

Lindsey Ozbolt

From: Kaehler, Gretchen (DAHP) <Gretchen.Kaehler@DAHP.wa.gov>
Sent: Tuesday, February 11, 2014 12:42 PM
To: Lindsey Ozbolt
Cc: johnson@yakama.com; Kate Valdez (kate@yakama.com)
Subject: RE: Updated: Kittitas County Notice of SEPA Action & Public Hearing - Larson Fruit CU-13-00007
Attachments: 021114-17-KT_MDNS Larson Fruit Company CU-13-00007.pdf
Follow Up Flag: Follow up
Flag Status: Completed

Ms. Ozbolt,

Please see attached comments for this project. Please feel free to contact me if you have any questions.

Thank you,

Gretchen

Gretchen Kaehler
Assistant State Archaeologist, Local Governments
Department of Archaeology and Historic Preservation
Olympia
Ph:360-586-3088
Cell:360-628-2755

From: Lindsey Ozbolt [mailto:lindsey.ozbolt@co.kittitas.wa.us]
Sent: Tuesday, January 28, 2014 10:10 AM
To: Jeff Watson; Lindsey Ozbolt; Brenda Larsen; Bill Steele; Lisa Iammarino; Christina Wollman; Candie M. Leader; Renfrow, Brent D (DFW); Teske, Mark S (DFW); Michael Flory; Lou Whitford; 'darren.habel@usace.army.mil'; Kim Dawson; Joe Gilbert; Erin Moore; Holly Duncan; Holly Myers; 'jessica@yakama.com' (jessica@yakama.com); 'jmarvin@yakama.com' (jmarvin@yakama.com); 'johnson@yakama.com' (johnson@yakama.com); 'enviroreview@yakama.com' (enviroreview@yakama.com); Kaehler, Gretchen (DAHP); Mau, Russell E (DOH); Justus, Tom; tribune@nkctribune.com; 'John Cornell (Johnc@larsonfruit.com)'; Julie Kjorsvik; Lisa Lawrence; Patti Johnson; ECY RE SEPA REGISTER; ECY RE CRO SEPA COORDINATOR; 'jorgenja@cwu.edu' (jorgenja@cwu.edu); 'nelmsk@cwu.edu' (nelmsk@cwu.edu); HAZLETT, LINDA (DNR); PRESTON, CINDY (DNR); DNR RE AQ LEASING RIVERS; 'jmarkell@kvnews.com' (jmarkell@kvnews.com); Johnston, Mike (DOHi); 'Kaiser, Mark (KaiserM@wsdot.wa.gov) (KaiserM@wsdot.wa.gov)'; 'holmstr@wsdot.wa.gov'
Cc: Doc Hansen; 'Allison Kimball (brooksideconsulting@gmail.com)'
Subject: Updated: Kittitas County Notice of SEPA Action & Public Hearing - Larson Fruit CU-13-00007

Larson Fruit CU-13-00007 correction. Please find attached the signed SEPA MDNS document. It was not attached properly in the first correspondence.

Thank you,

Lindsey Ozbolt
Planner II

Kittitas County Community Development Services

411 North Ruby St., Suite 2
Ellensburg, WA 98926
Phone: 509-962-7637
Email: lindsey.ozbolt@co.kittitas.wa.us

From: Lindsey Ozbolt

Sent: Tuesday, January 28, 2014 9:36 AM

To: Brenda Larsen; Bill Steele; Lisa Iammarino; Christina Wollman; Candie M. Leader; "Brent.Renfrow@dfw.wa.gov" (Brent.Renfrow@dfw.wa.gov); "Mark.Teske@dfw.wa.gov" (Mark.Teske@dfw.wa.gov); Michael Flory; Lou Whitford; 'darren.habel@usace.army.mil'; Kim Dawson; Joe Gilbert; Erin Moore; Holly Duncan; Holly Myers; "jessica@yakama.com" (jessica@yakama.com); 'jmarvin@yakama.com' (jmarvin@yakama.com); "johnson@yakama.com" (johnson@yakama.com); "enviroreview@yakama.com" (enviroreview@yakama.com); "Gretchen.Kaehler@DAHP.wa.gov" (Gretchen.Kaehler@DAHP.wa.gov); "russell.mau@doh.wa.gov" (russell.mau@doh.wa.gov); "tom.justus@doh.wa.gov" (tom.justus@doh.wa.gov); tribune@nkctribune.com; 'John Cornell (Johnc@larsonfruit.com)'; Julie Kjorsvik; Lisa Lawrence; Patti Johnson; 'separegister@ecy.wa.gov'; "crosepacoordinator@ecy.wa.gov" (crosepacoordinator@ecy.wa.gov); "jorgenja@cwu.edu" (jorgenja@cwu.edu); "nelmsk@cwu.edu" (nelmsk@cwu.edu); "linda.hazlett@dnr.wa.gov" (linda.hazlett@dnr.wa.gov); 'cindy.preston@dnr.wa.gov'; 'rivers@dnr.wa.gov'; "jmarkell@kvnews.com" (jmarkell@kvnews.com); Mike Johnston; 'Kaiser, Mark (KaiserM@wsdot.wa.gov) (KaiserM@wsdot.wa.gov)'; 'holmstr@wsdot.wa.gov'

Cc: Lindsey Ozbolt; Doc Hansen; Jeff Watson; 'Allison Kimball (brooksideconsulting@gmail.com)'

Subject: Kittitas County Notice of SEPA Action & Public Hearing - Larson Fruit CU-13-00007

[Larson Fruit CU-13-00007](#)

NOTICE IS HERBY given that pursuant to 43.21C RCW, Kittitas County Community Development Services did on January 28, 2014 make a Mitigated Determination of Non-Significance (MDNS) for the Larson Fruit Conditional Use Permit (CU-13-00007). Please see the attached Notice of Decision SEPA Action & Public Hearing memo along with the SEPA MDNS document. Agencies within the county network may review the application file via the T-drive or by clicking the link above. Agencies outside of the county network may view the file documentation by following this link: [http://www.co.kittitas.wa.us/cds/land-use/current-planning.aspx?title=Conditional Use Permits](http://www.co.kittitas.wa.us/cds/land-use/current-planning.aspx?title=Conditional+Use+Permits). This file will be updated as the application progresses.

Any action to set aside, enjoin, review, or otherwise challenge such administrative SEPA action on the grounds of noncompliance with the provisions of 43.21C RCW shall be commenced on or before February 11, 2014 at 5:00 p.m. to the Kittitas County Board of Commissioners, Rm. 108, County Courthouse, Ellensburg, WA 98926. Appeals of SEPA threshold determinations shall be consolidated with appeals of final permit approval, according to KCC 15A.04.020, 43.21C RCW and KCC 15.04 (such as a decision to require particular mitigation measures or to deny a proposal). A single simultaneous hearing before one hearing body will consider the agency decision on a proposal and any environmental determinations made, with the exception of the appeal, if any, of a threshold determination of significance.

NOTICE IS HEREBY given that a hearing on said application before the Kittitas County Hearing Examiner has been scheduled for **February 13, 2014** at 6:00 p.m. in the Kittitas County Courthouse Auditorium, Ellensburg, WA. 98926. Anyone with an interest in this matter is urged to attend said hearing where testimony will be taken. Written comments will be received and documents may be viewed at the above address prior to the hearing. Interested persons are encouraged to verify prior to attending.

Lindsey Ozbolt
Planner II

Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926

Phone: 509-962-7637

Email: lindsey.ozbolt@co.kittitas.wa.us

Notice: All email sent to this address will be received by the Kittitas County email system and may be subject to public disclosure under Chapter 42.56 RCW and to archiving and review.

message id: 38eb45916c6dcbdac24bb8719d004a14



February 11, 2014

Ms. Lindsay Ozbolt
Planner II
Kittitas County
411 North Ruby St., Suite 2
Ellensburg, WA 98926

In future correspondence please refer to:

Log: 021114-17-KT
Property: MDNS Larson Fruit Company CU-13-00007
Re: Archaeology - Survey Requested

Dear Ms. Ozbolt:

We have reviewed the materials forwarded to our office for the proposed project referenced above. The area has a high potential for archaeological resources. There are 5 previously recorded archaeological sites within approximately 3,500 feet of the project parcel.

Please be aware that archaeological sites are protected from knowing disturbance on both public and private lands in Washington States. Both RCW 27.44 and RCW 27.53.060 require that a person obtain a permit from our Department before excavating, removing, or altering Native American human remains or archaeological resources in Washington. Failure to obtain a permit is punishable by civil fines and other penalties under RCW 27.53.095, and by criminal prosecution under RCW 27.53.090.

Chapter 27.53.095 RCW allows the Department of Archaeology and Historic Preservation to issue civil penalties for the violation of this statute in an amount up to five thousand dollars, in addition to site restoration costs and investigative costs. Also, these remedies do not prevent concerned tribes from undertaking civil action in state or federal court, or law enforcement agencies from undertaking criminal investigation or prosecution. Chapter 27.44.050 RCW allows the affected Indian Tribe to undertake civil action apart from any criminal prosecution if burials are disturbed.

The scale of the proposed ground disturbing actions would destroy any archaeological resources present. Identification during construction is not a recommended detection method because inadvertent discoveries often result in costly construction delays and damage to the resource. Therefore, we request a professional archaeological survey of the project area be conducted prior to ground disturbing activities. We also recommend consultation with the concerned Tribes' cultural committees and staff regarding cultural resource issues.



These comments are based on the information available at the time of this review and on behalf of the State Historic Preservation Officer. Should additional information become available, our assessment may be revised.

Thank you for the opportunity to comment on this project and we look forward to receiving the survey report. Should you have any questions, please feel free to contact me at (360) 586-3088 or Gretchen.Kaehler@dahp.wa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Gretchen Kaehler". The signature is written in a cursive style and is followed by a long, horizontal flourish.

Gretchen Kaehler
Local Governments Archaeologist
(360) 586-3088
gretchen.kaehler@dahp.wa.gov

cc. Johnson Meninick, Cultural Resources, Yakama Nation
Kate Valdez, THPO, Yakama Nation