



HYDRAULIC PROJECT APPROVAL

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

Issued Date: February 18, 2015
Project End Date: February 17, 2020

Permit Number: 2015-9-4+01
FPA/Public Notice Number: N/A
Application ID: 1880

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
WSDOT ATTENTION: Kojo Fordjour 2901 3rd Avenue Suite 500 Seattle, WA 98102	WSDOT ATTENTION: Virginia Stone 310 Maple Park Drive SE Olympia, WA 98504-7331

Project Name: Remove, Repair, and Replace Piles in Marine Waters (Ferry Terminals)

Project Description: WSDOT needs to replace, repair, or remove up to 50 marine piles per ferry terminal a year to maintain the structural integrity. Piles need to be repaired or replaced when damaged by the natural process of deterioration (rotting wood or rusting metal), marine larvae (tunneling through timber piles), or damage inflicted by an errant ferry vessel. Some piles may be removed if a structure is no longer used.

PROVISIONS

1. **PROJECT DESCRIPTION:** This HPA is for the removal or the repair/replacement of up to 50 existing piles at each site per construction season, and shall not result in the expansion of the structure. Piling encasement is not authorized by this HPA.

2. **NOTIFICATION REQUIREMENT:** Prior to the start of any operation, WSDOT shall notify the Regional Habitat Program Manager (RHPM List, attached). The notification shall be at least three (3) working days prior to the actual work activity. Notification may be by mail, FAX, e-mail, or phone. Notification shall include:

- a. Agency name, contact person, and telephone number.
- b. Work location including latitude/longitude, and common name of the facility.
- c. Plan sheets depicting the site and proposed work.
- c. Starting date and estimated ending date for work.
- d. Application ID and Permit Number of the HPA.

3. **TIMING LIMITATIONS:** Work under this HPA may begin immediately and shall be completed by February 17, 2020. Work shall only occur within the periods specified as follows for each Tidal Reference Area (TRA):

TRA 4: Tahlequah, Point Defiance, and Vashon WSF Terminal Facility July 16 through September 30, additionally: October 1 - February 15 if Provision 4 can be met.

TRA 5: Bainbridge, Bremerton, Fauntleroy, and Southworth WSF Terminal Facility and Eagle Harbor WSF Maintenance Facility July 16 - February 15 if Provision 4 can be met. Colman WSF Terminal Facility August 1 - February 15 if Provision 4 can be met.

TRA 6: Edmonds and Kingston WSF Terminal Facility July 16 - August 31, additionally: September 1 - February 15 if Provision 4 can be met.

TRA 7: Clinton and Mukilteo WSF Terminal Facility July 16 - February 15 if Provision 4 can be met.



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TRA 8: Anacortes WSF Terminal Facility July 16 - February 14 if Provision 4 can be met.

TRA 10: Friday Harbor, Keystone, Lopez, Orcas, Shaw, and Port Townsend WSF Terminal Facility July 16 - February 14 if Provision 4 can be met.

4. Work is only authorized if one of the following two conditions is met:

A. The location is inspected by a Washington Department of Fish and Wildlife (WDFW) representative, or biologist acceptable to WDFW, and it is determined that no herring, surf smelt or sand lance spawning is occurring or has recently occurred. Work shall be completed within seven days of notification by WDFW to WSF that no spawning has occurred.

B. A WDFW approved forage fish spawning and spawning habitat survey plan results in the finding that no forage fish spawning, or spawning habitat is present. Forage fish spawning and spawning habitat survey results shall be reported as per provision 38.

GENERAL PROVISIONS FOR ALL WORK AREAS

5. Except as modified by this HPA work shall be accomplished per plans and specifications submitted by Washington State Department of Transportation (WSDOT) including:

a. WSDOT Environmental Compliance Assurance Procedure (ECAP):
WSDOT Construction Manual Section 1-2.2K

b. Biological Assessment Reference - Washington State Ferries Capital, Repair, and Maintenance Projects

6. The documents as noted in Provision 5 and this HPA reflect mitigation procedures to avoid impacts to fish resources. A copy of this HPA and these documents shall be available on site during construction.

7. If the applicant cannot comply with the provisions of this HPA due to site-specific or other concerns, a separate written HPA may be sought from the local Habitat Biologist (HB) for the project. See <http://wdfw.wa.gov/conservation/habitat/ahb/> for a current listing of HBs and their coverage area(s).

8. 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 local WDFW HB.

9. This HPA authorizes vibratory, direct pull and clamshell methods of pile removal, impact and vibratory installation of concrete, plastic, and ACZA treated timber pile, vibratory installation of steel pile, and stubbing. Vibratory and direct pull methods of pile extraction are preferable over use of a clamshell dredge. However, the least environmentally impacting method of pile removal shall be used as appropriate for the site conditions.

10. Eelgrass and kelp shall not be adversely impacted due to any project activities (e.g., barge shall not ground, anchors and spuds shall not be deployed, equipment shall not operate, and other project activities shall not occur in eelgrass or kelp).

11. Construction barge/boat movements shall not shade any portion of the eelgrass habitat for a continuous period longer than 4 days between March 21 and September 21. Any portion of the eelgrass habitat that is shaded for 4 consecutive days shall receive, at a minimum, 3 consecutive days of uninterrupted natural light.

12. If kelp or eelgrass beds are present, vessel operation shall be restricted to tidal elevations adequate to prevent propeller related damage to vegetation.



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13. All natural habitat features on the beach larger than 12 inches in diameter, including trees, stumps, logs, and large rocks, shall be retained on the beach following work authorized by this HPA. These habitat features may be moved during construction if necessary.

EQUIPMENT

14. Equipment shall be checked daily for leaks, be well maintained and kept in good repair to prevent loss of lubricants, grease, and any other deleterious materials from entering state waters.

15. Equipment drive mechanisms (wheels, tracks, tires, etc.) shall not enter or operate within the wetted perimeter or inter-tidal areas. Work may be conducted within the wetted perimeter or inter-tidal areas from a temporary floating work platform.

16. Beach area depressions created during project activities shall be reshaped to pre-project beach level upon project completion.

17. Barges shall be restricted to tide elevations adequate to prevent grounding of the barge.

18. Anchors shall be set and retrieved vertically; anchor tension shall be maintained such that anchor cables do not drag.

CREOSOTE PILING REMOVAL

19. During creosote-piling removal, containment booms and absorbent sausage booms (or other oil absorbent fabric) shall 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 work authorized by this HPA. All accumulated debris shall be collected and disposed at an approved upland disposal site.

20. The existing piles shall be removed and disposed of upland such that they cannot enter waters of the state. In the event that a pile cannot be completely removed, the remainder of the pile shall be removed with a clamshell bucket, chain, or similar means, or cut off at least one foot below the mud line.

21. A minimum of six inches of clean sand shall be placed around a five-foot perimeter of the vacated footprint of piles that break off below at or below the mud line and cannot be removed, to reduce leaching of residual creosote into the water column.

WATER QUALITY

22. Project activities shall be conducted to minimize siltation of the beach area and bed.

23. In the event of spill or release of deleterious material, responsive actions shall be taken as identified in the Spill Prevention, Control, and Countermeasures (SPCC) Plan that WSDOT requires the contractor to submit to the Project Engineer, as per the project plans and specifications identified in Provision 5 of this HPA.

24. Hand tools including a siphon dredge shall be used to excavate around piles to be stubbed. Sediments shall not be excavated by jetting.

25. All lumber to be used for the project shall meet or exceed the standards established in the most recent version of 'Best Management Practices For the Use of Treated Wood in Aquatic and Wetland Environments' developed by the Western Wood Preservers Institute, Wood Preservation Canada, Southern Pressure Treaters' Association, and Southern Forest Products Association (<http://www.wwpinstitute.org/>), revised November 2011, and any current amendments.



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26. All piles, lumber, and other materials treated with preservatives shall be sufficiently cured to minimize leaching into the water or bed.

27. Treated piles or structures built of treated wood subject to abrasion (e.g., fender piles) shall incorporate design features, such as steel, plastic, or rubber collars or fender systems, to prevent or minimize the abrasion of the treated wood by floats, ramps, or vessels.

28. Replacement fender systems shall be fitted with ultra-high molecular weight (UHMW) type plastic, high density polyethylene (HDPE) type plastic rubbing strips, or products specifically manufactured for use in the aquatic environment including products made from recycled tires. Under no circumstances shall rubber tires be used for the fender system.

29. All removed piles, trash and debris, sawdust, drillings and trimmings from treated wood, or other materials resulting from work authorized by this HPA, shall be removed from the project work area and deposited at an approved upland disposal site.

30. Under no circumstances shall creosote treated piling or lumber be used for work authorized by this HPA.

WORK IN NON-CONTAMINATED AREAS:

31. Clamshell Pile Extraction: If upon initiating upward movement the clam shell bucket does not make purchase on the pile, the operator shall leave uncontaminated sediments in place and is not required to complete the pass. Sediments shall not be stockpiled underwater.

WORK IN MAPPED CONTAMINATED SEDIMENT AREAS (Eagle Harbor, Bainbridge Island, Colman Dock, and Point Defiance):

32. At the Colman Dock Facility, only the following methods are authorized within mapped contaminated areas: Piles shall be cut off and stubbed with a new pile, or capped with a bonnet, between 24 inches below or within 12 inches above the mud line.

33. Each pass of the clamshell dredge bucket shall be complete. Excavated debris or sediments shall not be released, stockpiled or spoiled underwater.

34. If a clamshell dredge is used, the minimum size bucket shall be used to pull out piles to minimize sediment disturbance and splintering of piling.

35. Piles, stubs, debris, and all associated excavated sediments shall be contained and prevented from entering waters of the state.

36. Sediments excavated within identified sediment contaminated areas shall be contained and removed from the site. The excavated area shall be restored to pre-project physical configuration using clean sands except at the WSF Eagle Harbor Maintenance Facility. At Eagle Harbor Maintenance Facility in areas under the building or trestle where access is limited, removal of up to eight piles without the use of a sand cap is authorized. Removal of more than eight piles shall include restoring the excavated area to pre-project physical configuration using clean sands.

37. For any pile removed within mapped contaminated areas, a minimum of six inches of clean sand shall be placed around a five-foot perimeter of the vacated footprint of the pile.

38. ANNUAL REPORTING: A calendar year annual report of work shall be uploaded as a post permit requirement to Application ID #1880 in the Aquatic Protection Permitting System in unlocked Microsoft Excel (*.xls) format by February 28 of the following year, or in the final year of the HPA, within two weeks of the expiration date. An annual report is



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- required even if no work was conducted. 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 shall include:
- General: Reporting agency, contact person, address, telephone number, date of report, time period.
 - Summary: The permit number for this HPA, total number of individual projects at each WSF Facility, by WSDOT region and statewide.
 - Problem(s) encountered: Provision violation, notification, corrective action, impacts to fish life and water quality from problem. If the Environmental Compliance Assurance Procedure (ECAP) was used, what activity triggered the procedure. [These may be highlighted and specified in this section or included in the full list of projects completed below].
 - Recommendations for improvement to Best Management Practices (BMPs).
 - List of individual projects completed: By Tidal Reference Area (TRA) including WSF Facility name, latitude and longitude, start and end date of work.
 - The most recent WDFW approved forage fish spawning and spawning habitat survey protocols for WSF. Results of all forage fish spawning and spawning habitat surveys.
 - Number, type, and location of pile removed.
 - Number, type, and location of pile replaced.
 - Method of pile placement.
 - Identify method used to pull piles and provide the reasoning for choice of method.

LOCATION #1: , , WA						
WORK START: February 18, 2015			WORK END: February 17, 2020			
<u>WRIA</u>		<u>Waterbody:</u>			<u>Tributary to:</u>	
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
						Island
<u>Location #1 Driving Directions</u>						
LOCATION #2: , , WA						
WORK START: February 18, 2015			WORK END: February 17, 2020			
<u>WRIA</u>		<u>Waterbody:</u>			<u>Tributary to:</u>	
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
						Jefferson
<u>Location #2 Driving Directions</u>						



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LOCATION #3:	, , WA					
WORK START:	February 18, 2015	WORK END:		February 17, 2020		
<u>WRIA</u>	<u>Waterbody:</u>		<u>Tributary to:</u>			
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
						King
<u>Location #3 Driving Directions</u>						
LOCATION #4:	, , WA					
WORK START:	February 18, 2015	WORK END:		February 17, 2020		
<u>WRIA</u>	<u>Waterbody:</u>		<u>Tributary to:</u>			
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
						Kitsap
<u>Location #4 Driving Directions</u>						
LOCATION #5:	, , WA					
WORK START:	February 18, 2015	WORK END:		February 17, 2020		
<u>WRIA</u>	<u>Waterbody:</u>		<u>Tributary to:</u>			
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
						Pierce
<u>Location #5 Driving Directions</u>						



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LOCATION #6:	, , WA					
WORK START:	February 18, 2015	WORK END:		February 17, 2020		
<u>WRIA</u>	<u>Waterbody:</u>		<u>Tributary to:</u>			
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
						San Juan
<u>Location #6 Driving Directions</u>						
LOCATION #7:	, , WA					
WORK START:	February 18, 2015	WORK END:		February 17, 2020		
<u>WRIA</u>	<u>Waterbody:</u>		<u>Tributary to:</u>			
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
						Skagit
<u>Location #7 Driving Directions</u>						
LOCATION #8:	, , WA					
WORK START:	February 18, 2015	WORK END:		February 17, 2020		
<u>WRIA</u>	<u>Waterbody:</u>		<u>Tributary to:</u>			
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
						Snohomish
<u>Location #8 Driving Directions</u>						



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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. 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.

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. 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. Minor modifications do not require you to pay additional application fees or be issued a new HPA. 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 do 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 control 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. Do not include payment with your request. You should allow up to 45 days for the department to process your request.



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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 pay an additional \$150 for the major modification. If you did not pay an application fee for the original HPA, no fee is required for a change to it. 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 do 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 control 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, payment of the application the original application was subject to an application fee, and the requestor's signature. Send your written request and payment, if applicable, by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. 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.

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.



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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.

Habitat Biologist Jeffrey.Kamps@dfw.wa.gov
Jeffrey Kamps 360-391-4612

for Director
WDFW



State of Washington
Department of Fish and Wildlife

Mailing Address: PO Box 43234, Olympia, WA 98504-3234, (360) 902-2200, TDD (360) 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia, WA

June 23, 2015

WSDOT
Virginia Stone
310 Maple Park Drive SE
Olympia, WA 98504-7331

Dear Virginia Stone:

**SUBJECT: YOUR APPLICATION FOR REMOVE, REPAIR, AND REPLACE PILES IN
MARINE WATERS (FERRY TERMINALS), WDFW APPLICATION ID: 1880**

On January 4, 2015, I received your application for a Hydraulic Project Approval (HPA) for the project described above.

Your request on June 23, 2015 for a minor modification of your existing HPA has been approved. You are authorized to splice ferry terminal piles with steel clamps year around at the locations noted within your HPA so long as the remainder of the HPA can be adhered to. Please attach this letter to your HPA on-site.

If you have any questions, please call me at 360-391-4612.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey Kamps".

Jeffrey Kamps
Fish and Wildlife Biologist