

Appendix D
Derelict Vessel Program
Hydraulic Project
Approval

Appendix D – Derelict Vessel Program Hydraulic Project Approval



HYDRAULIC PROJECT APPROVAL
RCW 77.55.100 - Appeal Pursuant to Chapter 34.05 RCW

Statewide
600 Capitol Way N
Olympia, WA 98501-1091
(360) 902-2200

Issue Date: January 27, 2011
Project Expiration Date: January 26, 2016

Control Number: 121939-1
FPA/Public Notice #: N/A

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
Washington Department of Natural Resources ATTENTION: Melissa Ferris 1111 Washington Street SE MS 47027 Olympia, WA 98501 360-902-1574	

Project Name: Derelict vessel removal
 Project Description: Remove derelict vessels under Washington Department of Natural Resources' Derelict Vessel Removal Program.

PROVISIONS

1. This HPA authorizes removal of derelict and abandoned vessels from the beds of state waters under the Washington Department of Natural Resources' Derelict Vessel Removal Program. This HPA does not authorize removal of any vessel on the bed in contaminated sediment, eelgrass, kelp beds or other attached macroalgae, or a documented herring or forage fish spawning area. This does HPA does not authorize removal of any vessel where removal requires that the vessel be cut up on the beach. Separate written approval from WDFW is required to remove a vessel from such habitat or using such a method.
2. Work shall be accomplished per plans and specifications approved by WDFW entitled JARPA and dated January 5, 2011, except as modified by this HPA. A copy of these plans shall be available on site during vessel removal operations.
3. **TIMING LIMITATIONS**
 If the removal method involves only the use of floatation bags with no hydraulic jetting of sediments, the vessel may be removed at any time of the year from January 27, 2011 to January 26, 2016.

 If the removal involves the use of hydraulic jetting for sling placement, work must be accomplished during the marine or freshwater work windows specified in Attachment 1, which is part of this HPA.
4. **NOTIFICATION REQUIREMENT:** The permittee or contractor shall notify (verbal, fax, email, etc.) the WDFW Regional Habitat Program Manager (RHPM), listed in Attachment 2, prior to the removal of a sunken derelict vessel. The notification shall include the contractor name, project location, vessel name, starting date for work, and the control number for this HPA.
5. **ANNUAL REPORTING:** The permittee shall submit a calendar year annual report of the Derelict Vessel Removal Program projects by March 31 of the following year, or in the final year of the permit prior to the expiration date. Reports may be submitted by email to HPAapplications@dfw.wa.gov, or by mail to WDFW Habitat Program, 600 Capitol Way N. Olympia, WA 98501.



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Project Expiration Date: January 28, 2016

FPA/Public Notice #: N/A

The report shall be provided in Excel; a template is provided in Attachment 3 to this HPA.

An annual report is required even if no work was conducted under the agreement.

The report shall include:

- a. The HPA control number.
 - b. Name, address, email address, and telephone number of the person preparing the report.
 - c. The date and time period of the report.
 - d. List of individual projects completed: By WDFW region including water body name, vessel name, location, date of work, method of removal, and disposition of the vessel (e.g., sold or landfilled).
 - e. The total number of individual projects completed, by WDFW region and statewide.
 - f. Problem(s) encountered: Provision violation, notification, corrective action, impacts to fish life and water quality from problem.
 - g. Recommendations for improvement to Best Management Practices (BMP's) and mitigation [Optional]
6. All debris or deleterious material resulting from the vessel removal shall be removed from the aquatic bedlands and state waters, and prevented from re-entering waters of the state. A boom or similar device shall be used to contain floatable materials.
7. Vessels and associated materials shall be disposed of so they will not re-enter state waters.
8. Sunken vessels shall not be dragged along the bed.
9. Barges shall be restricted to water levels or tide elevations adequate to prevent grounding of the barge, however, barges are permitted to 'spud down', anchor, or otherwise stabilize themselves to maintain position when conducting a removal.
10. No petroleum products or other deleterious materials from equipment or vessels used to carry out the removal shall enter surface waters.
11. 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 the appropriate Regional Habitat Program Manager in Attachment 2.



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PROJECT LOCATIONS

Location #1

WORK START: January 27, 2011				WORK END: January 26, 2016		
<u>WRIA:</u> 99.0000		<u>Waterbody:</u> Various			<u>Tributary to:</u> Statewide	
<u>1/4 SEC:</u> All	<u>Section:</u> 01	<u>Township:</u> 99	<u>Range:</u> 99	<u>Latitude:</u> N	<u>Longitude:</u>	<u>County:</u> Multiple
<u>Location #1 Driving Directions</u>						

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) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor.



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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) 902-2260 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.

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.

ENFORCEMENT: Sergeant Anderson (202) P3

Habitat Biologist Carol Piening	Carol.Piening@dfw.wa.gov 360-902-2588		for Director WDFW
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CC: Email with attachments:
 All RHPMs, WDFW
 All Regional Enforcement Sergeants, WDFW



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Melissa Ferris, WDNR

Attachments:

Work Times for DVRP

WDFW Regional Habitat Program Managers

DVRP Report Template

JARPA

