



HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - Appeal pursuant to Chapter 34.05 RCW

North Puget Sound
16018 Mill Creek Boulevard
Mill Creek, WA 98012-1296
(425) 775-1311

Issue Date: April 14, 2006

Control Number: 104669-1

Project Expiration Date: April 13, 2011

FPA/Public Notice #: N/A

PERMITTEE

Latitude Development, LLC
ATTENTION: Dave Kessler
P.O. Box 818
Auburn, WA 98071-0818
425-488-7119

AUTHORIZED AGENT OR CONTRACTOR

Talasea Consultants, Inc.
ATTENTION: William Shiels
15020 Bear Creek Rd. NE
Woodinville, WA 98077
425-861-7550

Project Name: Meridith Business Park Wetland Mitigation

Project Description: Install fill and mitigation in wetlands associated with tributary 0053 to Hill Creek; location is just north of 37th St. NW and west of West Valley Hwy.

PROVISIONS

1. **ADDITIONAL TIMING LIMITATIONS:** Installation of coir logs to return stream flow to its previous channel may begin immediately and shall be completed by September 30, 2006; grading activity for wetland creation and enhancement shall occur only between May 15 and September 30 of calendar years 2006-2010; installation and maintenance of plantings shall occur per Provision 3.
2. Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife (WDFW) entitled, "WETLAND AND BUFFER ENHANCEMENT PLAN MEREDITH BUSINESS PARK AUBURN, WASHINGTON", dated last revised July 1, 2005; "COIR LOG PLACEMENT MEREDITH BUSINESS PARK AUBURN, WA", dated April 4, 2006; and "COIR LOG DETAIL MEREDITH BUSINESS PARK AUBURN, WA", dated April 4, 2006, except as modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during construction.
3. Disturbance of the streambed and banks and adjacent wetlands and their associated vegetation shall be limited to that necessary to perform the project. Affected streambed and bank and wetland areas shall be restored to preproject or improved habitat configuration. Prior to December 31 of the year of wetland grading, the approved plantings (Provision 2) shall be installed. Plantings shall be maintained as necessary for three years to ensure 80 percent or greater survival of each species or a contingency species approved by the WDFW Area Habitat Biologist (AHB).
4. Equipment used for this project shall be free of external petroleum-based products while working around the stream and wetlands associated with 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 around the stream and wetlands associated with the stream. Equipment shall be checked daily for leaks and any necessary repairs shall be completed prior to commencing work activities around the stream and wetlands associated with the stream.



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5. 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 Emergency Management Division at 1-800-258-5990, and to the AHB.

6. Erosion control methods shall be used to prevent silt-laden water from entering the stream and wetlands associated with 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.

7. Prior to starting work, the selected erosion control methods (Provision 6) shall be installed. Accumulated sediments shall be removed during the project and prior to removing the erosion control methods after completion of work.

8. 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 or wetlands associated with the stream.

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

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

11. 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 or wetlands associated with the stream.

PROJECT LOCATIONS

Location #1 Meredith B P Mitigation

WORK START: April 14, 2006				WORK END: April 13, 2011			
WRIA: 09.0051		Waterbody: Hill Creek			Tributary to: Green River		
1/4 SEC: NE 1/4	Section: 02	Township: 21 N	Range: 04 E	Latitude: N 47.33700	Longitude: W 122.26040	County: King	
<u>Location #1 Driving Directions</u>							

NOTES

This project came to the attention of WDFW due to stream flows going through the detention facility as a result of sediment deposition in the alluvial fan of the stream causing the channel to avulse. This HPA is issued to correct that problem and install the wetland mitigation for the development of the property.



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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 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



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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, 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.

ENFORCEMENT: Sergeant Chandler (34) P3

Habitat Biologist Larry Fisher	425-649-7042		for Director WDFW
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CC: