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PERMITTEE
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AUTHORIZED AGENT OR CONTRACTOR
Not Applicable

PROJECT DESCRIPTION:
Construct Road Ford and Electrical Conduit Crossings - Construct five (5) road ford crossings with associated under channel electrical cable crossings at locations on three (3) intermittent streams, and construct an additional three (3) electrical cable crossings on three (3) additional intermittent streams.

Database Description1: Water Crossing Structures; Ford; New; Permanent; Fixed; Freshwater; On Bed; Natural; Earth; Gravel.
Database Description2: Water Crossing Structures; Conduit; New; Permanent; Fixed; Freshwater; Buried Below Bed; Natural; Earth; Gravel.

PROJECT LOCATION:
Unnamed Tributaries of Dry Creek - Access is off SR-97 and off Hayward Hill road. LAT;LONG site A-1 N47.13285; W120.71597 site I-2 N47.16049; W120.66574 site J-1 N47.15671; W120.65716 site J-2 N47.14701; W120.66619 site G19-A N47.14379; W120.69178 site G19-B N47.14251; W120.69115 site G19-C N47.13929; W120.68976

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PROVISIONS

1. TIMING LIMITATIONS: This work may begin July 1, 2004 and shall be completed by November 15, 2006, provided:

   a. Work is only done during the period from July 1st to November 15th in 2004, and June 1st to November 15th of calendar years 2005 and 2006, and
b. Work is done **only during a period when there is no surface flow** in the watercourses or flow is so minimal that sediment cannot be transported downstream from the immediate work area of each crossing.

**GENERAL**

2. Work shall substantially conform to plans and information submitted to The Department of Fish and Wildlife (WDFW) with the Hydraulic Project application except as modified by this Hydraulic Project Approval (HPA). If final design of the Kittitas Valley Wind Power Project necessitates changes to the location, configuration or manner of construction of these watercourse crossings, the proposed changes must be approved by WDFW prior to construction.

3. Temporary erosion control measures shall be implemented as necessary to prevent the discharge of earth and fine sediments to the stream channel at each work site.

**NOTIFICATION REQUIRED**

4. The WDFW field office, phone (509) 925-1013, FAX (509) 925-4702 or email renfrbr@dfw.wa.gov, shall be notified prior to starting this work. Leave message for Habitat Biologist Brent Renfrow. The notification shall include the permittee's name, project location, starting date for work, and the log number for this Hydraulic Project Approval.

**EQUIPMENT AND WORKSITE LIMITATIONS**

5. The ford crossings and trenches for electrical cables shall be constructed with a trackhoe or equivalent equipment capable of carefully excavating within the stream channel and placing base rock (ballast, spalls and riprap). Other equipment including grader and dump truck may be used to place and shape road surface course after road base has been completed.

6. Equipment shall work from the bank, roadway and the immediate “footprint” of the armored ford.

7. All work shall be done during a period when there is no surface flow in the watercourses or surface flow is sufficiently low that it is unlikely to transport sediment downstream from the immediate work area of each ford crossing. Any sediment suspended in water within the work area must be pumped to an upland area or captured with straw bale check dams or equivalent Best Management Practices (BMPs) immediately downstream of each work area.

**FORD AND ELECTRICAL CABLE INSTALLATION**

8. Disturbance of the channel of the watercourse shall be confined to the actual road crossing and electrical cable trench “foot print(s)”, and a minimal amount of adjacent channel where necessary to construct the crossings. There shall be no channel realignment associated with this project.

9. If flowing water is present in the channel at the time of construction, straw bale check structures or equivalent Best Management Practices (BMPs) shall be installed immediately downstream of each work area to capture all sediment resulting from construction. If water needs to be removed from the work site, it shall be pumped to an upland area and disposed of by infiltration into the soil. After installation of the ford and cable crossing, sediment accumulated behind any check structures or other BMPs shall be removed from the channel and disposed of in upland areas.

10. The fords shall be constructed to allow storm flows and associated debris to overtop the armored portion of the crossing without eroding the adjacent stream banks. The road approaches to each ford shall be armored to prevent erosion and water bars shall be installed and maintained in the road and approaches to divert snow melt and stormwater runoff from the roadway to vegetated areas for treatment and infiltration.
11. The excavation of the electrical cable trench and installation of conduit and cable shall be done in the dry using the open trench method. If surface flow is present at the time of construction, streamflow shall be temporarily bypassed around the work area by using a pump and/or the work area shall be completely dewatered by pumping the flow to an upland area for disposal by infiltration to the ground.

12. The electrical cable trenches shall be backfilled with the excavated streambed material or other approved materials. The surface 12 inches of the trench backfill shall be composed of select stream gravel conserved from the excavation.

13. Excess trench spoils shall be removed from the site and disposed of in the road prism or an approved upland area greater than 200 feet from the channel.

SITE RESTORATION
14. All earth areas adjacent to the watercourse which have been disturbed by this project are to be seeded with an appropriate erosion control seed mix and protected from erosion with a straw mulch or equivalent within seven (7) days of completion of the work.

SEPA: Draft EIS, EFSEC December 2003

APPLICATION ACCEPTED: May 27, 2004

ENFORCEMENT OFFICER: Hobbs 108 [P3]

Brent Renfrow (509) 925-1013
Area Habitat Biologist

Enclosures: Five plan drawings, location map and project description from JARPA

Note: Compliance with this HPA does not ensure compliance with the federal Endangered Species Act or any other local, state or federal laws.

GENERAL PROVISIONS

This Hydraulic Project Approval (HPA) pertains only to the provisions of the Fisheries Code (RCW 77.55 - formerly RCW 75.20). Additional authorization from other public agencies may be necessary for this project.

This HPA shall be available on the job site at all times and all its provisions followed by the permittee and operator(s) performing the work.

This HPA does not authorize trespass.

The person(s) to whom this HPA is issued may be held liable for any loss or damage to fish life or fish habitat which results from failure to comply with the provisions of this HPA.
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 HPAs 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 permittee has the right pursuant to Chapter 34.04 RCW to appeal such decisions. All HPAs 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 permittee. PROVIDED HOWEVER, that such modifications shall be subject to appeal to the Hydraulic Appeals Board established in RCW 77.55.170.

**APPEALS - GENERAL INFORMATION**

IF YOU WISH TO APPEAL A 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 HPA, or the conditions or provisions made part of a HPA; or
(B) An order imposing civil penalties.

It is recommended that an aggrieved party contact the Area Habitat Biologist and discuss the concerns. Most problems are resolved at this level, but if not, you may elevate your concerns to his/her supervisor. A request for an INFORMAL REVIEW shall be in WRITING to the Department of Fish and Wildlife, 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 HPA or receipt of an order imposing civil penalties. The 30-day time requirement may be stayed by the Department if negotiations are occurring between the aggrieved party and the Area Habitat Biologist and/or his/her supervisor. The Habitat Protection Services Division Manager or his/her designee shall conduct a review and recommend a decision to the Director or its 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 HPA, or the conditions or provisions made part of a HPA;
(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, 600 Capitol Way North, Olympia, Washington 98501-1091, shall be plainly labeled as "REQUEST FOR FORMAL APPEAL" and shall be RECEIVED DURING OFFICE HOURS by the Department 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 HPA, or the conditions or provisions made part of a HPA 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 393, LAWS OF 2003:
A person who is aggrieved or adversely affected by the denial or issuance of a HPA, or the conditions or provisions made part of a HPA may request a formal appeal. The FORMAL APPEAL shall be in accordance with the provisions of Chapter 393. The request for FORMAL APPEAL shall be in WRITING to the Environmental and Land Use Hearings Board.

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.
FIGURE 5
INTERMITTENT STREAM CROSSING
3-2 DETAIL
JUXTAQUATIC RESOURCE PERMIT APPLICATION
ARTIFICIAL VALLEY VIVAR POWER PROJECT
FEBRUARY 2004
project description from JARPA

The proposed work involves constructing road and underground electric cable crossings of seven intermittent streams. The road and cable crossings are a component of the roads that will be improved and constructed to support the construction and operation of the Kittitas Valley Wind Power Project (KWPP). The KWPP will consist of up to 121 wind turbines, for an installed nameplate capacity of up to 200 megawatts (MW). Other elements of the project include overhead and underground electric lines, one or two substations, underground electrical cables, and project roads that link the turbine strings and which will be used for construction and operation of the project.

Potential impacts to jurisdictional waters were determined through field investigations conducted by a wetland biologist during April, 2003 (see Attachment 1).

Each of the crossings will be constructed at an intermittent stream that does not have fish habitat. Each crossing will involve excavating just enough existing streambed material to allow for the placement of roadbed crossing material or electrical cables. All work will occur when flows are absent or well below 5 cfs (if a trickle of flows is present). If there is any flow present, in-water isolation and in-water diversion of flows will prevent any impacts to water quality. Backhoe will be used to remove existing streambed material. The excavated material (total of 60 cubic yards for all crossings) will be spread on the shoulders of the new and widened roads. The new crossings will be constructed of clean quarry rock and clean gravel excavated from the locations of project wind turbine foundations. Electrical cables will be placed within the roadbed where feasible. Road crossings will be no wider than 24 feet in order to accommodate the construction equipment and transport trucks required to construct the wind turbine project. The final profile and grade of each crossing will be as close to the original streambed as possible while providing a load-bearing surface that functions as a ford crossing. All crossings will be constructed in compliance with the project's construction stormwater NPDES permit and its erosion control plan, which will include erosion control details for stream crossings. The types of erosion control practices that will be employed are described further in Section 2.10 (Surface Water Runoff) of the Project's Application for Site Certification (Attachment 2).

The total area of activities within jurisdictional waters (for all 7 crossings) will be 1,270 square feet, or 0.03 acres. The total volume of materials removed from jurisdictional waters will be 47.1 cubic yards; the total amount of clean rock and gravel placed within the ordinary high water mark of jurisdictional waters will be 60.5 cubic yards.

The purpose of the proposed work is to create the road and electrical cable network required to link the turbine strings that form the KWPP. Roads have been designed to minimize intermittent stream crossings and to create crossings that will prevent erosion and assure stream water quality. Cable crossings have been installed adjacent to roads in order to minimize the total disturbed area.