



HYDRAULIC PROJECT APPROVAL

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

Issue Date: 04/02/2026
Project End Date: 04/01/2031

Permit Type: HPA - Standard
Permit Number: 2026-4-233+01
Application ID: 35496

PERMITTEE	AUTHORIZED AGENT
ATTENTION City of Mercer Island Sarah Bluvas 2040 84th Ave SE Mercer Island, Washington 98040-2222	ATTENTION Anchor QEA, Inc. Joshua Jensen 1201 3rd Avenue Ste 2600 Seattle, Washington 98101

Project Name: Luther Burbank Park Waterfront Improvements

Project Description: The City of Mercer Island (City) is proposing the Luther Burbank Park Waterfront Improvements Project (Project) includes repairing and replacing portions of the existing dock structures, including repairs to the north dock structure, and replacing and reconfiguring the central and south dock structures to accommodate waterfront programming and current and projected watercraft uses. Other waterside improvements include installing a grated overwater public platform in the nearshore to improve access to the water along the existing plaza area. The project is removing a derelict dock on the south side of the park. The north beach area will be improved with fish habitat gravel and riparian plantings.

PROVISIONS

PROJECT APPROVALS

1. This STANDARD Hydraulic Project Approval (HPA) is issued for:
 1. Removal and disposal of the existing Central and South docks, to include:
 - a. Removal and disposal of approximately 4,194 square feet of concrete and wood decking;
 - b. Removal and disposal of structural and framing components;
 - c. Removal and disposal of 68 creosote piles; AND
 - d. Removal and disposal of one (1) existing aluminum ramp.
 2. Repair to the existing North dock, to include:
 - a. Removal and disposal of approximately 261 square feet of concrete decking;
 - b. Removal and disposal of approximately 120 square feet of wooden decking;
 - c. Removal and disposal of structural and framing components, as needed;
 - d. Removal and disposal of one (1) creosote pile;
 - e. Replacement of structural and framing components, as needed;
 - f. Repair of up to 38 creosote piles, using the pile sleeving method with fiberglass jackets; AND
 - g. Installation of approximately 261 square feet of grated decking.
 3. Removal and disposal of an existing approximately 215 square feet derelict dock, to include:
 - a. Removal and disposal of concrete decking;
 - b. Removal and disposal of structural and framing components; AND
 - c. Removal and disposal of four (4) 12-inch piles and abutments.



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4. Installation of an approximately 3,162 square feet floating pier, to include:
 - a. Driving of sixteen (16) 24-inch and one (1) 16-inch steel pile;
 - b. Installation of structural and framing components;
 - c. Installation of an approximately 2,612 square feet of concrete wave attenuation float;
 - d. Installation of two (2) approximately 175 square feet of grated finger floats; AND
 - e. Installation of one (1) approximately 375 square feet grated gangway and abutment.
5. Installation of approximately 1,214 square feet of new overwater coverage, to include:
 - a. Driving of six (6) 16-inch steel piles;
 - b. Reuse of the existing approximately 500 square feet floating pier;
 - c. Installation of a new approximately 381 square feet general purpose float;
 - d. Installation of two (2) new approximately 90 square feet of grated finger floats;
 - e. Installation of an approximately 214 square feet of grated gangway; AND
 - f. Installation of approximately 29 square feet of concrete gangway support walkway.
6. Installation of approximately 513 square feet of overwater stairs and ADA platform, to include:
 - a. Installation of six (6) 6-inch pin piles; AND
 - b. Installation of grated decking over the stairs and the ADA platform.
7. Installation of three (3) new buoys, to include:
 - a. Removal of one (1) existing buoy;
 - b. Installation of three (3) new buoys; AND
 - c. Installation of helical anchors and tether lines.
8. Installation of a screened water intake on the underside of the initial grated pier walkway.
9. Installation of new outfall in the existing bulkhead, to be screened.
10. Installation of fish exclusion screening on the existing outfall on the north beach.
11. Nearshore and shoreline restoration, to include:
 - a. Removal and disposal of miscellaneous debris found on site, including metal, concrete, and stone pavers;
 - b. Removal of seven (7) trees;
 - c. Excavation of approximately ten (10) cubic yards of sediment below the ordinary high water line;
 - d. Installation of approximately sixty-one (61) cubic yards of spawning gravel;
 - e. Installation of twenty-one (21) native trees, including three (3) grand fir, three (3) western red cedar, four (4) big leaf maple, one (1) swamp oak, and ten (10) vine maple;
 - f. Installation of native shrubs, including eighteen (18) Indian plum, twenty-four (24) mock orange, thirty-nine (39) sword fern, thirteen (13) red flowering currant, sixty (60) nootka rose, twenty-four (24) thimbleberry, thirty-nine (39) snowberry, fifty-three (53) kinnikinnick, fifty-three (53) low Oregon grape, three (3) red osier dogwood, and fifty-two (52) lady fern; AND
 - g. Placement of habitat boulders and habitat logs, as possible with existing boulders and logs.

NOTE: This project occurs on Lake Washington, where chinook, coho, steelhead, sockeye, and kokanee salmon are known to occur.

2. Work must be accomplished per the plans and specifications submitted with the application and approved by the Washington Department of Fish and Wildlife, entitled "[PLANS UPDATED](#)", dated February 19, 2026, entitled "[209096_20221024_JARPA_LutherBurbankWaterfront.pdf](#)", dated December 20, 2024, emails entitled "[35496_LBWI_Emails](#)", uploaded March 31, 2026, except as modified by this Hydraulic Project Approval. You must have a copy of these plans available on site during all phases of the project construction.
3. This HPA authorizes the expansion of the floating structures as shown in the approved plans. This HPA does not allow for the approval of the expansion of the fixed concrete North pier.
4. This HPA authorizes only the removal of the large woody vegetation shown in the approved plan. Clearly mark all large woody vegetation authorized for removal before starting work.

AUTHORIZED WORK TIMES



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5. You may begin the project immediately and you must complete the project by April 1, 2031, provided all work below the OHWL is conducted between July 16 and September 30 of a given year. Pile driving, sediment excavation and placement, and outfall installation below the ordinary high water line must occur within the in-water work window listed above. All other project actions may occur year round.

INVASIVE SPECIES CONTROL

6. Follow Method 1 for low-risk locations (i.e., clean/drain/rinse/dry). Thoroughly remove visible dirt and debris from all equipment and gear—including vessels, boots, waders, drive mechanisms, wheels, tires, tracks, buckets, and undercarriage—before arriving at and leaving the job site to prevent the transport and introduction of aquatic invasive species. For contaminated or high-risk sites, refer to the Method 2 Decontamination protocol. Clean, rinse, and dry all decontamination equipment used and properly dispose of any water and chemicals used for cleaning. For additional decontamination details, including specific protocols for freshwater, marine, and estuarine environments, refer to the Washington Department of Fish and Wildlife Invasive Species Management Protocols, available online at <https://wdfw.wa.gov/species-habitats/invasive/prevention/clean-drain-dry#decontamination>

NOTIFICATION REQUIREMENTS

7. PRE- AND- POST-CONSTRUCTION NOTIFICATION: You or your agent must contact the Washington Department of Fish and Wildlife by e-mail at HPAapplications@dfw.wa.gov; mail to Post Office Box 43234, Olympia, Washington 98504-3234; or fax to (360) 902-2946 at least three business days before starting work, and again within seven days after completing the work. The notification must include the permittee's name, project location, starting date for work or date the work was completed, and the permit number. The Washington Department of Fish and Wildlife may conduct inspections during and after construction; however, the Washington Department of Fish and Wildlife will notify you or your agent before conducting the inspection.
8. FISH KILL/WATER QUALITY PROBLEM NOTIFICATION: If a fish kill occurs or fish are observed in distress at the job site, immediately stop all activities causing harm. Immediately notify the Washington Department of Fish and Wildlife of the problem. If the likely cause of the fish kill or fish distress is related to water quality, also notify the Washington Military Department Emergency Management Division at 1-800-258-5990. Activities related to the fish kill or fish distress must not resume until the Washington Department of Fish and Wildlife gives approval. The Washington Department of Fish and Wildlife may require additional measures to mitigate impacts.

REPORTING REQUIREMENTS

9. PHOTOGRAPHS: You, your agent, or contractor must take photographs of the job site before the work begins and after the work is completed. You must upload the photographs to the post-permit requirement page in the Aquatic Protection Permitting System (APPS) or mail them to Washington Department of Fish and Wildlife at Post Office Box 43234, Olympia, Washington 98504-3234 within 30-days after the work is completed.

STAGING, JOB SITE ACCESS, AND EQUIPMENT

10. Establish staging areas (used for activities such as equipment storage, vehicle storage, fueling, servicing, and hazardous material storage) in a location and manner that will prevent contaminants such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.
11. Clearly mark boundaries to establish the limit of work associated with site access and construction.
12. Check equipment daily for leaks and complete any required repairs in an upland location before using the equipment in or near the water.
13. Equipment used in or near water must use environmentally acceptable lubricants composed of biodegradable base oils. These are vegetable oils, synthetic esters, and polyalkylene glycols.
14. Station and operate equipment used for this project landward of the ordinary high water line or on a barge.
15. If wet or muddy conditions exist, in or near a riparian zone or wetland area, use equipment that reduces ground pressure.
16. Use existing roadways or travel paths.
17. Operate and anchor vessels and barges during construction in a manner that protects native aquatic vegetation.

SEDIMENT, EROSION, AND POLLUTION CONTAINMENT



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18. Deposit waste material from the project, such as construction debris, silt, excess dirt, or overburden, in an upland area above the limits of anticipated floodwater unless the material is approved by the Washington Department of Fish and Wildlife for reuse in the project.
19. Prevent project contaminants, such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials, from entering or leaching into waters of the state.
20. Do not stockpile construction material waterward of the ordinary high water line, unless it is contained on a barge.
21. If flow conditions arise that will result in erosion or siltation of waters of the state, stop all hydraulic project activities except those needed to control erosion and siltation.
22. Store all construction and deconstruction material in a location and manner that will prevent contaminants such as petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.
23. Use tarps or other methods to prevent treated wood, sawdust, trimmings, drill shavings and other debris from contacting the bed or waters of the state.
24. Protect all disturbed areas from erosion. Maintain erosion and sediment control until all work and cleanup of the job site is complete.
25. All erosion control materials that will remain onsite must be composed of 100% biodegradable materials.
26. Straw used for erosion and sediment control, must be certified free of noxious weeds and their seeds.
27. Route the construction water (wastewater) from the project to an upland area above the limits of anticipated floodwater. Remove fine sediment and other contaminants before discharging the construction water to waters of the state.

CONSTRUCTION MATERIALS

28. Do not use wood treated with oil-type preservative (creosote, pentachlorophenol) in any hydraulic project. Wood treated with waterborne preservative chemicals (ACZA, ACQ) may be used if the Western Wood Preservers Institute has approved the waterborne chemical for use in the aquatic environment. The manufacturer must follow the Western Wood Preservers Institute guidelines and the best management practices to minimize the preservative migrating from treated wood into aquatic environments. To minimize leaching, wood treated with a preservative by someone other than a manufacturer must follow the field treating guidelines. These guidelines and best management practices are available at <https://preservedwood.org>.
29. Use of treated wood for decking is not authorized, but may be used for structural elements. Treated wood subject to abrasion by vessels, floats, or other objects must incorporate approved design features such as rub strips to minimize abrasion of the wood. Use of tires is not approved unless proper post-treatment for aquatic environments is performed.
30. Attach rubbing strips made of ultra high molecular weight (UHMW) type plastic, or high density polyethylene (HDPE) type plastic to the replacement fender system. Do not use rubber tires for the fender system.
31. Fully enclose and contain flotation for the structure in a shell (tub) or 20 - 25 mm polyethylene or polyurethane wrap. The shell or wrap must prevent breakup or loss of the flotation material into the water. The shell or wrap must not be readily subject to damage by ultraviolet radiation and abrasion.
32. As specified in the approved plans, the 16 pilings must be 24 – inch diameter steel pilings, the 7 pilings must be 16 – inch diameter steel pilings, and the 6 pin pilings must be 6 – inch diameter steel pilings.
33. The buoy must have a shell that is resistant to ultraviolet radiation (sunlight) and abrasion caused by rubbing against vessels, the bed, and/or waterborne debris.
34. This HPA allows for the use of a precast concrete float, as shown in the approved plans.

FISH LIFE

35. To avoid attracting fish to artificial light at night, limit activity, such as pile driving, pile removal, and dock light usage, to daylight hours whenever feasible.

FISH PASSAGE AND SCREENING



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36. Screen the intake and outfalls by one of the following:

1. Perforated plate: 0.094 inch (maximum opening diameter);
2. Profile bar: 0.069 inch (maximum width opening); or
3. Woven wire: 0.087 inch (maximum opening in the narrow direction).

The minimum open area for all types of fish screens is twenty-seven percent. The screened intake facility must have enough surface area to ensure that the velocity through the screen is less than 0.4 feet per second. Maintain fish screens to prevent injury or entrapment of fish.

37. The fish screen must remain in place whenever water is withdrawn from the lake through the pump intake.

HABITAT FEATURES

38. Limit the removal of native vegetation to that noted in the approved plans, including the seven trees.
39. Retain all natural habitat features on the bed or banks including large woody material and boulders. You may move these natural habitat features during construction but you must place them near the pre-project location before leaving the job site.
40. This HPA allows for the installation of approximately sixty-one (61) cubic yards of spawning gravel in the North Beach area and waterward of the ordinary high water line of the new platform stair area.
41. Nourishment gravels must be clean, well-rounded, and placed extending from the bulkhead waterward 15 feet. The spawning gravel specification (2-inch minus) is 100% less than 2 inches, 85% less than 1 inch, and greater than 40% between 0.25 and 0.75 inch.
42. This HPA allows for the re-use of habitat boulders and large woody material on site.

PLANTING

43. Replant the job site with the plant species composition and planting densities approved by the Washington Department of Fish and Wildlife, entitled "[PLANS UPDATED](#)", uploaded February 19, 2025, noted on pages 67, 68, and 70.
44. Complete replanting of riparian vegetation during the first dormant season (late fall through late winter) after project completion per the approved plan. Maintain plantings for at least three years to ensure at least eighty percent of the plantings survive. Failure to achieve the eighty percent survival in year three will require you to submit a plan with follow-up measures to achieve requirements or reasons to modify requirements.
45. Seed areas disturbed by construction activities with a native seed mix suitable for the site that has at least one quick-establishing plant species.

PROJECT DESIGN

46. The length of the fixed concrete and grated pier must not exceed 233-feet 3-inches as shown in the approved plans. The length of the floating wave attenuator pier and ramp must not exceed 339-feet 9-inches as shown in the approved plans. The length of the general purpose float and ramp must not exceed 132-feet 3-inches as shown in the approved plans.
47. The pier, ramp, and float structures must not exceed the widths stated in the approved plans entitled "[PLANS UPDATED](#)", uploaded February 19, 2026.
48. The general purpose floats and platform stair structures must include functional grating. The grating material's open area must be at least forty percent and cover the entire deck area. Any objects that are not part of the structure on, above, or below the grating should not block light penetration.
49. Do not construct skirting including batter fencing around piers, docks, or floats.
50. Incorporate features, such as steel, plastic or rubber collars, fendering or other systems to prevent or minimize the abrasion of the treated wood by floats, ramps or vessels. Do not use rubber tires for the fender system. If vertical fenders are selected, install at a minimum spacing of four feet on center.
51. Fit all exposed pilings with devices to prevent perching by fish-eating birds.
52. Use low-intensity lights that are located and shielded to prevent light from reaching the water surface.
53. Each pile may be sleeved only once.
54. The diameter of sleeved piles must be no more than three inches greater than the diameter of the existing piles.



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55. Design the buoy anchoring systems to prevent the anchor or anchor lines from shifting or dragging along the bed.
56. Either an embedded anchor or precast concrete anchor on the sea floor may be used.
57. To prevent scouring, protect the watercourse bank and bed at the point of discharge using biotechnical techniques.
58. To prevent the entry of adult or juvenile fish, construct the outfall structure according to the approved plans and specifications.

PROJECT IMPLEMENTATION

59. Monitor sleeved pilings for at least 30 minutes to confirm concrete or fill material is not leaking.
60. Prior to construction, re-establish the pier and float structures centerline using the same methodology used to establish the centerline on the construction drawings to avoid shading native aquatic vegetation.
61. The use of a vibratory hammer, impact hammer, and water jet is authorized for piling installation and removal under this HPA. However, a vibratory hammer is preferred.
62. Piling removal:
 1. Use a vibratory system to dislodge piling whenever feasible;
 2. Place the piling on a construction barge or other dry storage site after the piling is removed. The piling must not be shaken, hosed off, left hanging to dry or any other action intended to clean or remove adhering material from the piling;
 3. If a treated wood piling breaks during extraction, remove the stump from the water column by fully extracting the stump or cutting it three feet below the substrate and cap all buried stumps with clean sediment that matches the native material;
 4. Fill holes left by piling extraction with clean sediment that matches the native material whenever feasible.
 5. When removing creosote piling, containment booms and absorbent booms (or other oil absorbent fabric) must be placed around the perimeter of the work area to capture wood debris, oil, and other materials released into fresh waters as a result of construction activities to remove creosote pilings. All accumulated debris must be collected and disposed upland at an approved disposal site.
 6. Creosote piling must be fully suspended during removal so no portion of the log drags through the water or onto the bed.
63. Use appropriate sound attenuation when driving or proofing steel piling with an impact hammer.
 - a. For driving or proofing steel piling, 10 inches in diameter or less, install a 6 inch thick wood block, plastic or rubber between the piling and the impact hammer during impact pile driving operations or install a pile sleeve or bubble curtain around the piling during impact pile driving operations that distributes air bubbles around 100% of the perimeter of the piling over the full depth of the water column.
 - b. For driving or proofing steel piling greater than 10 inches in diameter, install a bubble curtain around the pile during piling impact driving operations that distributes air bubbles around 100% of the perimeter of the piling over the full depth of the water column.
64. Sound attenuation methods are required for the driving or proofing of steel piles with an impact hammer below the ordinary high water line. For impact driving of steel piles that exceed the following criteria, a bubble curtain or other Washington Department of Fish and Wildlife approved sound attenuation device must be used. The specific criteria include sound pressure levels of:
 - a. Greater than or equal to 206 dB (one micropascal squared per second) peak;
 - b. Greater than or equal to 187 dB (one micropascal squared per second) accumulated sound exposure level (SEL) for fish greater than or equal to 2 grams;
 - c. Greater than or equal to 183 dB (one micropascal squared per second) (SEL) for fish less than 2 grams;
 - d. Install a bubble curtain around the pile during all driving operations to ensure proper sound attenuation. The bubble curtain must distribute air bubbles around 100 percent of the perimeter of the piling over the full length of the pile in the water column.



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PROJECT LOCATION

65. Locate and construct the outfalls per the approved plans and specifications entitled, "[PLANS UPDATED](#)" and dated February 19, 2026, and submitted to the Washington Department of Fish and Wildlife.

DEMOBILIZATION AND CLEANUP

66. Deposit all trash from the project at an appropriate upland disposal location.
67. Do not relocate removed or replaced structures within waters of the state. Remove and dispose of these structures in an upland area above the limits of anticipated floodwater.
68. Remove and dispose of the 69 existing pilings, the derelict pier, concrete and wood pier sections, ramp, and float structures including associated materials, from waters of the state.
69. Upon completion of the project, remove all materials or equipment from the site and dispose of all excess spoils and waste materials in an upland area above the limits of anticipated floodwater.
70. Remove temporary erosion and sediment control methods after job site is stabilized or within three months of project completion, whichever is sooner.
71. Restore the disturbed bed, bank, and riparian zone elevations and contours to pre-project condition.
72. To prevent fish from stranding, backfill trenches, depressions, and holes in the bed that may entrain fish during high water or wave action.

PROJECT LOCATION(S)

Location		
Luther Burbank Park Dock		
Latitude	Longitude	County
47.591034000000000	-122.224481000000000	King
WRIA	Waterbody	Tributary to
WRIA	Lake Washington	Lake Washington

APPLIES TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval (HPA) 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 HPA 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 (HPA) shall be available on the job site at all times and all its provisions followed by the person(s) to whom this HPA is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.



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The person(s) to whom this Hydraulic Project Approval (HPA) 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 HPA.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil action against you, including, but not limited to, a stop work order or notice to comply, and/or a gross misdemeanor criminal charge, possibly punishable by a fine and/or imprisonment.

All Hydraulic Project Approvals (HPA) issued under RCW 77.55.021 are subject to additional restrictions, conditions, or revocation if the Washington Department of Fish and Wildlife determines that changed conditions require such action. The person(s) to whom this HPA is issued has the right to appeal those decisions. Procedures for filing appeals are listed below.

MINOR MODIFICATIONS TO THIS HYDRAULIC PROJECT APPROVAL (HPA): You may request approval of minor modifications to the required work timing or the plans and specifications approved in this HPA unless this is a General HPA. If this is a General HPA you must use the Major Modification process described below. Any approved minor modification will require the 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 do not alter the project's impact to fish life or habitat and do not require a change in the provisions of the HPA to mitigate the impacts of the modification. 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 <https://hpa.wdfw.wa.gov/s>. If you did not use APPS you must submit a written request for a minor modification to an existing HPA. Written requests must include the name of the permittee, the name of the authorized agent if applicable, the APP ID or HPA number, 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 your written request by email to HPAapplications@dfw.wa.gov, or 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.

MAJOR MODIFICATIONS TO THIS HYDRUALIC PROJECT APPROVAL (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 the issuance of a new HPA. 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 <https://hpa.wdfw.wa.gov/s>. If you did not use APPS you must submit a written request for a major modification to an existing HPA. Written requests must include the name of the permittee, the name of the authorized agent if applicable, the APP ID or HPA number, 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 your written request by email to HPAapplications@dfw.wa.gov or 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), the Washington Department of Fish and Wildlife (WDFW) recommends that you first contact the WDFW employee who issued, denied, or conditioned the HPA to discuss your concerns. Such a discussion may resolve your



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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 WDFW 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.

- A. **INFORMAL APPEALS:** WAC 220-660-460 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 HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the WDFW Habitat Program, Natural Resources Building, 1111 Washington St SE, Olympia, Washington 98501. 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 may conduct an informal hearing or review and recommend a decision to the Habitat Program 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 220-660-470 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 HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Habitat Program, Natural Resources Building, 1111 Washington St SE, Olympia, Washington 98501. 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 Habitat Program 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.

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A handwritten signature in black ink that reads "Maria McNaughton".

For Director
DFW