

**Individual Informal Consultation
Biological Assessment via
Specific Project Information File (SPIF)**

FEMA Disaster Number: FEMA-1817-DR-WA

FEMA Project Number: 142

Project Title: **Samish Hatchery River Intake, Category A – Debris Removal**

Purpose: This SPIF serves as the biological assessment and is part of the informal consultation process with the U.S. Fish & Wildlife Service and/or National Marine Fisheries Service for projects that may affect, are not likely to adversely affect ESA-listed species or critical habitat, and/or essential fish habitat.

Project Identification

| Location Identification (Use Project Location Numbers from the location information table on next page) | PBA Category | Specific CM Numbers Used* (1-33; I-xxiv) | CM Numbers Not Used¹ |
|---|---------------------------|--|--|
| 1 | 2. Mineral Debris Removal | 18; i, ii, iii, v, vi, vii, viii, ix, x, xi, xii, xiii, & xiv. | 1; iv, & xx-xxiv |

***Conservation measures taken from FEMA Programmatic Biological Assessment for Fourteen Common Disaster Activities June 29, 2009 are included as Attachment 1.**

Emergency response work was to clean the intake which was done as emergency repairs and could not occur during the recommended work window (July 16 – August 15) (CM # 1). The applicant is not a member of the Regional Road Maintenance Program (CM # iv). Project is located outside murrelet and northern spotted owl habitat and priority sites and will have no effect on the species and no vegetation was removed. Therefore, General CM # xx – xxiv are not included.

Applicant Information

Applicant Name: Washington Department of Fish and Wildlife

Applicant Address: 600 Capitol Way North
Olympia, WA 98501

Contact Person Name: Sterling Jones

Contact email: sterling.jones@dfw.wa.gov

Contact Telephone Number: 360-902-8384 ext. _____

Name of Person Completing this SPIF: Joe Robel Title: Environmental Specialist

Date: _____

¹ Provide Reason(s) why the CM was not used and how the PBA is applicable without the use of the CM.

Project Information

Location:

Select one of the following categories:

Is the project located at a single site? Yes.

Does the project have multiple locations? Yes. How Many? _____

Is the project a jurisdictional-wide project such as debris management? Yes. What is the Jurisdiction or operational area (for example, Tacoma Railroad)? _____

Provide the following location information for the site(s):

| Identifier | Location Number | | | |
|---|---|--|--|--|
| | 1 | 2 | 3 | 4 |
| County | Skagit | | | |
| Latitude, Longitude (in decimal degrees) | 48.54781 -122.33539 | | | |
| If linear project: Start latitude, longitude Ending latitude, longitude (in decimal degrees) | | | | |
| | | | | |
| Street Address, if applicable | | | | |
| City | Burlington | | | |
| Section | 6 | | | |
| Township (N) | 35N | | | |
| Range (W) | 4EWM | | | |
| Hydraulic Unit Code(HUC) | 17110002 | | | |
| In Surface Water? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| If yes, Name of Water body | Samish River | | | |
| Work Below ordinary high water mark? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| If no, is Surface Water within 200 feet of project? | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No |

Attach as Appendix A:

- USGS quadrangle map with scale and the location of the project(s) marked on the map.

Project Definition:

What is the commonly used name for the project? (For example, xyz Creek Culvert repair) **Samish Hatchery River Intake Debris Removal**

What was (were) the original structure(s) or facility (ies)? **Intake/weir and an adult salmon holding pond**

What were the composition and/or size and/or dimensions of the original structure(s)? (For example, 8-ft wide by 4-ft. long by 1-ft. deep concrete weir, 18-in CMP culvert, etc.) **See Appendix C for sketch.**

Will (did) the proposed project stay within the footprint of the existing/original structure? Yes No

Project was contained within the area of the river that has been historically maintained for hatchery operations.

Damage Description:

Type of Facility Damaged: (*embankment, abutments, fish weirs, culverts, bridges, trails, etc.*) Intake/weir and an adult salmon holding pond

Describe the damages including type and extent of damages: Severe winter storms, landslides, mudslides and flooding of the Samish River deposited 70-ft. x 10-ft. x 6-ft. (155 cy) of rock and gravel debris in the adult pond and 500 cy of rock and gravel debris in the Samish River Channel upstream of the intake/weir, and 30-ft. x 50-ft. x 3-ft. (167 cy) of rock and gravel debris was deposited below the intake/weir.

Attach the following information to this SPIF as Appendix B:

- Photograph(s) of damaged elements (.jpg or .pdf file), if submitting electronically. (Ideally, 300 KB or less. If greater, please compress the file.) No photographs available.

Project Description

Status:

Status of Project(s): Complete Not Complete, If started, % Complete: 63% as of March 23, 2009, however it is likely that the work has been completed in order for the hatchery to be operational.
 Not Started

Narrative

Provide a detailed description of the work to be accomplished including purpose, number and type of structures to be installed, repaired or constructed; construction materials used (for example size, dimensions and type of pilings (steel, wood, concrete), construction machinery (to be) used (for example, vibration or impact pile driver) and anticipated construction techniques to be employed.

Purpose is to restore the operation of rearing chinook salmon which relies on the ability to obtain and hold adult fish. This requires a functioning holding pond with adequate capacity to hold the numbers of fish required to continue hatchery operations. The intake/weir structure must be operational to divert adult fish into the landward adult holding pond.

Work Completed as of March 23, 2009: 155 cy of rock and gravel debris was removed from the adult pond and 500 cy of rock and gravel from the Samish River Channel *above* the intake/weir. An excavator was used to remove the sediment. The excavator was placed in the river *above* the intake where a gravel bar is located which was *above* the wetted perimeter. Work was isolated as much as possible from flowing water. No stream diversion or fish exclusion was included in the project. Debris was taken to Concrete Nor West Gravel Company 1 mile from the hatchery.

Work To Be Completed: 20 cy of quarry spalls was placed below the bank to provide a work platform for equipment to dredge 167 cy of rock and gravel from *below* the intake/weir. The spalls placed for the work platform will not be removed. It is likely that the work has been completed in order for the hatchery to be operational for the fall chinook capture and juvenile rearing.

Please answer the following questions, if related to your proposed project:

- Is (was) blasting included in the project? No. If so, when, how frequently? N/A.
- Is (was) stream diversion part of the project plan? No. If so, how? N/A.
- Will (was) fish capture, handling or electro-shocking included in the project? No. If so, will (were) USFWS/NMFS electro-shocking standards be followed? N/A.
- Are (were) the Integrated Streambank Bank Protection Guidelines (ISPG) followed? N/A.
- Were Anadromous Salmonid Passage Facility Design (Feb. 2008) requirements followed? N/A.
- What erosion BMPs will be (were) used (See Hydraulic Project Approval)? See Attachment 2, HPA Control # 115901-1.

FEMA ID Number: PW-142 Project Title: Samish Hatchery River Intake, Category A – Debris Removal

- Will (did the project include removal of, or disturbance to, riparian habitat? No. If so, how much? N/A.
- Will the project replace a structure that was a barrier to fish passage with a fish passable structure? No.

You may attach additional pages, or, if completing this form by computer, expand the space below to provide this information. Please indicate if the project is fish-passable as defined in NMFS 2008 guidelines, if appropriate. N/A

Attach as Appendix C:

- Project schematics or sketches showing repair/replacement design, if available. See Appendix C for sketch.
- If work has been completed, photograph(s) of facility before, during and after construction is complete. (either .jpg or .pdf format, please, if submitting electronically) Please include the project schematics and photographs. No photographs available.

Dates:

Dates when the project(s) will be/was conducted.

Start Date: **January 26, 2009** End Date: **February 11, 2009**

Dates when in-water work will be/was conducted, if different:

Start Date: **January 26, 2009** End Date: **February 11, 2009**

See Attachment 2, Expedited HPA Control # 115901-1.

Describe water work time. ___ Hours, or ___ Days, or ___ Weeks. **Unknown**

Work Period in Day: ___ Hours ___ Start Time ___ End Time **Unknown**

If heavy equipment is used in the project:

Kind of equipment: **Excavator & dump truck** (for example, backhoe, vacuum truck, etc.)

Noise created above ambient levels? Yes No

Surrounding Environment:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Riverine | <input type="checkbox"/> Marine |
| <input type="checkbox"/> Forest | <input type="checkbox"/> Estuarine |
| <input type="checkbox"/> Old growth present | <input type="checkbox"/> Wetland |
| <input type="checkbox"/> Second growth present | <input checked="" type="checkbox"/> Agricultural |
| | <input type="checkbox"/> Arid (Desert/steppe) |

Do you propose to clear any area for temporary access? Yes No

If yes, how much area? ___ Give units (acres, square feet, etc.)

Identify the location for the temporary access. (For example, lat. Long.) ___

Is the area previously disturbed? Yes No

If so, how? (Examples: parking lot, gravel road, road prism) **Off stream adult pond and a maintained river cross-section in the vicinity of the intake structure. (dam).**

Biological Information

Indicate by checking the boxes if any of the following are present in the watershed of the project area. Unsure of any: Yes No. If yes, which? _____

Endangered

- Upper Columbia River Spring-run Chinook (*Oncorhynchus tshawytscha*)
- Snake River Sockeye (*Oncorhynchus nerka*)
- Upper Columbia River Steelhead (*Oncorhynchus mykiss*)

Threatened

- Bull trout, Coastal/Puget Sound IRU (*Salvelinus confluentus*)
- Bull trout, Columbia River IRU (*Salvelinus confluentus*)
- Coho salmon, Lower Columbia River ESU (*O. kisutch*)
- Chinook salmon, Lower Columbia River ESU (*Oncorhynchus tshawytscha*)
- Chinook salmon, Puget Sound ESU (*Oncorhynchus tshawytscha*)
- Chinook salmon, Snake River Spring/Summer-run ESU (*Oncorhynchus tshawytscha*)
- Chinook salmon, Snake River Fall-run ESU (*Oncorhynchus tshawytscha*)
- Chum salmon, Columbia River ESU (*Oncorhynchus keta*)
- Chum salmon, Hood Canal summer ESU (*Oncorhynchus keta*)
- Steelhead trout, Lower Columbia River ESU (*Oncorhynchus mykiss*)
- Steelhead trout, Middle Columbia River ESU (*Oncorhynchus mykiss*)
- Steelhead trout, Coastal/Puget Sound DPS (*Oncorhynchus mykiss*)
- Steelhead trout, Snake River ESU (*Oncorhynchus mykiss*)

Designated

- Critical habitat for Coastal/Puget Sound bull trout IRU
- Critical habitat for Columbia River bull trout IRU
- Critical habitat for Columbia River chum salmon ESU
- Critical habitat for Hood Canal summer chum salmon ESU
- Critical habitat for Lower Columbia River Chinook salmon ESU
- Critical habitat for Upper Columbia River Spring-run Chinook salmon ESU
- Critical habitat for Snake River Spring/Summer-run Chinook salmon ESU
- Critical habitat for Snake River Fall-run Chinook salmon ESU
- Critical habitat for Puget Sound Chinook salmon ESU
- Critical habitat for Lower Columbia River steelhead trout ESU
- Critical habitat for Upper Columbia River steelhead trout ESU
- Critical habitat for Middle Columbia River steelhead trout ESU
- Critical habitat for Snake River steelhead trout ESU

Lake Ozette sockeye salmon are not covered by this programmatic at this time.

Essential Fish Habitat

- Chinook salmon
- Coho salmon
- Pink Salmon

Is the project in Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Act (50 CFR 600)?
 Yes No

FEMA ID Number: PW-142 Project Title: Samish Hatchery River Intake, Category A – Debris Removal

Listed Non-Fish Species

Does work in this location have the potential to affect?

Marbled Murrelet present or potential to affect: Yes No

Marbled Murrelet Critical Habitat: Yes No (See 61 FR 26255, May 24, 1996)

Northern Spotted Owl present or potential to affect: Yes No

Northern Spotted Owl Critical Habitat: Yes No (See 73FR 47325-47522, August 13, 2008)

Other Species: N/A Name(s)

Other Critical Habitat: N/A

Marine Mammals

Are marine mammals present in the project area? Yes No

Is the project in or likely to affect critical habitat for Marine Mammals? Yes No (See 71 FR 69054-69070, November 29, 2006.)

Relationship to Other Permits, Applications Approvals

Has a Joint Aquatic Resources Permit Application (JARPA) been submitted? Yes No.

If yes, attach a copy. See Attachment 3, JARPA.

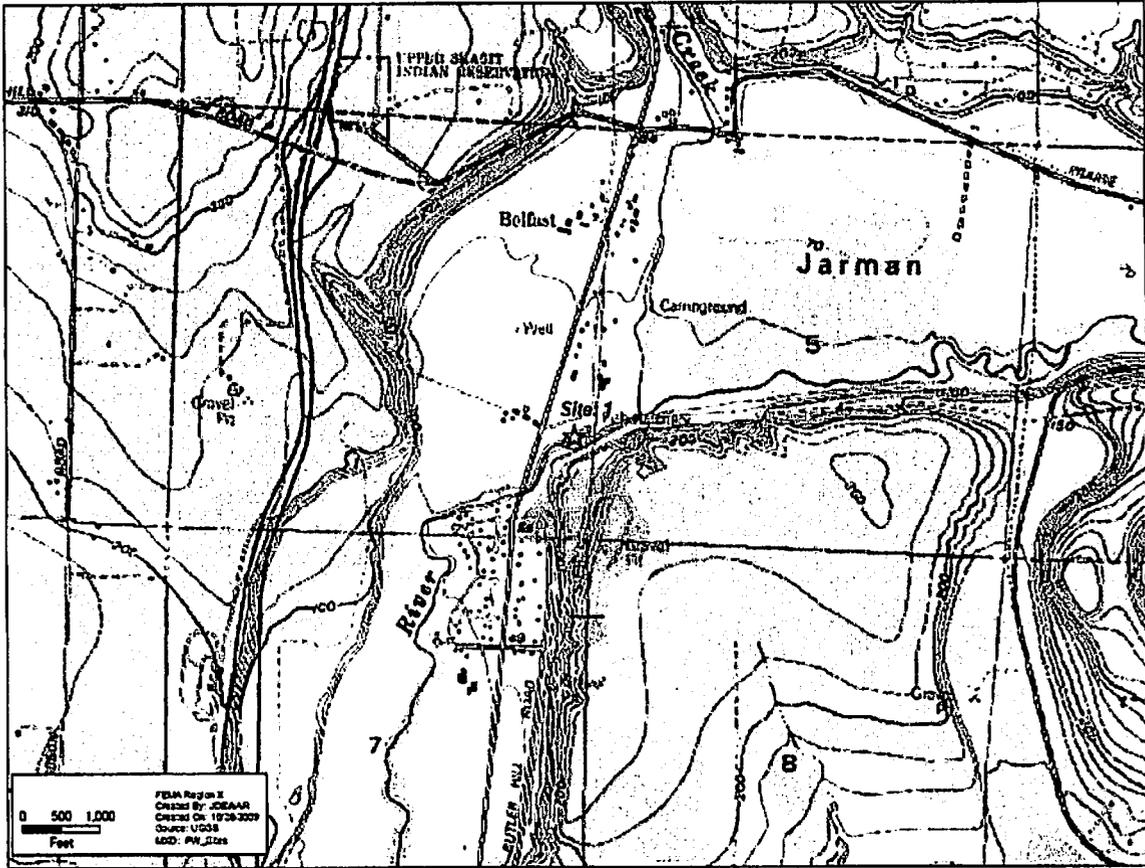
Has a Hydraulic Project Approval been issued for the project? Yes No. If yes, attach a copy. See Attachment 2, Expedited HPA Control # 115901-1.

Describe any contacts/correspondence with the US Army Corps of Engineers or Washington State Department of Fish and Wildlife. Attach correspondence to SPIF. See Appendix "B" an email relating to the applicants contact with the USACE.

| Agency | Nature of Contact | Result | Date |
|--------|---------------------------------|--------|------|
| WDFW | HPA | | |
| USACE | See attached Email - Appendix B | | |
| | | | |

Was a biological assessment (BA) prepared for projects in this area/on this river system? Yes No. If yes, attach a copy of the BA, and any correspondence with US Fish and Wildlife Service and/or National Marine Fisheries Service regarding it (including a request for concurrence letters and concurrence response letters).

Appendix A



FEMA ID Number: PW-142 Project Title: Samish Hatchery River Intake, Category A – Debris Removal

Appendix B

From: Wortman, Thomas R (DFW) [Thomas.Wortman@dfw.wa.gov]
Sent: Thursday, October 29, 2009 3:16 PM
To: Robel, Joe
Subject: Sammish FEMA

Hi Joe,
The contact person from the US army Corps of Engineers for the Sammish Hatchery job was "Randel J Perry
206-764-6985 Randel.j.perry@usace.army.mil

He came out to the job after we had completed work.

I will get you the rest of the information for Samish on Monday. The rest of the information from the other hatchery FEMA work can be found @ Anthony.sanich@dfw.wa.gov. He is taking over for Sterling Jones.

TW

As Always if there any questions or concerns, Please contact me directly @ 360.701.6301

Thanks!
Tom Wortman "fish haulin tom"
Heavy Equipment Operator Supervisor
Lacey Construction Shop
office: 360.438.7693

Appendix C

NOV-03-2009 11:11 AM F&W LACEY SHOP

360 458 8845

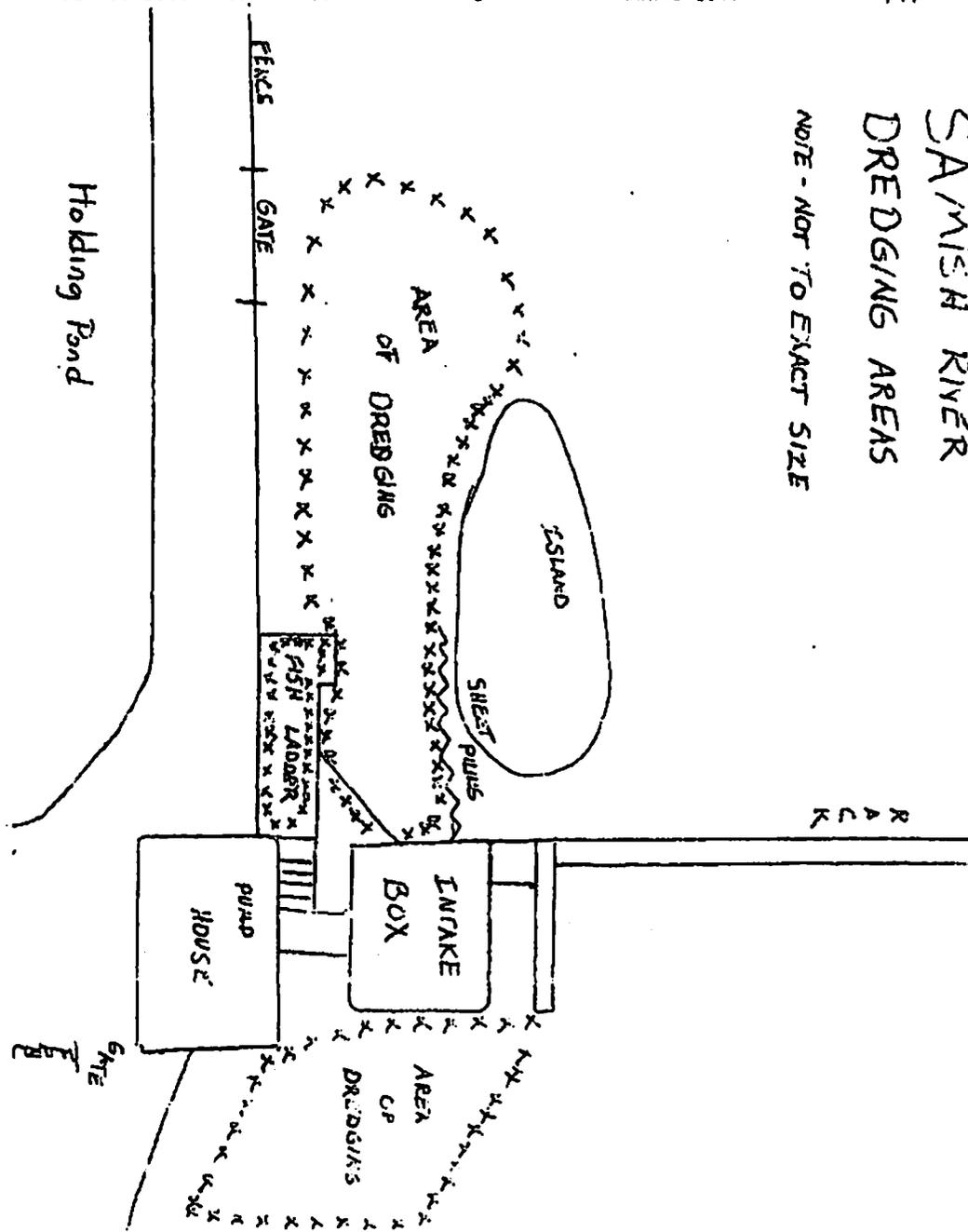
P. 11

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Samish Hatchery

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P. 1



**Attachment 1
Conservation Measures**

FEMA PBA

| | | |
|-----------|------|--|
| CM | 18 | Dispose of material at an upland facility. |
| BMP | i | Perform “Emergency Response Notifications” before initiating actions as applicable. |
| BMP | ii | Obtain all required local, state, tribal, and Federal permits and/or authorizations prior to implementation of the proposed project and comply permit and authorization conditions. |
| BMP | iii | Select, implement, monitor, and maintain BMPs to control erosion and sediment, reduce spills and pollution, and provide habitat protection. BMPs must meet, at a minimum, the WDOE 2005 Stormwater Management Manual for Western Washington. http://www.ecy.wa.gov/programs/wq/stormwater/manual.html |
| BMP | v | No disposal of construction materials or debris can occur in a wetland or floodplain. |
| BMP | vi | No storage of construction materials or debris can occur in a wetland. |
| BMP | vii | No storage of construction materials or debris can occur in a floodplain during “Flood Season” (Check with local Floodplain Administrator for Flood Season). |
| BMP | viii | Limit work to pre-disaster/design limits/footprint. |
| BMP | ix | No vegetation removal will occur. |
| Equipment | x | No staging (even temporarily) of construction materials, equipment, tools, buildings, trailers, or restroom facilities within a wetland. No staging (even temporarily) of construction materials, equipment, tools, buildings, trailers, or restroom facilities can occur in a floodplain during “Flood Season” (Check with local Floodplain Administrator for Flood Season). |
| Equipment | xi | Use biodegradable vegetable oil in equipment hydraulic systems. |
| Equipment | xii | Equipment shall be stationed on and operate from the top of the bank, bridge, or roadway, or other existing access. No new access points will be created. |
| Equipment | xiii | Machinery and equipment used during work shall be serviced, fueled, and maintained on uplands to prevent contamination to surface waters. Fueling equipment and vehicles will be more than 200 feet away from waters of the state. Exceptions to this requirement are allowed for large cranes, pile drivers, and drill rigs if they cannot be easily moved. Fueling areas shall be provided with adequate spill containment. The PBA Determination Form will provide the site specific information if an exception to the 200 foot buffer is to be implemented. |
| Equipment | xiv | Equipment used for a project shall be free of external petroleum-based products while working around the channel. Equipment shall be checked daily for leaks and any necessary repairs shall be completed prior to commencing work activities adjacent or over waterbodies. |

**Attachment 2
Expedited HPA Control # 115901-1**

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HYDRAULIC PROJECT APPROVAL
RCW 77.85.021(10), (12) - Appeal Pursuant to Chapter 34.05 RCW

North Puget Sound
16218 Mill Creek Boulevard
Mill Creek, WA 98012-1296
(425) 775-1311

Issue Date: January 26, 2009 Control Number: 115901-1
Project Expiration Date: February 11, 2009 FPA/Public Notice #: N/A

| PERMITTEE | AUTHORIZED AGENT OR CONTRACTOR |
|--|---|
| WDFW ATTENTION: Ted Thygesen 1700 Silver Beach Rd. Bellingham, WA 98225 360-676-2138 | WDFW ATTENTION: Tom Wortman 600 CAPITOL WAY NORTH Olympia, WA 98503 360-438-7693 Fax: 360-459-6845 |

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Project Name: Expedited sediment removal from Samish hatchery
Project Description: Remove sediment from the forebay, ladder, and below the intake to restore flow to the intake and fish ladder.

PROVISIONS

- TIMING LIMITATIONS:** The project may begin January 26, 2009 and shall be completed by February 11, 2009.
 - NOTIFY AID:** 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 1-800 258-6880, and to the Area Habitat Biologist listed below.
 - PLANS:** Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife entitled JARPA and dated January 21, 2009, except as modified by this Hydraulic Project Approval. A copy of these plans and this HPA shall be available on site during construction.
- DREDGING**
- Dredged streambed materials shall be disposed of upland so it will not re-enter state waters.
 - Upon completion of the dredging, the streambed shall contain no pits, potholes, or large depressions to avoid stranding of fish.
 - Equipment shall be operated to minimize turbidity. During excavation, each pass with the bucket shall be complete. Dredged material shall not be stockpiled in the stream.
 - At pump stations, screens and headgate areas, a backhoe or suction dredge may be used to remove accumulated silt and gravel from the pumping sump. Material removed shall be placed so it will not re-enter state waters.
 - Large woody material shall be retained waterward of the ordinary high water line and repositioned within the stream or left undisturbed and intact. Other debris shall be disposed of so it will not re-enter the stream. Removal of embedded inorganic debris shall require a separate HPA.

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P. 03



HYDRAULIC PROJECT APPROVAL
RCW 77.05.021(10), (12) - Appeal Pursuant to Chapter 34.05 RCW

North Puget Sound
18016 Mill Creek Boulevard
M3 Creek, WA 98112-1208
(425) 775-1311

Issue Date: January 28, 2009
Project Expiration Date: February 11, 2009

Control Number: 115901-1
FPA/Public Notice #: N/A

WATER QUALITY RELATED

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

10. Sediment removal operations for intake and outfall maintenance shall be restricted to the absolute minimum necessary required to provide fish access, and not extend more than 50 feet from the intake or outfall. Every effort shall be made to keep this distance as minimal as possible. If sediment removal is required beyond 50 feet, a separate HPA shall be obtained prior to the removal of the sediment, and fish exclusion will be required.

11. The amount of sediment removed shall be held to the absolute minimum necessary to maintain the function of the WDFW facility and ensure that further removal will not be necessary during fish spawning, intra-gravel development, or out-migration. The amount of sediment removed shall not create an unstable condition upstream; however, if an unstable condition does develop, a stabilizing structure shall be designed and installed. Installation shall require a separate, written HPA.

12. Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to accomplish the project. If possible, natural vegetation species that can survive future maintenance at the site shall be established.

13. 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.

14. Equipment used for this project shall operate stationed on the bank.

15. Debris removal shall be accomplished in a manner that minimizes the release of bedload, logs, or other debris downstream.

MITIGATION

16. By May 15, 2009, a permit application shall be submitted to the AHB listed below or her representative for the implementation of a large woody debris project that would mitigate sediment coming into the right bank side of the river, where it is currently being dredged. The project would consist of several large logs with attached rootwads facing upstream, at the upstream end of the existing mid-river bar and across the forebay. This would serve to retain sediment and direct it over to the left bank side of the river, and would reduce the amount of dredging required in this area. The work window for this work is July 15 to September 15.

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P. 04



HYDRAULIC PROJECT APPROVAL
RCW 77.55.021(10), (12) - Appeal Pursuant to Chapter 34.05 RCW

North Puget Sound
16519 Mid Creek Boulevard
Mid Creek, WA 98012-1298
(425) 775-1311

Issue Date: January 28, 2009
Project Expiration Date: February 11, 2009

Control Number: 115901-1
FPA/Public Notice #: N/A

PROJECT LOCATIONS

Location #1 WDFW Samish Hatchery

| | | | | | | |
|---------------------------------------|-----------------------|-----------------------------------|------------------------------------|--------------------------------|------------------------------------|--------------------------|
| WORK START: January 28, 2009 | | | WORK END: February 11, 2009 | | | |
| WRIA: 03.0005 | | Waterbody: Samish River | | | Tributary to: Samish Bay | |
| 1/4 SEC: NE 1/4 | Section: 08 | Township: 9S N | Range: 04 E | Latitude: N 48.64753 | Longitude: W 122.33632 | County: Skagit |
| <u>Location #1 Driving Directions</u> | | | | | | |

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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.

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 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.

APPEALS INFORMATION

If you wish to appeal the issuance or denial of, or conditions provided in a Hydraulic Project Approval, there are informal and formal appeal processes available.

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P. 05



HYDRAULIC PROJECT APPROVAL
RCW 77.55.021(10), (12) - Appeal Pursuant to Chapter 34.05 RCW

North Puget Sound
16016 Mill Creek Boulevard
Mill Creek, WA 98012-1288
(425) 775-1311

Issue Date: January 26, 2009
Project Expiration Date: February 11, 2009

Control Number: 115901-1
FPA/Public Notice #: N/A

A. INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021, 77.55.141, 77.55.181, and 77.55.281: 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 in 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 77.55.281: 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 360/459-8327.

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 199-06 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 40803, Lacey, Washington 98504; telephone 360/459-8327.

F. FAIL TO APPEAL WITHIN THE REQUESTED 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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HYDRAULIC PROJECT APPROVAL
RCW 77.55.021(10), (12) - Appeal Pursuant to Chapter 34.05 RCW

North Puget Sound
16018 Mill Creek Boulevard
Mill Creek, WA 98012-1296
(425) 775-1311

Issue Date: January 26, 2009
Project Expiration Date: February 11, 2009

Control Number: 115901-1
FPA/Public Notice #: N/A

ENFORCEMENT: Sergeant Helck (25) P2

| | | | |
|---------------------------------|------------------------------------|-------------------|----------------------|
| Habitat Biologist Wendy Cole | colewdc@dfw.wa.gov 360-486-4345 | <i>Wendy Cole</i> | for Director WDFW |
|---------------------------------|------------------------------------|-------------------|----------------------|

CC:

**LACEY SHOP
FEB 03 RECD
RECEIVED**

Attachment 3
JARPA

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JARPA FORM LAST UPDATED March 19, 2007

Washington State JOINT AQUATIC RESOURCES PERMIT APPLICATION (JARPA) Form

| Step 1: Get Ready | Step 2: Complete Form | Step 3: Check Work | Step 4: Copy and Send In |
|--|--|---|---|
| Go to www.dnr.wa.gov for current forms and instructions. | Use black ink. Check correct permit boxes. | Use internet "Help" buttons to answer questions completely. | Use final review checklist at www.dnr.wa.gov . See JARPA Contacts & check list at www.dnr.wa.gov for correct mailing address. |

Fish Habitat Enhancement Projects per RCW 77.65.181. You must submit copy of completed JARPA form and Fish Habitat Enhancement JARPA Addition to your Local Government Planning Dept and WA Dept of Fish and Wildlife (WDFW) Area Habitat Biologist **on same day**. **Note for Local Governments:** You must submit comments to WDFW within 15 working days.

Based on instructions at [www.dnr.wa.gov](#), I am sending copies of this application to the following (check all that apply):

Local Government for Shoreline. Critical Area Ordinance Critical Areas Ordinance Exemption Revision

Washington Department of Fish and Wildlife for Habitat Enhancement Projects (Submit 2 copies to WDFW Region)

Washington Department of Ecology for all other Habitat Enhancement (In Regional Office-Federal Permit Unit)

Washington Department of Natural Resources for Aquatic Resource Enhancement Projects

Corps of Engineers for State Bridge Permit Federal Bridge Permit

Coast Guard for General Bridge Act Permit Marine Bridge Inspection (for non-bridge projects)

Ecology/Department of Transportation Water Quality Implementing Agreement

PROJECT TITLE: Sediment Remove Samish Hatchery Holding Pond Intake Structure

PROJECT DESCRIPTION: Remove sediment from the fore bay and below the intake to restore flow to the intake and fish ladder

SECTION A Use for all permits covered by this application. Be sure to ALSO complete Section C (Signature Block) for all permit applications.

1. APPLICANT Washington Department of Fish and Wildlife

MAILING ADDRESS
600 Capitol Way North, Olympia, WA 98502-8980

WORK PHONE (360) 676-2138 **E-MAIL ADDRESS** **HOME PHONE** **FAX #**

An agent is acting for the applicant during the permit process, complete #2. Be sure agent signs Section C (Signature Block) for all permit applications.

2. AUTHORIZED AGENT Washington Department of Fish and Wildlife Contact: Ted Nygosen

MAILING ADDRESS
1700 Silver Reach Road, Bellingham WA 98229-2400

WORK PHONE (360) 676-2138 **E-MAIL ADDRESS** **HOME PHONE** (360) 372-2665 **FAX #** (360) 736-8265

3. Relationship of applicant to property: OWNER PURCHASER LESSEE

4. Name, address and phone number of property owner(s) if other than applicant:

5. Location (street address, including city, county and zip code - where proposed activity would or will occur)
WDFW Samish Hatchery, 2585 Old Hwy 20 N Rd Bellingham, WA 98207

Local government with jurisdiction (city or county)
Whatcom

Water body you are working in: Samish River, Pollution ID: SWRA # 583800

Is this waterbody on the 303(d) List? YES NO
If YES what parameter(s)?

Sanish Bay, SWRA # 583800

Threats designations:
Zoning designation:
UNR's reach type if known:

Section Township Range Government of
Latitude and Longitude Tax Parcel Number

6. Describe (a) the current use of the property, (b) structures existing on the property, and (c) existing environmental conditions. Have you completed any portion of the proposed activity on this property? YES NO
 For any portion of the proposed activity already completed on this property, indicate month and year of completion.
 State Fish hatchery includes pump house, holding pond and Spawning Shed. In Samish River is weir, ladder and Intake structure.

Is the property agricultural land? YES NO Are you a USDA program participant? YES NO

7a. Describe the proposed work that needs aquatic permits. Complete plans and specifications should be provided for all work waterward of the ordinary high water mark or low water mark, including types of equipment to be used. If applying for a shoreline permit, describe all work within and beyond 200 feet of the ordinary high water mark. If you have provided attached materials to describe your project, you still must summarize the proposed work here. Attach a separate sheet if additional space is needed.
 Dredge sediment from fore bay, ladder and below the intake. An excavator will be used to remove the sediment. Excavator will be placed in the river above the intake where the gravel island is located. This will keep the excavator out of the water. Work will be isolated as much as possible from flowing water. Sediment will be transported from area to gravel company 1 mile from the facility.

PREPARATION OF DRAWINGS: See sample drawings and guidance for completing the drawings. ONE SET OF ORIGINAL OR GOOD QUALITY REPRODUCIBLE DRAWINGS MUST BE ATTACHED. NOTE: DRAWINGS ARE ENCOURAGED TO BE ON A 24" X 36" SHEET OF 1/8" THICK PAPER. BUT THESE ARE NOT SUFFICIENT FOR SUBMITTING. THE CORPS OF ENGINEERS AND COAST GUARD REQUIRE DRAWINGS ON 8-1/2" X 11" SHEETS. LARGER DRAWINGS MAY BE REQUIRED BY OTHER AGENCIES.

7b. Describe the purpose of the proposed work and why you want or need to perform it at the site. Please explain any specific needs that have influenced the design.
 To restore the function of the facility for juvenile fall chinook rearing and adult fall chinook capture. Restore ladder for passage of wild fish above weir. Accumulated materials are preventing the facility from operating. The ladder is not able to pass wild fish upstream of the weir.

7c. Describe the potential impacts in characteristic uses of the water body. These uses may include fish and aquatic life, water quality, water supply, recreation and aesthetics. Identify proposed actions to avoid, minimize, and mitigate detrimental impacts and provide proper protection of fish and aquatic life. Identify which guidance documents you have used. Attach a separate sheet if additional space is needed.
 There are not anticipated impacts in the use of Samish River. Restoring function of the facility will provide commercial, trout, and recreational fisheries to the state. In order to keep sedimentation to a minimum, gravel removal will be conducted in a manner to minimize turbidity and the release of sediments into the water.

7d. For in-water construction work, will your project be in compliance with the State of Washington water quality standards for turbidity (WAC 173.201A-410)? YES NO

8. Will the project be constructed in stages? YES NO
 Proposed starting date: January 26, 2009
 Estimated duration of activity: February 20, 2009

9. Check if any temporary or permanent structures will be placed:
 Waterward of the ordinary high water mark or low water mark waters AND/OR:
 Waterward of the mean higher high water for tidal waters?

10. Will fill material (rock, fill, bulkhead, or other material) be placed:
 Waterward of the ordinary high water mark or low water mark?
 If YES, VOLUME (cubic yards) / AREA (acres)
 Waterward of the mean higher high water for tidal waters?
 If YES, VOLUME (cubic yards) / AREA (acres)

11. Will material be placed in wetlands? YES NO
 If YES

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17b. If a project or any portion of a project receives funding from a federal agency that agency is responsible for ESA consultation. Please indicate if you will receive federal funds and what federal agency is providing those funds.

FEDERAL FUNDING YES NO If YES, please list the federal agency

18. Local government with jurisdiction:

19. Provide names, addresses and telephone numbers of adjoining property owners, lessors, etc. Please note Shoreline Management Compliance may require additional notice - consult your local government.

| NAME | ADDRESS | PHONE NUMBER |
|------|---------|--------------|
| | | |
| | | |
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SECTION C - This section MUST be completed for any permit covered by this application

20. Applicant is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed, in-progress or completed work. I agree to start work **ONLY** after all necessary permits have been received.

| | |
|---|----------|
| SIGNATURE OF APPLICANT | DATE |
| <i>[Signature]</i> | |
| SIGNATURE OF AUTHORIZED AGENT | DATE |
| <i>[Signature]</i> | 11/16/09 |
| I HEREBY DESIGNATE _____ TO ACT AS MY AGENT IN MATTERS RELATED TO THIS APPLICATION FOR PERMIT(S). I UNDERSTAND THAT IF A FEDERAL PERMIT IS ISSUED I MUST SIGN THE PERMIT. | |
| SIGNATURE OF APPLICANT | DATE |
| | |
| SIGNATURE OF LANDOWNER (EXCEPT PUBLIC ENTITY LANDOWNERS, E.G. DNR) | |
| | |
| THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE AGENT, IF AN AUTHORIZED AGENT IS DESIGNATED | |

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals or covers up by any trick, scheme or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or causes any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entries shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both.

COMPLETED BY: _____

A. Nature of the existing shoreline. (Describe type of shoreline, such as marine, stream, lake, lagoon, marsh, bay, swamp, flood plain, roadway, dolly, type of beach, such as accretion, erosion, high bank, low bank, or dike, material such as sand, gravel, mud, clay, rock, riprap, and extent and type of bulkheading, if any)

B. In the event that any of the proposed buildings or structures will exceed a height of thirty-five feet above the average grade level, indicate the approximate location and number of residential units, existing and potential that will have an obstructed view.

C. If the application involves a conditional use or variance, set forth in full that portion of the master program which provides that the proposed use may be a conditional use, or, in the case of a variance, from which the variance is being sought.

These Agencies are Equal Opportunity and Affirmative Action employers.

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A. Impacted area in acres:
 B. Has a delineation been completed? If YES please submit with application: YES NO
 C. Has a wetland report been prepared? If YES, please submit with application: YES NO
 D. Type and composition of fill material (e.g. sand, etc.)
 E. Material source:
 F. List all soil series (type of soil) within the project site, and indicate if they are on the county's list of hydro soils. Soil information can be obtained from the natural Resources Conservation Service (NRCS)
 G. WILL PROPOSED ACTIVITY CAUSE FLOODING OR DRAINING OF WETLANDS? YES NO
 (IF YES, WAPAC; IF JARPA IS ACRES OF UNPAID WETLANDS)
 NOTE: If your project will impact greater than 1/10th of an acre of wetland submit a mitigation plan to the Corps and Ecology for approval along with the JARPA form
 NOTE: A 401 water quality certification may be required from Ecology in addition to an approved mitigation plan if your project will have impacts on riparian habitat. If so, please submit the JARPA form and mitigation plan to Ecology for 401 certification.
 12. Stormwater Compliance: This project is (or will be) designed to meet ecology's most current stormwater manual, or an Ecology approved local stormwater manual. YES NO
 If YES - Which manual will your project be designed to meet?
 If NO - For Clean Water Act Section 401 and 404 permits only - Please submit to Ecology for approval, along with this JARPA application, documentation that demonstrates the stormwater runoff from your project or activity will comply with the water quality standards, WAC 173.201(A)
 13. Will excavation or dredging be required in water or wetlands? YES NO
 If YES:
 A. Volume: 1000+ (cubic yards) / area Less than (acre) 1
 B. Composition of material to be removed: Flood delivered materials
 C. Disposal site for excavated material: 1 mile from site at a gravel company
 D. Method of dredging: Excavator machine
 14. Has the State Environmental Policy Act (SEPA) been completed? YES NO
 SEPA Lead Agency: SEPA Decision: DNS, MDNS, EIS, Adoption, Exemption Decision Date (end of comment period)
 SUBMIT A COPY OF YOUR SEPA DECISION LETTER TO WOTWAS REQUIRED FOR A COMPLETE APPLICATION
 15. List other Applications, approvals or certifications from other federal, state or local agencies for any structures, construction discharges or other activities described in the application (i.e. preliminary plan approval, health district approval, building permit, SEPA review, federal energy regulatory commission license (FEREC), Forest practice application, etc.) Also indicate whether work has been completed and include all existing work on drawings. NOTE: For use with Corps Nationwide Permits, identify whether your project has or will need an NPDES permit for discharging wastewater and/or stormwater.

| TYPE OF APPROVAL | AGENCY | APPROXIMATE DATE | DATE APPROVED | COMPLETION |
|------------------|--------|------------------|---------------|------------|
| | | | | |
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 16. Has any agency denied approval for the activity you're applying for or for any activity directly related to the activity described herein?
 YES NO
 If YES explain:

SECTION B - Use for Streamline and Corps of Engineers permits only.

17. Total cost of project. This means the fair market value of the project including materials, labor, machine rental, etc.