

RCW 77.55.021 - Appeal Pursuant to Chapter 34.05 RCW

Eastern 2315 N Discovery Place Spokane, WA 99218 (509) 892-1001

Issue Date: February 11, 2009

Control Number:

116154-1

Project Expiration Date: December 31, 2009

FPA/Public Notice #.

N/A

PERMITTEE

Deep Lake LLC

ATTENTION: Bill Fanning West 41 Riverside #11 Spokane, WA 99201 509-321-1132

AUTHORIZED AGENT OR CONTRACTOR

Project Name:

Deep Lake LLC Dock

Project Description:

Placement of community floating dock on Deep Lake.

PROVISIONS

- 1. The project may begin February 15, 2009 and shall be completed by December 31, 2009.
- 2. NOTIFICATION REQUIREMENT: The Area Habitat Biologist (AHB) listed below shall receive written notification Box 29, Boyds, WA. 99107 by telephone at 509-738-2364 or by email at palmagap@dfw.wa.gov from the person to whom this Hydraulic Project Approval (HPA) is issued (permittee) or the agent/contractor no less than three working days prior to the start of construction activities. The notification shall include the permittee's name, project location, starting date for work, and the control number for this HPA.
- 3. Excavation for and placement of the footings and foundation shall be landward of the ordinary high water line.
- 4. Skirting or other structures shall not be constructed around the pier, dock, or float.
- 5. Floatation for the structure shall be enclosed and contained to prevent the breakup or loss of the floatation material into the water.
- 6. Removal of aquatic vegetation shall be limited to that necessary to gain access to construct the project.
- 7. The anchoring system for the floating structures shall be installed and used in a manner that will not damage the lakebed as a result of structure or anchor movement.
- 8. The pier, ramp, float and associated moorings shall be located to avoid shading of aquatic vegetation.



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PROJECT LOCATIONS

Location #1 Deep Lake

WORK S	START:	Februar	y 15, 200	9	WORK	END:	Decembe	er 31, 2009
WRIA: Waterbody:				Tributary to:				
61.7002 Deep Lake					Columbia River			
1/4 SEC:	Section:	Township:	Range:	Latitude:		Longitude	<u>e:</u>	County:
NW 1/4	26	39 N	41 E	N 48.5152	27	W 117	.35593	Stevens
Location #1 Driving Directions								
Deep Lake	-Bounda	ry Road to old	d Wildernes	s West Resort,	now De	ep Lake L	LC.	

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 pursuant to RCW 77.55.021 (EXCEPT agricultural irrigation, stock watering or bank stabilization projects) or 77.55.141 are subject to additional restrictions, conditions or revocation if the Department of Fish and Wildlife determines that new biological or physical information indicates the need for such action. The person(s) to whom this Hydraulic Project Approval is issued has the right pursuant to Chapter 34.04 RCW to appeal such decisions. All agricultural irrigation, stock watering or bank stabilization Hydraulic Project Approvals issued pursuant to RCW 77.55.021 may be modified by the Department of Fish and Wildlife due to changed conditions after consultation with the person(s) to whom this Hydraulic Project Approval is issued: PROVIDED HOWEVER, that such modifications shall be subject to appeal to the Hydraulic Appeals Board established in RCW 77.55.301.

APPEALS INFORMATION

If you wish to appeal the issuance or denial of, or conditions provided in a Hydraulic Project Approval, there are informal and formal appeal processes available.



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A. INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021, 77.55.141, 77.55.181, and 77.55.291: A person who is aggrieved or adversely affected by the following Department actions may request an informal review of:

(A) The denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval; or

(B) An order imposing civil penalties. A request for an INFORMAL REVIEW shall be in WRITING to the Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091 and shall be RECEIVED by the Department within 30 days of the denial or issuance of a Hydraulic Project Approval or receipt of an order imposing civil penalties. If agreed to by the aggreeded party, and the aggreeded party is the Hydraulic Project Approval applicant, resolution of the concerns will be facilitated through discussions with the Area Habitat Biologist and his/her supervisor. If resolution is not reached, or the aggrieved party is not the Hydraulic Project Approval applicant, the Habitat Technical Services Division Manager or his/her designee shall conduct a review and recommend a decision to the Director or his/her designee. If you are not satisfied with the results of this informal appeal, a formal appeal may be filed.

B. FORMAL APPEALS (WAC 220-110-350) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021 (EXCEPT agricultural irrigation, stock watering or bank stabilization projects) or 77.55.291:

A person who is aggrieved or adversely affected by the following Department actions may request a formal review of: (A) The denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval;

(B) An order imposing civil penalties; or

(C) Any other 'agency action' for which an adjudicative proceeding is required under the Administrative Procedure Act, Chapter 34.05 RCW.

A request for a FORMAL APPEAL shall be in WRITING to the Department of Fish and Wildlife HPA Appeals Coordinator, shall be plainly labeled as 'REQUEST FOR FORMAL APPEAL' and shall be RECEIVED DURING OFFICE HOURS by the Department at 600 Capitol Way North, Olympia, Washington 98501-1091, within 30-days of the Department action that is being challenged. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within 30-days of the date of the Department's written decision in response to the informal appeal.

- C. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021 (agricultural irrigation, stock watering or bank stabilization only), 77.55.141, 77.55.181, or 77.55.241. A person who is aggrieved or adversely affected by the denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval may request a formal appeal. The request for FORMAL APPEAL shall be in WRITING to the Hydraulic Appeals Board per WAC 259-04 at Environmental Hearings Office, 4224 Sixth Avenue SE, Building Two -Rowe Six, Lacey, Washington 98504; telephone 360/459-6327.
- D. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO CHAPTER 43.21L RCW: A person who is aggrieved or adversely affected by the denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval may request a formal appeal. The FORMAL APPEAL shall be in accordance with the provisions of Chapter 43.21L RCW and Chapter 199-08 WAC. The request for FORMAL APPEAL shall be in WRITING to the Environmental and Land Use Hearings Board at Environmental Hearings Office, Environmental and Land Use Hearings Board, 4224 Sixth Avenue SE, Building Two - Rowe Six, P.O. Box 40903, Lacey, Washington 98504; telephone 360/459-6327.
- E. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS results in forfeiture of all appeal rights. If there is no timely request for an appeal, the department action shall be final and unappealable.



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ENFORCEMENT: Sergeant Charron (43) P3

Habitat Biologist

Allen Palmanteer

509-738-2364

ga Palm

for Director WDFW

CC: FWO Weatherman, WDFW

Jenni Anderson, SCLS, 215 South Oak, Colville, WA. 99114 Dave Harsh, DNR, P.O. Box 280, Castle Rock, WA. 98611

Mark Wachtel, WDFW



State of Washington DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N • Olympia, WA 98501-1091 • (360) 902-2200, TDD (360) 902-2207 Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA

To:

Hydraulic Project Approval Recipient

From:

Jeff Koenings, Directo

Subject:

Request for Evaluation

You recently received a Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife (WDFW). I'd like to know how we did in providing service to you and how we might do a better job. Please take a few moments to complete the enclosed comment card. The card is already addressed to my office and stamped; you only need to drop it in the mail.

WDFW is responsible for protecting fish and wildlife across the state. Our regulatory authority includes the protection of fish and fish habitat, and we do this through the HPA whenever someone wants to do work in or near water. Our goal is to help landowners and contractors do this work and, at the same time, protect fish and fish habitat.

Governor Gregoire has recently emphasized the need for state employees to be clear, consistent, and timely when responding to the needs of Washington citizens. This has been the goal of WDFW as well. The HPA comment card is one way for me to measure how we are doing in this regard. For that reason, your comments will be very useful and greatly appreciated.

Thank you.

Enclosure

agency-use only

Agency Reference #h

Cipalated by Stevens County

Dale Received

\$100

JOINT AQUATIC RESOURCES PERMIT APPLICATION FORM (JARPA)

#2699

PLEASE TYPE OR PRINT IN BLACK INK

Application for a Fish Habitat Enhancement Project per requirements of RCW 77.55.290. You must submit a copy of this completed JARPA application form and the (Fish Habitat Enhancement JARPA Addition) to your local Government Planning Department and Washington Department of Fish & Wildlife Area Habitat Biologist on the same day.

NOTE: LOCAL GOVERNMENTS — You must submit any comments on these projects to WDFW within 15 working days.

Based on the instructions provided, I am sending copies of this application to the following: (check all that apply)

Stevens County: Shoreline Substantial Development Conditional Use Variance Exemption Floodplain Critical Areas Washington Department of Fish and Wildlife for Hydraulics Project Approval Washington Department of Ecology for 401 Water Quality Certification (to Regional Office-Federal Permit Unit) Washington Department of Natural Resources for Aquatic Resources Use Authorization Notification Corps of Engineers for: Section 404 Section 10 permit Department of Transportation projects only: This project will be designed to meet conditions of the most current Ecology/Department of Transportation Water Quality Implementing Agreement					
SECTION A - Be sure to ALSO complete Section C (Signature Block) for all permit applications.					
1. APPLICANT: Deep Lake LLC	fauninge 210	SatienFemTi Com			
MAILING ADDRESS W. 41 RIVERSIDE #	: 111 Sociene War	99301			
WORK PHONE 509-1321 1132 Fanningezi	CUM 509 999-5444 50	3211131			
if an agent is acting for the applicant during the permit proces for all permit applications	s, complete #2. Be sure agent signs	Section C (Signature Block)			
2. AUTHORIZED AGENT BILL Faunins - 1	Mangy menter				
MAILING ADDRESS Sauce As ABoul					
WORK PHONE E-MAIL ADDRESS Fauning @ 21 Water Front	HOME PHONE FAX	#			
B. RELATIONSHIP OF APPLICANT TO PROPERTY: WOWNER PURCHASER LESSEE OTHER:					
NAME, ADDRESS, AND PHONE NUMBER OF PROPERTY OWNER(S), IF OTHER THAN APPLICANT: Bill Fanning managing member					
S. LOCATION (STREET ADDRESS WHERE PROPOSED ACTIVITY EXISTS OR WILL OCCUR.					
Deeplane Boundary RD, & ERIZZLY WAY					
Deep Lake	TRIBUTARY OF	WRIA#			
39N HIE GOVT LOT 2	SHORELINE DESIGNATION RESIDENTIAL				
AX PARCEL NO: 5675301	DNR STREAM TYPE, IF KNOWN				

RECORRETHE CURRENT USE OF THE PROPERTY AND EXCENSES
6. DESCRIBE THE CURRENT USE OF THE PROPERTY AND EXISTING STRUCTURES ON THE PROPERTY
Recreational USR, Approx. 14 ACRES including Approx 3751
IS THE PROPERTY AGRICULTURAL LAND? YES NO ARE YOU A USDA PROGRAM PARTICIPANT? YES NO
72 DESCRIBE THE PROPOSED WORK AND DROPOSED STRUCTURES WOLLD TO THE
7a.DESCRIBE THE PROPOSED WORK AND PROPOSED STRUCTURES INCLUDING TYPES OF EQUIPMENT TO BE USED. If applying for a shoreline permit, describe <u>all</u> work within and beyond 200 feet of the ordinary high water mark.
Danna Araal Dank Ol . D. d Co
Recreational book, floating type, constructed with
Cedar deckines logs. WITH WOOD ACCESS Ramp
2 ANCHORS on lake SIDE OF DOCK
ONE SET OF ORIGINAL GOOD QUALITY DRAWINGS MUST BE ATTACHED.
NOTE: APPLICANTS MAY SUBMIT PHOTOGRAPHS OF THE PROJECT SITE, BUT THEY ARE NOT SUBSTITUTE FOR DRAWINGS.
7b. DESCRIBE THE PURPOSE OF THE PROPOSED WORK AND WHY YOU WANT OR NEED TO PERFORM IT AT THE SITE, Please explain any specific needs that have influenced the design.
Construction to Be OFF SITE DON Construction will be Off
Cita and All Y and a TR a characteristic
Site - only Activity wall be Connector to Ramp & Installator OF AMENORS (An CHORS)
170 DESCRIBE THE PUTENTIAL IMPACTS TO CHARACTERISTIC HEEG OF THE WATER BODY 1/2 and 1/2 and 1/2
wildlife habitat, loss of wetlands, increased flooding) Identify proposed actions to avoid, minimize, and mitigate detrimental impacts, and provide proper protection of fish and aquatic life.
Marino
100016
*
7d. FOR CONSTRUCTION WORK IN WATER, WILL YOUR PROJECT BE IN COMPLIANCE WITH THE STATE OF WASHINGTON WATER QUALITY STANDARDS FOR TURBIDITY UNDER WAC 173.201A-110? YES NO
3. WILL THE PROJECT BE CONSTRUCTED IN STAGES? YES NO
PROPOSED STARTING DATE: JUNE 15th 2009
ESTIMATED DURATION OF ACTIVITY: 1 day (time to bona it in)
CHECK IF ANY TEMPORARY OR PERMANENT STRUCTURES WILL BE PLACED:
WATERWARD OF THE ORDINARY HIGH WATER MARK OR LINE
10. WILL FILL MATERIAL (ROCK, FILL, BULKHEAD, OR OTHER MATERIAL) BE PLACED WATERWARD OF THE ORDINARY HIGH VATER MARK OR LINE? YES IN NO
IF YES, VOLUME (CUBIC YARDS) /AREA (ACRES)

ARPA

D. T	B. HAS A DELINEATION BEEN COMPLETED? YES. IF YES. PLEASE SUBMIT WITH APPLICATION. NO C. HAS A WETLAND REPORT BEEN PREPARED?. YES. IF YES, PLEASE SUBMIT WITH APPLICATION. NO D. TYPE AND COMPOSITION OF FILL MATERIAL (E.G., SAND, ETC.): E. MATERIAL SOURCE:							
	OIL TYPE OF THE S							
G. W	VILL PROPOSED ACT YES, IMPACTED AI	TIVITY CAUSE FLOODING	OR DRAINING OF WE	TLANDS? YES	140			
NOTE:	If the project impacts	Greater than 14 cars of world				•		
NOTE: If the project impacts greater than ½ acre of wetland, submit a mitigation plan to the Corps and Ecology along with the JARPA. NOTE: A 401 water quality certification will be required from Ecology in addition to an approved mitigation plan if project impacts greater. Than ½ acre of wetlands. Please submit the IARRA form and will the submit to the corps and Ecology along with the JARPA form and will the submit to the corps and Ecology along with the JARPA.								
Than 1/2	acre of wetlands. P	Please submit the JARPA fo	om Ecology in addition to rm and mitigation plan to	o an approved mitigation o Ecology for 401 certifica	plan if project in tion, if applicabl	npacts g r eater le.		
1	¥.	ANCE FOR FEDERAL PE						
THIS PR	OJECT IS (OR WILL	BE) DESIGNED TO MEET	ECOLOGY'S MOST CI	IRRENT STORMALATER	. MASIIIAI			
OLI VIA P	OOLOG! AFFROVE	D LOCAL STORMWATER	MANUAL TYPS		MANUAL,			
IF YES -	WHICH MANUAL WI	ILL YOUR PROJECT BE D	ESIGNED TO MEET_	UNO NIA	·			
If NO - F	OR CLEAN WATER	ACT SECTION 401 AND 40	04 PERMITS ONLY - PL	EASE SUBMIT TO ECO		DOMA!		
PROJECT	T OR ACTIVITY WILL	COMPLY WITH THE WAT	TER QUALITY STANDA	STRATES THE STORMW RDS. WAC 173.201(A)	ATER RUNOF	FROM YOUR		
13. WILL IF YES	EXCAVATION OR DI	REDGING BE REQUIRED	IN WATER OR WETLAI	VDS? YES NO				
A. VOL	LUME: (NUMBER	R OF CUBIC YARDS) AR	FA (NUMBER OF A	/		1		
B. COI	MPOSITION OF MAT	ERIAL TO BE REMOVED.	C. (NOMBER OF A	CRES)		1		
D ME	POSAL SITE FOR EX THOD OF DREDGING	CAVATED MATERIAL:						
J. 1112	MICO OF BINEDGING	5.		T i		1		
	THE STATE ENVIRON			/		1		
IA LIACT	UE SIMIE ENVIKON	NMENTAL POLICY ACT (S	EPA) BEEN COMPLET	ED? YES NO				
14. HAS 7 SEPA	LEAD AGENCY:		^~~			- IV		
DECIS	SION DATE (END OF	COMMENT PERIOD):	SEPA D	ECISION: DNS, MONS,	ADOPTION, EX	EMPTION		
DECIS SUBM	SION DATE (END OF IT A COPY OF YOUR	COMMENT PERIOD): SEPA DECISION ALONG	SEPA D	ION		1		
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RPA

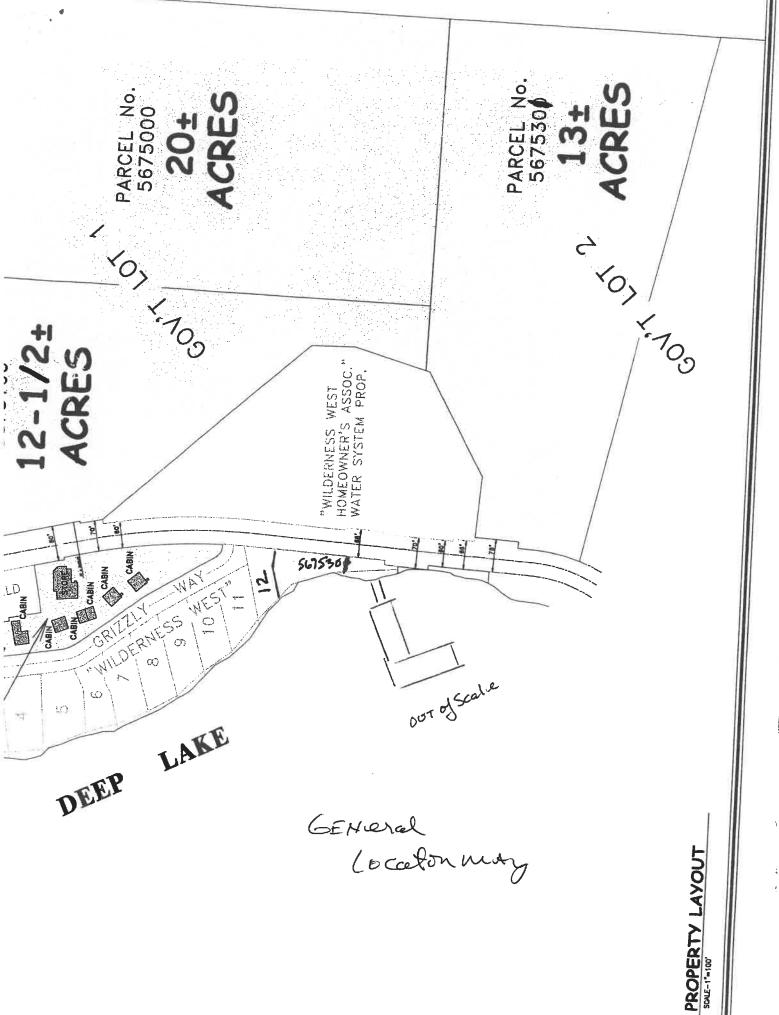
SECTION D. OSE LOL SHOLEHILE	and corps or Engineers permits only:				
17a. TOTAL COST OF PROJEC	T. THIS MEANS THE FAIR MARKET VALUE OF THE PROJECT, INCLUI	DING MATERIALS, LABOR			
MACHINE RENTALS, ETC.	9,00 - MINE THOUSAND -				
AGENCY IS PROVIDING THOSE FEDERAL FUNDING ☐ YES Y IF YES, PLEASE LIST THE FEDE	RAL AGENCY	NCY, THAT AGENCY IS OS AND WHAT FEDE RAL			
	JURISDICTION: STEVENS COUNTY				
), AND DNR PERMITS, PROVIDE NAMES, ADDRESSES, AND TELEPHO S, LESSEES, ETC ENT MAY REQUIRE ADDITIONAL NOTICE — CONSULT YOUR LOCAL O				
NAME	ADDRESS	PHONE NUMBER			
	X				
20. APPLICATION IS HEREBY MA AM FAMILIAR WITH THE INFORM BELIEF, SUCH INFORMATION IS TO UNDERTAKE THE PROPOSEI THE RIGHT TO ENTER THE ABOY	DE FOR A PERMIT(S) TO AUTHORIZE THE ACTIVITIES DESCRIBED HATION CONTAINED IN THIS APPLICATION, AND THAT TO THE BEST TRUE, COMPLETE, AND ACCURATE. I FURTHER CERTIFY THAT I POD ACTIVITIES. I HEREBY GRANT TO THE AGENCIES TO WHICH THIS VE-DESCRIBED LOCATION TO INSPECT THE PROPOSED, IN-PROGRICK ONLY AFTER ALL NECESSARY PERMITS HAVE BEEN RECEIVED.	OF MY KNOWLEDGE AND DSSESS THE AUTHORITY APPLICATION IS MADE, ESS OR COMPLETED			
Waller on	- mayor	12/19/08			
SIGNATURE OF AUTHORIZED	AGENT	DATE			
I HEREBY DESIGNATE SELF TO ACT AS MY AGENT IN MATTERS RELATED TO THIS APPLICATION FOR PERMIT(S). I UNDERSTAND THAT IF A FEDERAL PERMIT IS ISSUED, I MUST SIGN THE PERMIT.					
SIGNATURE OF APPLICANT	DATE				
	EXCEPT PUBLIC ENTITY LANDOWNERS, E.G. DNR)				
THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE AGENT, IF AN AUTHORIZED AGENT IS DESIGNATED.					
U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly					

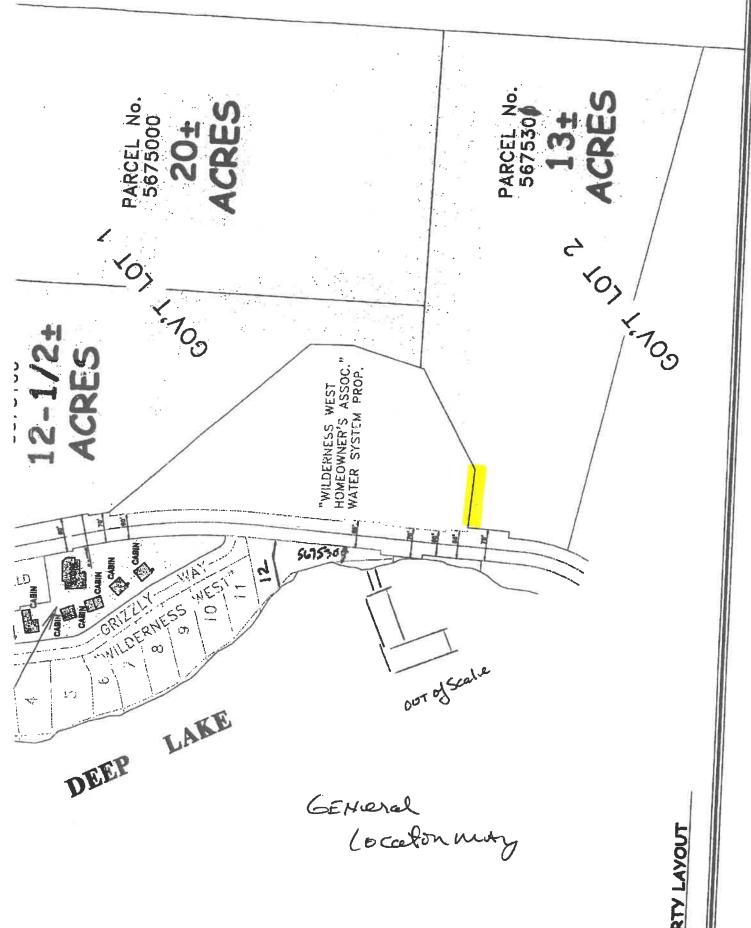
islifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or spresentations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or ntry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

These Agencies are Equal Opportunity and Affirmative Action employers. For special accommodation needs, please contact the appropriate agency in the instructions.

IRPA

Parcel /567 530\$ shoreline 20 F walkway dock TOLOT 12 25 To Adjucent property 901 10 36 10' 6 Andware





PROPERTY LAYOUT