



HYDRAULIC PROJECT APPROVAL

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

Issued Date: April 22, 2016
Project End Date: December 31, 2017

Permit Number: 2016-4-260+01
FPA/Public Notice Number: N/A
Application ID: 7129

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
City of Redmond ATTENTION: Bassam Al-ali 15670 NE 85TH STREET Redmond, WA 98073-9710	

Project Name: Tosh Creek NE 50TH Way Flood Reduction

Project Description: To alleviate an annual flooding problem associated with an unnamed tributary to the Sammamish River that has developed as a result of urban development, the City of Redmond is installing a storm bypass system. Reducing flows in the creek channel will more closely emulate natural (pre-developed forested) conditions. To mitigate for impacts to fish life, existing storm drain inputs into the piped portion of the tributary will be retrofitted to prevent fish entry, existing catch basins with sumps will be channelized to allow fish passage at certain times of year and prevent fish stranding, and day-lighted portions of the stream will be enhanced by invasive species removal and installation of native woody vegetation.

PROVISIONS

1. This STANDARD Hydraulic Project Approval (HPA) is issued for the installation of a new storm water bypass system associated with an unnamed tributary to a wetland associated with the Sammamish River to reduce flooding along NE 50th Way and West Lake Sammamish Parkway NE, including:
 - a) Installation of a new flow splitter at an existing piped location upstream of day-lighted portion of stream channel to direct storm water flows into the bypass (flows above a 2 year flow event);
 - b) Installation of new pipes and catch basins where needed to connect the new bypass system to existing storm water piped systems;
 - c) Retrofitting of an existing storm water pipe outfall to Storm Manhole C to prevent fish entry;
 - d) Installing a fish entry prevention device where the new storm water bypass pipe joins natural water in Storm Manhole B;
 - e) Eliminating sumps from existing catch basins/manholes and installing new manholes with channelized bottoms to prevent fish stranding and allow for fish passage at certain times of year; and
 - f) Installation of native woody vegetation in areas to be disturbed by the project, as well as other areas of day-lighted stream not associated with the project.

Note: This project occurs on an unnamed tributary of a wetland associated with the Sammamish River that is presumed to be fish bearing based on physical characteristics per WAC 222-16-031(3).

2. TIMING LIMITATION: You may begin the project immediately and you must complete the project by December 31, 2017; provided all work below the ordinary high water line (including within culverts and manholes that convey the unnamed tributary to the Sammamish River) must be completed between July 1 and September 30 of calendar years 2016 and 2017 or when the stream at the connection points with the new bypass system is in a no-flow condition (dry).
3. RE-VEGETATION: You must complete re-vegetation by no later than March 31 following construction, and you must monitor the success of the re-vegetation for at least three years.
4. APPROVED PLANS: You must accomplish the work per plans and specifications submitted with the application and



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approved by the Washington Department of Fish and Wildlife, entitled "NE 50th Way Flood Reduction," dated March 2016 and revised April 19, 2016, and all supporting documents and communications uploaded to the Aquatic Protection Permitting System (APPS) project file; except as modified by this HPA. A copy of these plans shall be available on site during construction.

5. **INVASIVE SPECIES CONTROL:** Thoroughly clean all equipment and gear before arriving and leaving the job site to prevent the transport and introduction of aquatic invasive species. Properly dispose of any water and chemicals used to clean gear and equipment. You can find additional information in the Washington Department of Fish and Wildlife's Invasive Species Management Protocols (November 2012), available online at <http://wdfw.wa.gov/publications/01490/wdfw01490.pdf>.

6. **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 work, and again within seven days after completing the work. 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.

7. **PHOTOGRAPHS:** You, your agent, or contractor must take photographs of the job site before the work begins and after the work is completed. You must upload the photographs to the post-permit requirement page in the Aquatic Protection Permitting System (APPS) or mail them to Washington Department of Fish and Wildlife at Post Office Box 43234, Olympia, Washington 98504-3234 within 30-days after the work is completed.

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. Station and operate equipment used for this project landward of the ordinary high water line.

14. Limit the use of equipment waterward of the ordinary high water line to that necessary to gain position for the work.

15. Equipment used for this project may operate waterward of the ordinary high water line, provided the drive mechanisms (wheels, tracks, tires, etc.) do not enter or operate waterward of the ordinary high water line.

16. If wet or muddy conditions exist, in or near a riparian zone or wetland area, use equipment that reduces ground pressure.

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



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18. 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.

CONSTRUCTION-RELATED SEDIMENT, EROSION AND POLLUTION CONTAINMENT

19. Work in the dry watercourse (when no natural flow is occurring in the channel, or when flow is diverted around the job site).
20. Protect all disturbed areas from erosion. Maintain erosion and sediment control until all work and cleanup of the job site is complete.
21. All erosion control materials that will remain onsite must be composed of 100% biodegradable materials.
22. Straw used for erosion and sediment control, must be certified free of noxious weeds and their seeds.
23. 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.
24. Prevent project contaminants, such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials, from entering or leaching into waters of the state.
25. Route construction water (wastewater) from the project to an upland area above the limits of anticipated floodwater. Remove fine sediment and other contaminants before discharging the construction water to waters of the state.
26. 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.
27. Deposit all trash from the project at an appropriate upland disposal location.

CONSTRUCTION MATERIALS

28. 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.
29. Do not stockpile construction material waterward of the ordinary high water line.
30. Use only clean, suitable material as fill material (no trash, debris, car bodies, tires, asphalt, concrete, etc.).
31. 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.

IN-WATER WORK AREA ISOLATION USING A TEMPORARY BYPASS

32. Isolate fish from the work area by using either a total or partial bypass to reroute the stream through a temporary channel or pipe.
33. Sequence the work to minimize the duration of dewatering.
34. Use the least-impacting feasible method to temporarily bypass water from the work area. Consider the physical characteristics of the site and the anticipated volume of water flowing through the work area.
35. During all phases of bypass installation and decommissioning, maintain flows downstream of the project site to ensure survival of all downstream fish.
36. Install the temporary bypass before starting other construction work in the wetted perimeter using the pumped bypass method approved by the Washington Department of Fish and Wildlife (in the event that storm water exceeding base flows must be bypassed around the work area).
37. If the bypass is a pumped diversion, once started it must run continuously until it is no longer necessary to bypass flows. This requires back-up pumps on-site and twenty-four-hour monitoring for overnight operation.



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38. If the diversion inlet is a pump diversion in a fish-bearing stream, the pump intake structure must have a fish screen installed, operated, and maintained in accordance with RCW 77.57.010 and 77.57.070. Screen the pump intake with one of the following:

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

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

39. The fish screen must remain in place whenever water is withdrawn from the stream through the pump intake.

40. Remove fish screens on dewatering pumps in the isolated work area only after all fish are safe and excluded from the work area.

FISH LIFE REMOVAL

41. All persons participating in capture and removal must have training, knowledge, and skills in the safe handling of fish life.

42. If electrofishing is conducted, a person with electrofishing training must be on-site to conduct or direct all electrofishing activities.

43. Capture and safely move fish life from the work area to the nearest suitable free-flowing water.

FISH ENTRY PREVENTION INTO STORM SYSTEMS, INCLUDING NEW BYPASS

44. Fish entry will be prevented where the new storm bypass pipe enters Storm Manhole B by installation of a check valve, flap gate, duckbill, or other device.

45. Fish entry will be prevented where an existing storm pipe enters Storm Manhole C by installation of a check valve, flap gate, duckbill, or other device.

FISH PASSAGE IMPROVEMENT

46. Existing Storm Manhole C will be retrofitted to eliminate the sump and create a channelized bottom to prevent fish stranding and facilitate fish passage at certain times of year.

47. New Storm Manhole A will be installed with a channelized bottom to prevent fish stranding and facilitate fish passage at certain times of year.

48. New Storm Manhole B will be installed with a channelized bottom to prevent fish stranding and facilitate fish passage at certain times of year.

DEMOBILIZATION AND CLEANUP

49. 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.

50. Upon completion of the project, restore the disturbed bed, banks, and riparian zone to preproject condition to the extent possible.

51. Seed areas disturbed by construction activities with a native seed mix suitable for the site that has at least one quick-establishing plant species.

52. Replant the job site with the plant species composition and planting densities approved by the Washington Department of Fish and Wildlife (NE 50th Way Flood Reduction, Planting Plan for Tract "H" and "I", received April 19, 2016).

53. Complete replanting of riparian vegetation during the first dormant season (late fall through late winter) after project completion per the approved plan. Maintain plantings for at least three years to ensure at least eighty percent of the plantings survive. Failure to achieve the eighty percent survival in year three will require you to submit a plan with



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follow-up measures to achieve requirements or reasons to modify requirements.

54. Upon completion of the project, remove all materials or equipment from the site and dispose of all excess spoils and waste materials in an upland area above the limits of anticipated floodwater.

55. Remove temporary erosion and sediment control methods after job site is stabilized or within three months of project completion, whichever is sooner.

LOCATION #1:	Site Name: NE 50TH WAY trib to Sammamish River NE 50th Way, Redmond, WA 98052					
WORK START:	April 22, 2016			WORK END:	December 31, 2017	
<u>WRIA</u>	<u>Waterbody:</u>			<u>Tributary to:</u>		
08 - Cedar - Sammamish	Various			Various		
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
	13	25 N	05 E	47.655545	-122.119609	King
<u>Location #1 Driving Directions</u>						
Go west on NE 50th Way from West Lake Sammamish Parkway.						

APPLY TO ALL HYDRAULIC PROJECT APPROVALS

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

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

This Hydraulic Project Approval does not authorize trespass.

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

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



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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. Minor modifications do not require you to pay additional application fees or be issued a new HPA. 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. 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 pay an additional \$150 for the major modification. If you did not pay an application fee for the original HPA, no fee is required for a change to it. 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, payment if the original application was subject to an application fee, and the requestor's signature. Send your written request and payment, if applicable, 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, but must send a check or money order for payment by surface mail. You should allow up to 45 days for the department to process your request.

APPEALS INFORMATION



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

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

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request an informal appeal of that action. You must send your request to WDFW by mail to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, 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 220-660-470 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, 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.



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Habitat Biologist Angie.Peace@dfw.wa.gov
Angie Peace 425-427-0570

A handwritten signature in black ink that reads "Angie Peace".

for Director
WDFW
