



WASHINGTON STATE DEPARTMENT OF  
**NATURAL RESOURCES**

December 17, 2018

Dusty Pilkington  
Planner 1  
Kittitas County Development Services  
411 N. Ruby Street, Suite 2  
Ellensburg, WA 98926

Dear Mr. Pilkington,

I received an e-mail on October 25, 2018 with a letter attachment concerning a shoreline exemption for a bridge replacement project over the West Fork Teanaway River in Section 1 of Township 20 North, Range 15 East. Kittitas County parcel number 20-15-01000-0001. This bridge accesses forest and rangeland managed by the Washington State Department of Natural Resources (DNR) and Washington State Department of Fish & Wildlife (DFW) in the Teanaway Community Forest (TCF). In this letter were your responses to the application by the DNR for a shoreline exemption permit, State Environmental Policy Act (SEPA), floodplain development permit, building permit and preliminary site analysis tied to the building permit.

SEPA

As stated in the letter, DNR agrees that this bridge does not qualify for the categorical exemption since it is not a Washington State Department of Transportation, city, town or county bridge. A SEPA document is included in this packet for submittal. From the Kittitas County SEPA document, a fee of \$1,265.00 is required.

Shoreline Exemption

The DNR is of belief that this project qualifies for a shoreline exemption under Kittitas County Code 17.B.07.030 Item 2b since it is a replacement of an existing bridge structure. In your letter under the response to SEPA, you stated the drawings depicted an expansion of the bridge area itself along with new crushed rock abutment and concrete blocks. The existing bridge structure has concrete abutments and crushed rock approaches, as does the replacement structure. The replacement abutments are different to accommodate fill retention and the new bridge superstructure. The replacement structure has nearly the same footprint as the existing structure and serves the same function as the existing bridge, although slightly longer with new abutments and alignment. The new structure has a larger hydraulic opening to accommodate predicted flows and debris, which is required by the regulatory agencies including DFW, Yakama Nation and Department of Ecology. DNR has acquired a forest practices/hydraulic permit from DNR Forest Practices for this project in which a copy of the notice of approval is attached. This permit application was approved by regulatory agencies including DFW, Yakama Nation and Department of Ecology. AA Shoreline Exemption permit has been submitted to Kittitas County, including payment for this permit. Payment has been processed by Kittitas County under SX-18-00027.

Floodplain Development Permit and Grading Permit

As per the attached memo dated November 29, 2018, from Mark Cook, Public Works Director and Interim County Engineer, this project will not require a floodplain development and grading permit.

Preliminary Site Analysis.

A preliminary site analysis form has been completed for this project and is attached. A fee of \$230.00 is required for the analysis.

Building Permit

A General Application for Construction for a building permit is included in this packet. In this packet is a letter to Mike Flory with summary of the information for this project tied to the building permit. For the fee for the building permit and after discussions with you and Mike Flory, it is to my understanding that the building permit fee will be based upon staff vehicle time used for review of this project. Included in the A-19 State Invoice Voucher referenced

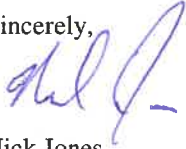
below is a \$100 deposit.

Fee Payment

An A-19 State Invoice Voucher is attached to cover the fees for SEPA, the preliminary site analysis and deposit for the building permit.

If there are any questions, please feel free to contact me at (509) 925-0928 or by e-mail at [nick.jones@dnr.wa.gov](mailto:nick.jones@dnr.wa.gov).

Sincerely,



Nick Jones  
DNR Southeast Region Engineer



## **KITTITAS COUNTY DEPARTMENT OF PUBLIC WORKS**

---

**TO:** Mr. Dusty Pilkington, Planner I

**COPY:** Mr. Nick Jones, DNR  
Ms. Karen Hodges, Planner III  
Ms. Taylor Gustafson, Planner III  
Ms. Lindsey Ozbolt, Planning Official

**DATE:** November 29, 2018

**FROM:** Mark R. Cook, PE, Director/Interim County Engineer *(signature)*

**RE:** West Fork Teanaway Bridge Replacement - DNR

---

It is our understanding that the Washington State Department of Natural Resources proposes replacing a state owned bridge, on state property, on a limited access road behind a state gate. Based on our understanding of the project, we will not require a floodplain development permit or a grading permit for the proposed land use action.

Please let me know if you have any additional questions in this matter.





COPY

FPA/N No: 2706582  
 Effective Date: 9/24/2018  
 Expiration Date: 9/24/2021  
 Shut Down Zone: 675  
 EARR Tax Credit:  Eligible  Non-eligible  
 Reference: West Fork Teanaway Bridge

**Forest Practices Application/Notification  
 Notice of Decision**

Decision

- Notification Operations shall not begin before the effective date.
- Approved This Forest Practices Application is subject to the conditions listed below.
- Disapproved This Forest Practices Application is disapproved for the reasons listed below.
- Closed Applicant has withdrawn FPA/N.

FPA/N Classification

Number of Years Granted on Multi-Year Request

- Class II  Class III  Class IVG  Class IVS  4 years  5 years

Conditions on Approval / Reasons for Disapproval

In-water work window limited to July 16th to September 30 of any given year.

In the event there is dewatering of the work areas fish salvage must be conducted and fish placed downstream back in the river.

Equipment operating within the wetted perimeter of the river must use a biodegradable, non-toxic hydraulic fluid meeting the toxicity requirements of the U. S. Environmental Protection Agency and the U.S. Fish and Wildlife Service in the equipment hydraulic systems.

All spoils or wastes will be located outside the 100 year flood.

All disturbed soil areas or waste areas must have mitigations to prevent erosion and ponding of water. WDFW recommends seeded with an appropriate native seed mix and must be replanted with riparian vegetation either cuttings or potted plants.

Issued By: Tony W. Gilmer

Region: Southeast

Title: SE FP Road Specialist

Date: 9/24/2018

Copies to:  Landowner, Timber Owner and Operator.

Issued in person:  Landowner  Timber Owner  Operator By: Brenda Young

**Appeal Information**

You have thirty (30) days to appeal this Decision and any related State Environmental Policy Act determinations to the Pollution Control Hearings Board in writing at the following addresses:

Physical address: 1111 Israel Rd. SW, Ste 301, Tumwater, WA 98501

Mailing address: P.O. BOX 40903, OLYMPIA, WA 98504-0903

Information regarding the Pollution Control Hearings Board can be found at: <http://www.eluho.wa.gov/>

At the same time you file an appeal with the Pollution Control Hearings Board, also send a copy of the appeal to the Department of Natural Resources' region office and the Office of the Attorney General at the following addresses:

Office of the Attorney General  
Natural Resources Division  
1125 Washington Street SE  
PO Box 40100  
Olympia, WA 98504-0100

And

Department Of Natural Resources  
Southeast Region  
713 Bowers Road  
Ellensburg WA 98926

**Other Applicable Laws**

Operating as described in this application/notification does not ensure compliance with the Endangered Species Act, or other federal, state, or local laws.

**Transfer of Forest Practices Application/Notification (WAC 222-20-010)**

Use the "Notice of Transfer of Approved Forest Practices Application/Notification" form. This form is available at region offices and on the Forest Practices website: <http://www.dnr.wa.gov/businesspermits/forestpractices>. Notify DNR of new Operators within 48 hours.

**Continuing Forest Land Obligations (RCW 76.09.050, RCW 76.09.070, RCW 76.09.390, and WAC 222-20-055)**

Obligations include reforestation, road maintenance and abandonment plans, conversions of forest land to non-forestry use and/or harvest strategies on perennial non-fish habitat (Type Np) waters in Eastern Washington.

Before the sale or transfer of land or perpetual timber rights subject to continuing forest land obligations, the seller must notify the buyer of such an obligation on a form titled "Notice of Continuing Forest Land Obligation". The seller and buyer must both sign the "Notice of Continuing Forest Land Obligation" form and send it to the DNR Region Office for retention. This form is available at DNR region offices.

If the seller fails to notify the buyer about the continuing forest land obligation, the seller must pay the buyer's costs related to continuing forest land obligations, including all legal costs and reasonable attorneys' fees incurred by the buyer in enforcing the continuing forest land obligation against the seller.

Failure by the seller to send the required notice to the DNR at the time of sale will be prima facie evidence in an action by the buyer against the seller for costs related to the continuing forest land obligation prior to sale.

**DNR affidavit of mailing:**

|   |
|---|
| On this day _____, I placed in the United States mail at _____, WA,                     |
| (date) <span style="margin-left: 200px;">(post office location)</span>                  |
| postage paid, a true and accurate copy of this document. Notice of Decision FPA # _____ |
| _____   |
| (Printed name) <span style="margin-left: 150px;">(Signature)</span>                     |



## KITTITAS 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 25, 2018

Nick Jones  
DNR SE Region Engineer  
713 Bowers Rd  
Ellensburg, WA 98926

Dear Mr. Jones,

Kittitas County Community Development Services (CDS) received your application for a Shoreline Exemption on October 11<sup>th</sup>, 2018. Upon review of the application materials it has been determined that review under the State Environmental Policy Act (SEPA) will be required, and in order to consider the project for an exemption under the Kittitas County Shoreline Master Program (SMP), additional information will be required.

### SEPA

In the application narrative, Washington Administrative Code (WAC) 197-11-800(3) is cited:

**“Repair, remodeling and maintenance activities.** 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 (examples include repair or replacement of piling, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks)*[emphasis added]. The following maintenance activities shall not be considered exempt under this subsection:

- a) Dredging of over fifty cubic yards of material;
- (b) Reconstruction or maintenance of groins and similar shoreline protection structures;
- (c) Replacement of utility cables that must be buried under the surface of the bedlands; or
- (d) Repair/rebuilding of major dams, dikes, and reservoirs shall also not be considered exempt under this subsection.”

The above section specifically provides that only “minor replacement” will be exempt in “lands covered by water”. Minor repair or replacement of structures is exempt, but is limited to the structures listed above.

The submitted site plan and engineering drawings not only depict an expansion of the bridge area itself, they also depict new crushed rock abutments and concrete blocks. If they already existed, the proposed project would qualify as “minor repair or replacement” provided that the work remained within the original footprint of the structure, in order to meet the “no material expansions” provision. As proposed, the additions qualify as material expansions and do not qualify as minor repair or replacement.

The narrative also cites Revised Code of Washington (RCW) 43.21C.470:

**“Categorical exemption for structurally deficient bridges—Definition.**

(1) The department [of ecology] must amend the categorical exemption available to Washington department of transportation projects under WAC 197-11-800(26) as of July 24, 2015, so that the same categorical exemption applies to structurally deficient city, town, or county bridge repair or replacement projects.

(2) For purposes of this section, "structurally deficient" means a bridge that is classified as in poor condition under the state bridge condition rating system and is reported by the state to the national bridge inventory as having a deck, superstructure, or substructure rating of four or below. Structurally deficient bridges are characterized by deteriorated conditions of significant bridge elements and potentially reduced load-carrying capacity. Bridges deemed structurally deficient typically require significant maintenance and repair to remain in service, and require major rehabilitation or replacement to address the underlying deficiency”.

The above section makes reference to WAC 197-11-800(26):

**“State transportation project.** The following Washington department of transportation projects and activities shall be exempt: The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation, as long as the action:

(a) Occurs within the existing right of way and in a manner that substantially conforms to the preexisting design, function, and location as the original except to meet current engineering standards or environmental permit requirements; and

(b) The action does not result in addition of automobile lanes, a change in capacity, or a change in functional use of the facility.”

Neither (RCW) 43.21C.470, nor WAC 197-11-800(26) makes any reference to bridges operated by State agencies other than the Department of Transportation (DOT). When it refers to local agencies, WAC 197-11-800(26) limits the exemption to city, town, or county bridges.

The submitted materials do not list DOT as an agency owning or maintaining the bridge. A DNR owned and maintained bridge does not qualify under this provision.

**Shoreline Exemption**

The application also makes reference to WAC 173-27-040(2)(b) to qualify for a shoreline exemption:

“Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. “Normal maintenance” includes those *usual acts* [emphasis added] 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*[emphasis added], 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...”



The above section allows an exemption for “Normal maintenance” and “Normal repair”. Although actions of maintenance and repair are exemptible under the SMP, it is not clear that expansion of the bridge structure and the addition of new abutments and concrete blocks is consistent with “usual acts” for normal maintenance or normal repair to a condition “comparable to its original condition”. Additional information describing this replacement method is necessary to demonstrate it is the industry standard and normal practice for replacement of structurally deficient bridges. If this cannot be demonstrated, then a Shoreline Substantial Development Permit (SDP) will be required.

If you believe the project is exemptible under other provisions of SEPA, please provide a response with the relevant citation. If you wish to proceed with the exemption, please provide the requested additional information. If you choose to proceed with an SDP, the application is available at the location below:

- Shoreline Substantial Development Permit:

<https://www.co.kittitas.wa.us/uploads/cds/forms/Shoreline%20Permitting.pdf>

In either case, a completed SEPA Checklist is required.

- SEPA Checklist:

<https://www.co.kittitas.wa.us/uploads/cds/forms/SEPA%20Environmental%20Checklist.pdf>

In addition, it is important to inform you that other permits will be necessary prior starting any work on site for this proposal.

- A Floodplain Development Permit from Kittitas County Public Works Department pursuant to KCC 14.08.
  - This document can be found at on the county website at <https://www.co.kittitas.wa.us/uploads/documents/public-works/forms/Floodplain-Development-Application-03062017.pdf>
- A Preliminary Site Analysis prior to submittal of the building permit: <https://www.co.kittitas.wa.us/uploads/cds/building/Building%20Permit%20Application%20Forms//Preliminary%20Site%20Analysis%20Application.pdf>
- A Building Permit from CDS: <https://www.co.kittitas.wa.us/uploads/cds/building/Building%20Permit%20Application%20Forms//Building%20Permit%20Application.pdf>

Please note that CDS can only accept cash or check for payment. All applications above can be submitted to CDS, with the exception of the Floodplain Development Permit, which must be submitted to the Kittitas County Public Works Department.

If you have any questions regarding this matter, please feel free to contact me at (509)-962-7079 or by email at [dusty.pilkington@co.kittitas.wa.us](mailto:dusty.pilkington@co.kittitas.wa.us).

Sincerely,

  
Dusty Pilkington  
Planner I

Enclosure: Bridge Review and Inspection Policy  
CC: Lindsey Ozbolt, Kittitas County Planning Official

*via email*



**KITTITAS COUNTY**  
**COMMUNITY DEVELOPMENT SERVICES**  
411 NORTH RUBY STREET SUITE #2 ■ ELLENSBURG, WA 98926  
PHONE (509) 962-7606 ■ FAX (509) 962-7682

27

ITEM

## BRIDGE REVIEW AND INSPECTION POLICY

FOR MORE INFORMATION VISIT THE CDS WEBSITE AT: [WWW.CO.KITTITAS.WA.US/CDS](http://WWW.CO.KITTITAS.WA.US/CDS)

A building permit is required to install, modify, alter or repair bridges in Kittitas County. Additional permits or approvals may include:

- A floodplain development permit for bridges within floodways and floodplains.
- A shoreline permit for bridges within the jurisdiction of the Shoreline Management Program.
- Preliminary Site Analysis (PSA)
- A Hydraulic Project Approval (HPA) for bridges in or near state waters.
- A crossing agreement for bridges crossing canals or laterals.

Following is a list of Kittitas County review and inspection procedures. Other State or Federal agencies may have additional requirements.

### **Required Building Department review and inspections:**

- Structural Engineering.
- Property setbacks and footings.
- Foundations and retaining walls.
- Girder and decking connections.
- Final inspection for armoring and finishing.
- Verification of all special inspections completed (if applicable).

### **Required Planning Department review and inspections (if applicable):**

- Shoreline permit and PSA review prior to application of building permit.

### **Required Public Works review and inspections (if applicable):**

- Review to ensure compliance with KCC 12.07 Bridges.
- Flood permit prior to application of building permit.
- Final inspection to verify the floodplain development permit requirements are met.
- Verification of right of way and access requirements (if applicable).