

Simplified Hydraulic Project Approval for Maintenance, Repair, Replacement, & Removal of Piling in Freshwater

Washington Department of Fish and Wildlife

RCW 77.55.100 - Appeal Pursuant to Chapter 34.05 RCW

Control Number: _____ FPA/Public Notice #: _____

When completed and approved, this is your Simplified Hydraulic Project Approval for Maintenance, Repair, replacement, or removal of pile in freshwaters of the state. Use this form when conducting pile maintenance, repair, replacement, or removal in freshwaters of the state. Please fill out the form below. After you clearly demonstrate the project is eligible for a Simplified Hydraulic Project Approval, this permit application and permit is **“Approved”** once it is signed and dated by an authorized Washington Department of Fish and Wildlife employee.

Section 1. Project Description

Landowner Name <i>(Last, First, M.I.):</i>	Address	Contact No.
County	Water body Name :	
Total area of construction site (length x width)	Total area of disturbance (Square ft.)	
AUTHORIZED AGENT OR CONTRACTOR:	Township:	Range: Section: ¼ Sect.

Section 2. Permit Eligibility

The project applicant or owner is responsible for verifying project locations and securing permission from the landowner(s) to perform maintenance work and ensuring that the pile work does not pose a hazard to navigation on federal or state waters. Any work in or over streams will likely require a Hydraulic Project Approval (HPA) permit from the Washington Department of Fish and Wildlife (WDFW).

To qualify for a Simplified Hydraulic Project Approval, your project must meet certain eligibility standards. Please review and certify “Yes” the project has been designed and will be constructed in compliance with ALL of the following Simplified HPA eligibility standards. If your project does not meet all of the eligibility standards, you will need to apply for an Individual Hydraulic Project Approval. Be advised the Department has the final discretion to determine Simplified HPA eligibility and may require information in addition to the initial permit application submittal or require an Individual Hydraulic Project Approval if site-specific conditions require additional review.

Simplified Permit Eligibility Criteria	Yes
This hydraulic project is for the maintenance/repair/replacement or removal of existing piling. This hydraulic project will not result in an increase of the total number of pile or the expansion of the foot print of any structure. For each new pile installed an old pile will be removed. Photo documentation of the existing piles to be replaced will be provided with this application.	<input type="checkbox"/>
All treated wood piling and lumber to be used for the project will meet or exceed the standards established in, "Best Management Practices For the Use of Treated Wood in Aquatic Environments" developed by the Western Wood Preservers Institute, revised July 1996. All ACZA e.g. Chemonite treated wood piling and lumber will be treated by the manufacturer per the Post Treatment Procedures outlined in BMP Amendment #1 - Amendment to the Best Management Practices for the Use of Treated Wood in Aquatic Environments: USA Version - Revised July 1996", by the Western Wood Preservers Institute dated April 17, 2002 or current revision.	<input type="checkbox"/>
Wood pile treated with creosote or pentachlorophenol will <u>not</u> be used.	<input type="checkbox"/>
Skirting or other structures will not be constructed around the pier, dock, or float.	<input type="checkbox"/>
Pile maintenance/repair/replacement or removal activities will be conducted to minimize disturbance of the bed of waters of the state and prevent siltation of the beach area and bed.	<input type="checkbox"/>

All round piles will be 10 inches in diameter or less. Other piles will be less than 100 square inches in cross sectional area and not more than 14" per side in dimension. Sheet pile will not be used.	<input type="checkbox"/>
No petroleum products or other deleterious materials will enter surface waters during any phase of the project proposal. Equipment will be inspected daily for hydraulic or fuel leaks. Equipment will be shut down and repaired immediately if oil sheen is observed. Oil spill recovery equipment will be present on-site and deployed immediately if a spill occurs.	<input type="checkbox"/>
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 Department of Ecology at 1-800-258-5990, and to the Area Habitat Biologist listed below.	<input type="checkbox"/>
Piling Removal	<input type="checkbox"/>
If piles and cross members being removed are rotted or structurally unsound to the extent that debris and treated wood cannot be retrieved during demolition, a floating boom must be deployed around the work area. All debris or deleterious material resulting from demolition or construction will be contained and removed from the water, shoreline, and bed and prevented from entering waters of the state.	<input type="checkbox"/>
All piles and associated cross-members will be picked vertically and placed in a containment vessel.	
All Piles and associated cross-bracing that are removed or incidentally broken off, shall be completely removed and disposed of upland such that they cannot enter waters of the state. If piles are unable to be completely removed vertically without breaking they shall be cut off approximately at or below the bed. Piles will not be dug from the bed.	<input type="checkbox"/>
Pilings removed from the substrate shall be moved immediately from the water and placed on a containment vessel or barge. The pilings shall not be shaken, pressure cleaned, left hanging to dry or any other action intended to clean or remove the adhering material from the pile.	<input type="checkbox"/>
The project proponent will provide WDFW with documentation (receipts) of the treatment-process used, as well as receipts documenting that the pilings were properly disposed of. Photo-documentation must be provided to WDFW illustrating the broken off pilings that have been removed from the substrate as well as close-up photos of the portion of the piles that were left embedded in the substrate. Photo-documentation and receipts will be submitted to WDFW no later than seven days after work is complete.	<input type="checkbox"/>
Piling Installation	
Equipment used for this project shall operate stationed on a boat/barge or landward of the shoreline in water of sufficient depth such that the boat or barge does not ground out on the bed.	<input type="checkbox"/>
A vibratory or impact hammer will used to install the wood pilings.	<input type="checkbox"/>
Steel pilings will be driven only by means of a vibratory hammer.	<input type="checkbox"/>
In the event that an impact hammer is required for final proofing of the steel piles, a minimum 6 inch thick wood block will be installed/used between the piling and the impact hammer during pile driving operations or a bubble curtain shall be installed around the pile during pile driving operations to reduce concussive transmission.	<input type="checkbox"/>
If the piling will be used to moor barges or commercial vessels, UHMW rub strips must be installed on the working face of the new fender pilings to avoid treated wood debris from falling into marine waters due to the chafing, gouging, and scraping of piles from the barges.	<input type="checkbox"/>
The footprint of the new decking will be no greater than the existing footprint and must be replaced in the same location.	<input type="checkbox"/>
Treated wood piles that will be exposed to abrasion must be protected to prevent release of toxic materials.	<input type="checkbox"/>

Section 3: Submittal Requirements	Yes
I have submitted a \$\$\$ permit application fee , in the form of a check, payable to Washington Department of Fish and Wildlife.	<input type="checkbox"/>
I have submitted legible site maps , which clearly illustrate the proposed work and pile to be replaced, removed, or installed and the proximity to nearby structures, docks, major landmarks and roads.	<input type="checkbox"/>
I have submitted clear photographs , which illustrate the project footprint including the number of existing piles and piles to be removed or replaced	<input type="checkbox"/>
Section 4: Certification	
I hereby certify that I am the bridge owner or authorized representative of the piling owner, or that I	<input type="checkbox"/>

have permission to represent the pile owner(s), which is the subject of this permit application.	
I certify that the project has been designed and will be constructed and maintained in compliance with all of the above Simplified Permit Eligibility Standards.	<input type="checkbox"/>
I certify that the information contained in this application submittal is true and accurate and understand that failure to comply with any or all of the provisions of the issued permit may result in permit revocation, a fine and/or imprisonment or forfeiture under the provisions of applicable laws.	<input type="checkbox"/>
I understand that I am responsible for obtaining all necessary local (e.g. city, town, village or county) U.S. Army Corps of Engineer, and U.S. Coast Guard, permits or approval, in addition to this WDFW Class II Hydraulic Project Approval prior to commencing any work at the project site. (provide links to contact numbers for other agencies on website?)	<input type="checkbox"/>

Section 5: Permission and Notification

	Yes
I hereby give the Department permission to enter and inspect the pile at reasonable times, to inspect or monitor this notice and application, and to determine compliance with any resulting permit coverage.	<input type="checkbox"/>
NOTIFICATION AND COMPLIANCE INSPECTION REQUIREMENT: The permittee will contact the Regional Habitat Program Manager or the Area Habitat Biologist (AHB), as well as the Compliance Coordinator (attached reference) at least three days before starting work on a hydraulic project. The permittee shall send the notification by e-mail and it shall include the starting date, description of work, waterbody name, location including road number and milepost if applicable, and the control number of this HPA.	

Section 6: Landowner or Authorized Representative Signature

Please sign below. By signing you are certifying that all of the requested items contained in this permit application attachment have been fulfilled and the appropriate documentation is attached.			<input type="checkbox"/>
Name of Owner/Authorized Representative (please print)	Title	Telephone Number	
Signature		Date Signed	

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE USE ONLY
PLEASE DO NOT MARK UP SECTIONS 7-9

Section 7: Other Applicable requirements

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.

Section 8: GENERAL TIMING LIMITATIONS

This project may begin _____ and shall be completed by _____. (Reference work windows if appropriate?)

PERMIT VALIDATION PERIOD: This Hydraulic Project Approval (HPA) permit written and issued by the Washington Department of Fish and Wildlife (WDFW) is valid only until_(insert date here)_after which time it must be renewed.

Section 9: Appeal 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 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. You may contact the HPA Appeals Coordinator at (360) 902-2260 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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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.

SAMPLE

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Figure 1 - Old Piling can leak Petroleum Products and must be removed.