



Issue Date: February 24, 2005

Expiration Date: December 31, 2006

Control Number: 100642-1

FPA/Public Notice #:

EXHIBIT 35  
PAGE 1 OF 5

PERMITTEE  
Shamrock Park Ltd. Limited Partnership  
ATTENTION: Randolph Cherewick  
PO Box 12648  
Mill Creek WA, 98082  
425-481-7979( )  
Fax: 425-481-7979

AUTHORIZED AGENT OR CONTRACTOR  
**RECEIVED**  
FEB 28 2005  
PARISIAN DESIGNS  
LAKEWOOD CONSTRUCTION

Project Name: Georgian Heights Phase 4

Project Description: Install three culverts

PROVISIONS

1. **TIMING LIMITATIONS:** The project may begin immediately and shall be completed by December 31, 2006.
2. **NOTIFICATION REQUIREMENT:** The Area Habitat Biologist (AHB) listed below shall be contacted by phone or e-mail (holsegh@dfw.wa.gov) within seven days of completion of work to arrange for a compliance check. The notification shall include the permittee's name and the control number for this HPA.
3. Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife entitled Georgian Heights Phase 4 and dated May 3, 2004, except as modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during construction.
4. These culverts are proposed for installation where fish passage is not a concern.
5. The culverts shall be placed on a flat gradient with the bottom of the culvert placed below the level of the streambed a minimum of 20 percent of the culvert diameter for a round culvert. The 20 percent placement below the streambed shall be measured at the culvert outlet.
6. The culverts shall be 24 inches or greater in diameter.
7. The culverts shall be installed to maintain structural integrity to the 100-year peak flow with consideration of the debris likely to be encountered.
8. Fill associated with the culvert installations shall be protected from erosion to the 100-year peak flow.
9. The culverts shall be installed and maintained to avoid inlet scouring and to prevent erosion of stream banks downstream of the project.
10. The culverts shall be installed in the dry or in isolation from the stream flow by the installation of a bypass flume or culvert, or by pumping the stream flow around the work area.

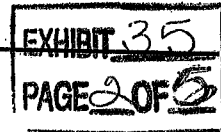


## HYDRAULIC PROJECT APPROVAL

North Puget Sound  
16018 Mill Creek Boulevard  
Mill Creek, WA 98012-1296  
(425) 775-1311

Issue Date: February 24, 2005  
Expiration Date: December 31, 2006

Control Number: 100642-1  
FPA/Public Notice #:



11. The culverts shall not exceed the following lengths:  
NW culvert 57 linear feet  
SW culvert 35 linear feet  
NE culvert 36 linear feet
12. The culverts shall consist of a single barrel.
13. Approach material shall be structurally stable and be composed of material that, if eroded into the stream, shall not be detrimental to fish life.
14. If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), immediate notification shall be made to the Washington Department of Ecology at 1-800-258-5990, and to the Area Habitat Biologist listed below.
15. Erosion control methods shall be used to prevent silt-laden water from entering the stream. These may include, but are not limited to, straw bales, filter fabric, temporary sediment ponds, check dams of pea gravel-filled burlap bags or other material, and/or immediate mulching of exposed areas.
16. All waste material such as construction debris, silt, excess dirt or overburden resulting from this project shall be deposited above the limits of flood water in an approved upland disposal site.
17. If high flow conditions that may cause siltation are encountered during this project, work shall stop until the flow subsides.
18. Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the stream.
19. All bare earth areas shall be protected from erosion and appropriately revegetated prior to final inspection or completion of the project.

### PROJECT LOCATIONS

Location #1 Georgian Heights

Work Start: 03-01-2005 Work End: 12-31-2006

Work Start:03-01-2005 Work End:12-31-2006

<u>WRIA</u> 08.0080	<u>WATERBODY</u> Little Bear Creek		<u>TRIBUTARY TO</u> Little Bear Creek		<u>COUNTY</u> King	
<u>1/4 SEC.</u> NW 1/4	<u>Section</u> 3	<u>Township:</u> 26 N	<u>Range:</u> 05 E	<u>Latitude:</u> N 47.77519	<u>Longitude</u> W 122.16106	
DRIVING DIRECTIONS: unnamed tribs to Little Bear Creek						

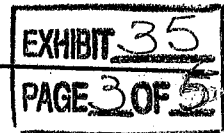


## HYDRAULIC PROJECT APPROVAL

North Puget Sound  
16018 Mill Creek Boulevard  
Mill Creek, WA 98012-1296  
(425) 775-1311

Issue Date: February 24, 2005  
Expiration Date: December 31, 2006

Control Number: 100642-1  
FPA/Public Notice #:



### NOTES

#### APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to the provisions of the Washington State Fisheries and Wildlife Code, specifically RCW 77.55 (formerly RCW 75.20). 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 or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All Hydraulic Project Approvals issued pursuant to RCW 77.55.100 or 77.55.200 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 Hydraulic Project Approvals issued pursuant to RCW 77.55.110 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 77.55.170.

#### 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.

A. INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100, 77.55.110, 77.55.140, 77.55.190, 77.55.200, and 77.55.290: 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



## HYDRAULIC PROJECT APPROVAL

North Puget Sound  
16018 Mill Creek Boulevard  
Mill Creek, WA 98012-1296  
(425) 775-  
**EXHIBIT 35**  
**PAGE 4 OF 5**

Issue Date: February 24, 2005

Expiration Date: December 31, 2006

Control Number: 100642-1  
FPA/Public Notice #:

(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 aggrieved party, and the aggrieved 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 Environmental 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 77.55.100 OR 77.55.140:** 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 77.55.110, 77.55.200, 77.55.230, or 77.55.290:** 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**



Washington  
Department of  
FISH and  
WILDLIFE

## HYDRAULIC PROJECT APPROVAL

North Puget Sound  
16018 Mill Creek Boulevard  
Mill Creek, WA 98012-1296  
(425) 775-1311

Issue Date: February 24, 2005

Control Number: 100642-1

Expiration Date: December 31, 2006

FPA/Public Notice #:

EXHIBIT 35  
PAGE 5 OF 5  
THE

OF ALL APPEAL RIGHTS. IF THERE IS NO TIMELY REQUEST FOR AN APPEAL  
DEPARTMENT ACTION SHALL BE FINAL AND UNAPPEALABLE.

ENFORCEMENT OFFICER: Sergeant Chandler (34) P3

Ginger Holser  
Habitat Biologist

425-379-2305

for Director  
WDFW

CC: