDFW) recommends that you first contact the department employee who issued or denied the HPA to discuss your concerns. Such a discussion may resolve your concerns without the need for further appeal action. If you proceed with an appeal, you may request an informal or formal appeal. WDFW encourages you to take advantage of the informal appeal process before initiating a formal appeal. The informal appeal process includes a review by department management of the HPA or denial and often resolves issues faster and with less legal complexity than the formal appeal process. If the informal appeal process does not resolve your concerns, you may advance your appeal to the formal process. You may contact the HPA Appeals Coordinator at (360) 902-2534 for more information.

A. INFORMAL APPEALS: WAC 220-660-460 is the rule describing how to request an informal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete informal appeal procedures. The following information summarizes that rule.

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A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request an informal appeal of that action. You must send your request to WDFW by mail to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. WDFW must receive your request within 30 days from the date you receive notice of the decision. If you agree, and you applied for the HPA, resolution of the appeal may be facilitated through an informal conference with the WDFW employee responsible for the decision and a supervisor. If a resolution is not reached through the informal conference, or you are not the person who applied for the HPA, the HPA Appeals Coordinator or designee may conduct an informal hearing or review and recommend a decision to the Director or designee. If you are not satisfied with the results of the informal appeal, you may file a request for a formal appeal.

B. FORMAL APPEALS: WAC 220-660-470 is the rule describing how to request a formal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete formal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request a formal appeal of that action. You must send your request for a formal appeal to the clerk of the Pollution Control Hearings Boards and serve a copy on WDFW within 30 days from the date you receive notice of the decision. You may serve WDFW by mail to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, you may request a formal appeal within 30 days from the date you receive the Director's or designee's written decision in response to the informal appeal.

C. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS: If there is no timely request for an appeal, the WDFW action shall be final and unappealable.

Habitat Biologist	elizabeth.bockstiegel@dfw.wa.gov		for Director
Elizabeth Bockstiegel	360-480-2908		WDFW