

Conceptual Simplified HPA Process and Criteria:

Process:

- Simplified HPA application and plans/specs submitted to DFW Olympia Office;

Application Description (see attached example application):

1. Applicant information
 2. Project description (county, waterbody, lat/long, total area of disturbance, total area of construction site, authorized agent, etc.)
 3. Permit eligibility including criteria for which the application may be rejected and required to submit a JARPA for the standard permitting process
 4. General permitting requirements (these would be the standard updated WAC language) which would require placing a check mark in all of the boxes that must be complied with
 5. Submittal requirements section which describes the plans and specifications required for submittal
 6. Certification section requiring the applicant to acknowledge other permit requirements are not covered by the HPA, no trespass, compliance with permit is required, work will not start until approved permit is received, and acknowledgement that the information provided is accurate
 7. Permission and notification section (granting DFW access to the property for inspections and review along with notice prior to and after initiating and completing the project)
 8. Signature and date signed section
 9. Appeals language section
 10. Timing limitations section
 11. Should anticipate that we get approval to charge fees, so should consider how to applicants will submit and DFW accepts fees
- DFW HQ enters into HPMS (or other interim database) and notifies AHB (and tribes during the interim if HPMS system will not work) – **DFW may attempt (when**

resources are available) to develop a process for the applications to be filled out and submitted on-line

- AHB and tribal staff have 10 days to review and respond to DFW HQ on project eligibility; qualifies as a simplified permit and necessary work timing window, or why the project requires a standard individual HPA
- DFW HQ then processes the approval or sends a “reclassification” letter to the applicant describing why the project does not qualify for the simplified permit process and the necessary steps to apply for the standard individual HPA
- Applicant notifies AHB prior to initiation and post construction
- DFW performs site inspection as part of the HPA Compliance Monitoring Program and Effectiveness Monitoring Program if within the sample

Project Eligibility Criteria:

- Risks on fish life are short term (< 1 year) and can be fully mitigated within the standardized and updated WAC provisions
- Projects are located in areas of low resource risk, or are of such low risk that they can be permitted in high priority habitat
- The project is of low complexity and can be worded to minimize misinterpretation of the permit provisions, and thus can be permitted without site-specific conditions
- Projects can be readily described and understood with plans, pictures and graphics
- Projects inspected with sufficient frequency and certainty, either during or after construction, to ensure compliance
- Project meets all of the eligibility requirements as described on the application
- Project can be completed in a single work season to avoid impacts to habitat due to potentially unstable worksite??

Projects may be rejected from the simplified permitting process if:

- The plans and specifications for the project are insufficient to demonstrate that fish life will be protected

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- The proposed project goes beyond the eligibility requirements described in the project application or cannot meet all of the eligibility requirements in the application
- The project poses a higher risk to high priority fish habitats (requiring additional compensatory mitigation)

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Simplified Hydraulic Project Approval for Bridge Repair or Maintenance

Washington Department of Fish and Wildlife

RCW 77.55.021 - See Appeal Process at End of HPA
Control Number: _____ FPA/Public Notice #: _____

When completed and approved, this is your Simplified Hydraulic Project Approval for Bridge Repair or Maintenance in or over Fresh or Marine waters of the state. Complete this form when applying for qualifying Bridge Repair or Maintenance projects associated with cleaning, painting, or re-decking in waters of the state. After you clearly demonstrate the project is eligible for a Simplified Hydraulic Project Approval, this permit application and permit is **“Approved”** once it is signed and dated by an authorized Washington Department of Fish and Wildlife employee.

Section 1. Project Description

Landowner Name <small>(Last, First, M.I.):</small>	Address	Contact No.
County	Water body Name : Latitude/Longitude	
Total area of construction site (length x width)	Total area of disturbance (Square ft.)	
AUTHORIZED AGENT OR CONTRACTOR:		

Section 2. Permit Eligibility

The project applicant or authorized agent is responsible for verifying project locations and securing permission from the landowner(s) to perform the work authorized by this HPA and ensuring that the structural modifications do not pose a hazard to navigation on federal or state waters.

To qualify for Simplified Hydraulic Project Approval, your project must meet eligibility standards. Please review and certify “Yes” if the project has been designed and will be constructed in compliance with ALL of the following eligibility standards. If your project does not meet all of the eligibility standards, you will need to apply for an Individual Hydraulic Project Approval. WDFW will determine eligibility.

Simplified HPA Eligibility Criteria	Yes
The proposed bridge repair and maintenance project is restricted to cleaning, painting, or repair or replacement of decking, surfacing, railing and guard rail, conduits, drainpipe, wheel guards, or repair and maintenance associated with normal traffic wear and traffic accidents.	<input type="checkbox"/>
The proposed bridge repair and maintenance does not include repair and maintenance of structural elements of the bridge, expansion or lengthening, stringer or abutment replacement, or any alteration that reduces the cross-sectional capacity of the bridge within the floodplain.	<input type="checkbox"/>
Bridge Repair and Maintenance may include work over or above the water body but does not include work below the ordinary high water line (OHWL) of fish bearing fresh or marine waters of the state. No work shall occur on the banks or shorelines of waters of the	<input type="checkbox"/>

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state and no earth will be graded during any phase of the project. No vegetation shall be altered.	
The discharge of driving surface material (asphalt, concrete, tar, gravels), demolition waste and scraps, road grime and sands, paint chips, sand-blasting waste, paint and paint overspray, silt laden water, petroleum products, hydraulic fluid, fresh cement or grout, sediments, chemicals, or any other toxic or deleterious materials to state waters shall be prevented during all phases of repair and maintenance activities.	<input type="checkbox"/>
Catch tarps and curtains shall be installed and maintained during all phases of maintenance work as necessary to prevent loss of above referenced deleterious materials into fresh or marine waters of the state.	<input type="checkbox"/>
Work shall not occur when windy, rainy, or other inclement conditions make it impossible to fully contain all waste and construction material and prevent them from reaching the fresh or marine waters or shoreline of the state. Material caught on the catch tarps and curtains shall be regularly cleared during repair and maintenance to prevent loss into the water or shorelines.	<input type="checkbox"/>
All machinery and equipment shall be serviced, fueled, and maintained on uplands off of the bridge to prevent contamination of surface waters. When practicable, this should be performed more than 200 feet from waters of the state. Fueling areas shall be equipped with enough spill containment materials to prevent a spill from reaching fresh or marine waters of the state.	<input type="checkbox"/>
Upon project completion, all temporary work structures, devices, equipment, materials, collected silt, excess debris, construction and other man-made debris from the project shall be completely removed from waters of the state, adjacent shoreline, and riparian areas.	<input type="checkbox"/>
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 Military Department's Emergency Management Division at 1-800-258-5990, and the Area Habitat Biologist listed below. The permittee must not restart work on the project until approved by the Area Habitat Biologist.	<input type="checkbox"/>

Section 3: Submittal Requirements	Yes
I am including legible site maps with this application, which clearly illustrate the nature and location of the proposed Bridge Repair or Maintenance work and its vicinity to nearby structures, major landmarks and roads.	<input type="checkbox"/>
I am including clear photographs with this application, which illustrate the existing site conditions at the project location.	<input type="checkbox"/>
Section 4: Certification	
I certify that I am the owner or authorized agent of the owner of the bridge, which is the subject of this permit application.	<input type="checkbox"/>
I certify that the project has been designed and will be constructed and maintained in compliance with all of the requirements of the approved Simplified HPA.	<input type="checkbox"/>
I certify that the information contained in this application submittal is true and accurate and understand that failure to comply with any or all of the provisions of the issued permit may result in, a fine and/or imprisonment or forfeiture under the provisions of applicable laws.	<input type="checkbox"/>

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I understand that I am responsible for obtaining all necessary local (e.g. city, town, village or county) U.S. Army Corps of Engineer, and U.S. Coast Guard, permits or approval, in addition to this WDFW Class II Hydraulic Project Approval prior to commencing any work at the project site.		<input type="checkbox"/>
Section 5: Permission and Notification		
		Yes
I give WDFW permission to enter the project site to inspect the hydraulic project at, to inspect or monitor this permit and application, and to determine compliance with any resulting permit coverage. NOTIFICATION AND COMPLIANCE INSPECTION REQUIREMENT: The permittee shall contact the the Area Habitat Biologist (AHB), as well as the Compliance Coordinator (attached reference) at least three days before starting work on a hydraulic project and again within 10 days of the completion of the project. The permittee shall send the notification by e-mail and it shall include the starting date, description of work, waterbody name, location including road number and milepost if applicable, and the control number of this HPA.		<input type="checkbox"/>
Section 6: Landowner or Authorized Agent Signature		<input type="checkbox"/>
Please sign below. By signing you are certifying that all of the requested items contained in this permit application have been fulfilled and the appropriate documentation is attached.		
Name of Applicant/Authorized Representative (please print)	Title	Telephone Number
Signature		Date Signed
WASHINGTON DEPARTMENT OF FISH AND WILDLIFE WILL COMPLETE SECTIONS 7-9		
Section 7: Other Applicable requirements		
This Hydraulic Project Approval pertains only to those requirements of t Chapter 77.55 RCW. 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 it is issued and the operator(s) performing the work. 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		

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hundred dollars per day and/or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

Section 8: Project TIMING LIMITATIONS

This project may begin _____ and shall be completed by _____.

Approved by: Area Habitat Biologist

Section 9: Appeal 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 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. You may contact the HPA Appeals Coordinator at (360) 902-2260 for more information.

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.

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