

**PERMIT FOR USE OF ROADS, TRAILS, OR AREAS
 RESTRICTED BY REGULATION OR ORDER**

Authority: 16 U.S.C. 532-538

| For Official Use Only | | | | | DATE OF APPLICATION |
|---|-------|----------|---|-----------------|-------------------------|
| REGION | STATE | COUNTY | FOREST | RANGER DISTRICT | |
| 06 | WA | Kittitas | Okanogan-Wenatchee | 03 – Cle Elum | 3/30/2020 |
| 1. PERMIT HOLDER (name, address, and e-mail address) | | | | | TELEPHONE NUMBER |
| Kittitas Conservation Trust (KCT) c/o Mitchel Long Physical Address: 120 W Pennsylvania Ave, Roslyn, WA, 98941 Mailing Address: PO Box 428, Roslyn, WA 98941 mlong@kittitasconservationtrust.org | | | | | (509) 649- 2951 office |
| Name of person(s) authorized to act as the applicant’s agent for purposes of this permit: | | | | | |
| Mitchell Long mlong@kittitasconservationtrust.org | | | | | |
| 2. DESCRIPTION OF RESTRICTED ROADS, TRAILS, OR AREAS | | | | | |
| Forest Service road 4600, from it’s beginning termini, being the junction with Kittitas County’s Salmon La Sac Road, located in Township 22N., Range 14E., Section 21, to it’s ending termini located within Township 22N., Range 13E., Section 08, as shown in Exhibit A, Maps, in bold black. Also all spur roads originating from the 4600 road within Sections 5 and 8 of T 22 R 13 and shown in Exhibit A, maps. | | | | | |
| <u>DATES OF AUTHORIZED USE</u> | | | <u>AUTHORIZED MOTOR VEHICLE CLASSES AND NUMBER OF MOTOR VEHICLES</u> | | |
| Five years from date of issuance. | | | Any/All not otherwise in conflict with the terms of this permit. | | |
| 3. DESCRIPTION OF AUTHORIZED USES OTHERWISE PROHIBITED | | | | | |
| Performance of the following road maintenance: Roadside and roadbed vegetation removal. Roadway surface and drainage maintenance. Road opening, closure, and rehabilitation, including a road gate installation across the 4600 road near the 4600130/132 junction. See Exhibit C for requirements and specifications. | | | | | |
| 4. CONDITIONS OF USE | | | | | |
| a. Authorized uses are subject to all the permit terms and conditions on pages 2 & 3. b. The following additional conditions of use apply: Road damage due to the exercise of this permit shall be promptly repaired to the Government’s satisfaction. Road damage includes structures such as bridges and cattleguards. Alterations to the road structure, such as widening of the road, shall not occur without prior approval from the Government. Detrimental alterations to road surface drainage features shall be promptly restored. c. The following attachments are included as additional conditions of this permit: Exhibit A – Maps. Exhibit B - Okanogan-Wenatchee National Forest Road Rules. Exhibit C - requirements and specifications. d. Permittee’s activities are also governed by Washington State’s Industrial Fire Precaution Levels (IFPLs). Current IFPL status can be found at the following website: https://www.dnr.wa.gov/ifpl e. All work shall comply with <i>Upper Kachess River Restoration Decision Memo</i> dated March 22, 2022. | | | | | |


1. This permit shall expire on the last date shown in Block 2. This permit shall not be extended or renewed.
2. This permit is for use only by the holder or the holder's authorized representatives listed in block 2 of the corresponding application when they are acting within the scope of their delegated authority. This permit is not assignable or transferable.
3. There is no fee for this permit.
4. This permit is a federal license that constitutes written authorization for the holder to be on National Forest System roads, on National Forest System trails, or in areas on National Forest System lands that are closed or restricted by regulation or order. This permit does not constitute a contract or lease for purposes of the Contract Disputes Act, 41 U.S.C. 601; does not convey any interest in real property; and may not be used as collateral for a loan.
5. This permit is subject to all valid outstanding rights.
6. The use authorized by this permit is not exclusive. The Forest Service reserves the right to use the roads, trails, and areas authorized by this permit and to allow others to use them at any time. The holder shall use the roads, trails, and areas authorized by this permit in a manner that will not unreasonably or unnecessarily interfere with their use by others, including the Forest Service.
7. A copy of this permit shall be carried in all motor vehicles operated under this permit. When vehicles are parked in restricted areas, a copy of this permit shall be displayed on the dashboard. When a parked motor vehicle does not have a dashboard, a note shall be left on the parked vehicle and the permit copy locked in a vehicle compartment or carried in the operator's possession. This permit shall be presented upon request to any Forest Service officer.
8. Unless specifically authorized by attachments to this permit, the holder shall not reconstruct or maintain routes, plow snow, post signs, erect closure devices, or otherwise restrict use of routes by other authorized traffic.
9. In exercising the privileges granted by this permit, the holder shall comply with all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulations, and other legal requirements, including state traffic laws, that apply to the permit area, to the extent they do not conflict with federal law, regulation, or policy.
10. The holder assumes all risk of loss associated with use of the roads authorized by this permit, including theft, vandalism, fire and any fire-fighting activities (including prescribed burns), avalanches, rising waters, winds, falling limbs or trees, and acts of nature.
11. The holder shall be liable for all injury, loss, or damage, including but not limited to the value of resources damaged or destroyed, the costs of restoration, cleanup, or other mitigation, and fire suppression or other types of abatement costs, associated with the use and occupancy authorized by this permit.
12. The holder shall indemnify, defend, and hold harmless the United States for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the holder in connection with use of the roads authorized by this permit. The responsible official may prescribe terms that allow the holder to replace, repair, restore, or otherwise undertake necessary curative actions to mitigate damages in addition to or as an alternative to monetary indemnification.
13. The holder shall have in force motor vehicle insurance covering losses associated with the use authorized by this permit in at least the minimum amounts prescribed by state law for operating motor vehicles on public roads.
14. The responsible official may suspend or revoke this permit in whole or in part for noncompliance with federal, state, or local law; noncompliance with the terms of this permit; or abandonment or other failure of the holder to exercise the privileges granted. Prior to revocation or suspension, other than immediate suspension under clause 15, the responsible official shall give the holder written notice of the grounds for revocation or suspension and a reasonable time, typically not to exceed 7 days, to cure any noncompliance. Revocation or suspension of this permit shall not give rise to any claim for damages by the holder against the Forest Service.
15. The responsible official may immediately suspend this permit in whole or in part when necessary to protect public health or safety or the environment. The suspension decision shall be in writing.
16. The holder and the responsible official shall keep each other informed of current mailing addresses.
17. No member of, or delegate to, Congress or Resident Commissioner shall benefit from this permit either directly or indirectly, except to the extent the authorized use provides a general benefit to a corporation.
18. If there is a conflict between any of the preceding printed clauses and any clauses contained in attachments to this permit, the preceding printed clauses shall control.

THIS PERMIT IS ACCEPTED SUBJECT TO ALL ITS TERMS AND CONDITIONS.

BEFORE ANY PERMIT IS ISSUED TO AN ENTITY, DOCUMENTATION MUST BE PROVIDED TO THE RESPONSIBLE OFFICIAL OF THE AUTHORITY OF THE SIGNATORY FOR THE ENTITY TO BIND IT TO THE TERMS AND CONDITIONS OF THE PERMIT.

ACCEPTED:

Mitchell Long

 Digitally signed by Mitchell Long
Date: 2023.01.13 15:04:48 -08'00'


MITCHELL LONG, EXECUTIVE DIRECTOR

SIGNATURE

DATE

APPROVED:

JOSEPH RAUSCH

 Digitally signed by JOSEPH RAUSCH
Date: 2023.01.17 12:12:58 -08'00'

NAME AND TITLE OF RESPONSIBLE OFFICIAL

SIGNATURE

DATE

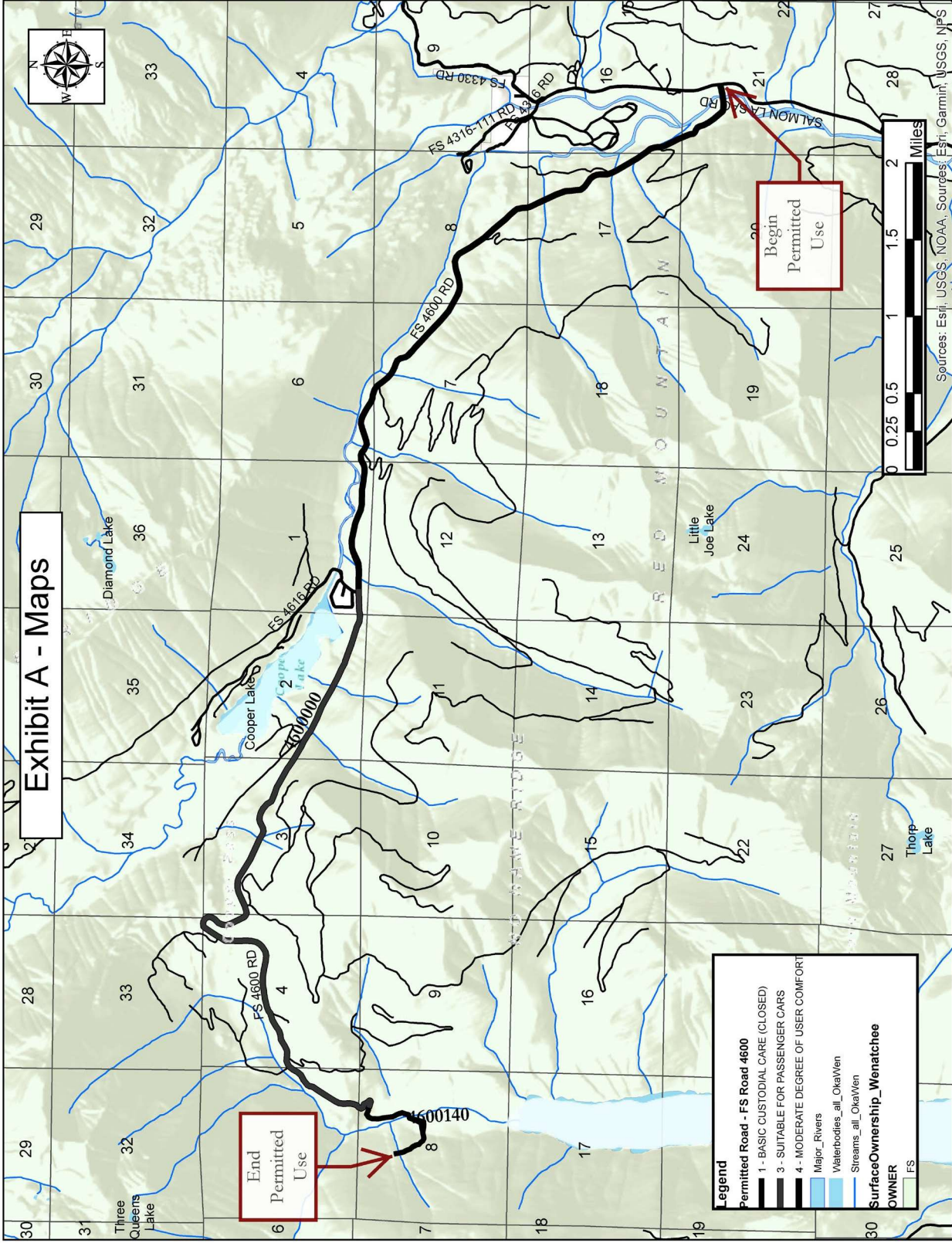


Exhibit B

OKANOGAN-WENATCHEE NATIONAL FOREST ROAD RULES

This document has been prepared to alert Forest road users of the numerous Federal and State requirements governing the use of National Forest System roads. The following Road Use Rules summarize the most important regulations and restrictions governing use of Forest Service roads:

1. It is prohibited to possess or operate a motor vehicle on National Forest System roads other than in accordance with the designations identified on a motor vehicle use map, provided that some vehicles and uses are exempted from this prohibition as identified in 36 CFR 261.13 Motor vehicle use including, (h) motor vehicle use that is specifically authorized under a written authorization issued under Federal law or regulations.
2. All Forest roads are subject to short-term traffic restrictions or closures due to weather and subgrade condition, user safety, or when necessary to permit reconstruction and maintenance, or to provide long-term closures to comply with adjacent land management objectives. The commercial use of any Forest Service road will be authorized by permit only.
3. Damaging or leaving in a damaged condition, any road, road segment or traffic control device is prohibited. Reference 36 CFR 261.12(c). Damage is exclusive of ordinary wear requiring road maintenance as described in contracts, permits, or road maintenance agreements.
4. Following are examples of road damage:
 - a. Destruction of road prism including ditches, surfacing subgrade, base course, backslopes or fillslopes.
 - b. Deforming or breaking bridge rails or bridge curbing, guardrails, culverts, signs or signposts, markers or other structures.
 - c. Lug or cleat marks on a bridge or road surface that is constructed of asphalt, concrete, wood, or metal.
5. The provisions of the Revised Code of Washington, Chapter 46.61(RCW), relating to the operations of motor vehicles, are applicable to all Forest Service roads on the Okanogan-Wenatchee National Forest and are enforceable by Federal, State or County law officers.
6. The load, weight, height, length, and width limitations of vehicles on National Forest roads shall be in accordance with Section 46.44 (RCW) of the motor vehicle laws of the State of Washington and will be enforced under Federal Regulations. Exceptions to this rule will occur only when signs giving notice thereof have been posted on the road or when a specific written authorization, permit, or order under 261.54(d) provides otherwise.
 - a. Some bridges are not structurally adequate to handle normal highway loadings cited in Section 46.44(RCW). These bridges are posted with signs which give the legal notice of the reduced limits. Refer to 36 CFR 261.12(a).
 - b. Application for overload or variance permits on roads or bridges must be made through the District Ranger with an adequate time allowance for processing. A 10 to 15 day period is usually required to process a Permit Application.
7. Commercial use will be permitted on any National Forest System road only when authorized by permit or written authorization such as, a contract, easement, deed, or other written agreement. All commercial-use requests will be initiated through the District Ranger, 36 CFR 261.54(c).
8. Commercial use of a National Forest System Road by any permittee or contractor will be suspended when such use will cause damage to the roads or National Forest Resources, when such use will result in unsafe conditions to others or when the road is in an unsafe condition. Such suspension shall be effective when the commercial user is notified in writing or by road closures posted on the road per Regulation 36 CFR 261.54(b).

9. Snowplowing will only be permitted by specific provision in each permit, contract provision, or other written agreement signed by the District Ranger.
 - a. Some roads on the Okanogan-Wenatchee National Forest are not available for winter commercial use because of recreational use or other conflicts. Prospective users should contact the District Ranger as to whether snow plowing will be authorized during the period of the permit or contract.
10. Written permission to block a road may be issued only by District Ranger, or Contracting Officer. Unless otherwise provided in a contract, permit, or agreement, no road shall be blocked by the placing of any vehicle or other object upon it in a manner that is an impediment or safety hazard, or conflicts with other users. Reference 36 CFR 261.12(d). Following are examples of an impediment:
 - a. Slow moving logging, construction, or road maintenance equipment operated without posting proper warning signs.
 - b. Logging slash or other debris deposited or left in a roadway or turnouts.
 - c. Logs yarded or decked on the road travelway or turnouts.
 - d. Abandonment of vehicles or other personal property on any Forest Service road.
11. Posting of notices, messages or the installation of other signing, including citizen band radio check point signs must be approved by the District Ranger.
12. Written permission is required to use a motor vehicle on any National Forest System Road that is not designated on the Motor Vehicle Use Map for motor vehicle use including the class of vehicles and time of year. All regulations and restrictions shown on the Motor Vehicle Use Map must be followed unless approved by the District Ranger in a written special use authorization, contract or operating plan prior to use.
13. Lugged traction devices allowed on asphalt surfaced roads by permit only, reference 36 CFR 261.12(c).

Exhibit C

ROAD MAINTENANCE REQUIREMENTS AND SPECIFICATIONS, SNOW PLOWING REQUIREMENTS AND SPECIFICATIONS.

The following road maintenance activities are authorized subject to the following requirements and specifications.

Blading

Ditch Maintenance

Removal And End Haul of Materials

Drainage Structure Maintenance

Cutting Roadway Vegetation

Spot Surfacing/Materials

Snow Removal

Gate Installation

Equipment

BLADING

Description

This work consists of surface blading the traveled way to a condition that facilitates traffic and provides proper drainage. Blading includes shaping the crown or slope of traveled way, berms, and drainage dips in accordance with this specification.

Maintenance Requirements

A. General

1. Blade and shape the existing traveled way and shoulders, including turnouts, to produce a surface which is uniform, consistent to grade, and crowned or cross-sloped as indicated by the character of the existing surface, to at least $\frac{1}{2}$ inch per 1 foot of width, but not more than $\frac{3}{4}$ inch per 1 foot of width. Thoroughly loosen surfacing material to no less than 2 inches depth or the depth of potholes or corrugations. Scarification to facilitate cutting to the full depth of potholes or corrugations may be elected but will be considered incidental to blading. Do not scarify to a depth that will cause contamination of road surfacing.
2. Apply water during blading when sufficient moisture is not present to prevent road surfacing material segregation.
3. Shape existing native rock or aggregate surfaced drainage dips to divert surface runoff to existing outlet devices, ditches, or discharge locations.
4. Establish a blading pattern which provides a uniform driving surface, retains the surfacing on the roadbed, and provides a thorough mixing of the materials within the completed surface width. Upon final blading, no disturbed rock shall protrude more than 2 inches above the adjacent surface unless otherwise provided in the contract. Remove and place outside the roadbed, material not meeting this dimension so as not to obstruct drainage ways or structures. This material may be scattered off the roadbed if there is free drainage.

DITCH MAINTENANCE

Description

This Section provides for routine maintenance of various types of ditches to provide a waterway which is unobstructed.

Maintenance Requirements

- A. Maintain ditches by removing rock, soil, wood, and other materials. Maintained ditches shall function to meet the intent of the original design.
- B. Undercutting backslopes during debris removal operations is not permitted.
- C. Do not blend material from ditch cleaning operations into aggregate surfaced roads. Do not blade material across aggregate or bituminous surfaced roads, unless approved in writing by the Authorizing Forest Service Official.
- D. Haul excess material to a designated waste area. Remove excess materials temporarily stored on the ditch slope or edge of the shoulder daily.
- E. Remove limbs and wood chunks in excess of 12 inches in length or 3 inches in diameter from ditches and place outside the roadway.
- F. Shape lead-off ditches to drain away from the traveled way.

REMOVAL AND END HAUL OF MATERIALS

Description

Work consists of specified or ordered loading, hauling, and placing of slide, slough, or excess materials such as rock, soil, vegetation, and other materials to designated disposal sites.

Maintenance Requirements

- A. Dispose of material at designated sites as directed by authorized Forest Service personnel.

Reshape slopes as nearly as practical to original conditions by equipment operating from the road surface. Reshaping of roadside ditches in slide areas shall be in accordance with drainage structure specifications.

- B. When approved by authorized Forest Service personnel, fill slumps by compacting selected materials into roadway depressions.
- C. Place all materials in disposal sites by one or both of the following methods as directed by authorized FS personnel.
 - 1. Side Casting and End Dumping. Material may be placed by side casting and end dumping. Where materials include large rocks, provide a solid fill by working smaller pieces and fines into voids. Shape the finished surfaces to drain.
 - 2. Layer Placement - Step or roughen surfaces on which materials are to be placed prior to placing any material. Place materials in approximately horizontal layers no more than 12 inches thick. Compact each layer by operating hauling and spreading equipment over the full width of each layer.

DRAINAGE STRUCTURE MAINTENANCE

Description

This work consists of cleaning and reconditioning culverts and other drainage structures.

Maintenance Requirements

- A. Clean drainage structures, inlet structures, culverts, catch basins, and outlet channels. Clean catch basins by removing the material.
- B. Clean the transition from the ditch line to the catch basin a distance of 10 feet from the catch basin. Clean outlet channels and lead-off ditches a distance of 6 feet. Remove and place debris and vegetation so as to not enter the channel or ditch, or obstruct traffic. Haul debris and vegetation to a designated disposal area.
- C. Hydraulic flushing of drainage structures is not allowed unless otherwise authorized.

CUTTING ROADWAY VEGETATION

Description

This work consists of cutting all vegetative growth, including trees and other vegetation less than 4 inches in diameter measured 6 inches above the ground, on roadway surfaces and roadsides.

Maintenance Requirements

General

1. Brush cutting shall not exceed the following limits: 4' beyond the edge of the roadway surface. Roadway surface includes ditches and pullouts.
2. Vegetative material less than 4" in diameter breast height (dbh) is permitted for removal. Removal of material greater than 4" dbh may be permitted as circumstances require. Written authorization must be obtained prior to such removal.
3. Cut brush, trees, and other vegetation within authorized areas treated to a maximum height of 6 inches above the ground surface or obstruction such as rocks or existing stumps. For trees greater than 4" dbh, remove all limbs which extend over the roadbed, to a height of 14 feet above the traveled way surface elevation. Limb branches no greater than 4" from tree trunks.
4. Disposal. Lop and scatter: Cut vegetative material in 4 foot lengths or less and widely scatter all displaced vegetative material on the downhill side of the roadway, away from the road surface and road drainage structures such as culverts and ditches. Vegetative material should be in contact with the ground.
5. Work may be performed either by hand or mechanically unless otherwise specified. Self-propelled equipment is not allowed on cut and fill slopes or in ditches.
6. Correct damage to trunks of standing trees caused by Permittee's activities either by treatment with a commercial nursery sealer or by removing the tree, as directed.
7. Commence work at the edge of the traveled way and proceed away from the road centerline.

WATER SUPPLY AND WATERING

Description

This work consists of providing facilities to furnish an adequate water supply, hauling and applying water.

Materials

The Permittee is responsible to obtain the rights for water used, including any cost for royalties involved.

ADDITIONAL RESTRICTIONS:

Pumping, damming or other activities that dewater any streams is not allowed. Maintain the following discharge rates on all streams:

- A. Do not reduce flows to less than 50% of the flow occurring at the time of withdrawal; in no case will flows be reduced to less than 1.0 CFS (about 7.5 gallons/second).
- B. The designated water sources may require some work prior to their use. Such work may include cleaning ponded areas, installing temporary weirs or sandbags, pipe repair, pump installation, or other items appropriate to the Permittee's operations. Flowing streams may be temporarily sandbagged or a weir placed to pond water, provided a minimum flow is maintained. Obtain approval on improvements for sandbags or weirs prior to placement.

Equipment

- A. The Permittee shall utilize one of the following methods of screening on draft hoses used to withdraw water from any live flowing stream.
 - (1) Perforated Plate:
Screen openings shall not exceed 3/32 or 0.0938-inches.
 - (2) Profile Bar Screen:
The narrowest dimension in the screen openings shall not exceed 0.0689-inches in the narrowest direction
 - (3) Woven Wire Screen:
Screen openings shall not exceed 3/32 or 0.0938-inches in the narrow direction.

All methods shall be kept clean.

- B. An air gap or positive anti-siphon device shall be provided between the water source and the vehicle being loaded if the vehicle has been used for other than water haul, if the source is a domestic potable water supply, or the water is used for tank mixing with any other materials.
- C. Positive control of water application is required. Equipment shall provide uniform application of water without ponding or washing.

SPOT SURFACING/MATERIALS

Description

This work consists of placing road surface aggregate. It includes preparing the area, furnishing, hauling, and placing all necessary materials and other work necessary to blend with the adjacent road cross section.

Materials

- A. Materials may be Government-furnished or furnished by the permittee.

- B. Materials furnished by the permittee or a commercial source must first be accepted by the government in writing before placement. A Forest Service Engineering representative will provide acceptance of materials properties, while Cle Elum Ranger District botany staff will provide inspection and verification of materials being weed-free.

Maintenance Requirements

- A. Thoroughly loosen the area to be spot surfaced to a minimum depth of 1 inch prior to placement of aggregate.
- B. Mixing and Placing
1. When scheduled coincidentally with road blading, mix spot surfacing and existing aggregate with water until a uniform mixture is obtained prior to final shaping and compaction.
 2. Otherwise, spread the material on the prepared area in layers no more than 4" in depth. If more than one 1 layer is placed, shape and compact each layer before the succeeding layer is placed. Upon completion, the spot surfacing shall reasonably conform to the adjacent cross section and provide smooth transitions in the road profile.
 3. Compaction Method: Compact with equipment on the traveled way.

SNOW REMOVAL Snow removal shall be done in a manner to preserve and protect roads, to the extent necessary to ensure safe and efficient transportation of materials, and to prevent excessive erosion damage to roads, streams, and adjacent lands. Work shall be done in accordance with the following minimum standards of performance. Permittee shall:

- (1) Any turn-outs adjacent to the plowed side of the road shall be cleared of snow to the same standards and specifications as the rest of the road.
- (2) Leave a minimum of 2 inches of snow depth on the plowed area to protect the roadway.
- 3) Remove snow slides, earth slides, fallen timber, and boulders that obstruct the plowed area of the road surface.
- (4) Remove snow, ice, and debris from culverts so that the road drainage system will function efficiently at all times.
- (5) Perform all items of snow removal concurrently to ensure safe, efficient transportation.
- (6) Deposit all debris, except snow and ice, removed from the road surface and ditches at agreed locations and away from stream channels.
- (7) Not undercut roadbanks nor remove gravel or other selected surfacing material off the roadway surface.
- (8) Assure that ditches and culverts are kept functional during and following roadway use.
- (9) Not leave snow berms on the road surface. Berms on the shoulder of road shall be removed and/or drainage holes shall be opened and maintained. Drainage holes shall be spaced as required to obtain satisfactory surface drainage without discharge on erodible fills.
- (10) Not use dozers or other tracked equipment to plow snow on roads without written approval of the Forest Service.
- (11) Restore any damage resulting from the snow removal in a timely manner.
- (12) Snow removal shall not occur during the recreation winter grooming season unless authorized in writing by the authorizing official.
- (13) Provide sufficient room for the public to turn vehicles around at the end of the plowed road segment and/or at the gate.

GATE INSTALLATION

Provide gate design for review prior to installation.

Gate installation location shall provide sufficient room for the public to turn vehicles around.

EQUIPMENT

- 1) All construction equipment utilized shall be cleaned of all soil, plant parts, seeds, vegetative matter, or other debris that could contain or hold seeds prior to use on Forest Service Lands or Forest Service jurisdiction roads.
- 2) Contact the Forest Service Cle Elum District Botanist for weed-free inspection and approval.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0016. The time required to complete this information collection is estimated to have no associated burden per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.