

Hydraulic Project Approvals

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What work triggers an HPA?

- HPA is required when:
 - Any person or government agency intends to undertake a hydraulic project.
- Hydraulic project means:
 - Construction or performance of work that will use, divert, obstruct, or change the natural flow or bed of any of the marine or freshwaters of the state.
- **Any work that affects the flow or bed of state waters**
 - But what about the Ordinary High Water Line/Mark?

What is a Hydraulic Project?



Habitat Improvement



Buoys



Flood Control Devices



Bank Protection



Boat & Equipment Access



Overwater Structures



Aquatic Plant Control



Marinas



Dredging



Culverts



Fish Passage Correction



Fish Screens

What is the Regulatory Authority?

- First Hydraulic Act in 1943
 - Any person or government agency that wants to undertake a hydraulic project, must before commencing work, secure the approval of the department in the form of a permit.
- HPA statutes: RCW 77.55
- HPA rules: WAC 220-660



What is the purpose of the permit?



Who is Not Required to Get an HPA?

- Railroads
- Federal Agencies (Sometimes)
- Tribal members working on tribal trust lands or exercising treaty rights

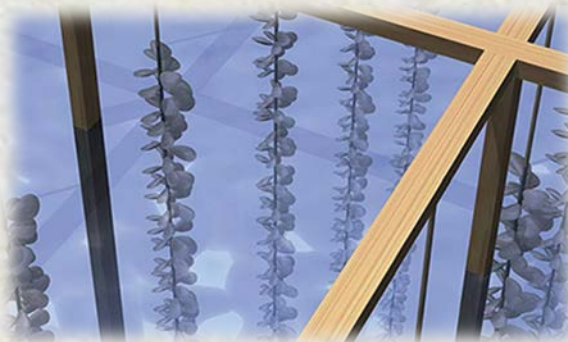


What Activities do not require an HPA?

- Work that does not affect the bed or flow of state waters.
- Work in an entirely artificial watercourse.
- Private, commercial aquaculture.



What Activities are exempt?



Types of HPAs: WAC 220-660-050

- Standard
 - 45 days – up to 5 years
- Expedited
 - 15 days – up to 60 days
- Emergency
 - Immediate verbal – up to 5 years
- Pamphlet
 - Continual
- Fish Habitat Enhancement
 - Same as standard



Fish Habitat Enhancement Projects (FHEP):

- RCW 77.55.181 - Must benefit fish habitat through:
 - Elimination of human-made fish passage barriers
 - Restoring streambank through bioengineering
 - Placement of woody debris or instream structures to benefit naturally producing fish stocks
 - Restoration of native kelp and eelgrass beds and restoring native oysters.
- Must have sponsor as provided by statute
- 15 day comment period for local governments
 - Exempt from SEPA: Cannot be approved if size or scale raises public health or safety concerns*
- Regional approval

FHEP WATER CROSSING STRUCTURES

- **Elimination of human-made fish passage barriers**
 - Unimpeded fish passage today, tomorrow, and the future
 - Excessive slope, drop, or velocity
 - Shallow flow
 - Lack of surface flow
 - Uncharacteristically coarse bed material
 - Fit the crossing to the stream
 - Avoid trapping or limiting natural stream behavior – known commonly as...



STREAM SIMULATION*

- WAC Rules (220-660-190)
 - Width
 - Gradient
 - Bed Slope
 - Culvert Fill (Countersink)
 - Sediment Size
- Site conditions will always override standardized provisions.
- Coordination
 - Tribes
 - Local Jurisdiction



AVOIDING ISSUES

- Work with the Design Team
- Coordination
 - Tribes
 - Local Jurisdiction
 - Regional Biologist
- Respond to comments
 - Even if it is simply to say that you cannot meet a request.
- Follow Permit Provisions
 - A note on *fish windows*



WATER MANAGEMENT

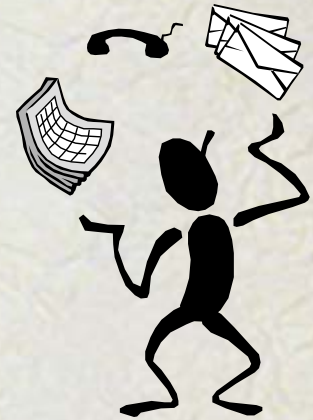


HELPFUL TIPS – WATER MANAGEMENT



Getting an HPA

- Complete application:
 - Plans for overall project
 - As complete as possible
 - Notice of compliance with SEPA
 - Not with FHEP
 - Completed APPS Forms
 - <https://www.govonlinesaas.com/WA/WDFW/Public/>



Contacting a Habitat Biologist

- Scoping Biologist
 - Fish passage corrections related to injunction
 - Projectwise project list has assignments
 - Dave Collins – SW and as needed to support
 - Julie Grobelny – Snohomish and King County
 - Gina Piazza - Olympic
 - Cade Roler – Skagit and Whatcom Counties
- Regional Biologist
 - Other hydraulic projects outside of injunction case area or not funded through I-4.
 - <https://wdfw.wa.gov/licensing/hpa/>
 - Can also be generally helpful



Questions?