

July 29, 2021

Melissa Johnston
City of Woodland
230 Davidson Ave
Woodland, WA 98674

Re: Shoreline Exemption Letter (SEL) Request; PacifiCorp Woodland Release Pond Erosion Repair

Melissa:

PacifiCorp is applying for an exemption from the Shoreline Substantial Development Permit (SSDP) for the Woodland Release Ponds- Erosion Repair project. The project meets the requirements per WAC 173-27-040(2)(d) for the SSDP exemption as described in this narrative.

The Woodland Release Ponds were originally permitted in 2015. The ponds allow the release of Endangered Species Act-listed juvenile salmonids transported from the Lewis River Hydroelectric Project's reservoirs to downstream of the dams for counting and acclimation before they head into the Lewis River to continue their migration to the ocean. Erosion is occurring along the bank from an eddy in the Lewis River approximately 10 feet from a manhole that houses the pump apparatus that feeds the acclimation pond system (refer to the Site Plan included in Attachment A).

PacifiCorp believes that the current and continued erosion in this location will result in an unanticipated and imminent threat to the environment if corrective action isn't taken quickly. Ongoing erosion threatens water quality, and the loss of the pump apparatus would decommission the acclimation pond system, resulting in the inability to count and acclimate ESA-listed juvenile salmonids before their release into the river.

Two additional stacks of Ecology blocks are proposed at the upstream end of the existing wall to arrest further erosion, along with backfilling with native material and topdressing with riprap. Geotextile fabric will be installed along the top edge of the wall.

Exemption Requirements

Per Section 3.2, Exemptions from a Shoreline Substantial Development Permit, from the Woodland Shoreline Master Program:

1. An SSDP is not required for projects that meet the precise terms of one or more of the listed exemptions established in WAC 173-27-040(2), Developments Exempt from Substantial Development Permit Requirement.

Response:

This project complies with WAC 173-27-040(2)(d), emergency construction. This project is an emergency as the existing and ongoing erosion near the pump apparatus manhole presents an unanticipated and imminent threat to the environment. PacifiCorp anticipates that if the erosion is not arrested, the ongoing erosion threatens water quality, and the loss of the pump apparatus would decommission the

acclimation pond system, resulting in the inability to count and acclimate ESA-listed juvenile salmonids before their release into the river.

2. An SSDP is not required for those actions described in WAC 173-27-045, Developments Not Subject to the Shoreline Management Act.

Response:

The requirements detailed in WAC 173-27-045 do not apply to this project.

B. Any person claiming exemption from the permit requirements of this Program as a result of the exemptions specified in this Section shall make application for a Shoreline Letter of Exemption (SLE) as described in Chapter 8.

Response:

Per an email received from Melissa Johnston on July 26, 2021, for this SEL request, PacifiCorp is required to submit 1) the Master Land Use Application packet, 2) a narrative response that clearly demonstrates the project meets the exemption requirements, 3) a site plan, and 4) an HPA approval from WDFW.

1. PacifiCorp submitted the Master Land Use Application packet online 7/27/21.
2. This document responds to the exemption requirements.
3. A Site Plan is included in Attachment A.
4. PacifiCorp has received the draft HPA approval from George Foyne at WDFW (Attachment B) and will submit the final version to the City as soon as it is received.

C. If any part of a proposed development is not eligible for exemption, then a shoreline permit is required for the entire proposed development project.

Response:

All portions of the proposed development are eligible for the exemption.

D. Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW, the Shoreline Management Act, and this Master Program whether or not a permit is required.

Response:

The proposed use will comply with all specified conditions of the Shoreline Exemption Letter.

Hydraulic Project Approval

In an email from Habitat Biologist George Fornes to PacifiCorp on July 8, 2021, he wrote in support of an expedited HPA "because normal processing would result in significant hardship for the applicant or unacceptable environmental damage would occur." The expedited HPA will also allow construction to occur during the in-water work window of August 1-August 15. The expedited HPA application was submitted on July 23, 2021, and approved for biologist review on July 26, 2021. PacifiCorp received a draft of the HPA approval for review on 7/28/21 (Attachment B). The final approved HPA will be provided to the City as soon as it is received, which is expected before August 6, 2021.

Site Plan

A Site Plan is included in Attachment A. The project site in relation to the Woodland City limits and donation land claim boundaries is shown in Figure 1, below.

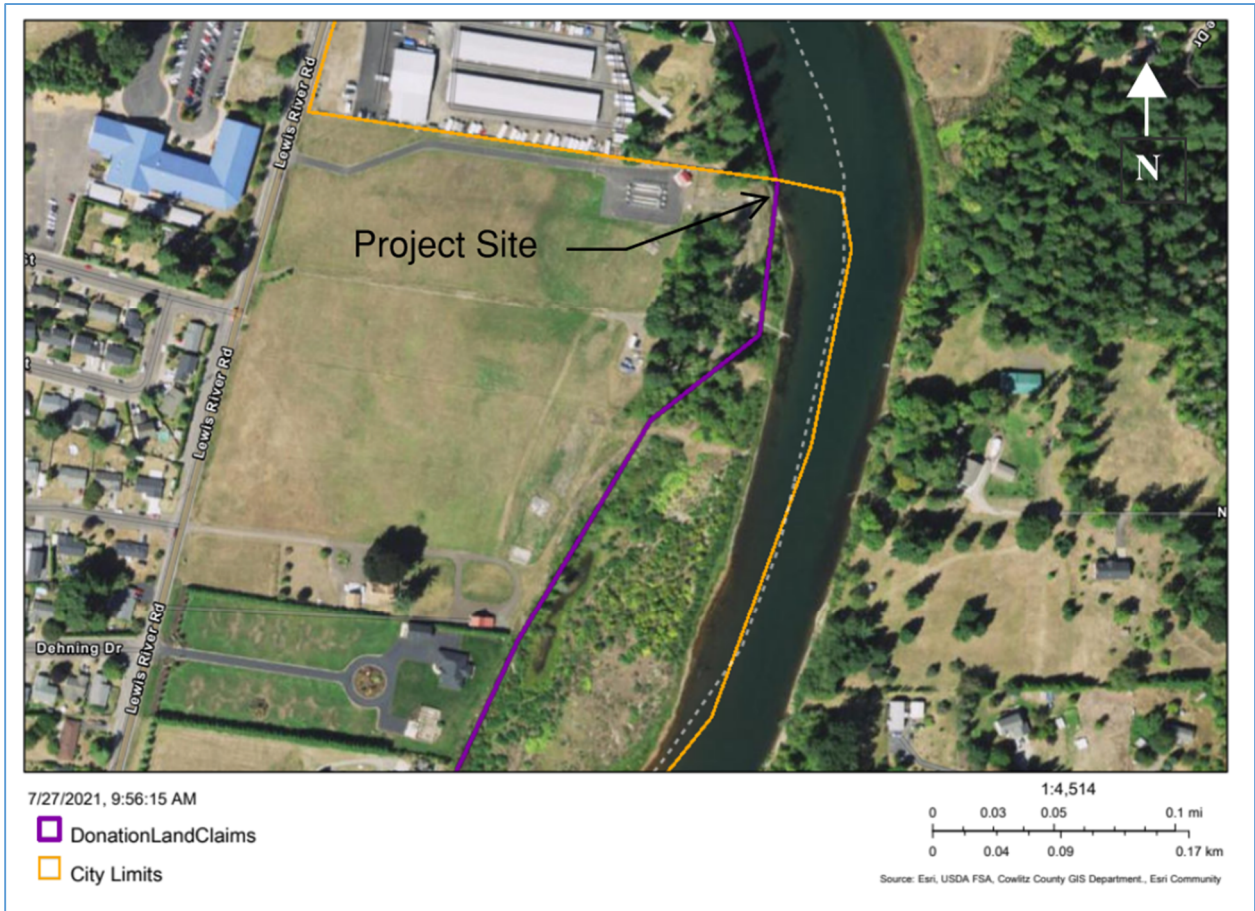


Figure 1. Project Site in Relation to Woodland City Limits and Donation Land Claim Boundaries.

I appreciate your willingness to engage with us quickly on this project. Please feel free to reach out to Kristen Currens or me with any questions you may have.

Respectfully,

Brett Horton

Senior Environmental Compliance Manager

Attachment A
PacifiCorp Woodland Release Pond Erosion Repair
Site Plan

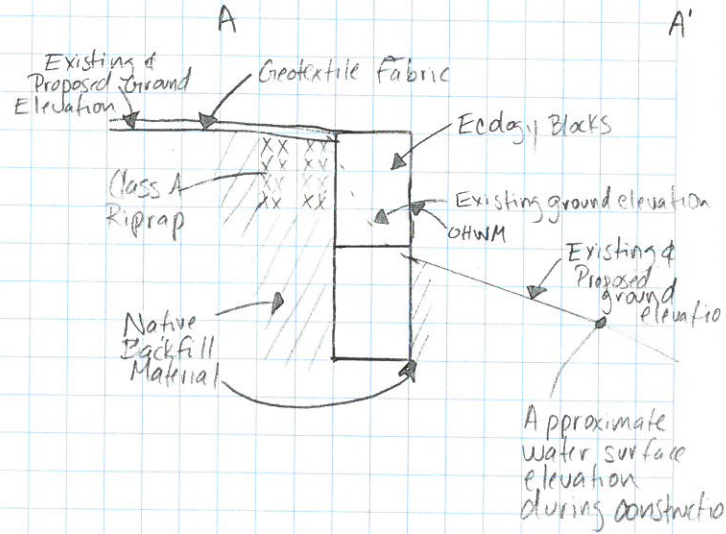
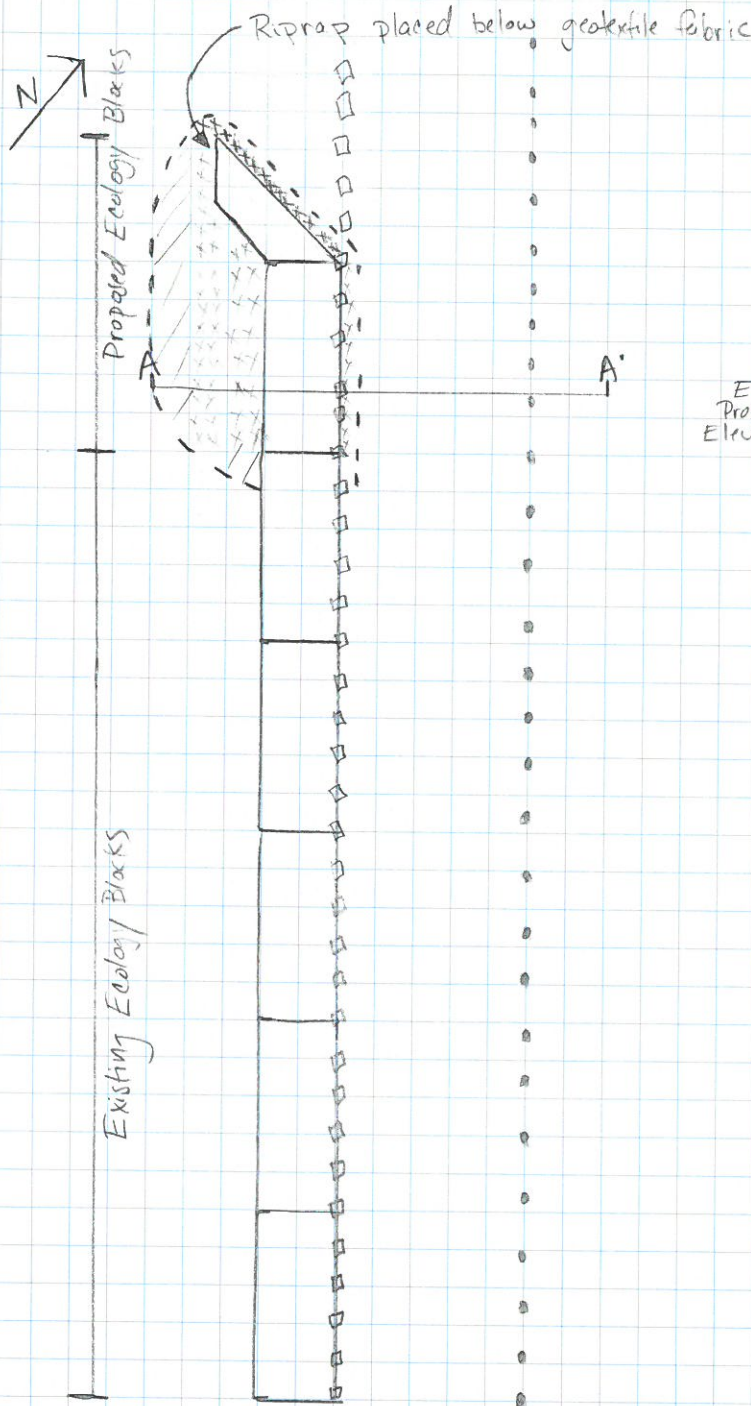
Applicant: Brett Horton, PacifiCorp, 825 NE Multnomah, Suite 1500, Portland, OR 97232, (503) 813-6661, brett.horton@pacificorp.com

Property owner: same as applicant
Contact person: Kristen Currens, MacKay Sposito, 1325 SE Tech Center Dr., Suite 140, Vancouver WA 99301, (360) 334-5176, kcurrens@mackaysposito.com

Legal description: TSN R1E Section 8
Parcel number: 508440101
Parcel area: 347,173 square feet
 All project activities will take place in parcel 508440101

OHWM: Ordinary high water mark of Lewis River is within the project footprint.

Existing structures: Manhole and Ecology block wall.
Proposed structures: Two additional stacks (four blocks total) of Ecology blocks on north end of existing block wall



Cross Section A

I = 1 foot
 H = 1 foot

Plan View
 H = 1 foot

Legend

- Area of Excavation and backfill w/ native material
- ... Approximate water surface during construction
- xxx Class A riprap
- /// Native material backfill
- Ordinary high water mark

Plan View and Cross-Section
 Woodland Release Ponds Erosion Repair
 PacifiCorp
 Woodland, WA

Attachment B
PacifiCorp Woodland Release Pond Erosion Repair
Draft Hydraulic Project Approval



HYDRAULIC PROJECT APPROVAL

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

Issued Date:

Permit Number:

Project End Date:

FPA/Public Notice Number: N/A

Application ID: 25865

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
PacifiCorp ATTENTION: Brett Horton 825 NE Multnomah St., Suite 1800 Portland, OR 97232	Mackay Sposito ATTENTION: Kristen Currens 1325 SE Tech Center Dr Vancouver, WA 98683-5554

Project Name: Woodland Release Pond Erosion Repair

Project Description: Erosion protection is required to preserve the Lewis River bank and adjacent structures associated with the PacifiCorp Woodland Release Ponds. An existing retaining block wall is buried into the slope to protect the ponds' pump apparatus from erosion. Over time, this wall has been exposed and is beginning to fail at the upstream end. To protect the bank and structure, two additional stacks of Ecology Blocks are proposed at the upstream end of the existing wall to arrest further erosion, along with backfilling with native material and topdressing with riprap; geotextile fabric will be installed along the top edge of the wall.

PROVISIONS

TIMING - PLANS - INVASIVE SPECIES CONTROL

1. **TIMING LIMITATION:** You may begin the project on August 1, 2021, and you must complete the project by August 15, 2021.

2. **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 "Woodland Release Pond Erosion Repair," received July 23, 2021, except as modified by this Hydraulic Project Approval. You must have a copy of these plans and this HPA 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>.

STAGING, JOB SITE ACCESS, AND EQUIPMENT

4. 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.

5. Limit removal of native vegetation to herbaceous vegetation only (no native shrubs or trees).

6. Station and operate equipment used for this project landward of the ordinary high water line.

CONSTRUCTION-RELATED SEDIMENT, EROSION AND POLLUTION CONTAINMENT



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7. Work in the dry watercourse (while the water level of the Lewis River is below the work area).
8. Protect all disturbed areas from erosion. Maintain erosion and sediment control until all work and cleanup of the job site is complete.
9. All erosion control materials that will remain onsite must be composed of 100% biodegradable materials.
10. Straw used for erosion and sediment control, must be certified free of noxious weeds and their seeds.
11. 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.
12. 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.
13. 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.
14. Deposit all trash from the project at an appropriate upland disposal location.

CONSTRUCTION MATERIALS

15. 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.
16. Do not stockpile construction material waterward of the ordinary high water line.
17. Use only clean, suitable material as fill material (no trash, debris, car bodies, tires, asphalt, concrete, etc.).
18. Angular rock must be large enough and installed to withstand the 100-year peak flow.

STREAM BANK PROTECTION

19. The length of the added bank protection must not exceed 10 feet, as shown on the approved plans.

DEMOBILIZATION AND CLEANUP

20. To prevent fish from stranding, backfill trenches, depressions, and holes in the bed that may entrain fish during high water or wave action.
21. Seed areas disturbed by construction activities with a native seed mix suitable for the site that has at least one quick-establishing plant species.
22. 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.
23. 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: Woodland Release Ponds Erosion Repair , , WA		
WORK START:	August 1, 2021	WORK END:	August 15, 2021
<u>WRIA</u>	<u>Waterbody:</u>	<u>Tributary to:</u>	
27 - Lewis	Lewis River	Columbia River	



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<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
SW 1/4	08	05 N	01 E	45.926180	-122.719177	Cowlitz

Location #1 Driving Directions

From I-5, take exit 21. Follow Lewis River Road east for 2.1 miles. The project site is on the right.

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 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.



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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

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.



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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.

Habitat Biologist

for Director

WDFW