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

HYDRAULIC PROJECT APPROVAL

Issued Date: January 14, 2024
Project End Date: January 13, 2029

Permit Number: 2024-6-20+01
FPA/Public Notice Number: N/A
Application ID: 32714

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
Ash Development	Soundview Consultants LLC
ATTENTION: Greg Helle	ATTENTION: Matt DeCaro
1001 Shaw Road	2907 Harborview Drive, Suite D
Puyallup, WA 98371	Gig Harbor, WA 98335

Project Name: East Town Crossing Stream Restoration and Mixed-Use Development

Project Description: The Applicant proposes a mixed-use development consisting of a commercial and residential buildings, and associated site access, parking, recreational areas, utilities, and stormwater infrastructure. The proposed development also requires frontage improvements along Shaw Road East and East Pioneer Avenue. As part of frontage improvements along East Pioneer Avenue, ~592 linear feet of ditched stream (Stream Z) will be re-aligned, and three existing culverts (FPDSI Site ID: 105 R041317a, 920403, 105 R041318b) will be removed and replaced with two new stream simulation culverts. In addition, Stream Y, a tributary to Stream Z that is currently conveyed through existing stormwater infrastructure onsite, will be daylit and re-aligned, and adjacent riparian areas will be restored with native plantings to create screening between the restored stream channels and East Pioneer Avenue and the proposed development.

The proposed project will occur in two phases. Phase I will include development of residential and commercial buildings, parking, utilities, stormwater infrastructure, and frontage improvements along Shaw Road East, avoiding development within the streams. Phase II of the project will implement the required frontage improvements along East Pioneer Avenue, realign Streams Y and Z, and expand the mixed-use development onsite.

PROVISIONS

TIMING - PLANS - INVASIVE SPECIES CONTROL

1. TIMING LIMITATION: You may begin the work immediately, and you must complete the project by January 13, 2029, provided, all work below the ordinary high water mark (OHWM) must only occur between July 1 and September 30 of a given year, or while the watercourse is in a naturally dry or no flow condition. Work landward of the OHWM may occur at any time of year, provided, measures to prevent erosion and sedimentation below the OHWM are in place and functioning properly.

2. APPROVED PLANS: Work must be accomplished per plans and specifications submitted with the application and approved by the Washington Department of Fish and Wildlife, entitled, "20231127.1-EX-Stream.pdf," uploaded to APPS on November 27, 2023, "2544.0001 East Town Crossing Mitigation Plan 2023-09-21.pdf," uploaded to APPS on September 22, 2023, "2544.0001 (2023-08-16)_CMP.pdf," uploaded August 30, 2023, 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. INVASIVE SPECIES CONTROL: Follow Method 1 for low risk locations (i.e. clean/drain/dry). Thoroughly remove visible dirt and 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. For

contaminated or high risk sites please refer to the Method 2 Decontamination protocol. Properly dispose of any water and chemicals used to clean gear and equipment. You can find this and additional information in the Washington Department of Fish and Wildlife's "Invasive Species Management Protocols", available online at https://wdfw.wa.gov/species-habitats/invasive/prevention.

NOTIFICATION REQUIREMENTS

4. 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 one business day 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.

5. 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

6. Establish staging areas (used for 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.

7. Design and locate new temporary access roads to prevent erosion and sediment delivery to waters of the state.

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

9. Equipment used for this project may operate waterward of the ordinary high water line, provided the drive mechanisms (wheels, tracks, tires, etc.) do not enter or operate waterward of the ordinary high water line.

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

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

12. 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

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

14. Protect all disturbed areas from erosion. Maintain erosion and sediment control until all work and cleanup of the job site is complete.

15. All erosion control materials that will remain onsite must be composed of 100% biodegradable materials.

16. Straw used for erosion and sediment control, must be certified free of noxious weeds and their seeds.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. Deposit all trash from the project at an appropriate upland disposal location.

CONSTRUCTION MATERIALS

23. 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.

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

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

FISH LIFE REMOVAL

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

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

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

IN-WATER WORK AREA ISOLATION USING A TEMPORARY BYPASS

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

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

31. 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.

32. The hydraulic capacity of the stream bypass must be equal to or greater than the 25-year peak flow event expected when the bypass will be operated.

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

34. Install a cofferdam or similar device at the upstream and downstream end of the bypass (if needed) to prevent backwater from entering the work area.

35. 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.

36. If the bypass is a pumped diversion, once started it must run continuously until it is no longer necessary to bypass flows. This requires back-up pumps on-site and twenty-four-hour monitoring for overnight operation.

37. If the diversion inlet is a pump diversion in a fish-bearing stream, 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. Maintain fish screens to prevent injury or entrapment of fish.

38. Remove fish screens on dewatering pumps in the isolated work area only after all fish are safe and excluded from the work area.

CHANNEL RELOCATION, RESTORATION, AND REALIGNMENT

39. Permanent new channel(s) must be similar in location, length, width, depth, flood plain configuration, and gradient to what is shown in the approved plans. The new channel(s) 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.

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

41. During construction, isolate the new channel from the flowing watercourse.

42. Before water is diverted into a permanent new channel(s), install approved habitat components and bed and bank protection materials to prevent erosion as shown in the approved plan.

43. Use fir, cedar, or other coniferous species to construct log or rootwad fish habitat structure(s).

44. Place the fish habitat structures in the low flow channel.

45. Place a minimum of 24 inches deep of clean, rounded, uniformly-graded streambed material throughout the channel. Size streambed material to mimic the gradation found in nearby reference channel reaches. The material must be well-graded (includes all size classes), non-porous, with 5-10% fines with sieve size U.S. No. 200 to prevent subsurface flow. Create a low-flow channel and a high-flow bench on both sides of the channel. Angular rock is not permitted within the channel.

46. Place spoils from the new channel in an upland area above the limits of anticipated floodwater. Use this material to fill in the old channel (if needed) once the stream is diverted into the new channel.

47. The angle of the structure used to divert the water into the new channel(s) must allow a smooth transition of water flow.

48. The Habitat Biologist listed below or their representative must inspect and approve the new channel before the stream is diverted into the channel.

49. Fill the old channel beginning from the upstream closure. Compact the fill material. Water discharging from the fill must not adversely affect fish life.

CULVERTS

50. Remove the three existing culverts associated with Stream Z in the dry or in isolation from the stream flow.

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

52. Install and maintain each culvert to ensure unimpeded fish passage.

53. Establish the culvert invert elevation with reference point(s) or benchmark(s) created before to starting work on this project. Clearly mark and preserve the reference point(s) for post-project compliance. Before backfilling, confirm the invert elevation, as stated on the plans, relative to the reference points with at least a construction-grade leveling device (such as an optical auto-level or laser level).

54. Both authorized culverts are a stream simulation design.

55. The length of the downstream culvert must not exceed 62 feet. The length of the upstream culvert must not exceed 56 feet.

56. The width of the channel-bed inside a stream simulation culvert at the elevation of the stream bed must be equal to or greater than 8 feet.

57. Set the stream simulation culverts at the same gradient as the prevailing stream gradient. As shown in the approved plan document entitled, "20231127.1-EX-Stream.pdf," uploaded to APPS on November 27, 2023, the proposed stream gradient through the downstream culvert will be 0.01%, and 0.48% through the upstream culvert.

58. Size streambed material within the culvert to mimic the stream's natural gradation as found in nearby reference channel reaches. Place clean, rounded and well-graded (includes all size classes) material. Angular rock is not permitted within the channel or culvert.

59. Embed the top of footings of bottomless culverts sufficiently below potential scour depth to prevent exposure of the footing surface and undermining.

60. The streambed 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.

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

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

63. The owner(s) must maintain the culvert to ensure it provides continued, unimpeded fish passage. If the culvert becomes a hindrance to fish passage, the owner must obtain an Hydraulic Project Approval and provide prompt repair.

OUTFALL

64. Locate and construct the outfall (point of discharge) associated with this project landward of the OHWL of all regulated watercourses.

EXCEPTION: The outfall associated with this project may temporarily discharge waterward of the OHWL as necessary for project sequencing purposes, but must be removed or plugged prior to project completion.

65. Stormwater outfalls must utilize approved energy dissipation structures and methods to prevent potential scour of associated watercourses. These include use of tee diffusers, rounded rock energy dissipation pads, installation of biodegradable linings and matting, installation of live stakes, or combinations thereof.

66. If needed to prevent the entry of adult or juvenile fish, install a diffuser tee or tide flex valve (or equivalent) to the end of the outfall pipe.

RIPARIAN ENHANCEMENT AND RESTORATION

67. 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.

68. 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.

DEMOBILIZATION AND CLEANUP

69. 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.

70. Before the end of the in-water work period specified in the "timing limitations" provision, abandon temporary roads in wet or flood-prone areas.

71. Completely remove any temporary fill before the end of the in-water timing window if the fill material could erode

and deliver sediment-laden water into waters of the state.

72. To minimize sediment delivery to the stream or stream channel, do not return in-stream flows to the work area until all in-channel work is completed and the bed and banks are stabilized.

73. Seed areas disturbed by construction activities with a native seed mix suitable for the site that has at least one quick-establishing plant species.

74. 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.

75. Return water flow slowly to the in-water work area to prevent the downstream release of sediment laden water. If necessary, install silt fencing above the bypass outlet to capture sediment during re-watering of the channel.

76. Remove 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: East Town Crossing 2902, 13102, 3104, 3112, and 3304 East Pioneer Avenue, and 813, 901, and 911 Shaw Road East, Puyallup, WA 98364					
WORK START:	January 14, 2024			WORK END:	January 13, 2029	
WRIA		Waterbody:			Tributary to:	
10 - Puyallup - White		Unknown Stream Number			Unknown	
1/4 SEC:	Section:	Township:	Range:	Latitude:	Longitude:	County:
SE 1/4	26	20 N	04 E	47.184068	-122.254753	Pierce
Location #1 Driving Directions						
To access the subject property from Washington State Route (WA) 167 North in the Puyallup area, turn right onto North Meridian. After 0.6 mile, turn left onto East Pioneer. After 1.9 miles, the subject property will be located on the left.						

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.

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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 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 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.

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

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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.

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.

HYDRAULIC PROJECT APPROVAL

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Habitat Biologist	Miles.Penk@dfw.wa.gov		for Director
Miles Penk	360-480-2908		WDFW