



HYDRAULIC PROJECT APPROVAL

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

Issued Date: September 16, 2014
Project End Date: September 15, 2019

Permit Number: 2014-6-216+01
FPA/Public Notice Number: N/A
Application ID: 620

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
Black Lake Special District ATTENTION: Lake Stintzi 120 State Ave NE, # 303 Olympia, WA 98501-1131	

Project Name: Harvester control of water nymph (Najas sp)

Project Description: Use of a weed harvester to pick up floating nymph mats on Black Lake and to cut heavy growth areas near the shores on an as needed basis. The pickup from the harvester will be removed from the lake. Fragrant waterlily may be harvested as well, particularly in swimming and boating areas. These cuttings will also be removed from the lake.

PROVISIONS

1. Work below the ordinary high water line shall only occur between July 1 and September 30 of calendar years 2014, 2015, 2016, 2017 and 2018. Work below the ordinary high water line may also occur July 1, 2019 to September 15, 2019.
2. Work shall be accomplished per specifications approved by the Washington Department of Fish and Wildlife within the Hydraulic Project Approval application entitled "Harvester control of water nymph (Najas sp)", except as modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during construction.
3. The Area Habitat Biologist (AHB) listed below shall receive written notification (email: theresa.nation@dfw.wa.gov or fax: (360) 902-2946) 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 harvest activities. The notification shall include the permittee's name, project location, starting date for work, and the control number for this HPA.
4. Up to 100 cubic yards of unconsolidated plant materials may be cut in a single harvest cycle. Harvest may take place in areas where excess growth inhibits recreation or water access. Loose floating mats may be collected across the entire lake surface.
5. This permit applies to the removal of water nymph (*Najas flexilis*) and fragrant waterlily (*Nymphaea odorata*) in Black Lake.
6. Mechanical harvesters and cutters shall not be used to remove an aquatic noxious weed early infestation.
7. Removal of detached plants and plant fragments from the watercourse shall be as complete as possible. This is especially important when removing or controlling aquatic noxious weeds. Detached plants and plant fragments shall be disposed of at an upland site so as not to reenter state waters.
8. Work shall be conducted to minimize the release of sediment and sediment-laden water from the project site.
9. Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid or other deleterious material from equipment used are allowed to enter or leach into the watercourse. Equipment shall be well-maintained and where practicable, food-grade oil in the hydraulic systems should be used.
10. If at any time as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall immediately cease except for efforts to control spills or leaks or prevent toxic substances from entering the waterway, and both the Washington Department of Fish and Wildlife and the Washington Military



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Department's Emergency Management Division at 1-800-258-5990 shall be notified of the problem immediately. The project shall not resume until further approval is given by the Washington Department of Fish and Wildlife. Additional measures to mitigate impacts may be required.

11. Every effort shall be made to avoid the spread of plant fragments through equipment contamination. Persons or firms using any equipment to remove or control aquatic plants shall thoroughly remove and properly dispose of all viable residual plants and viable plant parts from the equipment prior to the equipment's use in a body of water.
12. Existing fish habitat components such as logs, stumps, and large boulders may be relocated within the watercourse if necessary to operate the equipment. These habitat components shall not be removed from the watercourse.
13. No alteration or disturbance of the bank and bank vegetation shall occur during this project. A developed boat launch shall be used for lake access for equipment as well as debris removal.
14. Mechanical harvester and cutter operations shall only be conducted in waters of sufficient depth to avoid bottom contact with the cutter blades.
15. Mechanical harvesters and cutters shall be operated at all times to cause the least adverse impact to fish life.
16. Fish life that may be entrained in the cut vegetation during mechanical harvester operations shall be immediately and safely returned to the watercourse.
17. At the start of each harvest, the first cubic yard (or less) of collected fragments shall be examined for entrained fish before continuing the cutting. If entrained fish are found in the sample, work shall stop and the WDFW area habitat biologist shall be contacted for further assistance.

LOCATION #1:		Site Name: Black Lake , , WA				
WORK START:		September 16, 2014		WORK END:		September 15, 2019
<u>WRIA</u>		<u>Waterbody:</u>			<u>Tributary to:</u>	
23 - Upper Chehalis - Upstream of Porter		Black Lake			Chehalis River	
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
	06	17 N	02 W	46.985	-122.976	Thurston
<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. 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 description 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



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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.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request an informal appeal of that action. You must send your request to WDFW by mail to the Washington Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. WDFW must receive your request within 30 days from the date you receive notice of the decision. If you agree, and you applied for the HPA, resolution of the appeal may be facilitated through an informal conference with the WDFW employee responsible for the decision and a supervisor. If a resolution is not reached through the informal conference, or you are not the person who applied for the HPA, the HPA Appeals Coordinator or designee will conduct an informal hearing and recommend a decision to the Director or designee. If you are not satisfied with the results of the informal appeal, you may file a request for a formal appeal.

B. FORMAL APPEALS: WAC 220-110-350 is the rule describing how to request a formal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete formal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request a formal appeal of that action. You must send your request for a formal appeal to the clerk of the Pollution Control Hearings Boards and serve a copy on WDFW within 30 days from the date you receive notice of the decision. You may serve WDFW by mail to the Washington Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, you may request a formal appeal within 30 days from the date you receive the Director's or designee's written decision in response to the informal appeal.

C. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS: If there is no timely request for an appeal, the WDFW action shall be final and unappealable.



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Habitat Biologist Theresa.Nation@dfw.wa.gov
Theresa Nation 360-902-2562

A handwritten signature in cursive script that reads "Theresa Nation".

for Director
WDFW
