



HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - See appeal process at end of HPA

North Central
1550 Alder Street NW
Ephrata, WA 98823-9699
(509) 754-4624

Issue Date: February 27, 2014

Control Number: 132947-1

Project Expiration Date: December 31, 2018

FPA/Public Notice #: N/A

PERMITTEE

Confederated Tribes and Bands of the Yakama Nation
PO Box 151
Toppenish, WA 98948
509-865-5121

AUTHORIZED AGENT OR CONTRACTOR

Confederated Tribes and Bands of the Yakama Nation
ATTENTION: Hans Smith
2 Johnson Ln
Winthrop, WA 98862
509-996-5005(1)

Project Name: M2 1890s Side Channel Restoration Project

Project Description: The 1890s Side Channel Enhancement Project seeks to increase juvenile survival and rearing productivity in the Methow Subbasin by restoring the availability of high quality rearing habitat in the 1890s side channel. The project proposes use of a groundwater infiltration gallery to collect hyporheic flow adjacent to the mainstem Methow River, convey it across State Route 20 via a buried pipe, then discharge the water as surface flow into the natural 1890s river channel located on the west edge of the valley. The channel will be regraded to include improved pool and riffle habitat, increase wetland area and riparian vegetation communities, and create large wood structures along the approximate 4,100-foot-long side channel. The groundwater infiltration gallery is designed to collect approximately 3.4 cubic feet per second (cfs) during the seasonal low river stage, with a maximum rate of 15.9 cfs during peak runoff. All diverted water will return to the mainstem Methow River at the downstream end of the side channel.

PROVISIONS

1. NOTIFICATION REQUIREMENT: The Area Habitat Biologist listed below shall receive notification at lynda.hofmann@dfw.wa.gov or 509-997-9428 no less than three working days prior to start of work, and again within seven days of removing the coffer dam at the outlet to arrange for a compliance inspection. In addition, notification is required if adaptive management is required below the OHWL in any year. 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.

2. NOTIFICATION REQUIREMENT: The Enforcement Sergeant listed below shall receive notification at james.brown@dfw.wa.gov or 509-422-3800 ext. 0 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.

3. This Hydraulic Project Approval (HPA) is authorized to restore groundwater flows into an historic side channel by constructing an infiltration gallery adjacent to the Methow River. The side channel will be restored to provide fish habitat and a downstream connection to the river. No other work is authorized under this HPA.



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4. Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife attached to the JARPA application signed 1/13/14 except as modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during construction.

5. **TIMING LIMITATIONS:** The project may begin May 1, 2014 and shall be completed by December 31, 2018 Provided: No instream work shall occur between August 1 - June 30 of any year without prior authorization.

SITE PREPARATION

6. Ensure that all materials and equipment used for construction are free of aquatic invasive species. Decontaminate all materials and equipment so that no viable invasive species are transported to or from the job site.

7. Clearing of native vegetation shall be kept to the minimum necessary to construct the project.

FILTER FENCE INSTALLATION

8. Prior to starting work, temporary filter fabric fence shall be installed in areas where there is the possibility that sediment, or other deleterious material may reach the Methow River. Accumulated sediments shall be removed during the project and prior to removing the filter fence after completion of work.

9. The type of filter fabric used shall be based on soil conditions at the site: for soils that will pass US standard sieve 200 the equivalent opening size (EOS) shall be selected to retain 85% of the soil; for all other soil types the EOS shall be no larger than US standard sieve 100.

10. A trench following the contour should be excavated approximately 8' wide and 12' deep along the line of the posts and upslope from the barrier.

11. For standard strength filter fabric, a wire mesh support fence shall be fastened securely to the upslope side of the posts and the fabric stapled or wired to the mesh. For extra strength fabric, the wire mesh fence may be eliminated.

12. The trench shall be backfilled with 3/4' minimum diameter washed gravel and/or native material and adequately compacted.

13. Silt fences shall be removed after the upslope area has been permanently protected and stabilized.

EQUIPMENT

14. Vehicle staging, cleaning, maintenance, refueling, and fuel storage shall be located a minimum

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of 150 feet from the Methow River, or any other waterbody.

15. Stationary power equipment operating within 150 of the river shall be diapered to prevent leaks.

16. Equipment used to construct the project, operating with hydraulic fluid, shall use only those fluids certified as non-toxic to aquatic organisms.

17. 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.

18. 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

19. Every effort shall be taken during all phases of this project to ensure that sediment-laden water is not allowed to enter waters of the State.

20. The contractor shall develop an adequate, site specific Spill Prevention and Countermeasure or Pollution Control Plan which shall include: site plan and narrative describing methods of erosion/sediment control; methods for confining/ removing/ disposing of excess construction materials and measures for equipment washout facilities; a spill containment plan; and, measures to reduce/recycle hazardous and non-hazardous wastes.

21. The spill containment control plan shall include the following information: notification procedures, specific cleanup and disposal instructions for different products, quick response containment and cleanup measures, proposed methods of disposal of spilled materials and employee training on spill containment.

22. Wastewater from project activities and water removed from within the work area shall be routed to an area landward of the ordinary high water line to allow removal of fine sediment and other contaminants prior to being discharged to the stream.

23. All waste material such as construction debris, silt, excess dirt or overburden resulting from this project shall be deposited above the limits of flood water in an approved upland disposal site.

24. 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.

25. Any material removed from the project area shall be disposed of so it does not reenter the Methow River.

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26. If high flow conditions that may cause siltation are encountered during this project, work shall stop until the flow subsides.

27. The sediment plume created by instream work shall not exceed 5 NTUs above background at 300 feet downstream of the project location. Turbidity becomes visible at approximately 5 NTU. If these criteria are exceeded during project implementation or during removal of coffer dams, work shall be suspended until the criteria are met.

28. Erosion control methods shall be used to prevent silt-laden water from entering the stream. These may include, but are not limited to, straw bales, filter fabric, temporary sediment ponds, check dams of pea gravel-filled burlap bags or other material, and/or immediate mulching of exposed areas.

SIDE CHANNEL CONSTRUCTION

29. A coffer dam of gravel-filled, bulk bags and plastic sheeting shall be placed immediately above the channel outlet prior to beginning construction. The coffer dam shall be substantial enough to prevent flows from entering the new channel during construction as well as sediment entering the Methow River.

30. Bulk bags shall be waterproof, have four loops, a minimum 2-ton weight capacity, not be photo degraded and used no more than one season previously.

31. The new channel shall incorporate fish habitat components, streambed materials, meander configuration, and native or other approved vegetation equivalent to or greater than that which previously existed in the old channel.

32. Spoils from the new channel shall be placed on the approved upland site.

33. Grade control stones installed under the State Route 20 bridge shall not create a passage barrier to fish at any time.

34. Prior to releasing the water flow to the project area, all in-channel work shall be completed, and the banks stabilized.

35. Contact the Area Habitat Biologist within seven days of releasing flow into the channel to arrange for a compliance inspection.

36. Upon completion of construction and after the channel has been stabilized, the bulk bags shall be removed from the site.

LARGE WOOD STRUCTURES

37. Installed log structures shall be of untreated fir or other approved coniferous species.

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38. No treated wood shall be used in the construction of this project.

39. Logs shall be sized to withstand the hydraulic energy expected in the Methow River side channel and shall be anchored securely to prevent transport at high flows.

PIPE OUTLET

40. The pipe outlet structure shall be constructed to prevent the entry of fish.

41. The stream bank at the point of the discharge shall be armored to prevent scouring. The pipe outlet shall be equipped with a diffuser or positioned so as to ensure discharge cannot scour/erode the bank or bed.

FISH CAPTURE AND DEWATERING

42. The permittee shall capture and safely move any food fish, game fish, and other fish life from the job site if found. The permittee shall have fish capture and transportation equipment ready and on the job site. Captured fish shall be immediately and safely transferred to free-flowing water downstream of the project site. The permittee may request the Washington Department of Fish and Wildlife assist in capturing and safely moving fish life from the job site to free-flowing water, and assistance may be granted if personnel are available.

43. Pumps used for dewatering the job site shall be equipped with screens to prevent injury of fish pursuant to RCW 77.57.010 and 77.57.070. The pump intake shall be screened by one of the following:

Perforated plate: 0.094 inch (maximum opening diameter).

Profile bar: 0.069 inch (maximum width opening).

Woven wire: 0.087 inch (maximum opening in the narrow direction).

44. The minimum open area for all types of fish guards is 27%. The screened intake shall consist of a facility with enough surface area to ensure that the velocity through the screen is less than 0.4 feet per second. Screen maintenance shall be adequate to prevent injury or entrapment of juvenile fish and the screen shall remain in place whenever water is withdrawn from the stream through the pump intake.

45. 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.

RESTORATION

46. To prevent future erosion, stem invasion of noxious weeds and restore, reclaim or enhance any disturbed or degraded areas of the project site, the permittee shall profusely revegetate with a

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native erosion control grass seed mix such as one consisting of: 30% Hard fescue (*Festuca trachyphylla*), 20% Sheep fescue (*Festuca ovina*), 20% Crested wheatgrass (*Agropyron desertorum*), 20% Rush intermediate wheatgrass (*Thinopyrum intermedium*), 10% Sherman big bluegrass (*Poa secunda* 'Sherman') at a rate of 10-12 lbs/acre. Seeding shall take place immediately following construction.

47. The removal of any larger riparian plants shall be replaced at one to one with native erosion control riparian plants including, but not limited to: black cottonwood (*Populus trichocarpa*), redosier dogwood (*Cornus stolonifera*) and any of the following: water birch (*Betula occidentalis*), mountain alder (*Alnus incana*), Pacific willow (*Salix lasiandra*), coyote willow (*Salix exigua*), Woods rose (*Rosa woodsii*) or Nootka rose (*Rosa nutkana*). Additionally all areas shall be planted with shortterm native erosion control grasses. All native vegetation planting and seeding shall take place within one year of project completion.

48. All of the above required woody, riparian plants shall consist of large bare root nursery or container stock or, local transplanted native cuttings, spaced a minimum of 3 to 5 feet on center (except black cottonwood which can be spaced on 10 foot centers), and shall be protected from deer, beaver, rodents, etc., regularly watered and weeded, and properly maintained until established, and replaced as necessary for a period of at least three (3) years to assure and achieve a minimum of 80% survival by the end of the third growing season.

PROJECT LOCATIONS

Location #1 Methow River

WORK START: May 01, 2014				WORK END: December 31, 2018		
WRIA: 48.0007		Waterbody: Methow River (rb)		Tributary to: Columbia River		
1/4 SEC: SE 1/4	Section: 06	Township: 33 N	Range: 22 E	Latitude: N 48.384	Longitude: W 120.1319	County: Okanogan
<u>Location #1 Driving Directions</u>						
Take Highway 20 north from Twisp for approx. 0.7miles. Turn into driveway that accesses top of flood fight levee on the east side of the highway.						

Location #2 20034 Highway 20

WORK START: May 01, 2014				WORK END: December 31, 2018		
WRIA: 48.0007		Waterbody: Methow River (rb)		Tributary to: Columbia River		
1/4 SEC: NE 1/4	Section: 07	Township: 33 N	Range: 22 E	Latitude: N 48.3811	Longitude: W 120.1326	County: Okanogan
<u>Location #2 Driving Directions</u>						
Take Highway 20 north from Twisp for approx. 0.7miles. Turn into driveway at 20034 Highway 20.						



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Location #3 530 Peters Road

WORK START: May 31, 2018				WORK END: December 31, 2018		
WRIA: 48.0007		Waterbody: Methow River (rb)		Tributary to: Columbia River		
1/4 SEC: E 1/2	Section: 07	Township: 33 N	Range: 22 E	Latitude: N 48.3762	Longitude: W 120.1319	County: Okanogan
Location #3 Driving Directions Turn of Highway 20 at Days Lane in Twisp and park at 3 Peters Road.						

Location #4 710 Methow Valley Hwy N

WORK START: May 01, 2014				WORK END: December 31, 2018		
WRIA: 48.0007		Waterbody: Methow River (rb)		Tributary to: Columbia River		
1/4 SEC: SE 1/4	Section: 07	Township: 33 N	Range: 22 E	Latitude: N 48.373	Longitude: W 120.1236	County: Okanogan
Location #4 Driving Directions On Highway 20 in Twisp, WA, turn into driveway at 710 METHOW VALLEY HWY N.						

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 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

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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. To request a minor modification to your HPA, submit a written request that clearly indicates you are requesting 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 include payment of \$150 with your written request or request billing to an account previously established with the department. If you did not pay an application fee for the original HPA, no fee is required for a change to it. To request a major modification to your HPA, submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Include the HPA number, check number or billing account number, 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. If you are charging the fee to a billing account number or you are not subject to the fee, you may email your request 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 220-110-340 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.



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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.

ENFORCEMENT: Sergeant Brown (49) P1

Habitat Biologist	509-997-9428		for Director WDFW
Lynda Hofmann			

CC: Char Schumacher, Okanogan County

- Jess Jordan, COE Spokane
- Allen Lebovitz, DNR Ellensburg
- Andrea Jeddell, DOE Yakima
- emailed