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August 8, 2017

Kittitas CDS

**Attention: Dan Carlson**  
Kittitas County Community Development Services  
411 N. Ruby Street, Suite 2

**Subject: Kittitas County Public Works; Schaake Levee Repair Project  
Request for SEPA, Critical Areas, and Shoreline Permit Exemptions**

Dear Dan:

The intent of this letter is to request exemption status for SEPA, Critical Areas Ordinances, and Shoreline Development Permits for repair of the Schaake Levee by Kittitas County Public Works. Documentation and justification for these exemptions are provided herein and in the enclosed information. The project Joint Aquatic Resources Permit Application (JARPA) and a NEPA Categorical Exclusion Documentation Form (CE Form), as used by the Washington State Department of Transportation and Federal Highway Administration, are enclosed for your reference. These forms provide documentation of project effects on environmental resources.

Also enclosed is a Kittitas County Shoreline Exemption Permitting application.

### **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



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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.

### **SEPA**

Washington Administrative Code (WAC) 197-11-800 defines categorical exemptions from threshold determinations for proposed actions.

WAC 197-11-800(3) Repair, remodeling, and maintenance activities, states: *The following activities shall be categorically exempt: The repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities or equipment, including utilities, recreation, and transportation facilities involving no material expansions or changes in use beyond that previously existing; except that, where undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures may be exempt.*

The project meets the intent of this exemption as the damaged levee will be repaired to an as-built condition, will occur completely within the levee footprint, and will have no change in use to the previously existing condition.

### **Shoreline Development Permit**

WAC 173-27-040(2)(b) and Kittitas County Code (KCC) 17B.07.030(2)(b) define actions which are exempt from substantial development permits under the Shoreline Management Act.

These codes state: *The following developments shall not require substantial development permits: Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.*





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The proposed project is required due to damage by flood events and to restore the flood hazard protection capabilities of the levee. The project will re-construct the levee to an as-built, original condition that existed prior to damage occurring, with no changes in use.

**Critical Areas**

Revised Code of Washington (RCW) 36.70A.170 and 36.70A.060, and KCC Chapter 17A define the management of Critical Areas.

KCC 17A.03.020(5) states activities are exempt when: *Reconstruction as a result of destruction by a natural disaster or disintegration over time, maintenance, or remodeling of structures, provided that such reconstruction, maintenance, or remodeling does not involve an expansion of the structure's footprint when located within a critical area. Any such activity shall nevertheless comply with the county's flood damage prevention ordinance, No. 93-18.*

The proposed project meets this exemption due to the repair of the levee within the original footprint. The project does not impact wetlands or riparian habitat as defined in KCC 17A.07.010, and will result in restoring flood hazard protection.

Therefore with this submittal, Jacobs, as an agent for Kittitas County Public Works, is requesting exemptions from SEPA, Shoreline Development Permits, and Growth Management Act Critical Areas Ordinance permits for the proposed project. Please let me know of any questions, or if you require any additional information.

Sincerely,

Craig Broadhead  
Eastern WA Environmental Practice Lead  
Jacobs Engineering Group

Encl: Kittitas County Shoreline Exemption Application  
Project JARPA and drawings  
NEPA CE Determination Form

Cc w/encl: Mark Cook, Kittitas County Director of Public Works

