

Federal Aid Project Number: N/A	Date: 07/25/17	Intent of Submittal: <input checked="" type="checkbox"/> Preliminary <input type="checkbox"/> Final <input type="checkbox"/> Re-Evaluate
Agency: Kittitas County Public Works	Project Title: Yakima River – Schaake Levee Repair	
County: Kittitas		
Beginning MP: _____ Ending MP: _____ Miles: _____	Township(s): 17 N Range(s): 18 E Section(s): 11 & 14	<p>RECEIVED</p> <p>AUG 08 2017</p> <p>Kittitas County CDS</p>

**Part 1 – Project Description**

The Schaake Levee is a left-bank levee of the Yakima River from river miles 151.65 to 153.05 and is approximately 7,400 feet in total length. In an undamaged state the levee provides a 50-year flood event level of protection. An approximate 450 linear foot portion of the levee experienced damage from 2 high water events that occurred in mid-November and mid-December 2015, where riprap comprising the riverward toe and slope armor was lost. This reduced the functionality of the levee to an approximate 3-year flood level of protection.

The levee is currently not enrolled in the U.S. Army Corps of Engineers (USACE) Public Law (PL) 84-99 Levee Program (PL 84-99), but the goal of the project is to repair the levee to the minimum USACE level of protection, which is the 10-year flood event. Once repaired, the intent is to certify and reenroll the levee in the PL 84-99 program until it is decommissioned and eventually setback. This repair option reduces cost, provides a higher level of protection, minimizes intrusion into the Yakima River that would be required for a 50-year repair, and does not preclude the planned restoration activities and the eventual setback of the levee.

The project is repairing an existing levee to less than the as-built condition, and as such is exempt from a USACE Clean Water Act Section 404 permit. The project will meet Washington State water quality standards.

The damaged portion of the levee will be restored to an approximate 1.5H:1V slope using large riprap backed by a quarry spall base. The repair will remain within the original pre-damaged levee footprint. USACE had proposed a full repair to the 50-year level of protection but that design will not be implemented in order to minimize the repair footprint and repair the levee to the minimum level of protection.

The repair will occur in early October, after flows in the Yakima River decrease significantly due to reservoir operations (flip-flop), and will take approximately two weeks to complete. The project will require work below the ordinary high water mark (OHWM), and may require work in flowing water of the Yakima River depending on water levels at the time of construction. Isolation of the work area is not feasible during construction due to the height of the repair compared to the Yakima River. However, due to the velocity of the Yakima River and the location of the thalweg against the levee bank, there is an absence of fines and the river bed is mostly rock substrate. Impacts to water quality from turbidity will be minimal and are expected to be within Washington State water quality standards, based on construction methods.

These construction methods include the following:

- Undesirable vegetation will be removed in a manner that does not discharge turbidity to the Yakima River.
- Large rock, likely Class IV riprap, will be placed in a slow and controlled manner using a thumbed excavator to construct the toe of the embankment.
- Rock placed within flowing water will be washed prior to use.
- No end dumping of rock into flowing water will occur.
- After the rock toe has been constructed above the height of the water level, unsuitable or damaged material from the embankment will be excavated and hauled to an upland disposal area.
- Quarry spalls will be placed in the excavated areas to provide solid backing, and the remaining slope repair area will be completed using large riprap.

**Part 2 – Categorical Exclusion**

Select one CE from 23 CFR 771.117 (CE Guidebook - Appendix A) that fits the entire project:

State Environmental Policy Act (SEPA) Exemption WAC 197-11-800(3)

**NEPA Approval Signatures**

\_\_\_\_\_   
 Local Agency Approving Authority

\_\_\_\_\_   
 Date

\_\_\_\_\_   
 Regional Local Programs Engineer

\_\_\_\_\_   
 Date

\_\_\_\_\_   
 Local Programs Environmental Engineer

\_\_\_\_\_   
 Date

\_\_\_\_\_   
 Federal Highway Administration

\_\_\_\_\_   
 Date

Completed by (Print Official's Name):

Telephone (include area code):

E-mail address:

**Part 3 – Permits, Approvals & Right of Way (ROW)**

Yes	No	Permit or Approval	Yes	No	Permit or Approval
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Corps of Engineers <input type="checkbox"/> Sec. 10 <input type="checkbox"/> Sec. 404 <input type="checkbox"/> Nationwide _____ <input type="checkbox"/> Individual Permit No. _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Rights Permit
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Coastal Zone Management Certification	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Quality Certification – Section 401 Issued by: _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Critical Areas Ordinance (CAO) Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Tribal Permit(s) (if any) _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Forest Practices Act Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other Permits (List) _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Hydraulic Project Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROW acquisition required? If yes, amount needed: _____.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Local Building or Site Development Permits	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is relocation required?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Local Clearing and Grading Permit	<input type="checkbox"/>	<input type="checkbox"/>	Has ROW already been acquired for this project? If yes, attach responses to Appendix F in the CE Guidebook.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	National Pollutant Discharge Elimination System (NPDES) Baseline General for Construction	<input type="checkbox"/>	<input type="checkbox"/>	Has an offer been made or have negotiations begun to acquire ROW for this project? If yes, attach responses to Appendix F in the CE Guidebook.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Shoreline Permit	<input type="checkbox"/>	<input type="checkbox"/>	Is a detour required? If yes, attach detour information.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	State Waste Discharge Permit			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	TESC Plans Completed			

**U.S. Coast Guard Permitting**

- a. Does the project propose any new or modify any existing bridges or culverts crossing a waterway?  Yes  No  
If Yes, attach a copy of the jurisdictional determination email from the U.S. Coast Guard.



**Other Federal Agencies**

a. Does the project involve any federal properties, approvals or funding from other/additional federal agencies?

Yes  No If Yes, describe.

The project repairs an existing levee on Kittitas County easement, adjacent to USBR properties.

**Part 4 – Environmental Considerations**

Will the project involve work in or affect any of the following? Identify proposed mitigation.

Attach additional pages or supplemental information if necessary.

**1. Air Quality:** Identify any anticipated air quality issues.

a. Is the project exempt from Air Quality conformity requirements?  Yes  No

If Yes, identify exemption – refer to Appendix G in the CE Guidebook for a list of exemptions.

Other projects with neutral or *de minimis* emissions impacts (Regional exemptions under 40 CFR 93.127).

b. Is the project included in the Metropolitan Transportation Plan?  Yes  No

If Yes, date Metropolitan Transportation Plan was adopted \_\_\_\_\_

c. Is the project located in an Air Quality Non-Attainment Area or Maintenance Area for carbon monoxide, ozone or PM 10?  Yes  No

**2. Critical and Sensitive Areas**

a. Is this project within a sole source aquifer  Yes  No

If located within a sole source aquifer, is the project exempt from EPA approval?

If Yes, list exemption: \_\_\_\_\_

If No, date of EPA approval: \_\_\_\_\_

b. Will this project impact Species/Habitat other than ESA listed species?  Yes  No

Explain your answer.

WDFW PHS data documents the occurrence of bull trout, Chinook, Coho, rainbow trout, steelhead and westslope cutthroat; and breeding area for steelhead and summer steelhead in the Yakima River. The project will have only minor impacts to the Yakima River.

c. Is this project within one mile of a Bald Eagle nesting territory, winter concentration area or communal roost?

Yes  No

d. Will blasting, pile driving, concrete saw cutting, rock drilling or rock scaling activities occur within one mile of a Bald Eagle nesting area?  Yes  No

e. Are wetlands present within the project area?  Yes  No If Yes, estimate the impact in acres: \_\_\_\_\_

**3. Cultural Resources/Historic Structures:** Identify any historic, archaeological or cultural resources present within the project's Area of Potential Effects.

a. Does the project fit into any of the exempt types of projects listed in Appendix J of the CE Guidebook?

Yes  No If Yes, note exemptions below. A-19

If No: Date of DAHP concurrence: \_\_\_\_\_

Date of Tribal consultation(s) (if applicable): \_\_\_\_\_

Adverse effects on cultural/historic resources?  Yes  No

If Yes, date of approved Section 106 MOA: \_\_\_\_\_

**4. Floodplains and Floodways**

a. Is the project located in a 100-year floodplain?  Yes  No

b. If Yes, is the project located within a 100-year floodway?  Yes  No

c. Will the project impact a 100-year floodplain?  Yes  No If Yes, describe.

**5. Hazardous and Problem Waste:** Identify potential sources and type(s).

- a. Does the project require excavation below the existing ground surface?  Yes  No
- b. Will groundwater be encountered?  Yes  No
- c. Will any properties be acquired as part of this project?  Yes  No
- d. Is this site located in an undeveloped area (i.e. no buildings, parking, storage areas or agriculture)?  
 Yes  No
- e. Is the project located within a one-mile radius of a known Superfund Site?  Yes  No
- f. Is this project located within a ½-mile radius of a site or sites listed on any of the following Department of Ecology databases?  Yes  No If Yes, check the appropriate boxes below.
  - Voluntary Cleanup Program (VCP), State Cleanup Site (SCS), or Independent Cleanup Program (ICP)
  - Underground Storage Tank (UST)
  - Leaking Underground Storage Tank (LUST)
  - Confirmed and Suspected Contaminated Sites List (CSCSL)
- g. Has site reconnaissance (windshield survey) been performed?  Yes  No (Identify any properties not identified in the Ecology or ERS database search as an attachment -- name, address and property use).
- h. Based on the information above and project specific activities, is there a potential for the project to generate, acquire or encounter contaminated soils, groundwater or surface water?  Yes  No

Explain.

There are no known or documented contaminated soils, groundwater, or surface water in the project vicinity.

If you responded **Yes** to any of the following questions (5A – 5C, 5F and 5H), contact your Region LPE for assistance as a “Right-Sized” HazMat Analysis Report/Memorandum most likely will be required.

**Part 4 – Environmental Considerations (continued)**

**6. Noise**

- a. Does the project involve constructing a new roadway?  Yes  No
- b. Is there a change in the vertical or horizontal alignment of the existing roadway?  Yes  No
- c. Does the project increase the number of through traffic lanes on an existing roadway?  Yes  No
- d. Is there a change in the topography?  Yes  No
- e. Are there auxiliary lanes extending 1-½ miles or longer being constructed as part of this project?  Yes  No

If you answered Yes to any of the preceding questions, identify and describe any potential noise receptors within the project area and subsequent impacts to those noise receptors. Attach a copy of the noise analysis if required.

If impacts are identified, describe proposed mitigation measures.

**7. 4(f)/6(f) Resources:** Parks, recreation areas, wildlife refuges, historic properties, wild & scenic rivers, scenic byways

- a. Are there any 4(f) properties within the project limits and the areas of impacts?  Yes  No
- b. Are there any properties within the project limits that used funds from the Land & Water Conservation Fund Act?  Yes  No
- c. Are there any Wild and Scenic Rivers within the project limits?  Yes  No
- d. Are there any Scenic Byways within the project limits?  Yes  No

If you answered Yes to any of the preceding questions, identify the property/area/river/byway.



**8. Agricultural Lands**

a. Are there agricultural lands within 300 feet of the project limits?  Yes  No

If Yes, describe impacts:

b. Are impacted lands considered to be unique and prime farmland?  Yes  No

If Yes, date of project review by Natural Resource Conservation Service (NRCS): \_\_\_\_\_

**9. Rivers, Streams (continuous or intermittent) or Tidal Waters**

a. Identify all waterbodies within 300 feet of the project limits or that will otherwise be impacted.

The Yakima is the only jurisdictional waterbody within 300 feet of the project limits. No other waterbodies will be impacted by the project.

b. Identify stream crossing structures by type.

N/A

**Part 4 – Environmental Considerations (continued)**

**10. Tribal Lands**

a. Will the project occur within any Tribal lands, including reservation, trust and fee lands? Do not list usual and accustomed areas.  Yes  No

If yes, describe.

**11. Water Quality/Stormwater**

a. Will this project's proposed stormwater treatment facility be consistent with the guidelines provided by WSDOT's HRM, DOE's stormwater management manual for eastern/western Washington or a local agency equivalent manual?  Yes  No

If No, explain proposed water quality/quantity treatment for the new and any existing impervious surface associated with the proposed project.

Amount of existing impervious surface within the project limits:

Net new impervious surface to be created as a result of this project:

N/A

**12. Previous Environmental Commitments**

a. Are there previous environmental commitments that may affect or be affected by the project?  Yes  No

If Yes, explain.

**b. Environmental Justice**

a. Does the project meet any of the exemptions in Appendix L of the CE Documentation Guidebook?

Yes  No

If Yes, note the exemption and appropriate justification in the space below.

The project meets the intent of Exemption 1.

b. If No, are minority or low-income populations located within the limits of the project's potential impacts?

Yes  No

If No, attach appropriate data to support findings. If Yes, describe impacts and attach appropriate supporting documentation. Findings should be confirmed using at least two information sources. Refer to the CE Guidebook for more information.

**Part 5 – Biological Assessments and EFH Evaluations**

1. Do any listed species potentially occur in the project's action area and/or is any designated critical habitat present within the project's action area?  Yes  No Attach species listings.

Affected ESA Listed Species	2. Will any construction work occur within 0.25 mile of any of the following?	3. Does the project involve blasting, pile driving, concrete sawing, rock-drilling or rock-scaling activity within one mile of any of the following?
Oregon Spotted Frog proposed critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Yellow-billed Cuckoo suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Spotted Owl management areas, designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Marbled Murrelet nest or occupied stand, designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Western Snowy Plover designated critical habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the project within 0.25 mile of marine waters? If Yes explain potential effects on Killer Whales and on Marbled Murrelet foraging areas.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Killer Whale designated critical habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Grizzly Bear suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Gray Wolf suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Canada Lynx habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Columbia White-tailed Deer suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Woodland Caribou habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Streaked Horned Lark designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Taylor's Checkerspot designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mazama Pocket Gopher designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Eulachon designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Rockfish proposed critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
A mature coniferous or mixed forest stand?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Will the project involve any in-water work?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
5. Will any construction work occur within 300 feet of any perennial or intermittent waterbody that either supports or drains to waterbody supporting listed fish?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
6. Will any construction work occur within 300 feet of any wetland, pond or lake that connected to any permanent or intermittent waterbody?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
7. Does the action have the potential to directly or indirectly impact designated critical habitat for salmonids (including adjacent riparian zones)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
8. Will the project discharge treated or untreated stormwater runoff or utilize water from a waterbody that supports or drains into a listed-fish supporting waterbody?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

9. Will construction occur outside the existing pavement? If Yes, go to 9a.  Yes  No
- 9a. Will construction activities occurring outside the existing pavement involve clearing, grading, filling or modification of vegetation or tree-cutting?  Yes  No
10. Are there any Federally listed Threatened or Endangered plant species located within the project limits? If Yes, attach a list of these plant species within the action area.  Yes  No
11. Does a mature coniferous or mixed forest stand occur within 200' of the project site?  Yes  No

**Analysis for No Effects Determination:** If there are any Yes answers to questions in Part 5, additional analysis is required. Attach additional sheets if needed.

Work will occur within the Yakima River, after flows have dropped significantly due to USBR reservoir operations. Clean rock will be placed at the toe of the slope, and will likely be placed out of water at the time of construction. Any turbidity associated with the work will be short-term and localized. There will be no long-term effects to species, as the repair will occur entirely within the pre-damaged levee footprint.

**Analysis for RRMP ESA 4(d) determination for NMFS:** A local agency must be certified by the Regional Road Maintenance Forum to utilize 4(d). **N/A**

a. Maintenance Category (check all that apply):

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> 1. Roadway Surface            | <input type="checkbox"/> 6. Stream Crossings        | <input type="checkbox"/> 11. Emergency Slide/Washout Repair |
| <input type="checkbox"/> 2. Enclosed Drainage Systems  | <input type="checkbox"/> 7. Gravel Shoulders        | <input type="checkbox"/> 12. Concrete                       |
| <input type="checkbox"/> 3. Cleaning Enclosed Drainage | <input type="checkbox"/> 8. Street Surface Cleaning | <input type="checkbox"/> 13. Sewer Systems                  |
| <input type="checkbox"/> 4. Open Drainage Systems      | <input type="checkbox"/> 9. Bridge Maintenance      | <input type="checkbox"/> 14. Water Systems                  |
| <input type="checkbox"/> 5. Watercourses and Streams   | <input type="checkbox"/> 10. Snow and Ice Control   | <input type="checkbox"/> 15. Vegetation                     |

b. Describe how the project fits in the RRMP 4(d) Program:

### Effect Determinations for ESA and EFH

If each of the questions in the preceding section resulted in a "No" response or if any of the questions were checked "Yes," but adequate justification can be provided to support a "no effect" determination, then check "No Effect" below. If this checklist cannot be used for Section 7 compliance (i.e., adequate justification cannot be provided or a "may effect" determination is anticipated), a separate biological assessment document is required.

- |  | NMFS  | USFWS | EFH Determination  |
|--|-------|-------|--|
| <input checked="" type="checkbox"/> No Effect        | _____ | _____ | <input type="checkbox"/> No Adverse Effect                               |
| <input type="checkbox"/> NLTAA - Date of Concurrence | _____ | _____ | <input type="checkbox"/> Adverse Effect – Date of NMFS concurrence _____ |
| <input type="checkbox"/> LTAA – Date BO Issued       | _____ | _____ |  |
| <input type="checkbox"/> RRMP 4(d)                   | _____ |       |  |

### Part 6 – FHWA Comments

