SD-19-00001

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES
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"Building Partnerships – Building Communities"

SHORELINE PERMITTING

(For projects located within 200 feet of a body of water and/or associated floodway and wetlands under the jurisdiction of the Shoreline Master Program)

*A **preapplication conference is REQUIRED** per KCC 15A.03.020 for this permit. The more information the County has early in the development process, the easier it is to identify and work through issues and conduct an efficient review. To schedule a preapplication conference, complete and submit a Preapplication Conference Scheduling Form to CDS. Notes or summaries from preapplication conference should be included with this application.*

REQUIRED INFORMATION /ATTACHMENTS

☑ A scaled site plan is required showing location of all structures, driveways, well, septic, fences, etc. and proposed uses and distances from property lines, river, and Horizontal distance from OHWM. To show the Horizontal distance a profile view from the OHWM to the edge of structure/activity shall also be shown.

☐ Include JARPA or HPA forms *if required* for your project by a state or federal agency.

WSDOT is currently working with the WDFW (Scott Downes) on the best way to permit this project. The application for the HPA for 2020 work has been submitted and is estimated to be approved by October 1, 2019. WSDOT has also been working with WDFW on 2021 through 2025 aquatic designs and approvals. Scott Downes can be reached at 509.457.9307 for questions regarding this project and required HPAs. A copy of the 2020 activities HPA APPS documentation is available upon request.

Please check the box next to the most restrictive type of shoreline permit you are requesting:

☑ Shoreline Substantial Development Permit - **Fee:** (CDS: $2,200 + PW: $550 = **$2,750**) + SEPA, if not exempt

☐ Shoreline Conditional Use Permit - **Fee:** (CDS: $3,710 + PW: $550 = **$4,260**) + SEPA, if not exempt

☐ Shoreline Variance - **Fee:** (CDS: $3,710 + PW: $550 = **$4,260**) + SEPA, if not exempt

Shoreline Substantial Development Permit

APPLICATION FEES:

(see above)	Kittitas County Community Development Services (KCCDS) bill WSDOT
(see above)	Kittitas County Department of Public Works
$1,265.00	SEPA Checklist, if not exempt - **Fee:** CDS: $600 + PW: $250 + PH: $415)
(see above)	**Total fees due for this application** (One check made payable to KCCDS)

Total = $2,750.00 no SEPA FEE * using existing EIS

FOR STAFF USE ONLY

Application Received By (CDS Staff Signature): KB

DATE: 9-6-19

RECEIPT #

RECEIVED
SEP 06 2019
Kittitas County CDS
DATE STAMP IN BOX

General Application Information

1. **Name, mailing address and day phone of land owner(s) of record:**
   Landowner(s) signature(s) required on application form.

Name:	Washington State Department of Transportation (WSDOT)
Mailing Address:	2809 Rudkin Road
City/State/ZIP:	Union Gap, WA 98903-1648
Day Time Phone:	509-577-1752
Email Address:	SaurioW@wsdot.wa.gov

2. **Name, mailing address and day phone of authorized agent, if different from landowner of record:**
   If an authorized agent is indicated, then the authorized agent's signature is required for application submittal.

Agent Name:	William Sauriol, WSDOT Environmental Manager
Mailing Address:	WSDOT 2809 Rudkin Road
City/State/ZIP:	Union Gap, WA 98903-1648
Day Time Phone:	509-577-1752
Email Address:	SaurioW@wsdot.wa.gov

3. **Name, mailing address and day phone of other contact person**
   If different than land owner or authorized agent.

Name:	Mark Reynolds, WSDOT Environmental Coordinator
Mailing Address:	2809 Rudkin Road; Union Gap, WA 98903-1648
City/State/ZIP:	509-577-1929
Day Time Phone:	
Email Address:	ReynoMR@wsdot.wa.gov

4. **Street address of property:**

Address:	Interstate 90 between milepost (MP) 64.15 and MP 70.58.
City/State/ZIP:	Easton, WA 98925

5. **Legal description of property: (attach additional sheets as necessary)**
   Interstate 90 between MP 64.15 and MP 70.58.
6. **Tax parcel number(s):** N/A
7. **Property size:** A gross project footprint of up to 256 acres
8. **Provide section, township, and range of project location:**

Sections 02,03,04,11	Township 20 N.	Range 13 E., W.M.
Section 24,25,36	Township 21 N.	Range 12 E., W.M.
Section 31,32,33	Township 21 N.	Range 13 E., W.M.

9. **Latitude and longitude coordinates of project location (e.g. 47.03922 N lat. / -122.89142 W long.):** From 47.2948° N lat. / -121.2858° W long. to 47.2469° N lat. / -121.186° W long. **[use decimal degrees – NAD 83]**

10. **Type of Ownership: (check all that apply)**
☑ Private ☑ Federal ☑ State ☐ Local ☐ Tribal

11. **Land Use Information:**

Zoning: Commercial Forest/Forest and Range

Comp Plan Land Use Designation: Commercial Forest/Rural Working

12. **Shoreline Designation: (check all that apply)**

☐ Urban Conservancy ☐ Shoreline Residential ☑ Rural Conservancy

☐ Natural ☑ Aquatic

13. **Type of Shoreline Permit(s) requested (check all that apply):**

a. **Shoreline Substantial Development Permit will always be required unless proposal meets an exemption per WAC 173-27-040.**

☑ Shoreline Substantial Development Permit; or
☐ Shoreline Exemption Permit (see Shoreline Exemption Permit application)

b. **Only check one or both of the boxes below if they are applicable.**

☐ Shoreline Conditional Use Permit
**must answer question 32. a.-h. below.*
☐ Shoreline Variance
**must answer questions 33. a.-g. and 34. a.-b. (if applicable) below.*

14. **Fair Market Value of the project, including materials, labor, machine rentals, etc. approximately** $269,000,000

15. **Anticipated start and end dates of project construction: Start** Spring 2020 **End** Fall 2025

Project Description

16. **Briefly summarize the purpose of the project:**
FHWA and WSDOT have approved NEPA / SEPA plans to reconstruct I-90 from 2 to 3 lanes in each direction, replace truck climbing lanes, provide new stormwater treatment, bring the west and east bound lanes together by moving the existing WB lanes next to the EB lanes between MP 67.5 and MP 69.5, replace all existing bridges and structures and construct new bridges and structures that meet the purpose and need of the project. I-90 is a key transportation corridor of statewide significance for Washington State. See **Exhibit A, B and C** for additional project details.

17. **What is the primary use of the project (e.g. Residential, Commercial, Public, Recreation)?**
Highway right of way.

18. **What is the specific use of the project (e.g. single family home, subdivision, boat launch, restoration project)?** Transportation (Highway of Statewide Significance)

Vegetation

19. **Will the project result in clearing of tree or shrub canopy? (check one)**
☑ Yes ☐ No
If 'Yes', how much clearing will occur? Within 1000 feet of both sides of Kachess River it is estimated that 2 acres of clearing will be required to construct the two new bridges and remove the existing bridges over the next 5 years. The entire project is expected to clear approximately 120 acres, of which approximately 20 acres are located on non-federal lands. **(Square feet and acres)**

20. Will the project result in re-vegetation of tree or shrub canopy? (check one)

☑ Yes ☐ No

If 'Yes', how much re-vegetation will occur? WSDOT will ensure that the contractor follow all temporary erosion control measures, including any vegetation BMPs required by the 402 NPDES permit. After construction WSDOT will replant roadside native grasses where allowed and consult with the US Bureau of Reclamation on operational concerns. All new highway crossings structures will be restored with forest or riparian plant species as necessary to meet the mitigation commitments with Ecology and the US Forest Service. **(Square feet and acres)**

Wetlands

21. Will the project result in wetland impacts? (check one)

☑ Yes ☐ No

If 'Yes', how much wetland will be permanently impacted? On non-federal land total wetland impacts are estimated to be 0.47 acres and near the Kachess River there is a 0.34 acre Cat 4 ditch wetland that will be completely impacted. Phase 3 will has an estimated total wetland impact of 3.31 acres. **(square feet and acres)**

22. Will the project result in wetland restoration? (check one)

☑ Yes ☐ No

If 'Yes', how much wetland will be restored? All project wetland impacts follow Ecology 401 Water Quality and US Corps of Engineers 404 Permit requirements for mitigation. WSDOT does not have the detailed mitigation and restoration plan sheets for mitigation sites in Phase 3 and will be using mitigation credits generated in previous phases of the project until more accurate restoration sites in Phase 3 are available. A complete Wetland Biology Report and preliminary wetland and stream report, as well as corridor level wetland impact/mitigation balance sheet are available upon request. **(square feet and acres)**

Impervious Surfaces

23. Will the project result in creation of over 500 square feet of impervious surfaces? (check one)

☑ Yes ☐ No

If 'Yes', how much impervious surface will be created? The existing highway with two lanes in both directions (4 total lanes) will be replaced with a highway with three lanes in both directions (6 total lanes) and will increase impervious surfaces by up to 25% over existing conditions. Currently untreated stormwater discharges directly into Kachess River. The proposed project will not directly discharge into Kachess River and will provide stormwater treatment for the complete project. Specific calculations can be provided if required. **(square feet and acres)**

24. Will the project result in removal of impervious surfaces? (check one)

☑ Yes ☐ No

If 'Yes', how much impervious surface will be removed? All existing impervious surfaces will be removed. When possible WSDOT may recycle some or all of the existing concrete into the project as allowed. The new bridges will no longer discharge stormwater directly into Kachess River by treating stormwater within the highway right-of-way. **(square feet and acres)**

Shoreline Stabilization

25. Will the project result in creation of structural shoreline stabilization structures (revetment/bulkhead/riprap)? (Check one)

☐ Yes ☑ No

If 'Yes', what is the net linear feet of stabilization structures that will be created? _

26. Will the project result in removal of structural shoreline stabilization structures (revetment/bulkhead/riprap)? (Check one)

☑ Yes ☐ No

If 'Yes', what is the net linear feet of stabilization structures that will be removed? The four (4) existing piers on the current WB Bridge will be removed to existing ground line to accommodate the new bridge. These piers are within the highly altered riprap (rocked) banks of Kachess River at this location. Removing the existing piers beyond the existing ground level will risk unnecessary construction impacts to water quality and aquatic life. WSDOT will continue to work with WDFW on finalizing HPA conditions for the new bridges and removal of the existing piers.

Levees / Dikes

27. Will the project result in creation, removal, or relocation (setting back) of levees/dikes? (check one)

☐ Yes ☑ No

If 'Yes', what is the net linear feet of levees/dikes that will be created? _____

If 'Yes', what is the net linear feet of levees/dikes that will be permanently removed? _____

If 'Yes', what is the linear feet of levees/dikes that will be reconstructed at a location further from the OHWM?

Floodplain Development

28. Will the project result in development within the floodplain? (check one)

☐ Yes ☑ No

If 'Yes', what is the net square feet of structures to be constructed in the floodplain? WSDOT is waiting to hear from Arden Thomas, Kittitas County Flood District for a final decision on floodplain impacts. We are confident that the project avoids floodplain impacts, however we will wait for your determination.

Note: A floodplain development is required per KCC 14.08; please contact Kittitas County Public Works

29. Will the project result in removal of existing structures within the floodplain? (check one)

☑ Yes ☐ No

If 'Yes', what is the net square footage of structures to be removed from the floodplain? The existing two (2) I-90 bridges over Kachess River will be removed as needed to construct the project. The four (4) existing piers on the existing bridges will also be removed to ground level to remove existing obstructions in the floodplain.

Overwater Structures

30. Will the project result in construction of an overwater dock, pier, or float? (check one)

☐ Yes ☑ No

If 'Yes', how many overwater structures will be constructed? There are no docks, piers or floats proposed in this project. Two (2) new bridges will be constructed and two (2) existing bridges will be removed by this project.

What is the net square footage of water-shading surfaces that will be created? No docks, piers or floats for this project as defined by the question. Details on existing or proposed bridges is available upon request.

WSDOT and WDFW have been discussing this work on the project and due to the history and nature of the Kachess River at this location (US Bauru of Reclamation irrigation managed) there have not been any special requirements related to restoration or revegetation of the area.

31. Will the project result in removal of an overwater dock, pier, or float? (check one)

☐ Yes ☑ No

If 'Yes', how many overwater structures will be removed?_____

What is the net square footage of water-shading surfaces that will be removed? No docks, piers or floats for this project as defined by the question. Details on removing the existing bridges is available upon request.

Shoreline Conditional Use Permit

(answer ONLY if requesting this permit)

Must demonstrate your proposal meets all of the following per Kittitas County Shoreline Master Program (SMP):

32. Answer the following questions on a separate sheet and attach to this application packet.

- **a. That the proposed use is consistent with the policies of RCW 90.58.020 and the Master Program;**
- **b. That the proposed use will not interfere with the normal public use of public shorelines;**
- **c. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP;**
- **d. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located;**
- **e. That the public interest suffers no substantial detrimental effect;**
- **f. That if conditional use permits were granted for other developments in the area where similar circumstances exist, the cumulative impact of such uses would remain consistent with the policies of RCW 90.58.020 and not produce substantial adverse effects to the shoreline environment.**
- **g. That the proposed use has been appropriately conditioned to prevent undesirable effects of the proposed use and to assure consistency of the project with the Act and the local Master Program.**
- **h. When converting from one nonconforming use to a different nonconforming use, the applicant must demonstrate that no reasonable alternative conforming use is practical and that the proposed use will be at least as consistent with the policies and provisions of the Act and the Master Program and as compatible with the uses in the area as the pre-existing use.**

Shoreline Variance

(answer ONLY if requesting this permit)

Must demonstrate with your proposal that extraordinary circumstances exist and that the public interest shall suffer no substantial detrimental effect:

33. Answer the following questions on a separate sheet and attach to this application packet. This section is for variances requested landward of the OHWM and/or landward of any wetland.

- **a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable Master Program precludes, or significantly interferes with, reasonable use of the property;**
- **b. That the hardship is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the Master Program, and not, for example, form deed restrictions or the applicant's own actions;**
- **c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP and will not cause adverse impacts to the shoreline environment;**
- **d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;**
- **e. That the variance requested is the minimum necessary to afford relief;**
- **f. That the public interest will suffer no substantial detrimental effect; and**
- **g. That the cumulative impact of additional request for variances in the area where similar circumstances exist would not produce substantial adverse effects to the shoreline environment.**

34. Answer the following questions on a separate sheet and attach to this application packet. This section is, required to be answered in addition to question 33 above, for variances requested for uses and/or development that will be located waterward of the OHWM.

- **a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable Master Program precludes all reasonable use of the property; and**
- **b. That the public rights of navigation and use of the shorelines will not be adversely affected.**

Summary/Conclusion

35. Will the proposed use be consistent with the policies of RCW 90.58.020 and the Kittitas County Shoreline Master Program? (attach additional sheets if necessary)

☑ Yes ☐ No

Please explain:

We reviewed Kittitas County's Shoreline regulations Title 17B (last revised 2019, Ord. 2019-003) with this proposed project. We found the project consistent with Shorelines, Title 17B for the following reasons:

1. **17B.04.090.1 Shoreline Table:** Roads, Bridges and Railroads are a permitted Shoreline Use for Rural Conservancy shoreline designation and the project will stay within existing right-of-way (ROW) at this location.
2. **17B.05.010 Cultural**: The project has state Department of Archeology and Historic Preservation (DAHP) (**Exhibit D**). No known historic sites are in conflict with the bridge construction, however, a known cultural site exists nearby and will be protected for any adverse effects of the highway construction.
3. **17B.05.020B Environmental Protection**: The I-90 SPE Project follows similar state and federal environmental policies on environmental protection and mitigation elements, including avoidance and minimization. **Exhibit E** contains the I-90 SPE Project NEPA / SEPA Environmental Impact Statement (EIS) which includes additional details on Wetland and other jurisdictional waters (FEIS page 3-54). The I-90 Project is based on a landscape level watershed based mitigation strategy and incorporates the mitigation policies and permits of affected state and federal agencies.
4. **17B.05.020D Mitigation**: The I-90 SPE Project has an established NEPA / SEPA Preferred Alterative

(Common Route), an avoidance and minimization report (US Corps of Engineers required Section 404b1 guidelines for projects of this scope), no net loss mitigation program, and long term mitigation and restoration monitoring program.

5. **17B.05.020E Mitigation**: The Phase 3 wetland and stream mitigation strategy has been approved for permit level review and will be finalized by Mid-September 2019. All wetlands impacted for the project have been accounted for with updated wetland and OHWM delineations. The wetland impacts on non-federal state or private lands is estimated total to be 0.47 acres with an additional 2.84 acres of impacts on federally managed lands for a total estimate for Phase 3 to be approximately 3.31 acres of wetland impacts. Phase 3 is estimated to have approximately 13.5 acres of restoration and mitigation in or near streams and wetlands.

   WSDOT Wetland and Aquatic Mitigation Plan for the I-90- SPE Project has been developed and approved by the US Forest Service, Department of Ecology and the US Corps of Engineers. For a summary of the I-90 SPE Mitigation Program see **Exhibit F**.

6. **17B.05.020E F Analyzing Wetland and Aquatic Resources**: WSDOT's wetland and aquatic mitigation plan follow a similar process approved by Ecology and the US Corps of Engineers.

7. **17B.05.020G Buffers**: The I-90 Project follow adopted Ecology's statewide wetland buffer guidelines are are equal to or greater than Kittitas County's buffers.

8. **17B.05.020J Aquatic Habitat Conservation Areas**: WSDOT has been working with the US Forest Service, Ecology and the US Corps of Engineers since 2007 developing and implementing the projects mitigation plan over 5 construction phases. Copies of Ecology and US Corps of Engineers 401 and 404 permits for previous phases of construction are available upon request. In addition, WSDOT works closely with the WDFW on project stream and creek designs and approvals. This project generally exceeds all state and federal mitigation requirements for both wetlands and aquatic resources like streams.

9. **17B.05.020R Frequently Flooded Areas – protection standards:** The project is designed to avoid impacts to the shoreline, floodplain and aquatic resources. The new bridges over Kachess River will clear span Kachess River and the existing bridges will be removed. The shoreline is currently armored with riprap and sparsely vegetated with woody species. Stormwater on the existing bridges over Kachess River discharge untreated stormwater directly into the river and the new bridges will direct stormwater to treatment areas away from the river. Also pertains to 17B.05.030 Flood Hazard Reduction.

10. **17B.05.060 Water Quality and Stormwater:** This project will receive and comply with Sections 401 (Water Quality Certificate, 402 (Construction Stormwater), and 404 (Fills to waters of the state/nation).

    WSDOT maintains an Interdisciplinary Team (IDT) with members from State, federal and local permitting agencies who may be contacted to discuss environmental, wetlands and permitting issues. **Exhibit G** contains a list of current 2019 I-90 SPE IDT members. Please feel free to contact any IDT member for questions on with the I-90 SPE Project.

    The I-90 Project will comply with current Stormwater policy for new highways. Example: Untreated stormwater will no longer be allowed to discharge into the Kachess River.

36. Provide any additional information needed to verify the project's impacts to shoreline ecological functions: (attach additional sheets and relevant reports as necessary) The new bridges will clear span the Kachess River and will have approximately 3 feet of clearance over estimated 100-year flood flows.

17.B.06.180B (1)(2)(3)(4): The existing Kachess River bridges and fill and materials will be removed to approved locations outside of the shoreline and floodplain. Disturbed areas will be re-seeded with native grasses throughout the project limits, using WSDOT restoration guidelines.

17.B.06.180B(10): The fill for the bridge abutments will consist of clean materials. The design will not constrict the current channel width and minimizes the quantity of fill needed to construct the project with the floodplain.

Authorization

37. Application is hereby made for permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed and or completed work.

All correspondence and notices will be transmitted to the Land Owner of Record and copies sent to the authorized agent or contact person, as applicable.

Signature of Authorized Agent: **Date:**
(REQUIRED if indicated on application)

X William Sauriol 9/3/19

Signature of Land Owner of Record **Date:**
(Required for application submittal):

X William Sauriol 9/3/19

William M. Sauriol