

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

Otak, Inc.

APR 27 2018

RECEIVED

APR 24 2018

Regulatory Branch

Tawni Dalziel
City of Sammamish
801 228th Avenue Southeast
Sammamish, Washington 98075

Reference: NWS-2017-529
Sammamish, City of
(Zackuse Creek Fish
Passage)

Dear Ms. Dalziel:

We have reviewed your application to replace three culverts and realign Zackuse Creek in wetland 1, wetland 2, and Zackuse Creek at Sammamish, King County, Washington. Based on the information you provided to us, Nationwide Permits (NWP) 14, *Linear Transportation Projects*, and NWP 27, *Aquatic Habitat Restoration, Enhancement, and Establishment Activities* (Federal Register January 6, 2017, Vol. 82, No. 4), authorize your proposal as depicted on the enclosed drawings dated May 2017.

In order for this authorization to be valid, you must ensure the work is performed in accordance with the enclosed *NWP 14* and *NWP 27, Terms and Conditions* and the following special conditions:

a. You must maintain and monitor the survival of installed plantings for five years after the U.S. Army Corps of Engineers accepts the as-built report in accordance with the *City of Sammamish Zackuse Creek Fish Passage Project Culvert and Stream Monitoring Plan* dated February 16, 2018. Monitoring reports shall be submitted in years 1, 3, and 5. Installed plants shall achieve 100% survival during monitoring Years 1. Installed trees/plants shall achieve at least 80% survival during monitoring Years 3 and 5. Percent survival is based on the total number of plants installed in accordance with the approved riparian planting plan. Individual plants that die must be replaced with native riparian species in order to meet the survival performance standards. Monitoring reports must be submitted to the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch, by December 30 of each monitoring year.

b. You must maintain and monitor new culverts in accordance with the *City of Sammamish Zackuse Creek Fish Passage Project Culvert and Stream Monitoring Plan* dated February 16, 2018, annually for five years. Each monitoring report shall include written documentation on in-culvert sediments (note an excessive erosion or accumulation); stability of

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in-stream structures (weirs, etc.); stability of any in-stream sediments (gravels, etc.); any accumulation of debris (wood rack, etc.) that may block the culvert; any evident erosion at the downstream end of the culvert that could lead to an excessive invert that would preclude fish passage. Monitoring reports must be submitted to the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch, by December 30 of each monitoring year.

c. In order to meet the requirements of the Endangered Species Act (ESA) and Magnuson-Stevens Fishery Conservation and Management Act (MSA) programmatic consultation Fish Passage and Restoration Actions in Washington State (FPRP III) (National Marine Fisheries Service (NMFS) Reference Number WCR-2014-1857), you must implement and abide by the ESA requirements and/or agreements set forth in the Biological Opinion (BO) dated June 21, 2017, and the Project Information Form dated February 2, 2018, in the enclosed document Appendix A: FPRP III Guidelines and Implementation Forms. The BO is available on the U.S. Army Corps of Engineers (Corps) website (Permit Guidebook, Endangered Species, Programmatic Consultations, Fish Passage and Restoration Programmatic Consultations). Within 45 days of completing the permitted work in waters of the U.S., you must provide the Corps the information requested in the FPRP Action Completion Reporting Form in the enclosed document Appendix A: FPRP III Guidelines and Implementation Forms. If fish salvage occurs as part of your project, you must also provide the Corps the information requested in the FPRP Fish Salvage Reporting Form in the enclosed document Appendix A: FPRP III Guidelines and Implementation Forms, within 45 days of completing the permitted work in waters of the U.S. All information must prominently display the reference number NWS-2017-529. Failure to comply with these requirements constitutes non-compliance with the ESA and your Corps permit. The NMFS is the appropriate authority to determine compliance with the terms and conditions of their BO and with the ESA. If you cannot comply with the terms and conditions of this programmatic consultation, you must, prior to commencing construction, contact the Corps, Seattle District, Regulatory Branch for an individual consultation in accordance with the requirements of the ESA and/or the MSA.

We have reviewed your project pursuant to the requirements of the Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act and the National Historic Preservation Act. We have determined this project complies with the requirements of these laws provided you comply with all of the permit general and special conditions.

As part of our permit application review process, we notified Native American tribes that have an interest in this area. The Snoqualmie Tribe requested their archeology staff be present to observe construction. Based on our coordination, you agreed to allow tribal staff access. Please contact Adam Osbekoff at (425) 292-0249 extension 2010 prior to commencing construction.

Please note that National General Condition 21, *Discovery of Previously Unknown Remains and Artifacts*, found in the *Nationwide Permit Terms and Conditions* enclosure, details

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procedures that must be followed should an inadvertent discovery occur. You must ensure that you comply with this condition during the construction of your project.

The authorized work complies with the Washington State Department of Ecology's (Ecology) Water Quality Certification (WQC) requirements and Coastal Zone Management (CZM) consistency determination response for this NWP. No further coordination with Ecology for WQC and CZM is required.

Zackuse Creek is a water of the U.S. If you believe this is inaccurate, you may request a preliminary or approved jurisdictional determination (JD). If one is requested, please be aware that we may require the submittal of additional information to complete the JD and work authorized in this letter may not occur until the JD has been completed.

Our verification of this NWP authorization is valid until March 18, 2022, unless the NWP is modified, reissued, or revoked prior to that date. If the authorized work has not been completed by that date and you have commenced or are under contract to commence this activity before March 18, 2022, you will have until March 18, 2023, to complete the activity under the enclosed terms and conditions of this NWP. Failure to comply with all terms and conditions of this NWP verification invalidates this authorization and could result in a violation of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. You must also obtain all local, State, and other Federal permits that apply to this project.

Upon completing the authorized work, you must fill out and return the enclosed *Certificate of Compliance with Department of the Army Permit*. Thank you for your cooperation during the permitting process. We are interested in your experience with our Regulatory Program and encourage you to complete a customer service survey. These documents and information about our program are available on our website at www.nws.usace.army.mil, select "Regulatory Branch, Permit Information" and then "Contact Us." A copy of this letter with enclosures will be furnished to Mr. Kevin O'Brien, Otak, Inc., 11241 Willows Road Northeast, Redmond, Washington 98052. If you have any questions, please contact me at brandon.c.clinton@usace.army.mil or (206) 316-3164.

Sincerely,



Brandon Clinton, Project Manager
Regulatory Branch

Enclosures



HYDRAULIC PROJECT APPROVAL

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

Issued Date: March 15, 2018
Project End Date: March 14, 2023

Permit Number: 2018-4-174+01
FPA/Public Notice Number: N/A
Application ID: 13717

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
City of Sammamish ATTENTION: Tawni Dalziel 801 228th Ave SE Sammamish, WA 98075	Otak, Inc. ATTENTION: Kevin O'Brien 11241 Willows Road NE, Ste 200 Redmond, WA 98052

Project Name: Zackuse Creek Fish Passage Project

Project Description: The purpose of the project is to provide fish passage and suitable spawning and rearing habitat for native kokanee salmon within Zackuse Creek. The primary goal of this project is to increase the abundance and distribution of spawning locations for kokanee salmon.

Currently, three undersized culverts impede fish passage on Zackuse Creek in immediate succession. The culverts are partial fish passage barriers due to their size and create high velocity water flows. Immediately upstream of the culverts and East of East Lake Sammamish Parkway, Zackuse Creek flows in a poorly defined channel through a valley bottom wetland before turning 90 degrees at a road embankment and entering the most upstream fish passage barrier culvert.

PROVISIONS

1. This STANDARD Hydraulic Project Approval (HPA) is issued for:
 - a. Replacement of an existing, 30-inch, corrugated metal pipe (CMP) culvert on East Lake Sammamish Parkway with a new 12-foot-wide (minimum internal span), by 6-foot-tall (minimum internal height), by 49.5-foot-long (maximum) pre-cast concrete (PCC) box culvert;
 - b. Replacement of an existing, 36-inch, PCC culvert on the East Lake Sammamish Trail with a new 12-foot-wide (minimum internal span), by 8 foot (minimum internal height), by 19-foot-long (maximum) PCC box culvert;
 - c. Replacement of an existing, 24-inch, cast in place concrete (CPC) culvert on East Lake Sammamish Shore Lane NE with a new 12-foot-wide (minimum internal span), by 5 foot (minimum internal height), by 12-foot-long (maximum) PCC box culvert;
 - d. Relocation and realignment of 530 linear feet of channel mainstem with 400 linear feet of new channel mainstem to include;
 - i. Excavation of approximately 590 cubic yards of wetland soils;
 - ii. Installation of 13 grade control bands to be comprised of a 12-inch cobble mix;
 - iii. Placement of approximately 320 cubic yards of approved streambed substrate;
 - iv. Installation of a minimum of 10 large woody material structures to be located at and waterward of the Ordinary High Water Line (OHWL); and
 - e. Implementation of site restoration and enhancement to consist of invasive species removal and subsequent control including installation of native shrubs and trees.

Note: This project occurs on Zackuse Creek, a fish bearing stream known to support or with the potential to support Sockeye, Coho, Steelhead, Cutthroat Trout, and Resident Trout. This project will replace three mapped Fish Passage and Diversion Screening Inventory (FPDSI) barriers: 920253, 920254, and 920255.



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2. **TIMING LIMITATION:** You may begin the project immediately and you must complete the project by March 14, 2023, provided, all work below the ordinary high water line be completed between July 1 and September 30 of a given year. Work outside of the ordinary high water line may be conducted year round provided measures to prevent turbidity and sedimentation within the creek are in place and functioning properly.

3. **APPROVED PLANS:** You must accomplish the work per plans and specifications submitted with the application and approved by the Washington Department of Fish and Wildlife, entitled, 'Zackuse Creek Fish Passage Project,' dated May, 2017, 'ZACKUSE CREEK CULVERT REPLACEMENT AND FISH HABITAT IMPROVEMENT PROJECT,' dated May, 2017, the technical report, 'Zackuse Creek Bed Material Stability,' dated October 19, 2017,' the culvert sizing technical report, 'Culvert Sizing Recommendations,' the monitoring and maintenance plan for the constructed fishway, 'City of Sammamish Zackuse Creek Fish Passage Project, Culvert and Stream Monitoring Plan,' dated February 16, 2018 and all supporting documents and communications uploaded to the Aquatic Protection Permitting System (APPS) project file; except as modified by this HPA. You must have a copy of these plans available on site during all phases of the project.

4. **INVASIVE SPECIES CONTROL:** Follow Level 1 Decontamination protocol for low risk locations. Thoroughly remove visible dirt and organic debris from all equipment and gear (including drive mechanisms, wheels, tires, tracks, buckets and undercarriage) before arriving and leaving the job site to prevent the transport and introduction of invasive species. Properly dispose of any water and chemicals used to clean gear and equipment. For contaminated or high risk sites please refer to the Level 2 Decontamination protocol. You can find this and additional information in the Washington Department of Fish and Wildlife's Invasive Species Management Protocols (November 2012), available online at <http://wdfw.wa.gov/publications/01490/wdfw01490.pdf>.

5. **PRE- AND POST-CONSTRUCTION NOTIFICATION:** You, your agent, or contractor 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.

6. **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.

7. **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.

STAGING, JOB SITE ACCESS, AND EQUIPMENT

8. Equipment may operate within the ordinary high water line of the stream only after all fish exclusion has been completed and water bypass systems are in place and functioning properly.

9. Establish staging areas (used for equipment storage, vehicle storage, fueling, servicing, and hazardous material



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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.

10. Design and locate new temporary access roads and/or paths to prevent erosion and sediment delivery to waters of the state.

11. Clearly mark boundaries to establish the limit of work associated with site access and construction.

12. This Hydraulic Project Approval authorizes the removal of the large woody vegetation as shown in the approved plans and as outlined in the application materials. Clearly mark all large woody vegetation authorized for removal before starting work.

13. Remove soil or debris from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment prior to operating the equipment waterward of the ordinary high water line.

14. If wet or muddy conditions exist, in or near a riparian zone or wetland area, use equipment or techniques that reduce ground pressure.

15. Check equipment daily for leaks and complete any required repairs in an upland location before using the equipment in or near the water.

16. Use environmentally acceptable lubricants composed of biodegradable base oils such as vegetable oils, synthetic esters, and polyalkylene glycols in equipment operated in or near the water.

CONSTRUCTION-RELATED SEDIMENT, EROSION AND POLLUTION CONTAINMENT

17. Work in the dry watercourse (when no natural flow is occurring in the channel, or when flow is diverted around the job site).

18. Stop all hydraulic project activities except those needed to control erosion and siltation, if flow conditions arise that will result in erosion or siltation of waters of the state.

19. Protect all disturbed areas from erosion. Maintain erosion and sediment control until all work and cleanup of the job site is complete. All erosion control materials that will remain onsite must be composed of 100% biodegradable materials.

20. 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.

21. Route 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.

22. 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.

CONSTRUCTION MATERIALS

23. Do not stockpile construction material waterward of the ordinary high water line.



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24. Use only clean, suitable material as fill material (no trash, debris, car bodies, tires, asphalt, concrete, etc.).

FISH LIFE REMOVAL AND BLOCK NETS

25. All persons participating in capture and removal must have training, knowledge, and skills in the safe handling of fish life.

26. Capture and safely move fish life from the work area to the nearest suitable free-flowing water.

27. If electrofishing is conducted, a person with electrofishing training must be on-site to conduct or direct all electrofishing activities.

28. Isolate fish from the work area by using block nets.

29. Place block nets upstream and downstream of the in-water work area before capturing and removing fish life. Install block nets at an angle to the direction of flow (not perpendicular to the flow) to avoid entrapping fish in the nets. To anchor block nets, place bags filled with clean rounded gravel along the bottom of the nets. Secure block nets along both banks and the channel bottom to prevent failure from debris accumulation, high flows, and/or flanking.

30. Do not install block nets at sites with heavy vegetation, large cobble or boulders, undercut banks, or deep pools unless you can secure and maintain them.

31. Install block nets at sites with reduced flow volume or velocity, uniform depth, and good accessibility.

32. Check block nets at least three times a day for entangled fish and accumulated debris.

33. To keep fish out of the job site, leave block nets in place until the work is complete and conditions are suitable for fish.

IN-WATER WORK AREA ISOLATION USING A TEMPORARY BYPASS: CULVERT REPLACEMENTS

34. Isolate fish from the work area by using either a total or partial bypass to reroute the stream through a temporary channel or pipe.

35. Sequence the work to minimize the duration of dewatering.

36. Use the least-impacting feasible method to temporarily bypass water from the work area. Consider the physical characteristics of the site and the anticipated volume of water flowing through the work area.

37. During all phases of bypass installation and decommissioning, maintain flows downstream of the project site to ensure survival of all downstream fish.

38. Install the temporary bypass before starting other construction work in the wetted perimeter using a method approved by the Washington Department of Fish and Wildlife.

39. If the diversion inlet is a gravity diversion that provides fish passage, place the diversion outlet where it facilitates gradual and safe reentry of fish into the stream channel.

40. If the bypass is a pumped diversion, once started it must run continuously until it is no longer necessary to bypass



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flows. This requires back-up pumps on-site and twenty-four-hour monitoring for overnight operation.

41. The pump intake structure must have a fish screen installed, operated, and maintained in accordance with RCW 77.57.010 and 77.57.070. Screen the pump intake with one of the following: a) Perforated plate: 0.094 inch (maximum opening diameter); b) Profile bar: 0.069 inch (maximum width opening); or c) 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.

42. The fish screen must remain in place whenever water is being withdrawn from the stream through the pump intake.

43. Return diverted water to the channel immediately downstream of the work area. Dissipate flow energy from the diversion to prevent scour or erosion of the channel and bank.

IN-WATER WORK AREA ISOLATION USING A COFFERDAM STRUCTURE: STREAM RELOCATION

44. Use a cofferdam, dike, or similar structure to exclude water from the work area.

45. Maintain water quality when installing and removing the cofferdam, dike or similar structure.

46. Install the cofferdam, dike or similar structure and remove fish prior to the start of other work in the wetted perimeter.

CULVERT REPLACEMENTS

47. Remove the existing culverts in the dry or in isolation from the stream flow.

48. Remove all the components and associated materials of the existing culverts and dispose of these materials at an approved upland location.

49. Establish the culvert invert elevations with reference point(s) or benchmark(s) created before starting work on the project. Clearly mark and preserve the reference point(s).

50. Set the stream simulation culverts at the same gradient (between 0.75 and 1.25) as the prevailing stream gradient. As stated in the uploaded application materials the prevailing channel gradient of the relocated stream channel will be 3.78%.

51. The approved gradation for the streambed mix for this project is WSDOT specification 9-03.11(2) 4-inch Cobbles: 100 percent less than 4-inches, 70-90 percent less than 3-inches, 20-50 percent less than 1.5-inches, and up to 10 percent less than 0.75-inch.

52. Countersink the stream simulation culverts to a minimum depth of two feet using the approved streambed substrate.

53. The streambed through the culverts must include a sinuous low-flow channel expected under common conditions in the reach and a high-flow bench on both sides of the culvert.

54. Protect structural fill associated with the culvert installations from erosion to the 100-year peak flow.

55. Approach material must be structurally stable and composed of material that if eroded into the water will not harm



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fish life.

56. The owner(s) must maintain the culverts to ensure they provide continued, unimpeded fish passage. If the culverts become a hindrance to fish passage, the owner(s) must obtain a Hydraulic Project Approval and provide prompt repair.

CHANNEL RELOCATION AND REALIGNMENT

57. The new main stem channel must be constructed as per the details and specifications outlined in the associated plan set, entitled, 'Zackuse Creek Fish Passage Project,' dated May, 2017.

58. Permanent new channel must be similar in length, width, depth, flood plain configuration, and gradient to the reference channel(s). The new channel must incorporate habitat components, bed materials, channel morphology, and native or other approved vegetation to provide equal or better habitat compared to that which previously existed in the old channel.

59. The series of grade control bands to be installed are classified by WDFW as a fishway. All grade control structures must meet state fish passage criteria upon completion of the project and for the life of the fishway. The owner(s) will be responsible for monitoring the relocated stream channel and replaced water crossing structures.

60. The approved gradation for the 13-grade control bands for this project is WSDOT specification 9-03.11(2) 12-inch Cobbles: 100 percent less than 12-inches, 70-90 percent less than 10-inches, 30-60 percent less than 5-inches, and up to 10 percent less than 0.75-inch.

61. Annual Reporting Requirement. As stated on page 7 of the uploaded monitoring plan, 'City of Sammamish Zackuse Creek Fish Passage Project, Culvert and Stream Monitoring Plan,' dated February 16, 2018, 'The annual reports will be submitted to the permitting agencies and interested stakeholders for comment by December 30 of each monitoring year.'

62. The person or people responsible for inspecting and maintaining the fishway must take corrective actions if fish passage issues arise.

63. This permit authorizes installation, placement, and repositioning of large woody material, procured on site and/or brought to site in accordance with the details and specifications of the uploaded plans and application materials.

64. As shown on sheet 15 of 20 of the approved planset, 'Zackuse Creek Fish Passage Project,' dated May, 2017, a minimum of 10 large woody material habitat structures will be placed at and waterward of the OHWL.

65. Use fir, cedar, or other coniferous species to construct the log and rootwad fish habitat structures.

66. When placing, repositioning, or removing large woody material, station equipment on the bank.

67. Do not drag large woody material. Suspend large woody material during placement, repositioning, or removal so it does not damage the bed or banks. Full suspension can be achieved with hand-operated or heavy equipment.

68. Place a 2-foot (minimum) deep layer of rounded, uniformly-graded streambed substrate with a size composition in accordance with the uploaded application materials throughout the entirety of the constructed stream channel (WSDOT specification 9-03.11(2) 4-inch Cobbles).

69. Angular rock is not permitted to be placed within the channel.



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70. Place spoils from the new channel in an upland area above the limits of anticipated floodwater.

71. If, following project completion and the return of flow to the constructed stream, the water goes subsurface at any point, the owner(s) will take steps to address the problem, including the addition of fines or small, rounded gravels, to the extent necessary to seal the bed and return the flow to the surface.

RIPARIAN ENHANCEMENT AND RESTORATION

72. As shown in the approved plansets, invasive species will be removed and subsequently controlled within the limits of the proposed project footprint and culvert replacement locations.

73. Replant the job site with the plant species composition and planting densities approved by the Washington Department of Fish and Wildlife and as shown on the approved plansets.

74. Complete plantings during the appropriate season (fall or spring for potted stock, winter for bare-root seedlings, fall through spring for whips and cuttings) 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.

DEMOBILIZATION AND CLEAN-UP

75. Return water flow slowly to the in-water work areas to prevent the downstream release of sediment laden water.

76. Remove all materials and equipment from the site and dispose of all excess spoils and waste materials in an upland area above the limits of anticipated floodwater.

77. Remove any temporary erosion and sediment control methods after job site is stabilized or within three months of project completion, whichever is sooner.

LOCATION #1:		Site Name: Zackuse Creek East Lake Sammamish Parkway NE, East Lake Sammamish Trail, East Lake Sammamish Shore Lane NE, Sammamish, WA 98075				
WORK START:		March 15, 2018		WORK END:		March 14, 2023
<u>WRIA</u>		<u>Waterbody:</u>			<u>Tributary to:</u>	
08 - Cedar - Sammamish		Lake Sammamish			Sammamish Slough	
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
	32	25 N	06 E	47.609968	-122.070294	King
<u>Location #1 Driving Directions</u>						
Driving east on I-90, take exit 15. Left onto 17th Ave NE, follow to NW Sammamish Road. Left on East Lake Sammamish Parkway. Project site will be approximately 6 miles from turn at intersection on East Lake Sammamish Shore Lane NE and East lake Sammamish Parkway NE.						



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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 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 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. 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 did 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 APP ID 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. You should allow up to 45 days for the department to process your request.



HYDRAULIC PROJECT APPROVAL

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

Issued Date: March 15, 2018

Permit Number: 2018-4-174+01

Project End Date: March 14, 2023

FPA/Public Notice Number: N/A

Application ID: 13717

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 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 did 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 APP ID 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 your written request by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. You may email your request for a major modification to HPAapplications@dfw.wa.gov. 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 220-660-460 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 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 may conduct an informal hearing or review 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 220-660-470 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.



HYDRAULIC PROJECT APPROVAL

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

Issued Date: March 15, 2018
Project End Date: March 14, 2023

Permit Number: 2018-4-174+01
FPA/Public Notice Number: N/A
Application ID: 13717

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 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 Casey.costello@dfw.wa.gov
Casey Costello 425-427-0969

for Director
WDFW



Department of Community Development

801 - 228th Ave. SE, Sammamish, WA. 98075 - Phone: 425-295-0500 - Fax: 425-295-0600 - Web: www.sammamish.us

NOTICE OF DECISION ZACKUSE CREEK FISH PASSAGE PROJECT PUBLIC AGENCY & UTILITY EXCEPTION (PAUE) AND NOTICE OF STATE ENVIRONMENTAL POLICY ACT (SEPA) THRESHOLD DETERMINATION OF NON-SIGNIFICANCE (DNS) ZACKUSE CREEK FISH PASSAGE PROJECT PAUE2017-00521

Date of Notice: December 20, 2017
Appeal Period Ends January 10, 2018 at 5 PM

NOTICE IS HEREBY GIVEN that on December 20, 2017 the City of Sammamish Department of Community Development issued a Public Agency & Utility Exception (PAUE) for the Zackuse Creek Fish Passage Project, PAUE2017-00521. Public notice has been provided via: mailed notice to property owners within 1,000 feet of the subject site, a sign posted on the subject site, and by placing a legal notice in the local newspaper.

The purpose of the Zackuse Creek Fish Passage Project is to improve fish passage and spawning habitat for native kokanee salmon in Zackuse Creek. There are two components for this project. The first component will replace three partial fish passage concrete culverts with fish passable culverts. The second project component is to restore an unstable portion of Zackuse Creek in order to create enhanced stream channel morphology that is better suited for kokanee spawning and rearing habitat. The project will improve fish passage within Zackuse Creek by improving fish access and increasing available aquatic habitat.

The project includes work on both private property and public right of way. The three culvert replacements are planned in the following locations 1) East Lake Sammamish Parkway, approximately 900-feet south of its intersection with Louis Thompson Hill Road, 2) King County Parks East Lake Sammamish Trail - Tax Parcel 3225069015, 3) East Lake Sammamish Shore Lane - Tax Parcel 1738700085 (Weber), accessing through East Lake Sammamish Shore Lane – Tax Parcel 1738700090 (Ivanhoff). Additional private property work will be completed on Tax Parcels 3225069021 (Pereyra) and 3225069277 (Pereyra) for the stream restoration portion of the work.

The Zackuse Creek Fish Passage and Stream Restoration Project is a City of Sammamish sponsored stand-alone fish habitat enhancement project funded by the City of Sammamish and King County Parks, as well as grants from the King County Flood Reduction Program, King County Executive Council Water Works, and the King County Sub-regional Opportunity Fund.

This project is identified by the Lake Sammamish Kokanee Work Group (*Blueprint for the Restoration and Enhancement of Lake Sammamish Kokanee Tributaries, 2014*) as a habitat restoration action that will directly contribute to the recovery of kokanee salmon in Lake Sammamish. The project has the potential to both



reintroduce kokanee into Zackuse Creek and promote the establishment of a self-sustaining population. The project is also identified in the City of Sammamish's *Storm and Surface Water Management Comprehensive Plan* (2016) and *Six Year Stormwater Capital Improvement Plan*.

The City of Sammamish is prepared to start construction in June of 2018, given a fish passage window from July 1 to September 30, and expects project completion by October 2018. A copy of the Decision and Exhibits, except for this notice, can be accessed through the following link:

<https://spaces.hightail.com/receive/5p8H74BDtR>.

File Number: PAUE2017-00521

Date of Application: June 23, 2017

Date of Completeness Determination: July 12, 2017

Date of Notice of Application: July 19, 2017

Applicant: City of Sammamish, c/o Tawni Dalziel, 801 228th Avenue SE, Sammamish, WA 98075, Phone: (425) 295-0500, Email tdalsiel@sammamish.us.

Authorized Agent: Otak, Inc., c/o Kevin O'Brien, 11241 Willows Road NE, Redmond, WA 98052, Phone: (425) 822-4446.

Property Owners:

- Walter T. Pereyra, 202 East Lake Sammamish Parkway NE, Sammamish, WA 98074
- Peter Weber and Denise Bunchek Weber, 205 East Lake Sammamish Shore Lane NE, Sammamish, WA 98074
- King County Parks, c/o Frank Overton, 201 South Jackson Street, KSC-NR-700, Seattle, WA 98104
- Daniel and Laurie Ivanoff, 2045 250th Place NE, Sammamish, WA 98074

Project Location: The proposed project is located within the NW $\frac{1}{4}$ of Section 32, Township 25 North, Range 06 East, W.M. The following King County Assessor Parcel Numbers are associated with the proposal: 3225069021 (Pereyra), 3225069015 (King County ROW), 1738700085 (Weber), and 1738700090 (Ivanoff).

State Environmental Policy Act (SEPA) Determination: The proposed development was reviewed under the provisions of State Environmental Policy Act, (SEPA). A Threshold Determination of Non-Significance (DNS) was issued under the optional DNS process specified in WAC 197-11-355.

Existing Environmental Documents Available for Review: Base Land Use Application, Plan Set, Public Comments, Applicant Response to Public Comments, Geotechnical Report, SEPA Environmental Checklist, Critical Area Study, Critical Areas Affidavit, Cultural Resources Assessment, Draft Temp Construction Easement, JARPA, Project Narrative, Zackuse Creek Bed Material Stability Technical Memorandum, Culvert Sizing Recommendations Technical Memorandum, Zackuse Credits Credit Debit Memorandum, and Legal Description.

Staff Project Planner Assigned: Ryan Harriman, AICP, Senior Planner P: (425) 295-0529, E: rharriman@sammamish.us. Address: City of Sammamish City Hall, 801 228th Avenue SE, Sammamish, Washington 98075.

Appeal Period: This decision may be appealed to the City of Sammamish Hearing Examiner pursuant to the provisions of SMC 20.10.080 and 20.15.130. Appeals must be submitted in writing with the appropriate filing fee (\$250.00) and received by 5 pm on the last day of the appeal period at City Hall, located at 801 228th Ave SE, Sammamish, WA, 98075. Appeal instructions are available at City Hall, or are available upon request at (425) 295-0500. Appeals for this decision must be received at the address above by: January 10, 2018 at 5:00 PM per SMC 20.15.130. Please direct comments to the Staff Project Planner Assigned.

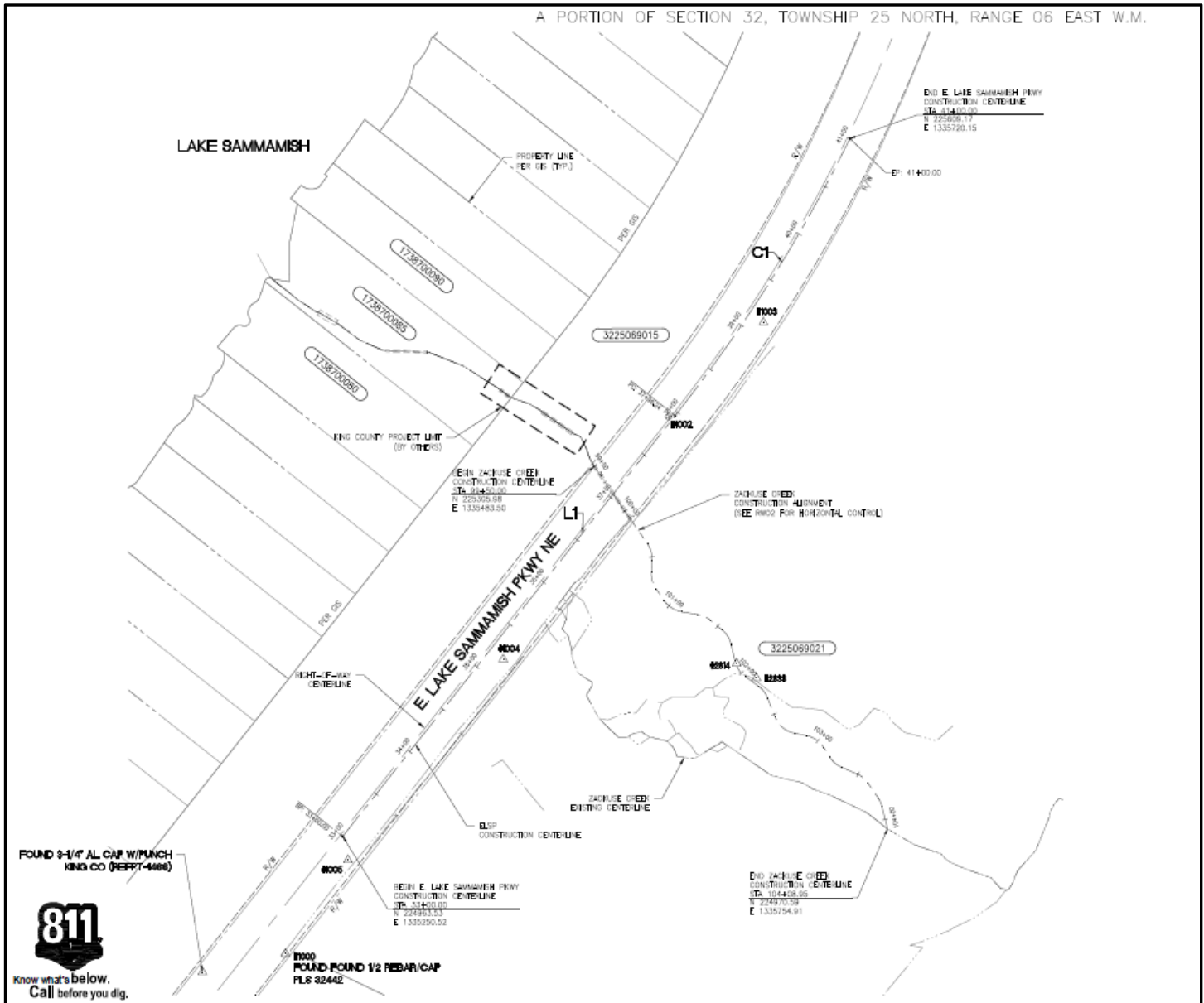
Inquiries regarding the application, revised decision, and appeal process, as well as requests to view documents pertinent to the proposal, may be made at the City of Sammamish City Hall, 801 – 228th Avenue

SE, Sammamish, Washington 98075, (Tel: 425.295.0500) during normal business hours, Monday through Friday, 8:30 a.m. to 5:00 p.m.

Mediation of disputes is available pursuant to SMC 20.20. Requests for mediation should be made as soon as it is determined the disputed issue(s) cannot be resolved by direct negotiation. Please contact the Department of Community Development for additional information on the Land Use Mediation Program.

SITE PLAN

A PORTION OF SECTION 32, TOWNSHIP 25 NORTH, RANGE 06 EAST W.M.





Department of Community Development

801 - 228th Ave. SE, Sammamish, WA. 98075 - Phone: 425-295-0500 - Fax: 425-295-0600 - Web: www.sammamish.us

**STATE ENVIRONMENTAL POLICY ACT (SEPA)
THRESHOLD DETERMINATION OF NON-SIGNIFICANCE (DNS)
ZACKUSE CREEK FISH PASSAGE PROJECT PAUE2017-00521
December 20, 2017**

Description of proposal: The City of Sammamish Public Works Department is designing and constructing the Zackuse Creek Fish Passage Project to improve fish passage and spawning habitat for native kokanee salmon in Zackuse Creek. There are two components for this project. The first component will replace three partial fish passage concrete culverts with fish passable culverts. The second project component is to restore an unstable portion of Zackuse Creek in order to create enhanced stream channel morphology that is better suited for kokanee spawning and rearing habitat. The project will improve fish passage within Zackuse Creek by improving fish access and increasing available aquatic habitat. The proposed project will have necessary and unavoidable impacts to critical areas and critical area buffers regulated pursuant to Sammamish Municipal Code (SMC) 21A.50 Environmentally Critical Areas.

The Zackuse Creek Fish Passage and Stream Restoration Project is a City of Sammamish sponsored stand-alone fish habitat enhancement project funded by the City of Sammamish and King County Parks, as well as grants from the King County Flood Reduction Program, King County Executive Council Water Works, and the King County Sub-regional Opportunity Fund.

This project is identified by the Lake Sammamish Kokanee Work Group (*Blueprint for the Restoration and Enhancement of Lake Sammamish Kokanee Tributaries, 2014*) as a habitat restoration action that will directly contribute to the recovery of kokanee salmon in Lake Sammamish. The project has the potential to both reintroduce kokanee into Zackuse Creek and promote the establishment of a self-sustaining population. The project is also identified in the City of Sammamish's *Storm and Surface Water Management Comprehensive Plan (2016)* and *Six Year Stormwater Capital Improvement Plan*. The City of Sammamish is prepared to start construction in June of 2018, given a fish passage window from July 1 to September 30, and expects project completion by October 2018.

Review Process: The application was received on June 23, 2017 and was deemed complete for the purpose of review on July 12, 2017. On July 19, 2017, the City issued a Notice of Application/SEPA Notification by the following means: mailed notice to property owners within 1000 feet of the subject site, a sign posted on the subject site, and a legal notice placed in the newspaper of record. The public comment period for this proposal was July 19, 2017 through August 9, 2017.

Applicant: City of Sammamish, c/o Tawni Dalziel, 801 228th Avenue SE, Sammamish, WA 98075, Phone: (425) 295-0500, Email tdalsiel@sammamish.us.

Authorized Agent: Otak, Inc., c/o Kevin O'Brien, 11241 Willows Road NE, Redmond, WA 98052, Phone: (425) 822-4446.

Property Owners:

- Walter T. Pereyra, 202 East Lake Sammamish Parkway NE, Sammamish, WA 98074
- Peter Weber and Denise Bunckek Weber, 205 East Lake Sammamish Shore Lane NE, Sammamish, WA 98074
- King County Parks, c/o Frank Overton, 201 South Jackson Street, KSC-NR-700, Seattle, WA 98104
- Daniel and Laurie Ivanoff, 2045 250th Place NE, Sammamish, WA 98074

Project Location: The proposed project is located within the NW ¼ of Section 32, Township 25 North, Range 06 East, W.M. The following King County Assessor Parcel Numbers are associated with the proposal: 3225069021 (Pereyra), 3225069015 (King County ROW), 1738700085 (Weber), and 1738700090 (Ivanoff).

Lead agency: City of Sammamish, Department of Community Development.

Threshold Determination of Non-Significance (DNS): The lead agency for this proposal has determined that the proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under the optional DNS process specified in WAC 197-11-355; the lead agency will not act on this proposal for 21 days from the date below. Appeals must be received by the City with the appropriate forms and processing fee by the deadline described below.

SEPA Responsible official:

David Pyle, Deputy Director
Department of Community Development
801 228th Ave SE
Sammamish, WA 98075
425-295-0520

Contact person:

Ryan Harriman, AICP, Senior Planner
Department of Community Development
801 228th Ave SE
Sammamish, WA 98075
425-295-0529

12/20/2017

Date of Issuance

Ryan Harriman for David Pyle
Signature

You may appeal this determination. Send comments/appeals to:

SEPA Responsible Official
City of Sammamish
Community Development Department
801 228th Ave SE
Sammamish, WA 98075

Appeal Deadline: Pursuant to SMC 20.10.080 and 20.15.130, appeals must be submitted in writing with the appropriate forms and filing fee (\$250.00). Appeals must be received prior to 5pm on January 10, 2018 at the Sammamish City Hall, located at 801 228th Ave SE, Sammamish, WA, 98075. Appeal instructions are available at City Hall, or are available upon request at (425) 295-0500.