



# HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - Appeal pursuant to Chapter 34.05

220.110 WAC

Eastern  
2315 N Discovery Place  
Spokane, WA 99218  
(509) 892-1001

Issue Date: November 21, 2007

Control Number: 111066-1

Project Expiration Date: September 30, 2008

FPA/Public Notice #: N/A

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
Avista Corporation ATTENTION: Robin Bekkedahl 1411 East Mission Spokane, WA 99220 509-495-8657	

Project Name: Monroe Street Dam Rock Relocation

Project Description: Maintenance dredging of up to 10,000 cubic yards of river bed materials, including cobble, gravel, sands, and fines, from behind the Monroe Street Dam. Depending on flows, this work is proposed as a yearly activity between June 15 and September 30. Rock materials are to be placed over the dam and back into the river system.

## PROVISIONS

1. The project may begin June 15, 2008 and shall be completed by September 30, 2008.
2. 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.
3. Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife entitled JARPA and dated October 1, 2007 except as modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during construction.
4. NOTIFICATION REQUIREMENT: The Enforcement Sergeant 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 start of work, and again within seven days of completion of work to arrange for a compliance inspection. The notification shall include the permittee's name, project location, starting date for work or completion date of work, and the control number for this HPA.

## DREDGING

5. Dredged streambed materials shall be disposed of directly below the dam. See Provision 15 for additional requirements of this permit.



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6. Equipment shall be operated to minimize turbidity.

7. Dredging shall be limited to transporting and relocating, or displacement of the newly deposited bed load from behind the dam. Banks shall not be disturbed.

8. Natural woody material shall be retained waterward of the ordinary high water line and repositioned within the river. Other manmade debris removed as part of the dredging operations shall be disposed of so it will not re-enter the river.

## EQUIPMENT

9. 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.

10. Equipment used for this project shall be free of external petroleum-based products while working around the stream. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment prior to its working below the ordinary high water line. Equipment shall be checked daily for leaks and any necessary repairs shall be completed prior to commencing work activities along the stream.

## WATER QUALITY

11. 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.

12. 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.

13. Dredging operations shall cease anytime there is visible turbidity at a distance greater than 300 feet downstream of the work site or if Washington State Department of Ecology Water Quality Standards are not being met.

## MITIGATION

14. Avista shall work with WDFW in developing a long term monitoring plan for the removal of streambed materials. The purpose of the monitoring is to gather information on dredging and placing of bedload material in the Spokane River. The monitoring plan shall include, but not be limited to, the following for each dredging and placement occurrence:

- 1) A characterization of the hydrological event(s) responsible for the deposits.
- 2) A determination of the size-class of the materials (including wood) deposited, removed, and



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placed.

- 3) A volumetric quantification of the material deposited, removed, and placed.
- 4) The dates and duration of each dredging occurrence.
- 5) A description of type(s) of equipment used for moving the various sized material, the volume moved by each type of equipment, and method of placement if applicable.
- 6) Detailed plans of the affected area with delineation of the dredged area and area of placement.

The monitoring plan shall be developed by March 1, 2008 for implementation during the 2008 work window. A written report shall be delivered to WDFW by October 31.

## PROJECT LOCATIONS

### Location #1 Spokane River

WORK START: June 15, 2008				WORK END: September 30, 2008		
WRIA: 57.0001		Waterbody: Spokane River		Tributary to: Columbia River		
1/4 SEC: All	Section: 18	Township: 25 N	Range: 43 E	Latitude: N 47.66172	Longitude: W 117.42406	County: Spokane
<u>Location #1 Driving Directions</u> Avista Monroe Street Dam						

## 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.

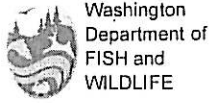
This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

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



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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.

A. INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021, 77.55.141, 77.55.181, and 77.55.291: 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 to 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 77.55.291:

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;

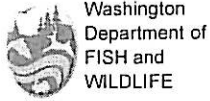
(B) An order imposing civil penalties; or

(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 360/459-6327.

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 199-08 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 40903,



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Lacey, Washington 98504; telephone 360/459-6327.

E. FAILURE TO APPEAL WITHIN THE REQUIRED 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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ENFORCEMENT: Sergeant Rahn (39) P3E

Habitat Biologist Karin Divens	divenkad@dfw.wa.gov 509-892-1001	<i>Karin A. Divens</i>	for Director WDFW
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CC: Mark Wachtel, RHPM

Officer Spurbeck, W109

Doug Robison, WDFW Major Projects

Jeremy Ryf, Ecology Water Quality

Steve Haynes, City of Spokane

Tim Erkel, US Army Corps, Box 273, Chattaroy, WA 99003