



HYDRAULIC PROJECT APPROVAL

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

Issued Date: August 12, 2014
Project End Date: August 11, 2019

Permit Number: 2014-4-92+01
FPA/Public Notice Number: N/A
Application ID: 353

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
City of Anacortes ATTENTION: Matt Reynolds PO Box 547 Anacortes, WA 98221	Widener & Associates ATTENTION: Ross Widener 10108 32nd Ave W, Ste D Everett, WA 98204-1302

Project Name: Guemes Channel Trail Phase VII

Project Description: The project proposes to clear the railroad corridor and remove any remnant ties and rails in order to construct a new 3,250 foot long paved multi-use trail from the terminus of the existing trail until the Lovric property. The failing rock wall, used to protect the railroad corridor, will be rebuilt at a 1:1 slope to protect the trail.

PROVISIONS

- The project may begin immediately and shall be completed by August 11, 2019.
- 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.
- POST-CONSTRUCTION NOTIFICATION REQUIREMENT:** The permittee, agent or contractor shall contact the Washington Department of Fish and Wildlife by e-mail to HPAapplications@dfw.wa.gov; mail to Post Office Box 43234, Olympia, Washington 98501-1091; or fax to (360) 902-2946 within seven days of completion of the work. The notification shall include the permittee's name, project location, completion date for the work, and the Hydraulic Project Approval control number. The department may conduct a compliance inspection; however, the department will notify the permittee or agent prior to the inspection.
- Work shall be accomplished per plans and specifications submitted with the JARPA and approved by the Washington Department of Fish and Wildlife entitled, "GUEMES CHANNEL TRAIL PHASE VII", sheets 1-16 of 16, and dated June 21, 2014, except as modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during construction.
- Prior to the commencement of field clearing and grading, the project staff shall contact the Area Habitat Biologist listed below and appropriate agencies to verify vegetation to remain and minimize impacts to riparian vegetation. This may include meandering of the trail to increase space for vegetation retention or re-planting between the trail and the top of the bank. The trail alignment shall maximize, to the greatest extent possible, the setback between shoreline and the trail while remaining within the right-of-way and avoiding impacts to slope stability.
- Work below the ordinary high water line shall not occur from March 15 through June 14 of any year for the protection of migrating juvenile salmonids.
- All manmade debris on the beach, including fallen riprap and scattered quarry spall within a 30-foot work corridor waterward of the base rocks, shall be removed and restacked along the existing rock wall.
- The reconstructed rock wall, built to protect the trail, shall be constructed at a 1:1 slope.



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9. The waterward face of the reconstructed rock wall shall follow the contour of the existing natural bankline and be built no further waterward than the face of the existing rock wall. In sections along the trail where the upslope contour is less steep, the trail and reconstructed rock wall shall be positioned as far landward as the upslope contour allows.
10. All upland drainage tightlines shall be incorporated into the rock wall near beach grade to prevent erosion of the shoreline.
11. Use of equipment on the beach shall be held to a minimum and limited to a 30-foot work corridor waterward of the base rocks. Construction materials shall not touch the beach outside this work corridor.
12. Project activities shall not occur when the project area, including the work corridor, is inundated by tidal waters.
13. Bed material, other than material excavated for base rocks, shall not be utilized for project construction or fills.
14. Excavated materials shall not be stockpiled below the ordinary high water line.

MARINE HABITAT FEATURES

15. Eelgrass and kelp shall not be adversely impacted due to any project activities (e.g., equipment shall not operate, and other project activities shall not occur in eelgrass and kelp).
16. 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.
17. To provide additional habitat, key sections of drift logs greater than 12 inches diameter shall be embedded into the rock wall at random locations along the length of the wall. Final position and number shall be field verified by the WDFW project biologist listed below.

WATER QUALITY

18. Project activities shall be conducted to minimize siltation of the beach area and bed.
19. 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.
20. No petroleum products or other deleterious materials shall enter surface waters.
21. Project activities shall not degrade water quality to the detriment of fish life.
22. 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.

VEGETATION RESTORATION AND PROJECT MITIGATION

23. Within seven calendar days of project completion, all disturbed areas shall be protected from erosion using vegetation or other means. Within six months of project completion, riparian vegetation consisting of conifers, red alder and other native species, shall be planted in selected locations along the existing and new sections of trail to increase beach shading as determined by the project biologist, WDFW, and the Parks Department. A vegetation monitoring plan, including the removal of invasive species, shall be prepared and implemented consistent with city and WDFW standards.



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24. As project mitigation, the beach waterward of Phase VII and Phase I Guemes Channel Trail sections (Phase I, 2,630 feet completed in 2009) shall be graveled with select material similar in composition to the on-site bank/bluff substrate or in compliance with the following specifications:

a. Sieve Size Percent Passing by Weight

1-inch	100
1/2-inch	80 to 100
3/8-inch	40 to 80
less than 3/8-inch	0 to 40

b. Gravel shall not contain silty or clay type soils.

c. Gravel shall not be angular type rock.

d. Gravel shall be spread along the entire length of the Phase VII and Phase I trail sections waterward for a distance of 4.5 to 9 lineal feet. One cubic yard of gravel shall be required for every 12 feet of trail (e.g., a 120 foot trail section will require 10 cubic yards of gravel). Where possible gravel shall be used to fill interstitial spaces within the rock wall.

e. A total of 500 cubic yards of gravel shall be applied to the beach over the five year life of this permit. This material may be applied in five equal applications of 100 cubic yards annually. Graveling shall be conducted each summer immediately after the March 15 through June 14 salmonid work closure.

f. To monitor the effectiveness of beach graveling (nourishment), up to 10 reference transect lines shall be spaced evenly along the length of the trail. Beach elevations shall be measured in years 1, 3, 5, 7, and 10 to determine rise or fall of beach elevation along the transect lines. Results will be used to identify those sections of beach where gravel may be transported at a higher rate and which sections may need higher or lower rates of nourishment. A final monitoring plan shall be developed by the City of Anacortes and the project consultant.

25. Prior to the five year project expiration date for this HPA, the City of Anacortes shall contact the WDFW project biologist to: (1) apply for a new HPA for continued mitigation in the form of beach nourishment; and (2) evaluate the success of the present beach nourishment rate and determine if the annual rate needs to be increased or decreased into the future.



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LOCATION #1:	Site Name: Guemes Channel Trail , , WA					
WORK START:	August 12, 2014			WORK END:	August 11, 2019	
WRIA	Waterbody:			Tributary to:		
03 - Skagit Lower - Samish	Unknown Stream Number			Unknown		
1/4 SEC:	Section:	Township:	Range:	Latitude:	Longitude:	County:
	22	35 N	01 E	48.503833	-122.670259	Skagit
<u>Location #1 Driving Directions</u>						
From SR20 turn right at the roundabout onto Commercial Ave for about 1.3 miles. Then turn left on to 12th St for about 1.08 miles. 12th Street then becomes Oakes Ave. Continue on Oakes Ave for approximately 1.6 miles. Turn right onto Glasgow Way and then at the end of the road turn left onto Edwards Way. Follow Edwards Way to the cul-de-sac. This is where the existing trail segment begins.						

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.

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.



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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. A minor modification to the required work timing means up to a one-week deviation from the timing window in the HPA when there are no spawning or incubating fish 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 do not use APPS you must submit a written request that clearly indicates you are seeking a minor modification to an existing HPA. Include the HPA number and a description of the requested change and 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 do not use APPS you must submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Include the HPA number, check, and a descriptor of the requested change. 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 should allow up to 45 days for the department to process your request.

APPEALS 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 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 220-110-340 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.



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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.

Habitat Biologist

Doug.Thompson@dfw.wa.gov

for Director

Doug Thompson

360-466-4345, Ext:251

WDFW
