



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

October 16, 2018

Craig Broadhead
Eastern WA Environmental Practice Lead Jacobs
Engineering Group
32 North 3rd Street, Suite 304
Yakima, WA 98901

RE: Request for SEPA, Critical Areas Ordinance, and Shoreline Permit Exemptions for Kittitas County Public Works Nanaeum Creek Emergency Channel Maintenance Project

Dear Mr. Broadhead:

Thank you for the opportunity to assist in this matter.

I am in receipt of your letter dated October 4, 2018 requesting SEPA, Critical Areas Ordinance, and Shoreline Permit exemptions for the Kittitas County Public Works Nanaeum Creek Emergency Channel Maintenance project. I have reviewed the documentation submitted with your letter, and have made the following determinations:

SEPA

According to Washington Administrative Code (WAC) 197-11-800(3), the repair, remodeling, maintenance, or minor alteration of existing public structures, facilities, and equipment - including transportation facilities involving no material expansions or changes in use beyond that previously existing - shall be categorically exempt from SEPA requirements. As proposed, the stream would be restored to its previous condition that existed prior to flood related debris deposition, with no changes in use to the previously existing conditions. Therefore, the project is exempt from SEPA review.

In addition, WAC 197-11-880 allows emergency actions to be exempted from SEPA to avoid imminent threats to public health or safety, public or private property, and/or threats of environmental degradation. Currently, the condition of the Nanaeum Creek threatens the Kittitas Reclamation District intake in the event of a high flood event. Fall flows are often high enough to cause this kind of damage. Therefore, the project is also exempt from SEPA review under these provisions.

Critical Areas Ordinance

According to Kittitas County Code (KCC) 17.03.020, the following activities are exempt from Critical Areas Ordinance review:

3. Activities involving artificially created habitat, including but not limited to grass-lined swales, irrigation systems and drainage ditches, farm ponds, detention facilities such as ponds, and landscape features, including any adjacent riparian habitat created or resulting from these activities, except for wetlands or habitat areas created as mitigation.
4. 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. Emergencies that threaten the public health, safety and welfare, including

private or public property.

5. Emergencies that threaten the public health, safety and welfare, including private or public property.

The proposed reconstruction is a result of damage caused by flood events and erosion from Nanaeum Creek . The reconstruction would be located within the original footprint, and would create habitat and beneficially affect the shoreline area. In addition, the project is undertaken as an emergency measure to prevent damage to the Kittitas Reclamation District irrigation infrastructure. Therefore, the project is exempt from Kittitas County Critical Areas Ordinance review.

Shoreline Development Permit

While it appears that this project would be exempt from shoreline permitting requirements, KCC 17B.07.030(3)(b) requires that any person claiming an exemption from a shoreline substantial development permit shall submit an application in manner prescribed by the Shoreline Administrator. On October 4, 2018, Kittitas County Public Works submitted an application for Shoreline Exemption (SX-18-00025). That application is currently under review.

Please let me know if you have questions or require any additional information.

Sincerely,



Lindsey Ozbolt
Planning Official
Kittitas County Community Development Services
411 N Ruby St # 2, Ellensburg, WA 98926
(509) -962-7046
lindsey.ozbolt@co.kittitas.wa.us

CC: Mark Cook, P.E., Kittitas County Public Works Director
Dusty Pilkington, Planner I