



HYDRAULIC PROJECT APPROVAL

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

Issued Date: August 24, 2018
Project End Date: August 20, 2023

Permit Number: 2018-4-620+01
FPA/Public Notice Number: N/A
Application ID: 15472

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
Laurel Watershed Improvement District (LWID) ATTENTION: Henry Bierlink 204 Hawley Street Lynden, WA 98264	Whatcom Conservation District ATTENTION: Frank Corey 6975 Hannegan Rd Lynden, WA 98264-9019

Project Name: Laurel Watershed Improvement District Agricultural and Watershed Enhancement Plan

Project Description: The LWID will sponsor and participate in a series of actions to enhance their farmlands and to enhance the function of watersheds within the district. The purpose of this plan is to identify the practices, such as drainage maintenance, needed to preserve viable agriculture and to identify practices to both offset unavoidable negative impacts and to generally improve ecological functions. The intention is to also demonstrate that work undertaken by the NLWID is consistent with the Whatcom County CAO, Shorelines Management Plan and the Washington State Hydraulic Code. The goal is to generally identify the practices and projects, document best management practices designed to minimize impacts, and to secure long term permits from WDFW) and from Whatcom County PDS. The result will be an expedited process that will benefit all three agencies.

PROVISIONS

- 1. TIMING LIMITATION:** You may begin the project immediately and you must complete the project by August 20, 2023. For all work that is conducted below the Ordinary High Water Mark (OHWM) in identified Natural Stream Channels, Modified Natural Stream Channels or fish bearing waters, activities are restricted to the timing limitations outlined in the Whatcom Conservation District's BMP Factsheets or with specific written approval from the local Habitat Biologist.
- 2. APPROVED PLANS:** You must accomplish the work per plans and specifications submitted with the application and approved by the Washington Department of Fish and Wildlife, entitled Whatcom County Laurel Watershed Improvement District Agricultural and Watershed Enhancement Plan , submitted July 11, 2018 under APPS Application 15472, and includes maps and descriptions of the districts watercourses (updated August 22, 2018), tentative schedule for work to be completed and the Whatcom Conservation District's BMP Factsheets. These application materials are approved except as modified by this Hydraulic Project Approval. Projects purposed under this permit must be agreed to and approved by a majority of the Board Members of the NLWID prior to moving any individual project forward.
- 3. NOTIFICATION:** Notification requirements are laid out for each project activity. They are listed below in the SPECIFIC ACTIVITY BASED REQUIREMENTS section. These project activities may require a field visit by the local Habitat Biologist and/or may require a review of project design documentation. These activities will be allowed under this permit but may require secondary written approval prior to the beginning of work. Contact information for the local Habitat Biologist can be found at the bottom of this document, notification can be made in writing, via email or over the phone.
- 4. ANNUAL REPORTING AND PHOTOGRAPHS:** You, your agent, or contractor must take photographs of the job site before the work begins and after the work is completed for each specific instance this permit is utilized. Prior to February 1 of each year this permit is active, an annual report will be submitted to the local WDFW Habitat Biologist. This annual report will include the following information; HPA Control Number, permittee name, contact information,



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current date and reporting timeframe, number of times permit was utilized, type of work conducted, specific location of work conducted, road name, water body, latitude and longitude, date of work completed and photos (before and after) and a brief narrative of each specific work task that was conducted, including a description of any issues that arose during the specific work tasks that deviated from the permit provisions.

5. **FISH KILL/ WATER QUALITY PROBLEM NOTIFICATION:** If a fish kill occurs or fish are observed in distress at the job site, immediately stop all activities causing harm. Immediately notify the Washington Department of Fish and Wildlife of the problem. If the likely cause of the fish kill or fish distress is related to water quality, also notify the Washington Military Department Emergency Management Division at 1-800-258-5990. Activities related to the fish kill or fish distress must not resume until the Washington Department of Fish and Wildlife gives approval. The Washington Department of Fish and Wildlife may require additional measures to mitigate impacts.

6. **INVASIVE SPECIES CONTROL:** Follow Level 1 Decontamination protocol for low risk locations. Thoroughly remove visible dirt and organic debris from all equipment and gear (including drive mechanisms, wheels, tires, tracks, buckets and undercarriage) before arriving and leaving the job site to prevent the transport and introduction of invasive species. Properly dispose of any water and chemicals used to clean gear and equipment. For contaminated or high risk sites please refer to the Level 2 Decontamination protocol. You can find this and additional information in the Washington Department of Fish and Wildlife's "Invasive Species Management Protocols", available online at <https://wdfw.wa.gov/publications/01490/>.

EQUIPMENT AND EROSION PROTECTION

7. Use existing roadways or travel paths when ever possible.

8. Limit the removal of native bankline vegetation to the minimum amount needed to construct the project.

9. Limit the use of equipment waterward of the ordinary high water mark to the minimum amount necessary to complete the work as designed and approved.

10. Equipment used for this project may operate waterward of the ordinary high water line, provided the drive mechanisms (wheels, tracks, tires, etc.) do not enter or operate waterward of the ordinary high water line.

11. Check equipment daily for leaks and complete any required repairs in an upland location before using the equipment in or near the water.

12. This Hydraulic Project Approval does not authorize equipment crossings of the stream.

13. Protect all disturbed areas from erosion. Maintain erosion and sediment control until all work and cleanup of the job site is complete.

14. Prevent project contaminants, such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials, from entering or leaching into waters of the state.

15. Conduct all fueling activities a minimum of 50 feet away from any stream channel or place equipment in a secondary containment unit (i.e. pumps, generators) to prevent the spillage of petro-chemicals. A petroleum spill kit is required to be present at the construction site for the duration of the project.

16. Deposit waste material from the project, such as construction debris, silt, excess dirt, or overburden, in an upland area above the limits of anticipated floodwater.

SPECIFIC ACTIVITY BASED REQUIREMENTS

17. MAINTENANCE DREDGING FOR DRAINAGE IMPROVEMENT

Follow the Whatcom Conservation District's BMP Factsheet #7 for general activity requirements.

If work is to be conducted within Modified Natural Drainages or channels with identified fish presence as classified in the management plan and associated mapping, all fish life will be required to be removed and relocated to the next nearest free flowing waters. Fish removal activities will be conducted by persons that have training, knowledge and are



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skilled in the safe handling of fish life. A contractor will be required to develop and submit a work area isolation and fish removal plan. Follow the procedures outlined in Whatcom Conservation Districts BMP Factsheet #15.

Control sedimentation by isolating the work area from flowing water. Several methods are available and some are better suited for specific project locations. Follow the procedures outline in Whatcom Conservation District BMP Factsheet #16 for the different work area isolation methods and requirements.

A revegetation plan or other alternative mitigation proposal will be required for all dredging activities within Modified Natural Drainages and channels with identified fish presence.

Notification is required to the local Habitat Biologist no less than two weeks prior to the start of work (14 days). Notification will include latitude and longitude of work to be conducted, length of treatment area, identify equipment and operational techniques to be used, a schematic and narrative description of work area isolation measures and proposed mitigation for the alteration of fish habitat. Depending on location and plan proposal a site visit by the local Habitat Biologist may be required. Written approval from the local Habitat Biologist is required prior to the start of work.

18. WATER CROSSING MAINTENACE AND REPLACEMENT

Follow the Whatcom Conservation District's BMP Factsheet #11 and #12 for general activity requirements.

If excavation of streambed sediments or banks is required by heavy equipment, sedimentation control through the development of a work area isolation plan will be required. If working within waters classified as Modified Natural Drainages or channels with identified fish presence in the management plan and associated mapping, fish life will be required to be removed and relocated to the next nearest free flowing waters. Fish removal activities will be conducted by persons that have training, knowledge and are skilled in the safe handling of fish life. A contractor will be required to develop and submit a work area isolation and fish removal plan. Follow the procedures outlined in Whatcom Conservation District BMP Factsheet #15 and #16 for fish removal requirements and different work area isolation methods.

Removal of accumulated sticks, vegetation and minor amounts of sediment may be conducted as needed so long as work is performed with hand tools and hand held power tools only.

Replacement of a water crossing structures within Modified Natural Drainages as classified in the management plan and associated mapping will be required to meet WDFW fish passage criteria.

Notification is required to the local Habitat Biologist no less than one month prior to the start of work (30 days) for replacement of water crossing structures. Notification will include latitude and longitude of work to be conducted, identify equipment and operational techniques to be used, a schematic or narrative description of work area isolation measures and design or hydrologic calculations describing how fish passage criteria will be met. A site visit will be required by the local Habitat Biologist for all replacement water crossing locations. Written approval from the local Habitat Biologist is required prior to the start of work. New water crossing installations will require an individual permit approval.

19. BEAVER MANAGEMENT

Follow the Whatcom Conservation District's BMP Factsheet #8 for general activity requirements.

This permit is only valid for removal of new beaver dams on the landscape. Any beaver dam that has been in place in excess of two years will require an individual Hydraulic Project Approval permit.

Beaver dams will be notched to create a slow controlled release of impounded water. Once the water has reached equilibrium on either side of the structure the remaining material may be removed.



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Beaver trapping is to be conducted by a certified Wildlife Control Operator. A current list of agency approved Wildlife Control Operators is located at http://wdfw.wa.gov/living/nuisance/damage_control.html

Notification is only required to be made to the local Habitat Biologist if work is going to be performed outside of the allotted timeframe in BMP Factsheet #8 or if equipment other than hand tools and hand held power tools will be used for the removal of the dam material. Notification is required to be made no less than 7 days prior to the start of work. Notification will include latitude and longitude of work to be conducted, size of dam structure (length and height, include photos if available), description of removal technique and any water quality control techniques to be used. Written approval from the Habitat Biologist is required prior to the start of work.

In locations of repeat beaver activity a Beaver Deceiver or auto-leveler device may be installed. Installation of one of these control devices will require notification to the local Habitat Biologist no less than two weeks (14 days) prior to installation. A site visit may be required by the local Habitat Biologist to assess impacts to fish passage that are associated with the proposed structure.

20. WATERCOURSE VEGETATION MANAGEMENT (Mowing and Pruning)

Follow Whatcom Conservation District's BMP Factsheet #9 for general activity requirements.

Mowing is preferred to occur from fall to mid spring when channels are influenced by seasonal rains and dissolved oxygen levels are typically higher. Cut vegetation will be collected and removed from the watercourse to the best of the ability of the operator. Decay of organic material in the watercourse can quickly consume available dissolved oxygen as it decomposes.

Mowing is limited to grasses and blackberries; native trees and shrubs will not be cleared or impacted by mowing activities.

There will be no notification required for mowing activities but documentation of treatment areas and photographs of work completed are required to be submitted in the annual reporting.

Pruning of vegetation should be conducted selectively and with hand tools or hand held power tools only. Native vegetation may be pruned but not wholly removed.

Pruning and removal of native vegetation larger than 1 inch in diameter and occurring below the Ordinary High Water Mark requires a project plan be submitted to the local Habitat Biologist no less than 14 days prior to the start of work. Mitigation may be required for loss of aquatic habitat and loss of shade provided by the removed vegetation.

Pruning and removal of native vegetation smaller than 1 inch in diameter may occur from areas below the Ordinary High Water Mark that are impacting drainage. Notification to the local Habitat Biologist and plan development is not required for this work.

Pruning and removal of native vegetation may occur between August 1 and September 30 of any permitted year or through secondary written approval by the local Habitat Biologist. Documentation of all pruning treatment areas and photographs of work completed are required to be submitted in the annual reporting.

21. HAND TECHNIQUES

Follow the Whatcom Conservation District's BMP Factsheet #17 for general activity requirements.

Work is limited to small areas of vegetation, debris buildup, garbage, or other obstructions preventing appropriate drainage of surrounding agricultural land.



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There will be no notification required for these activities if working within the timeframe outlined in the factsheet. Documentation of treatment areas and photographs of work completed are required to be submitted in the annual reporting. Notification of activity is required if working outside the allotted time frame and is required to be made to the local Habitat Biologist no less than 3 days prior to the start of work.

22. HERBICIDE APPLICATION

Follow the Whatcom Conservation District's BMP Factsheet #10 for general activity requirements.

All herbicide application near a watercourse is to be conducted by a licensed applicator and the material is to be applied in accordance with the product labeling. Herbicide treatment of vegetation along waterways is to comply with all other local, State and Federal regulations.

There will be no notification required for these activities but documentation of treatment areas and photographs of work completed are required to be submitted in the annual reporting.

23. NOTE: This permit does not limit work conducted in Constructed Watercourses as determined in the Watercourse Classification Map associated with this permit. However, work that is conducted in Constructed Watercourses may not adversely impact a Modified Natural Watercourse. Specific methods may be employed when working in Constructed Watercourse to ensure the separation between watercourse types. Whatcom Conservation District BMP Fact Sheet #14 provides information about typical types of impacts and describes methods to prevent off site impacts from work conducted in Constructed Watercourses.

LOCATION #1: , , WA						
WORK START: August 24, 2018			WORK END: August 20, 2023			
<u>WRIA</u>		<u>Waterbody:</u>			<u>Tributary to:</u>	
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
						Whatcom
<u>Location #1 Driving Directions</u>						

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.



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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.

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 unless this is a General HPA. If this is a General HPA you must use the Major Modification process described below. Any approved minor modification will require issuance of a letter documenting the approval. A minor modification to the required work timing means any change to the work start or end dates of the current work season to enable project or work phase completion. Minor modifications will be approved only if spawning or incubating fish are not 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. 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 did not use APPS you must submit a written request that clearly indicates you are seeking a minor modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. 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. 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 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 did not use APPS you must submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send your written request by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. You may email your request for a major modification to HPAapplications@dfw.wa.gov. You should allow up to 45 days for the department to process your request.



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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 220-660-460 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 HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; 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 may conduct an informal hearing or review 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 220-660-470 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 HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; 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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Habitat Biologist

Joel.Ingram@dfw.wa.gov

Joel Ingram

360-466-4345, Ext:271

A handwritten signature in black ink, appearing to read "Joel Ingram".

for Director

WDFW
