



HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - See appeal process at end of HPA

Coastal
48 Devonshire Road
Montesano, WA 98563
(360) 249-4628

Issue Date: August 09, 2013

Control Number: 129592-2

Project Expiration Date: June 13, 2018

FPA/Public Notice #: N/A

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
City of Puyallup ATTENTION: Mark Palmer 333 S Meridian St Puyallup, WA 98371 253-435-3606 Fax: 253-841-5484	City of Puyallup ATTENTION: Joy Rodriguez 333 S Meridian Puyallup, WA 98371 253-841-5549 Fax: 253-841-5484

Project Name: 2013-2018 Clarks Creek Elodea Management

Project Description: This project includes removing Elodea from a 3 mile stretch of Clarks Creek primarily by a diver assisted suction harvesting (DASH) method with a backup method of mechanical cutting for 2013-2014. For the 2015-2018 season, only the DASH method will be used. For 2013 only, this permit includes removal of angular rock from under the 56th St E and Stewart Ave E bridges.

PROVISIONS

1. Work below the ordinary high water line shall only occur between June 15 and August 1. This is with the exception of calendar year 2013, where the DASH method work may occur through August 14.
2. NOTIFICATION REQUIREMENT: The Area Habitat Biologist (AHB) listed below and the Puyallup Tribe (Russ.Ladley@puyalluptribe.com) shall receive written notification (email, FAX or mail) from the person to whom this Hydraulic Project Approval (HPA) is issued (permittee) or the agent/contractor no less than three working days prior to the start of construction activities. The notification shall include the permittee's name, project location, starting date for work, and the control number for this HPA.
3. Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife described in the JARPA for the DASH project, and entitled "Weed Capture Plans" and dated 3/19/13, and entitled "Clarks Creek Rock Removal at Stewart Ave and 56th St Bridges" and dated 4/3/13, except as modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during construction.

ELODEA REMOVAL PROVISIONS:

4. The operation shall target elodea growing within the active defined channel. This shall be accomplished with the DASH method that will remove the entire plant. Mechanical cutting may occur during 2013 and 2014 starting July 11, after it is determined that the DASH method will not be able to complete the work within the work window.
5. Existing fish habitat components such as logs, stumps, and large boulders shall not be removed from the watercourse. Large woody material embedded in the bank or streambed shall be left

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undisturbed and intact.

6. The anchoring system for the floating structures shall be used in a manner that will not damage the streambed or banks as a result of structure or anchor movement.

7. Every effort shall be made to avoid the spread of plant fragments through equipment contamination.

8. Plant material shall be removed in its entirety to the maximum extent possible and disposed of upland so it will not re-enter state waters.

9. The floating equipment may work from within the flowing stream PROVIDED: the stream bed or the stream bank shall not be modified for access or movement of the equipment within the stream.

10. 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).

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.

11. Project activities shall not include the disturbance of restoration projects that may be within project area without prior authorization from the Area Habitat Biologist (AHB) listed below. The request shall be no less than three working days prior to the start of work.

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

ANGULAR ROCK REMOVAL PROVISIONS:

13. Only angular rock shall be removed and shall be disposed of upland so it will not re-enter state waters.

14. Dredged material shall not be stockpiled waterward of the ordinary high water line.



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15. Upon completion, the streambed shall contain no pits, potholes, or large depressions to avoid stranding of fish.

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

EQUIPMENT PROVISIONS:

17. Equipment shall be operated to minimize turbidity.

18. Equipment used for this project may operate below the ordinary high water line, provided the drive mechanisms (wheels, tracks, tires, etc.) shall not enter or operate below the ordinary high water line.

19. Equipment used for this project shall be free of external petroleum-based products while working around the stream. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment prior to its working below the ordinary high water line. Equipment shall be checked daily for leaks and any necessary repairs shall be completed prior to commencing work activities along the stream.

20. All equipment used on this site that will come in contact with waters of the state, including excavator, barge deck, and hand tools, shall be thoroughly cleaned before arriving at the site. All equipment that came in contact with water of the state shall also be cleaned after leaving the site and before moving to a new construction site. All water and chemicals used to clean equipment should be properly disposed of to prevent the spread of invasive species.

WATER QUALITY PROVISIONS:

21. All work operations shall be conducted in a manner that causes little or no siltation to adjacent areas.

22. Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to construct the project. Within seven calendar days of project completion, all disturbed areas shall be protected from erosion using vegetation or other means. Within one year of project completion, the banks, including riprap areas, shall be revegetated with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center) and maintained as necessary for three years to ensure 80 percent survival.

23. 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 Department's Emergency Management Division at 1-800-258-5990, and to the Area Habitat Biologist listed below. Work shall not restart on the project until approved by the Area Habitat Biologist.



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24. Prior to starting work for the angular rock removal, temporary filter fabric, straw bale, or pea gravel-filled burlap bag check dam(s) shall be installed downstream. Accumulated sediments shall be removed during the project and prior to removing the check dam(s) after completion of work.

25. Wastewater from project activities shall minimize fine sediment and other contaminants prior to being discharged to the stream.

26. If high flow conditions that may cause siltation are encountered during this project, work shall stop until the flow subsides.

27. Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the stream.

28. Wooden components which will be in contact with the water shall not contain creosote or pentachlorophenol.

29. All lumber to be used for the project shall meet or exceed the standards established in the most recent version of 'Best Management Practices For the Use of Treated Wood in Aquatic and Wetland Environments' developed by the Western Wood Preservers Institute, Wood Preservation Canada, Southern Pressure Treaters' Association, and Southern Forest Products Association. As of January, 2012, the latest version is dated November 1, 2011.

PROJECT LOCATIONS

Location #1 Mouth to 12th Ave Bridge

WORK START: August 09, 2013				WORK END: June 13, 2018		
WRIA: 10.0027		Waterbody: Clarks Creek		Tributary to: Puyallup River		
1/4 SEC: All	Section:	Township: 20 N	Range: 04 E	Latitude: N 47.213184	Longitude: W 122.341765	County: Pierce
<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.



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

This Hydraulic Project Approval does not authorize trespass.

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

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day and/or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

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

MINOR MODIFICATIONS TO THIS HPA: You may request approval of minor modifications to the required work timing or to the plans and specifications approved in this HPA. A minor modification to the required work timing means up to a one-week deviation from the timing window in the HPA when there are no spawning or incubating fish present within the vicinity of the project. You may request subsequent minor modifications to the required work timing. A minor modification of the plans and specifications means any changes in the materials, characteristics or construction of your project that does not alter the project's impact to fish life or habitat and does not require a change in the provisions of the HPA to mitigate the impacts of the modification. Minor modifications do not require you to pay additional application fees or be issued a new HPA. To request a minor modification to your HPA, submit a written request that clearly indicates you are requesting a minor modification to an existing HPA. Include the HPA number and a description of the requested change and send by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234, or by email to HPAapplications@dfw.wa.gov. Do not include payment with your request. You should allow up to 45 days for the department to process your request.

MAJOR MODIFICATIONS TO THIS HPA: You may request approval of major modifications to any aspect of your HPA. Any approved change other than a minor modification to your HPA will require issuance of a new HPA. If you paid an application fee for your original HPA you must include payment of \$150 with your written request or request billing to an account previously established with the department. If you did not pay an application fee for the original HPA, no fee is required for a change to it. To request a major modification to your HPA, submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Include the HPA number, check number or billing account number, and a description of the requested change. Send your written request and payment, if applicable, by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. If you are charging the fee to a billing account number or you are not subject to the fee, you may email your request to HPAapplications@dfw.wa.gov. 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.



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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) P2

Habitat Biologist Gina Piazza	360-895-3965		for Director WDFW
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CC: Russ Ladley, Puyallup Tribe (emailed)
Hans Hunger, Pierce County (emailed)



State of Washington
Department of Fish and Wildlife

Mailing Address: 600 Capitol Way N, Olympia WA 98501-1091, (360) 902-2200, TDD (360) 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia WA

April 28, 2017

City of Puyallup
Joy Rodriguez
333 South Meridian
Puyallup, Washington 98371

Dear Mrs. Rodriguez:

SUBJECT: HPA #129592 MINOR MODIFICATION REQUEST

On April 27, 2017, Washington Department of Fish and Wildlife (WDFW) received your request for a minor modification to the Hydraulic Project Approval (HPA) for the project referenced above.

Your request for a minor modification of your existing HPA has been approved. You are authorized to conduct work in connected-channel flow through area of DeCoursey Pond.

Please attach this letter to your HPA on-site. If you have any questions, please call me at 360-972-0190.

Sincerely,

Matt Curtis
Habitat Biologist

Date: March 21, 2013

To: Gina Piazza, WA Department of Fish and Wildlife

From: Joy Rodriguez, City of Puyallup

Subject: Control No. 129592-01, Weed Capture Plans

As requested, Puyallup is providing additional details to support our 2013-2018 Clarks Creek Elodea Management Project JARPA for a new HPA, Control No. 129592-01. The additional information requested by WDFW included:

- plans for weed capture method
- detail on how the method is improved over past years'
- locations for capture system
- how sedimentation and turbidity will be reduced over previous years'

Weed Capture Details

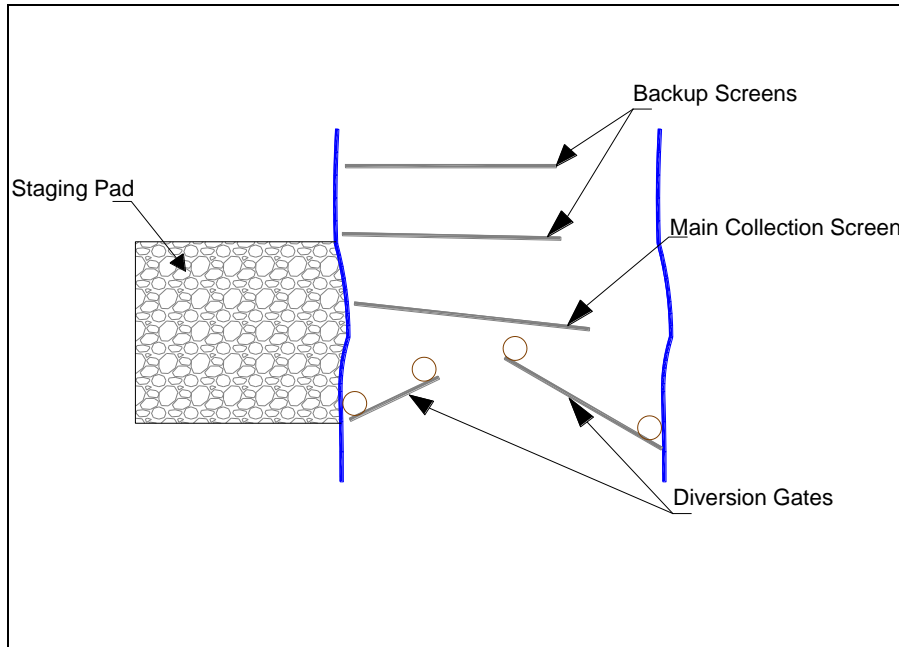
Puyallup emphasizes that mechanical cutting will only take place during the 2013-2014 management seasons, and only if it is deemed necessary as backup to the DASH elodea removal method. An evaluation will be made on 07/11/2013 during the in-stream work window to evaluate the progress of the DASH method. If it is determined that DASH efforts will not allow the in-stream water levels to reasonably recede, mechanical cutting will be used.

There will be up to three (3) collection/haul-out locations for the mechanical cutting, as indicated in Exhibit No. 6 of the JARPA. The screening (described below) will be the same at each location. Once each upstream screening assembly is installed, the downstream screening assembly will be removed from the water.

The base configuration for the collection/haul-out sites will remain as permitted in past years, which can be reviewed in the attached Exhibit 7: Mechanical cutting equipment. However, the weed capture method will be improved over past years' plans by placing three separate screens at the active collection point (nearest collection/haul-out site downstream of current cutting activities). Each screen will be similar to what has been used in the past to collect at the first screen. The difference will be that an excavator will lift and dump each screen instead of the material being pulled off the screen and out of the water manually, by hand. Two screens will be in the water at all times, increasing the efficiency of the collection and reducing the amount of cut material that could float past the screens during emptying.

The laborer shown in Photograph #3 of Exhibit 7 will no longer manually remove material from the backup screens as described above. Instead, these screens will be lifted out of the water by the excavator, creating an improved backup method to the collection process.

The drawing below depicts the anticipated layout of the collection screens:



To ensure a more effective cutting process by the cutting boat, City staff will be present more often to correct mechanical cutting which disturbs bed sediment. Standards in contract will be made clearer that cutting is to be above bottom of creek and operator is to raise the cutting blade if significant disturbance is noted.

The City will continue turbidity monitoring during the in-stream mechanical cutting work as in past years. This includes sampling two times per day: before daily in-stream cutting activities begin and again at mid-day. Review of the 2011 and 2012 turbidity data show that the City's in-stream activities infrequently exceed turbidity limits set forth in WAC173-201A-200(1)(e)(i)(B), with some influence from weather conditions. The above-stated inspection and supervision efforts will reduce occurrence of turbidity level elevations, as well as support reduction in sedimentation disturbance on the creek bottom.