H 'RAULIC PROJECT APPRO' .L

RCW 77.55.100 - appeal pursuant to Chapter 34.05 RCW

State of Washington
Department of Fish and Wildlife
Region 6 Office
48 Devonshire Road
Montesano, Washington 98563-9618

DATE OF ISSUE: March 4, 2002 **LOG NUMBER:** 00-F1534-02

NOTE: This approval is a modification and time extension of Hydraulic Project Approval (HPA) 00-F1534-01 issued on January 18, 2002 per request of Janet Lunceford, City of Bremerton, on March 1, 2002. The HPA reflects a change in plans to use a lift box lowered onto the beach by a crane to remove debris from demolition work done by hand. The original plans to pull the debris by crane to uplands has been replaced by the new plans. Due to the low impact of the project on beach substrate, the project may proceed during the nearshore spring migration period for juvenile salmonids.

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
City of Bremerton 817 Pacific Avenue Bremerton, WA 98337 (360) 478-5213	City of Bremerton ATTENTION: Janet Lunceford 817 Pacific Avenue Bremerton, WA 98337 (360) 478-5213 Fax: (360) 478-7257

PROJECT DESCRIPTION: Remove and Dispose of Derelict Vessels, Boat Cradles and All Other Manmade Debris on the Beach (Code Enforcement Action - City of Bremerton)

PROJECT LOCATION: 1701 Pennsylvania Avenue, Bremerton, WA 98337

#	WRIA	WATER BODY	TRIBUTARY TO	1/4 SEC.	SEC.	TOWNSHIP	RANGE	COUNTY
1	15.MARI	Port Washington Narrows	Puget Sound		14	24 North	01 East	Kitsap

NOTE: This Hydraulic Project Approval pertains only to the provisions of the Washington State Fisheries and Wildlife Codes. It is the permittee's responsibility to apply for and obtain any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

This Hydraulic Project Approval (HPA) does not authorize trespass onto property not owned by the permittee. It is the permittee's responsibility to obtain permission to enter property owned by others.

PROVISIONS

1. **TIMING LIMITATIONS:** The project may begin **immediately** and shall be completed by **October 15, 2002**.

2. Work shall be accomplished per revised plans and specifications submitted by electronic mail from Janet Lunceford on March 4, 2002 as supplemental to the plans entitled, Sesko Abatement JARPA, dated January 17, 2002, and submitted to the Washington Department of Fish and Wildlife, except as modified by this Hydraulic Project Approval.

3. All manmade debris on the beach shall be removed and disposed of upland such that it does not enter the waters of the state.

4. Removal or destruction of overhanging bankline vegetation shall be limited to that necessary for the completion of the project.

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5. All natural habitat features on the beach larger than 12 inches in diameter, including trees, stumps, logs, and large rocks, shall be retained on the beach following construction. These habitat features may be moved during construction if necessary.

6. Project activities shall be conducted to minimize siltation of the beach area and bed.

7. Erosion control methods shall be used to prevent silt-laden water from entering waters of the state. These may include, but are not limited to, straw bales, filter fabric, temporary sediment ponds, check dams of pea gravel-filled burlap bags or other material, and/or immediate mulching of exposed areas.

8. If a fish kill occurs or fish are observed in distress, the project activity shall immediately cease and WDFW Habitat Program shall be notified immediately.

9. All debris or deleterious material resulting from construction shall be removed from the beach area and bed and prevented from entering waters of the state.

10. No petroleum products or other deleterious materials shall enter surface waters.

11. Wood treated with preservatives, trash, waste, or other deleterious materials shall not be burned below the ordinary high water line. Limited burning of untreated wood or similar material may be allowed at or above the mean higher high water line.

12. Project activities shall not degrade water quality to the detriment of fish life.

SEPA: Exempt, no other non-exempt permits

APPLICATION ACCEPTED: January 17, 2002 **ENFORCEMENT OFFICER:** Golden 181 [P3]

Doris J Small

Doris Small (360) 895-4756
Watershed Steward Biologist

for Director
WDFW

cc: Courtney Wasson, DNR
Sandra Lange, DOE

GENERAL PROVISIONS

This Hydraulic Project Approval (HPA) pertains only to the provisions of the Fisheries Code (RCW 77.55 - formerly RCW 75.20). Additional authorization from other public agencies may be necessary for this project.

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This HPA shall be available on the job site at all times and all its provisions followed by the permittee and operator(s) performing the work.

This HPA does not authorize trespass.

The person(s) to whom this HPA is issued may be held liable for any loss or damage to fish life or fish habitat which results from failure to comply with the provisions of this HPA.

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 or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All HPAs issued pursuant to RCW 77.55.100 or 77.55.200 are subject to additional restrictions, conditions or revocation if the Department of Fish and Wildlife determines that new biological or physical information indicates the need for such action. The permittee has the right pursuant to Chapter 34.04 RCW to appeal such decisions. All HPAs issued pursuant to RCW 77.55.110 may be modified by the Department of Fish and Wildlife due to changed conditions after consultation with the permittee: PROVIDED HOWEVER, that such modifications shall be subject to appeal to the Hydraulic Appeals Board established in RCW 77.55.170.

APPEALS - GENERAL INFORMATION

IF YOU WISH TO APPEAL A DENIAL OF OR CONDITIONS PROVIDED IN A HYDRAULIC PROJECT APPROVAL, THERE ARE INFORMAL AND FORMAL APPEAL PROCESSES AVAILABLE.

A. INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100, 77.55.110, 77.55.140, 77.55.190, 77.55.200, and 77.55.290:
A person who is aggrieved or adversely affected by the following Department actions may request an informal review of:
   (A) The denial or issuance of a HPA, or the conditions or provisions made part of a HPA; or
   (B) An order imposing civil penalties.

It is recommended that an aggrieved party contact the Area Habitat Biologist and discuss the concerns. Most problems are resolved at this level, but if not, you may elevate your concerns to his/her supervisor. A request for an INFORMAL REVIEW shall be in WRITING to the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091 and shall be RECEIVED by the Department within 30-days of the denial or issuance of a HPA or receipt of an order imposing civil penalties. The 30-day time requirement may be stayed by the Department if negotiations are occurring between the aggrieved party and the Area Habitat Biologist and/or his/her supervisor. The Habitat Protection Services Division Manager or his/her designee shall conduct a review and recommend a decision to the Director or its designee. If you are not satisfied with the results of this informal appeal, a formal appeal may be filed.

B. FORMAL APPEALS (WAC 220-110-350) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100 OR 77.55.140:
A person who is aggrieved or adversely affected by the following Department actions may request an formal review of:
   (A) The denial or issuance of a HPA, or the conditions or provisions made part of a HPA;
   (B) An order imposing civil penalties; or
   (C) Any other "agency action" for which an adjudicative proceeding is required under the Administrative Procedure Act, Chapter 34.05 RCW.

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A request for a FORMAL APPEAL shall be in WRITING to the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, shall be plainly labeled as "REQUEST FOR FORMAL APPEAL" and shall be RECEIVED DURING OFFICE HOURS by the Department within 30-days of the Department action that is being challenged. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within 30-days of the date of the Department's written decision in response to the informal appeal.

C. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.110, 77.55.200, 77.55.230, or 77.55.290:
A person who is aggrieved or adversely affected by the denial or issuance of a HPA, or the conditions or provisions made part of a HPA may request a formal appeal. The request for FORMAL APPEAL shall be in WRITING to the Hydraulic Appeals Board per WAC 259-04 at Environmental Hearings Office, 4224 Sixth Avenue SE, Building Two - Rowe Six, Lacey, Washington 98504; telephone 360/459-6327.

D. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS RESULTS IN FORFEITURE OF ALL APPEAL RIGHTS. IF THERE IS NO TIMELY REQUEST FOR AN APPEAL, THE DEPARTMENT ACTION SHALL BE FINAL AND UNAPPEALABLE.