



HYDRAULIC PROJECT APPROVAL

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

Issued Date: February 14, 2020
Project End Date: February 12, 2025

Permit Number: 2020-6-73+01
FPA/Public Notice Number: N/A
Application ID: 20148

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
Port of Illahee ATTENTION: John Burton 5500 Illahee Road Bremerton, WA 98311	Tikar Services LLC ATTENTION: Lee Knapp 8629 Silverdale Way NW Silverdale, WA 98383-8336

Project Name: Port of Illahee 5-year Maintenance 2020-2025

Project Description: Float and pier replacement/repairs as required for maintenance and public safety including pressure washing, new timber replacement on pier, pier bracing and decking. Float repairs including timber replacement, flotation replacement, and decking. Lighting upgrades, conduit replacement, power cabling replacement and security system replacement and repairs. (Majority of work to be done from pier or dock)
Water line and fire line upgrades and repairs
Miscellaneous welding and cutting on existing metal frameworks, piling, and gangways to maintain public safety and repairs as needed.
Repair/replacement of ramps and gangways as necessary in order to maintain public safety.
Periodic underwater inspections of pilings and piers as required for maintenance and safety
Piling removal and replacement as required for maintenance and safety.
Painting and general maintenance of docks, pier and facilities as required.
General maintenance of pier, docks, and port assets as required. Repair/replacement of utility services to pier and docks as required. Periodic removal of marine growth on various utility lines and hoses to prevent separation and/or breaking.
Removal or relocation of floating materials to prevent damage to port facilities as required.

PROVISIONS

1. AUTHORIZED WORK TIMES

This HPA is authorized for 5 years from the date of issuance, provided the following timing windows are adhered to:

- a. Work which does not penetrate or break the surface of the water and does not contact the bed or beach--for example, decking replacement, whaler replacement, or ramp replacement-- may occur at any time.
- b. Work that penetrates or breaks the surface of the water or work that contacts the bed or beach-- for example, float replacement, piling replacement, barge access-- is authorized between August 1st and August 31st of any calendar year for the life of this permit.
- c. Due to the lengthy spawning period of surf smelt in this area, work will also be allowed from August 31 through January 15th of any year if a biologist approved by the Department of Fish and Wildlife does not detect surf smelt eggs during a beach survey. Work must begin within seventy-two hours of survey and you must complete the work within two weeks of the survey. The biologist must follow the department-approved intertidal forage fish spawning protocol and use the standard department data sheets when conducting forage fish spawning beach surveys. A list of certified biologists, the approved protocol and data sheets are available on the department's web site



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http://wdfw.wa.gov/licensing/hpa/technical_assistance.html . The biologist must submit the completed, data sheets to the department within seventy-two hours of completing the survey to WDFW by e-mail at HPAapplications@dfw.wa.gov; mail to Post Office Box 43234, Olympia, Washington 98504-3234; or fax to (360) 902-2946. In addition, the biologist must preserve the winnowed portion of the sediment samples and retain them for a minimum of four weeks. The sediment samples must be provided to WDFW staff upon request.

SCOPE

2. This Hydraulic Project Approval is for normal maintenance and repair activities, as defined in WAC 173-27-040(2)(b). This Hydraulic Project Approval does not authorize dredging, construction of new structures, or expansion of existing structures. Work must be accomplished per the project description provided with this application, except as modified by this Hydraulic Project Approval.
3. Work approved under this Hydraulic Project Approval includes:
- Repair/replacement of floats and piers includes repair and/or replacement of piers, timbers, pier bracing, decking replacement, and flotation replacement.
 - Float and pier maintenance including pressure washing with non-toxic materials, or materials approved for application in the marine environment.
 - Repair/replace ramps and gangways as necessary in order to maintain public safety.
 - Lighting upgrades, conduit replacement, power cabling replacement, and security system replacement and repairs.
 - Miscellaneous welding and cutting on existing metal frameworks, piling, and gangways to maintain public safety and repairs as needed.
 - Piling removal and replacement as required for maintenance and safety.
 - Underwater inspections of pilings and piers
 - Painting and general maintenance of buildings, docks, and facilities as required.
 - General maintenance of docks, piers, hoses, lines, and port assets as required.
 - Repair/replacement of utility services to piers and docks as required. Periodic removal of marine growth on various utility lines and hoses to prevent separation or breaking.
 - Relocation or removal of floating materials to prevent damage to Port facilities as required.
 - Repair and maintenance of stormwater systems and gates.

NOTIFICATION AND REPORTING

4. **PRE-CONSTRUCTION NOTIFICATION:** You, your agent, or contractor must contact the Washington Department of Fish and Wildlife by e-mail at HPAapplications@dfw.wa.gov; mail to Post Office Box 43234, Olympia, Washington 98504-3234; or fax to (360) 902-2946 at least fourteen business days before starting work. The notification must include the permittee's name, project location, starting date for work or date the work was completed, and the permit number. The Washington Department of Fish and Wildlife may conduct inspections during and after construction; however, the Washington Department of Fish and Wildlife will notify you or your agent before conducting the inspection.

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.



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6. **REPORTING:** The permittee or contractor must submit to the WDFW Habitat Biologist listed below a calendar year annual report of all maintenance activities performed under this Hydraulic Project Approval by January 31 of the following year or in the final year of the HPA, within 30 days after the expiration date. An annual report is also required if no work is performed. At any time, if problems are experienced with implementation of this HPA, either the permittee or WDFW may request a joint review meeting. The annual report must include:

- a. General: Reporting agency, contact person, address, telephone number, date of report, time period;
- b. Summary: The control number for the HPA, total number of individual projects;
- c. Problem(s) encountered: Provision violation, notification, corrective action, impacts to fish life and water quality from the problem;
- d. Recommendations for improvement to BMP's and mitigation;
- e. List of individual projects completed: Location, brief description of each maintenance activity performed, and date each activity occurred.

STAGING, JOB SITE ACCESS AND EQUIPMENT

7. Establish staging areas (used for activities such as equipment storage, vehicle storage, fueling, servicing, and hazardous material storage) in a location and manner that will prevent contaminants like petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.

8. Operate vessels with minimal propulsion power and in adequate water depth to prevent impacts from grounding and propeller wash and scour to the bed, wetland intertidal vascular plants, and submerged aquatic vegetation. Due to documented eelgrass near the site, grounding of a barge is not authorized.

9. Do not deploy anchors or spuds in eelgrass or kelp beds. Maintain anchor cable tension, set and retrieve anchors vertically, and prevent mooring cables from dragging to avoid impacts to the bed, wetland intertidal vascular plants, and marine vegetation.

CONSTRUCTION MATERIALS

10. To prevent leaching, construct forms to contain any wet concrete. Place impervious material over any exposed wet concrete that will come in contact with waters of the state. Forms and impervious materials must remain in place until the concrete is cured.

11. Use tarps or other methods to prevent treated wood, sawdust, trimmings, drill shavings and other debris from contacting the bed or waters of the state.

12. Do not use wood treated with oil-type preservative (creosote, pentachlorophenol) in any hydraulic project. Wood treated with waterborne preservative chemicals (ACZA, ACQ) may be used if the Western Wood Preservers Institute has approved the waterborne chemical for use in the aquatic environment. The manufacturer must follow the Western Wood Preservers Institute guidelines and the best management practices to minimize the preservative migrating from treated wood into aquatic environments. To minimize leaching, wood treated with a preservative by someone other than a manufacturer must follow the field treating guidelines. These guidelines and best management practices are available at www.wwpinstitute.org.

PIER, RAMP AND FLOAT

13. Existing ramps, floats, and pilings must not be re-located within waters of the state without written authorization from WDFW. They must be removed and disposed of upland such that they do not re-enter such waters.



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14. Design floats in intertidal areas with stoppers or support pilings that keep the bottom of the floats at least one foot above the substrate so that the structure will not rest on the bottom.

15. Flotation for any replaced floats must be fully enclosed and contained in a shell (tub). The shell or wrap must prevent breakup or loss of the flotation material into the water. The shell or wrap must not be readily subject to damage by ultraviolet radiation and abrasion.

16. Any replaced surfaces, ramps, floats, and decking located over water shallower than -20 feet (relative to mean lower low water=0) must include functional grating.

- a. Replacement piers and floats greater than 6 feet in width must have functional grating installed on at least 50 percent of the surface area of the structure. Grating installed over stringers and support beams is not considered functional and must be accounted for in the calculation.
- b. Replacement ramps must have grating covering 100 percent of the surface area of the structure.
- c. Replacement of more than thirty-three percent or two hundred fifty square feet of decking or replacement of decking substructure requires installation of functional grating in the replaced section only.
- d. Locate flotation under a solid decked area only.
- e. Grating must contain at least 60 percent open area.
- f. The grated area should not be used for storage purposes.

PILE DRIVING AND REMOVAL

17. Any existing creosote pilings that need to be replaced must be removed and disposed of upland such that they do not enter waters of the state. New pilings must be steel or concrete but must not be new or used creosote treated pilings.

18. Use appropriate sound attenuation measures to minimize harm to fish from impact pile-driving noise.

- a. For steel piles 10 inches in diameter or less, install a 6-inch thick wood block between the piling and the impact hammer or install a bubble curtain around the pile during pile driving operations.
- b. For steel piles greater than 10 inches in diameter, install a wood block between the piling and the impact hammer and install a bubble curtain around the pile during pile driving operations.

19. Incorporate features, such as steel, plastic or rubber collars, fendering or other systems to prevent or minimize the abrasion of the treated wood by floats, ramps or vessels.

20. Attach rubbing strips made of ultra high molecular weight (UHMW) type plastic, or high density polyethylene (HDPE) type plastic to replace fenders. Do not use rubber tires for the fender system.

21. The use of both a vibratory and/or an impact hammer is authorized for piling installation under this Hydraulic Project Approval, however a vibratory driver is preferred.

22. To avoid attracting fish to artificial light at night, limit impact pile driving to daylight hours whenever feasible.

23. Piling removal:

- a. Vibratory extraction is the preferred method of pile removal
- b. Place the piling on a construction barge or other dry storage site after the piling is removed. The piling must not be shaken, hosed off, left hanging to dry or any other action intended to clean or remove adhering material from the piling near waters of the state.
- c. If a treated wood piling breaks during extraction, remove the stump from the water column by fully extracting the stump or cutting it three feet below the substrate and cap all buried stumps with clean sediment that matches the native material; If piles cannot be fully extracted, remove the remainder of the pile with a clamshell bucket, chain, or similar



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means, or cut it off below the mudline. If cutting piles located at -10' mean lower low water or deeper, cut the piling a minimum one foot below the mudline. If cutting piles in intertidal or shallow subtidal waters (less than -10' mean lower low water) cut the piling a minimum two feet below the mudline.

- d. Fill holes left by piling extraction with clean sand.
- e. When removing creosote piling, containment booms and absorbent booms (or other oil absorbent fabric) must be placed around the perimeter of the work area to capture wood debris, oil, and other materials released into marine waters as a result of construction activities to remove creosote pilings. All debris on the bed and accumulated in containment structures must be collected and disposed upland at an approved disposal site.
- f. Submit post-project surveys (e.g., underwater video, photos at low-tide) along transects within the project area to Washington Department of Fish and Wildlife within two weeks of pile removal to verify debris removal.

MARINE HABITAT FEATURES

- 24. Limit removal or destruction of overhanging bankline vegetation to that necessary for the construction of the project.
- 25. The project must not adversely impact submerged aquatic vegetation (eelgrass, macroalgae) or intertidal wetland vascular plants, such as pickleweed or saltgrass (e.g., barge must not ground, anchors or spuds must not be deployed, equipment must not operate, and other activities must not occur in submerged or intertidal vegetation).
- 26. Retain all natural habitat features larger than 12 inches in diameter, including trees, stumps, logs, and large rocks, on the beach following construction. These habitat features may be moved during construction if necessary. Logs and stumps must be secured during temporary placement to remain on the beach.

DEMOBILIZATION/CLEANUP

- 27. Remove all trash and unauthorized fill in the project area, including concrete blocks or pieces, bricks, asphalt, metal, treated wood, glass, floating debris, and paper, that is waterward of the ordinary high water line and deposit upland.
- 28. Reshape beach area depressions created during project activities to preproject beach level upon project completion.
- 29. Remove any riprap (including quarry spalls) scattered, or abandoned from the bed and deposit in an upland area above the limits of extreme high tidal water.
- 30. Remove all debris or deleterious material resulting from construction from the beach area or bed and prevent from entering waters of the state.
- 31. Do not burn wood, trash, waste, or other deleterious materials waterward of the ordinary high water line.
- 32. Replace damaged or destroyed riparian vegetation during the first dormant season (late fall through late winter) after project completion. Maintain plantings for at least three years to ensure at least eighty percent of the plantings survive. Failure to achieve the eighty percent survival in year three will require you to submit a plan with follow-up measures to achieve requirements or reasons to modify requirements.

LOCATION #1:	Site Name: Port of Illahee-5 year Maintenance 2020-2025 5500 Illahee Road, Bremerton, WA 98311		
WORK START:	February 14, 2020	WORK END:	February 12, 2025



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<u>WRIA</u>		<u>Waterbody:</u>			<u>Tributary to:</u>	
15 - Kitsap		Wria 15 Marine			Puget Sound	
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
	31	25 N	02 E	47.612714	-122.595361	Kitsap
<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.

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 civil action against you, including, but not limited to, a stop work order or notice to comply, and/or a gross misdemeanor criminal 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 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.

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.



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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.

Habitat Biologist Brittany.Gordon@dfw.wa.gov
Brittany Gordon 360-620-3601

for Director
WDFW