



Received 11-1-2021

## HYDRAULIC PROJECT

### APPROVAL

R.C.W. 75.20.100  
R.C.W. 75.20.103

DEPARTMENT OF FISHERIES  
General Administration Bldg.  
Olympia, Washington 98504  
(206) 753-6650

[4] January 29, 1996

DEPARTMENT OF FISHERIES

(applicant should refer to this date in all correspondence)

PAGE 1 OF 2 PAGES

[10] LAST NAME Lone Star Northwest	FIRST	[18] CONTACT PHONE(S) (206) 746-0839	[1] CONTROL NUMBER 95-S1670-02	
[19] STREET OR RURAL ROUTE PO Box 1730, ATTN: Ron Summers			[7] [8] [9] WRIA 12.MARI	
CITY Seattle	STATE WA	ZIP 98111	[14] [17]	
[12] WATER Nisqually Reach	TRIBUTARY TO Puget Sound		[11] TYPE OF PROJECT New Dock, Conveyor & Mooring Buoy	
[13] QUARTER SECTION SECTION	SECTION 14	TOWNSHIP 19N	RANGE(E-W) 01E	COUNTY Pierce

TIME LIMITATIONS: [5] THIS PROJECT MAY BEGIN  
Immediately [6] AND MUST BE COMPLETED BY  
March 14, 1997

THIS APPROVAL IS TO BE AVAILABLE ON THE JOB SITE AT ALL TIMES AND ITS PROVISIONS FOLLOWED BY THE PERMITTEE AND OPERATOR PERFORMING THE WORK.

SEE IMPORTANT GENERAL PROVISIONS ON REVERSE SIDE OF APPROVAL

NOTE: The Washington Department of Fish and Wildlife (WDFW) has reviewed your plans appearing in Corps of Engineers Public Notice 95-1-01670, received on December 13, 1995, and met with the Interagency Committee on January 10, 1995.

1. This project is approved as illustrated in your application subject to the following provisions.
2. The permittee or contractor shall notify the Area Habitat Biologist listed below by fax (360) 902-2946, or mail at least seven working days prior to the start of construction activities.
3. Work below the ordinary high water line (OHWL) shall not occur from March 15 through June 14 of any year for the protection of migrating juvenile salmonids.
4. All manmade debris on the beach shall be removed and disposed of upland such that it does not enter waters of the state.
5. All piling for the project shall be steel, concrete, or recycled plastic, as indicated in your plans and at the January 10, 1996 Interagency Committee meeting.
6. Wet concrete shall be prevented from entering waters of the state. Forms for any concrete structure shall be constructed to prevent leaching of wet concrete. Impervious materials shall be placed over

SEPA: Supplemental EIS, DOE & City of DuPont - June 1, 1995  
REGIONAL HABITAT MANAGER - Randy Carman (360) 902-2573  
PATROL - Tuggle 028 [P2]  
APPLICANT - WILDLIFE - READER - PATROL - HAB. MGR. - WRIA

DEPARTMENT OF FISHERIES

*R. Simony, I did for*

DIRECTOR

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE  
600 CAPITOL WAY NORTH  
OLYMPIA, WASHINGTON 98501-1091  
(360) 902-2534

This Hydraulic Project Approval pertains only to the provisions of the Fisheries Code (RCW 75.20). Additional authorization from other public agencies may be necessary for this project.

GENERAL PROVISIONS

This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the permittee and operator(s) performing the work.

The person(s) to whom this Hydraulic Project Approval is issued may be held liable for any loss or damage to fish life or fish habitat which 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 or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All Hydraulic Project Approvals issued pursuant to RCW 75.20.100 or 75.20.160 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 permittee has the right pursuant to Chapter 34.04 RCW to appeal such decisions. All Hydraulic Project Approvals issued pursuant to RCW 75.20.103 may be modified by the Department of Fish and Wildlife due to changed conditions after consultation with the permittee: PROVIDED HOWEVER, that such modifications shall be subject to appeal to the Hydraulic Appeals Board established in RCW 75.20.130.

APPEALS - GENERAL INFORMATION

IF YOU WISH TO APPEAL A 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 75.20.100, 75.20.103, 75.20.106, AND 75.20.160:**

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.

It is recommended that an aggrieved party contact the Area Habitat Biologist and discuss the concerns. Most problems are resolved at this level, but if not, you may elevate your concerns to his/her supervisor. A request for an INFORMAL REVIEW shall be in WRITING to the Department of Fish and Wildlife, 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. The 30-day time requirement may be stayed by the Department if negotiations are occurring between the aggrieved party and the Area Habitat Biologist and/or his/her supervisor. The Habitat Protection Services Division Manager or his/her designee shall conduct a review and recommend a decision to the Director or its 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 75.20.100 OR 75.20.106:**

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- (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, 600 Capitol Way North, Olympia, Washington 98501-1091, shall be plainly labeled as "REQUEST FOR FORMAL APPEAL" and shall be RECEIVED DURING OFFICE HOURS by the Department 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 75.20.103 or 75.20.160:**

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**D. FAILURE TO APPEAL 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.**



## DEPARTMENT OF FISHERIES

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<input type="checkbox"/> 12 WATER Nisqually Reach		<input type="checkbox"/> 9 WRIA 12.MARI

any exposed concrete not lined with the forms that will come in contact with state waters. Forms and impervious materials shall remain in place until the concrete is cured.

7. Eelgrass and kelp shall not be adversely impacted due to any project activities (e.g., barge shall not ground, equipment shall not operate, and other project activities shall not occur in eelgrass and kelp).
8. Beach area depressions created during project activities shall be reshaped to pre-project beach level upon project completion.
9. Project activities shall be conducted to minimize siltation of the beach area and bed.
10. If a fish kill occurs or fish are observed in distress, the project activity shall immediately cease and WDFW Habitat Program shall be notified immediately.
11. All debris or deleterious material resulting from construction shall be removed from the beach area and bed and prevented from entering waters of the state.
12. No petroleum products or other deleterious materials shall enter surface waters.
13. Project activities shall not degrade water quality to the detriment of fish life.

If you have any questions or need additional information, please contact Randy Carman, Area Habitat Biologist, at (360) 902-2573.

LOCATION: Proposed dock at Tatsolo Point and mooring buoy southwest of Ketron Island

cg:50:11

cc: Ted Muller, WDFW  
Maria Peeler, DOE

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE  
600 CAPITOL WAY NORTH  
OLYMPIA, WASHINGTON 98501-1091  
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