

Simplified Hydraulic Project Approval for Maintenance, Repair, of Pump Water Diversions and Fish Screens.

Washington Department of Fish and Wildlife

RCW 77.55.100 - Appeal Pursuant to Chapter 34.05 RCW
Control Number: _____ FPA/Public Notice #: _____

When completed and approved, this is your Simplified Hydraulic Project Approval for operation and maintenance or annual installation and removal of an existing pump diversion in Fresh or Marine waters of the state. Use this form when conducting pile maintenance, repair, replacement, or removal in waters of the state. Please fill out the form below. 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					
<i>Landowner Name</i> <small>(Last, First, M.I.):</small>	<i>Address</i>	<i>Contact No.</i>			
<i>County</i>	<i>Water body Name :</i>				
<i>Total area of construction site (length x width)</i>	<i>Total area of disturbance (Square ft.)</i>				
AUTHORIZED AGENT OR CONTRACTOR:		<i>Township:</i>	<i>Range:</i>	<i>Section:</i>	<i>¼ Sect.</i>

Section 2. Permit Eligibility	
<p>The project applicant or owner is responsible for verifying project locations and securing permission from the landowner(s) to perform maintenance work and ensuring that the pile work does not pose a hazard to navigation on federal or state waters. Any work in or over streams will likely require a Hydraulic Project Approval (HPA) permit from the Washington Department of Fish and Wildlife (WDFW).</p> <p><i>To qualify for a Simplified Hydraulic Project Approval, your project must meet certain eligibility standards. Please review and certify “Yes” the project has been designed and will be constructed in compliance with ALL of the following Simplified HPA eligibility standards. If your project does not meet all of the eligibility standards, you will need to apply for an Individual Hydraulic Project Approval. Be advised the Department has the final discretion to determine Simplified HPA eligibility and may require information in addition to the initial permit application submittal or require an Individual Hydraulic Project Approval if site-specific conditions require additional review.</i></p>	
Simplified Permit Eligibility Criteria	Yes
The HPA is only valid for operation and maintenance or annual installation and removal of an existing pump diversion that holds a valid water right. Maintenance may include modifying, repairing, or replacing the screening apparatus.	<input type="checkbox"/>
The removal of accumulated moss, algae, leaves, small organic debris sediments blocking water flow to the diversion and located on or within six feet of a permanent screen structure will only occur by hand or with the use of handheld non-motorized tools. Bedload material will only be removed to the extent that the screen and water intake structure is submerged.	<input type="checkbox"/>
Water will not be diverted in excess of the existing water right. If a diversion consolidation occurs WDFW will be consulted to assess whether or not a new Hydraulic Project Approval may be required.	<input type="checkbox"/>
No changes to the location of existing Point of Diversion will occur without consultation with WDFW.	<input type="checkbox"/>
The placement, maintenance and removal of seasonal pump diversion intakes and screen(s) will not require excavation within the bed of the stream. Clean, inert materials may be placed within the bed by hand or hand held tools to check water to a sufficient depth to submerge the pump intake and screen. Fish passage will not be blocked or impeded.	<input type="checkbox"/>
Work shall be accomplished per the Operation and Maintenance plan/guidance (attached), or Fish screens shall be operated and maintained according to the operation and maintenance plan for the screen. That plan is attached and is part of this	<input type="checkbox"/>

HPA. Screens shall be maintained to meet the screen criteria in accordance with its design. (NOTE: Staff believes that many/most? diversions should now have an individual approved O&M plan).	
Large woody material found within the ordinary high water line or which is embedded in the bank or streambed, will be left undisturbed. Large woody material that is not embedded and is hindering the water right owners' ability to attain their right may be relocated within the bed, but will not be removed from the Ordinary High Water Mark of the stream. It is understood that any alteration or relocation of embedded large woody material, or other activities that affect the bed or flow, would require a separate HPA.	<input type="checkbox"/>
Access corridors established through the riparian vegetation to provide for the installation, maintenance, and removal of the pump, pump screen, and intake line, shall be limited to a maximum width of five feet. Woody vegetation (shrubs, trees, and limbs) not exceeding four inches in diameter may be pruned or cut by hand held equipment to establish the access corridor to the diversion.	<input type="checkbox"/>
Discharge of silt laden water, petroleum products, hydraulic fluid, fresh cement, sediments, chemicals, or any other toxic or deleterious materials to state waters will be prevented during any phase of placement, maintenance and removal of diversion pump, intake, and screen.	<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), immediate notification will be made to the Washington Military Department's Emergency Management Division at 1-800-258-5990, and to the Area Habitat Biologist listed below.	<input type="checkbox"/>
Any device used for diverting water from a fish-bearing stream will be equipped with a fish guard to prevent passage of fish into the diversion device pursuant to RCW 77.15.310 and RCW 77.55.040. Screen maintenance will be adequate to keep the screen within criteria to prevent injury or entrapment to juvenile fish and will remain in place whenever water is withdrawn from the stream through the pump intake.	<input type="checkbox"/>
Water diversion structures will provide a means for fish to safely return to their waters of origin. If migrating fish are delayed, injured, or suffer mortality, as a result of not being able to volitionally pass a water diversion, a bypass facility will be required, and/or the intake structure will be modified.	<input type="checkbox"/>
Intake structures and/or fish screens without active cleaning mechanisms will be constructed, operated, and maintained to ensure that the diverted flow is uniformly distributed through the entire screen, and that maximum approach velocities do not exceed 0.2 feet per second. The maximum approach velocity for a screen with an active cleaning mechanism is 0.4 feet per second.	<input type="checkbox"/>
Pump screens will be oriented so the screen is parallel with the natural flow of the stream. Additionally, the sweeping velocity, the component of the water velocity parallel to and immediately upstream of the screen surface, shall equal or exceed the maximum allowable approach velocity (0.4 feet per second).	<input type="checkbox"/>
Screen openings may be round, square, rectangle, or any combination thereof, provided structural integrity and cleaning operations are not impaired. Maximum allowable screen openings are 0.087 inch (6-14 mesh - six fourteen gauge wires per inch) woven wire mesh, 1.75mm profile bar or perforated slots, 0.094 (3/32 inch) perforated plate, or a fish guard that provides equivalent protection approved by WDFW. Screens will be constructed of a durable material that is resistant to corrosion and ultra-violet damage.	<input type="checkbox"/>
I will notify WDFW or any changes made in ownership, new biological information, physical site changes, changes in screen criteria, changes in operation protocol or design, changes in water rights or method of diversion, or any other changes that may result in additional risk to fish life, and may require the HPA to be modified to address the new conditions.	<input type="checkbox"/>

Section 3: Submittal Requirements	Yes
I have submitted a \$\$\$ permit application fee , in the form of a check, payable to Washington Department of Fish and Wildlife.	<input type="checkbox"/>
I have submitted legible site maps , which clearly illustrate the proposed work and pile to be replaced, removed, or installed and the proximity to nearby structures, docks, major landmarks and roads.	<input type="checkbox"/>
I have submitted clear photographs , which illustrate the project footprint including the number of existing piles and piles to be removed or replaced	<input type="checkbox"/>
Section 4: Certification	
I hereby certify that I am the water diversion owner or authorized representative of the water diversion owner, or that I have permission to represent the water diversion owner(s), 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 above Simplified Permit Eligibility Standards.		<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 permit revocation, a fine and/or imprisonment or forfeiture under the provisions of applicable laws.		<input type="checkbox"/>
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. (provide links here to contact numbers & websites?)		<input type="checkbox"/>
Section 5: Permission and Notification		
		Yes
I hereby give the Department permission to enter and inspect the water diversion at reasonable times, to inspect or monitor this notice and application, and to determine compliance with any resulting permit coverage.		<input type="checkbox"/>
Section 6: Landowner or Authorized Representative Signature		<input type="checkbox"/>
Please sign below. By signing you are certifying that all of the requested items contained in this permit application attachment have been fulfilled and the appropriate documentation is attached.		
Name of Owner/Authorized Representative (please print)	Title	Telephone Number
Signature		Date Signed
WASHINGTON DEPARTMENT OF FISH AND WILDLIFE USE ONLY PLEASE DO NOT MARK UP SECTIONS 7-9		
Section 7: Other Applicable requirements		
<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>		

All Hydraulic Project Approvals issued pursuant to RCW 77.55.021 (EXCEPT agricultural irrigation, stock watering or bank stabilization projects) or 77.55.141 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 person(s) to whom this Hydraulic Project Approval is issued has the right pursuant to Chapter 34.04 RCW to appeal such decisions. All agricultural irrigation, stock watering or bank stabilization Hydraulic Project Approvals issued pursuant to RCW 77.55.021 may be modified by the Department of Fish and Wildlife due to changed conditions after consultation with the person(s) to whom this Hydraulic Project Approval is issued: PROVIDED HOWEVER, that such modifications shall be subject to appeal to the Hydraulic Appeals Board established in RCW 77.55.301.

Section 8: GENERAL TIMING LIMITATIONS

This project may begin _____ and shall be completed by _____. (Reference work windows?)

PERMIT VALIDATION PERIOD: This Hydraulic Project Approval (HPA) issued by the Washington Department of Fish and Wildlife (WDFW) is valid only until (insert date here) after which time it must be renewed.

SAMPLE

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
