



HYDRAULIC PROJECT APPROVAL

RCW 77.55.151 - Appeal Pursuant to Chapter 34.05 RCW

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

Issue Date: June 07, 2010

Control Number: 117290-3

Project Expiration Date: February 14, 2014

FPA/Public Notice #: N/A

RECEIVED

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PORT OF PORT TOWNSEND
ADMINISTRATION OFFICE

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
Quilcene Marina ATTENTION: Jim Pivarnik P.O. Box 1180 Port Townsend, WA 98368 360-385-2656	Marine Surveys & Assessments ATTENTION: Amy Leitman 521 Snagstead Way Port Townsend, WA 98368 360-385-4073 Fax: 360-385-1724

Project Name: Quilcene Marina Maintenance Dredge Project

Project Description: Dredge up to 3,500 cubic yards initially and up to 1000 cubic yards yearly thereafter with clamshell dredge to reach a maximum depth of 12 feet MLLW from an area approximately 12,000 square feet in size. The dredging will bring entrance channel to the original 1960's level. Spoils will be transported upland, dewatered and disposed of upland.

PROVISIONS

1. Work below the ordinary high water line shall not occur from February 15 through July 14 of any year for the protection of migrating juvenile salmonids.
2. Work below the ordinary high water line shall not occur from February 15 through April 14 of any year for the protection of herring spawning beds.
3. NOTIFICATION REQUIREMENT: The Area Habitat Biologist (AHB) listed below shall receive written notification (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.
4. Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife entitled Quilcene Marina Dredging Project Site Plan and dated January 7, 2009, modified October 2, 2009, except as modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during construction.
5. A clamshell dredge shall be used for dredging. Each pass of the clamshell dredge bucket shall be complete.
6. Dredged material shall not be stockpiled below the ordinary high water line.
7. Dredged materials shall be deposited at an upland disposal site.



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8. Eelgrass and kelp shall not be adversely impacted due to any project activities (e.g., barge shall not ground, equipment shall not operate, and other project activities shall not occur in eelgrass and kelp).

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

10. Intertidal wetland vascular plants shall not be adversely impacted due to project activities (e.g., barge shall not ground, equipment shall not operate, and other activities shall not occur in intertidal wetland vascular plants). If such vegetation is adversely impacted, it shall be replaced using proven methodology.

11. 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.

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

13. 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), immediate notification shall be made to the Washington Military Department's Emergency Management Division at 1-800-258-5990, and to the Area Habitat Biologist listed below.

14. 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.

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

16. 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.

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



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A. INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021, 77.55.141, 77.55.181, and 77.55.291: 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 Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval; or

(B) An order imposing civil penalties. A request for an INFORMAL REVIEW shall be in WRITING to the Department of Fish and Wildlife HPA Appeals Coordinator, 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 Hydraulic Project Approval or receipt of an order imposing civil penalties. If agreed to by the aggrieved party, and the aggrieved party is the Hydraulic Project Approval applicant, resolution of the concerns will be facilitated through discussions with the Area Habitat Biologist and his/her supervisor. If resolution is not reached, or the aggrieved party is not the Hydraulic Project Approval applicant, the Habitat Technical Services Division Manager or his/her designee shall conduct a review and recommend a decision to the Director or his/her 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 77.55.021 (EXCEPT agricultural irrigation, stock watering or bank stabilization projects) or 77.55.291:

A person who is aggrieved or adversely affected by the following Department actions may request a formal review of:

(A) The denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval;

(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.

A request for a FORMAL APPEAL shall be in WRITING to the Department of Fish and Wildlife HPA Appeals Coordinator, shall be plainly labeled as 'REQUEST FOR FORMAL APPEAL' and shall be RECEIVED DURING OFFICE HOURS by the Department at 600 Capitol Way North, Olympia, Washington 98501-1091, 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 77.55.021 (agricultural irrigation, stock watering or bank stabilization only), 77.55.141, 77.55.181, or 77.55.241: A person who is aggrieved or adversely affected by the denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval 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. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO CHAPTER 43.21L RCW: A person who is aggrieved or adversely affected by the denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval may request a formal appeal. The FORMAL APPEAL shall be in accordance with the provisions of Chapter 43.21L RCW and Chapter 199-08 WAC. The request for FORMAL APPEAL shall be in WRITING to the Environmental and Land Use Hearings Board at Environmental Hearings Office, Environmental and Land Use Hearings Board, 4224 Sixth Avenue SE, Building Two - Rowe Six, P.O. Box 40903, Lacey, Washington 98504; telephone 360/459-6327.

E. 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.



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ENFORCEMENT: Sergeant Henry (28) P2

Habitat Biologist
Margie Schirato

360-427-2179

Margie Schirato

for Director
WDFW

CC: