HYDRAULIC PROJECT APPROVAL
RCW 77.55.181 - See appeal process at end of HPA

Issue Date: May 22, 2012
Project Expiration Date: September 30, 2014
Control Number: 127066-1
FPA/Public Notice #: N/A

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 HPApplications@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 HPApplications@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 Chandler (34) P1

<table>
<thead>
<tr>
<th>Habitat Biologist</th>
<th>425-379-2303</th>
</tr>
</thead>
<tbody>
<tr>
<td>Doug Hennick</td>
<td>Douglas J. Hennick for Director WDFW</td>
</tr>
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</table>

CC:
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PROJECT LOCATIONS

<table>
<thead>
<tr>
<th>Location #1 30923 363rd Ave NE</th>
<th>WORK START: August 01, 2012</th>
<th>WORK END: September 30, 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>WRIA: 05.0135</td>
<td>Waterbody: Stillaguamish River North Fork</td>
<td>Tributary to: Stillaguamish River</td>
</tr>
<tr>
<td>Township: 08 E</td>
<td>Latitude: N 48.27588</td>
<td>Longitude: W 121.72997</td>
</tr>
<tr>
<td>County: Snohomish</td>
<td>County: Snohomish</td>
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Location #1 Driving Directions
Exit 1-5 at the Arlington/Darrington off ramp. Head east through Arlington on Highway 530. Turn left off highway 530 onto 363rd Ave. NE Drive approximately 1/4 mile north to driveway gate at 30923 363rd Ave. NE.

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 filing appeals are listed below.

Requests for any change to an unexpired HPA must be made in writing. Requests for new HPAs must be made by submitting a new complete application. Send your requests to the department by: mail to the Washington Department of Fish and Wildlife, Habitat Program, 800 Capitol Way North, Olympia, Washington 98501-1091; e-mail to HPAApplications@dfw.wa.gov; fax to (360) 902-2846; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor.

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PERMITTEE
Stillaguamish Tribe of Indians
ATTENTION: Pat Stevenson
PO Box 277
Arlington, WA 98223
360-631-0946
Fax: 360-435-3605

AUTHORIZED AGENT OR CONTRACTOR

Project Name: North Fork Stillaguamish ELJ Placement III
Project Description: Install up to 5 Engineered Log Jams (ELJ's) into the North Fork Stillaguamish River near (downstream of) the old Fortson Mill Pond site. Each will be constructed of about 50 rootwad logs. Water will be diverted from work sites with inflatable dams. No gravel or other earth material will be transported in or out of the work sites. Temporary impacts will be mitigated by the long term benefits of this project.

PROVISIONS

1. Construction in the river channel may be conducted during the work window of August 1 through September 30 of the years 2012, 2013, and 2014. Each log jam shall be completed in the year it is started. Different log jams may be constructed in different years.
2. Each log jam shall be installed to withstand at least the 100-year storm event.
3. Dewatering the sites shall be conducted so that no fish are stranded in pools or depressions in the channel. Fish that do not move downstream as the channel dries may be removed by people on foot frightening them downstream, or by removal from depressions with nets or electrofishing.
4. BMPs for excavators, trucks, and other equipment shall be followed to prevent pollution of the river by fuel, oil, and grease.
5. Construction of temporary bridges to allow equipment to cross flowing channels without entering the water is permitted.
6. Construction impacts to the river banks and buffers shall be restored with tree planting, planting maintenance and erosion control BMPs.
7. Other interests and concerns of WDFW will be satisfied by conducting the work in accordance with the JARPA and plans.