



SX-16-00003

YAKAMA NATION – YAKIMA KCLICKITAT FISHERIES PROJECT

P.O. BOX 151 TOPPENISH, WA 98948 509-865-5121 FAX: 509-865-6293



DATE: January 25, 2016
TO: Kittitas County Community Development Services
FROM: Kelly Clayton, YKFP Fisheries Biologist *Kelly Clayton*
RE: Shoreline Exemption - Cle Elum Hatchery Juvenile Outfall Maintenance

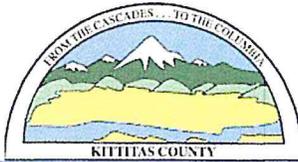
The Yakama Nation – Yakima Klickitat Fisheries Project (YKFP) would like to complete a maintenance project at the juvenile outfall structure just downstream of the Cle Elum Supplementation and Research Facility (Cle Elum Hatchery). To the east of the hatchery, there is a juvenile Chinook outfall structure that originates in the backwater area to the north of the railway and terminates in an alcove adjacent and connected to the Yakima River. The maintenance project will enhance juvenile rearing habitat and provide refuge from predators by replacing the rotting logs (weirs) at the outfall structure.

YKFP will be implementing a habitat restoration project in the Teanaway River Watershed at Indian Creek. Materials for the project will be sourced from a forest stand to the west of the Cle Elum Hatchery. The contractor for the Indian Creek Project will be hauling logs with a self-loading log truck along the railway maintenance road and past the juvenile outfall structure. We are proposing to offload ~10 logs during the haul that can then be installed at the juvenile outfall by an AmeriCorps labor crew with hand tools. One day (10 hours) of crew time is \$750. Approximately 3 or 4 logs will contain rootwads to provide higher quality habitat and also provide structure for the remaining logs. Additionally, key pieces of wood will be anchored using rebar, cable, and/or chain to minimize the risk of the wood becoming mobilized. None of the wood will be placed in the Yakima River proper and will not conflict with boaters.

YKFP is seeking support to obtain a Shoreline Exemption for normal maintenance and repair. I have attached an application and a plan view of the proposed log placement. Please contact me at [509-945-7195](tel:509-945-7195) or Scott Nicolai at [509-945-3163](tel:509-945-3163) with questions or concerns.

Thank you for your time.

Kelly Clayton
Yakama Nation Fisheries - YKFP
PO BOX 151
Toppenish, WA 98948
clak@yakamafish-nsn.gov



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926
CDS@CO.KITTITAS.WA.US
Office (509) 962-7506
Fax (509) 962-7682

"Building Partnerships - Building Communities"

SX-16-00003

SHORELINE EXEMPTION PERMITTING

(For projects located within 200 feet of a body of water under the jurisdiction of the Shoreline Master Program)

The following bodies of water are under the jurisdiction of the Shoreline Master Program: (*denotes portion of shoreline requiring 200' setback)

- Little Creek, Cabin Creek, Log Creek, Swauk Creek, Wilson Creek (S. of Ellensburg), Naneum Creek, Taneum Creek, Manastash Creek (Includes S. Fork), Lake Keechelus, Lake Cle Elum, Lost Lake*, Unnamed Lakes (T21,R12)*, Tucquala Lake*, Cooper Lake*, Manastash Lake*, Big Creek, Lake Kachess*, Lake Easton, Cle Elum River, Columbia River*, Yakima River*, Kachess River, Teanaway River (Includes: West, Middle, North Forks)

The County uses the Joint Aquatic Resources Permit Application (JARPA) form for all applications located within the jurisdiction of the Shoreline Management Plan, including projects within 200' of the bodies of water listed above. For reference, the first page of the 2012 JARPA is attached to this cover sheet.

REQUIRED ATTACHMENTS

- Completed JARPA form
KC CDS cover letter with a specific citation of the shoreline exemption requested below.
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.

You may request a copy of the JARPA form from Community Development Services, or download the form here: http://www.epermitting.wa.gov/site/alias__resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx

Requested Shoreline Exemption per WAC 173.27.040: (2)(a) cost does not exceed \$5,000 (2)(b) normal maintenance or repair

APPLICATION FEES:

\$830.00 Total fees due for this application (One check made payable to KCCDS)

FOR STAFF USE ONLY

Application Received By (CDS Staff Signature): [Signature] DATE: 2-2-16 RECEIPT # 00078859 RECEIVED FEB 02 2016 KITTITAS COUNTY CDS DATE STAMP IN BOX

Compliance in Kittitas County

Permit System

In April of 1972, Kittitas County established a permit system in compliance with the first requirement of the Act. Under this permit system a permit must be obtained for any "substantial development" proposed on designated shorelines. (For a list of designated shorelines, see Plate One, Page 7, and Appendix A.) Substantial development is defined by the Act as being any development of which the fair market value exceeds \$1,000 or any development which would interfere with the normal public use of the water or shorelines.

The following are general exceptions to the permit requirement:

1. A permit will not be required for any development costing \$1,000 or less fair market value.
2. Normal maintenance and repair of existing structures including replacement provided the structure is approximately the same size, serves the same general function and is placed in the same general location. The type of material used for replacement of the structure is not of importance.
3. Emergency construction necessary to protect property from damage by the elements.
4. Construction of barns or similar agricultural buildings.
5. Construction or modifications of navigational aids.
6. Single-family dwellings for use by the owner or his family and not to exceed a height of 35 feet above the average grade of the property.
7. Construction of a dock for pleasure craft only, for the non-commercial use of the owner of a single-family residence, the cost of which does not exceed \$2,500.

Project Location



South Cle Elum

Self Loading Log Truck Haul Route

Cle Elum Supplementation and Research Facility

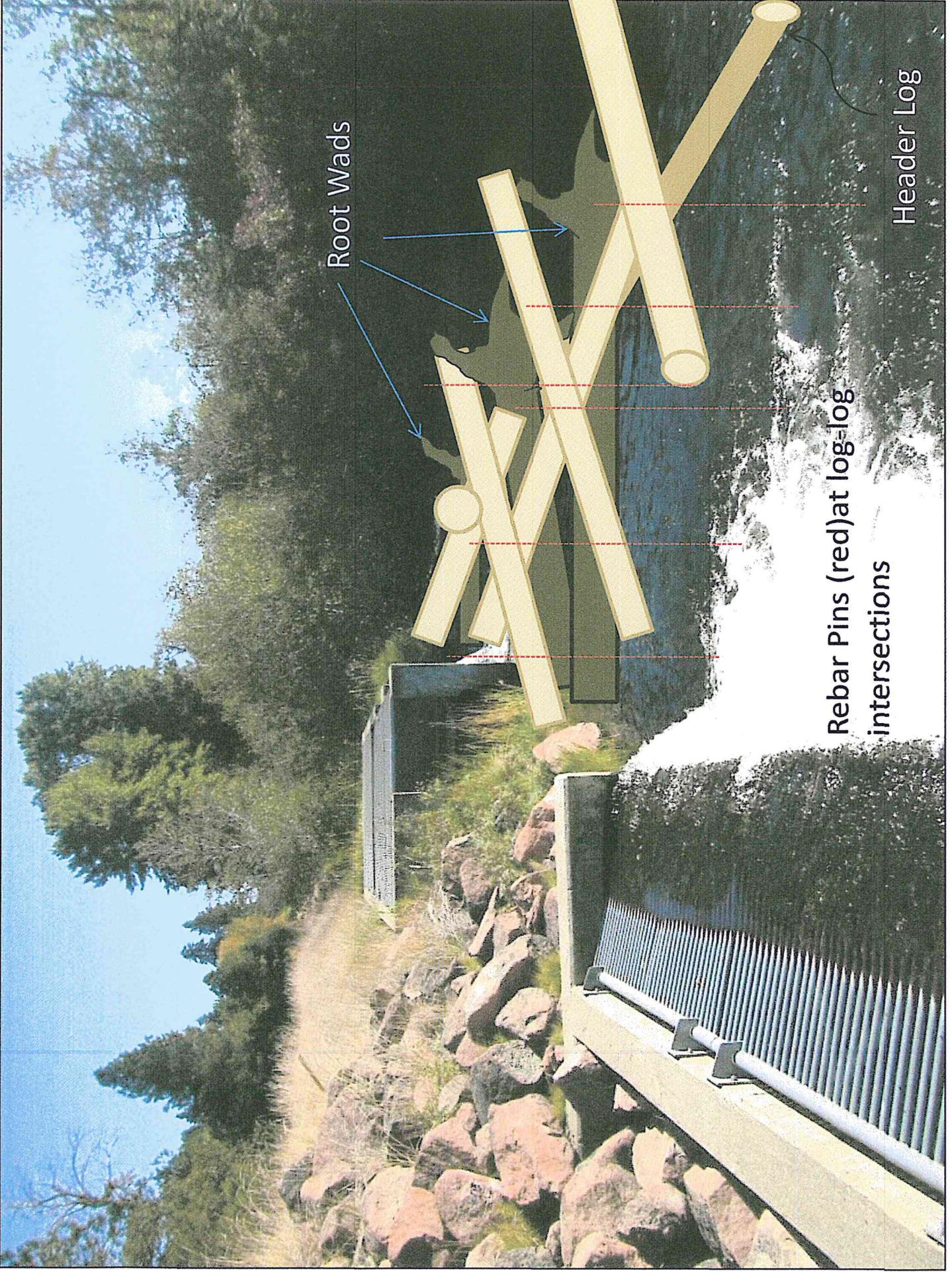
Juvenile Outfall



Yakima River

Juvenile Outfall





Root Wads

Rebar Pins (red) at log-log intersections

Header Log



WASHINGTON STATE

Joint Aquatic Resources Permit Application (JARPA) Form^{1,2} [\[help\]](#)

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.



US Army Corps
of Engineers
Seattle District

AGENCY USE ONLY

Date received: _____

Agency reference #: _____

Tax Parcel #(s): _____

Part 1–Project Identification

1. Project Name (A name for your project that you create. Examples: Smith’s Dock or Seabrook Lane Development) [help]
Cle Elum Hatchery Juvenile Outfall Maintenance

Part 2–Applicant

The person and/or organization responsible for the project. [\[help\]](#)

2a. Name (Last, First, Middle)			
Clayton, Kelly			
2b. Organization (If applicable)			
Yakama Nation Fisheries - YKFP			
2c. Mailing Address (Street or PO Box)			
PO Box 151			
2d. City, State, Zip			
Toppenish, WA 98948			
2e. Phone (1)	2f. Phone (2)	2g. Fax	2h. E-mail
(509) 945-7195	()	()	clak@yakamafish-nsn.gov

¹Additional forms may be required for the following permits:

- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- If your project might affect species listed under the Endangered Species Act, you will need to fill out a Specific Project Information Form (SPIF) or prepare a Biological Evaluation. Forms can be found at <http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PermitGuidebook/EndangeredSpecies.aspx>.
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

²To access an online JARPA form with [\[help\]](#) screens, go to http://www.epermitting.wa.gov/site/alias_resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx.

For other help, contact the Governor’s Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.

Part 3—Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [\[help\]](#)

3a. Name (Last, First, Middle)			
Nicloai, SCOTT			
3b. Organization (If applicable)			
Yakama Nation Fisheries - YKFP			
3c. Mailing Address (Street or PO Box)			
201 N. Pearl			
3d. City, State, Zip			
Ellensburg, WA 98926			
3e. Phone (1)	3f. Phone (2)	3g. Fax	3h. E-mail
(509) 945-3163	()	()	nics@yakamafish-nsn.gov

Part 4—Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [\[help\]](#)

- Same as applicant. (Skip to Part 5.)
- Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)
- There are multiple upland property owners. Complete the section below and fill out [JARPA Attachment A](#) for each additional property owner.
- Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete [JARPA Attachment E](#) to apply for the Aquatic Use Authorization.

4a. Name (Last, First, Middle)			
4b. Organization (If applicable)			
4c. Mailing Address (Street or PO Box)			
4d. City, State, Zip			
4e. Phone (1)	4f. Phone (2)	4g. Fax	4h. E-mail
()	()	()	

Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [\[help\]](#)

- There are multiple project locations (e.g. linear projects). Complete the section below and use [JARPA Attachment B](#) for each additional project location.

5a. Indicate the type of ownership of the property. (Check all that apply.) [\[help\]](#)

- Private
 Federal
 Publicly owned (state, county, city, special districts like schools, ports, etc.)
 Tribal
 Department of Natural Resources (DNR) – managed aquatic lands (Complete [JARPA Attachment E](#))

5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [\[help\]](#)

Charter Road

5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [\[help\]](#)

Cle Elum, WA 98922

5d. County [\[help\]](#)

Kittitas

5e. Provide the section, township, and range for the project location. [\[help\]](#)

¼ Section	Section	Township	Range
SW	27	20N	15E

5f. Provide the latitude and longitude of the project location. [\[help\]](#)

- Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83)

47.112760 lat / -120.572035 long.

5g. List the tax parcel number(s) for the project location. [\[help\]](#)

- The local county assessor's office can provide this information.

291736

5h. Contact information for all adjoining property owners. (If you need more space, use [JARPA Attachment C.](#)) [\[help\]](#)

Name	Mailing Address	Tax Parcel # (if known)
N/A		

5i. List all wetlands on or adjacent to the project location. [\[help\]](#)

5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [\[help\]](#)

Yakima river

5k. Is any part of the project area within a 100-year floodplain? [\[help\]](#)

Yes No Don't know

5l. Briefly describe the vegetation and habitat conditions on the property. [\[help\]](#)

To the east of the hatchery, there is a juvenile Chinook outfall structure that originates in the backwater area to the north of the railway and terminates in an alcove adjacent and connected to the Yakima River. The alcove is ~275' and is surrounded by riparian trees and shrubs adjacent to the Yakima River.

5m. Describe how the property is currently used. [\[help\]](#)

The outfall structure allows juvenile Chinook passage to and from the hatchery from the Yakima River.

5n. Describe how the adjacent properties are currently used. [\[help\]](#)

The railway is the adjacent property.

5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [\[help\]](#)

The juvenile Chinook structure contains log weirs installed in 1997 at the start of hatchery operations. The log weirs are rotting and need to be replaced.

5p. Provide driving directions from the closest highway to the project location, and attach a map. [\[help\]](#)

Get on I-90 W
Take exit 84
Continue on Oakes Ave
Take S Cle Elum Way to Charter Rd

Part 6–Project Description

6a. Briefly summarize the overall project. You can provide more detail in 6b. [\[help\]](#)

The maintenance project will replace the rotting log weirs at the juvenile outfall structure.

6b. Describe the purpose of the project and why you want or need to perform it. [\[help\]](#)

The rotting log weirs will be replaced with a grade control structure more beneficial for fish. The logs will be placed to enhance juvenile rearing habitat and provide hiding cover from predators. A total of 10 logs will be used for the project, 6 logs (60%) will replace existing logs and 4 logs (40%) will be additional logs with rootwads to provide higher quality habitat and also provide structure for the 6 logs. Key pieces of wood will be anchored using rebar, cable, and/or chain to minimize the risk of the wood becoming mobilized. None of the wood will be placed in the Yakima River proper and will not conflict with boaters.

6c. Indicate the project category. (Check all that apply) [\[help\]](#)

- Commercial
 Residential
 Institutional
 Transportation
 Recreational
 Maintenance
 Environmental Enhancement

6d. Indicate the major elements of your project. (Check all that apply) [\[help\]](#)

- | | | | |
|---|---|--|--|
| <input type="checkbox"/> Aquaculture | <input type="checkbox"/> Culvert | <input type="checkbox"/> Float | <input type="checkbox"/> Retaining Wall (upland) |
| <input type="checkbox"/> Bank Stabilization | <input type="checkbox"/> Dam / Weir | <input type="checkbox"/> Floating Home | <input type="checkbox"/> Road |
| <input type="checkbox"/> Boat House | <input type="checkbox"/> Dike / Levee / Jetty | <input type="checkbox"/> Geotechnical Survey | <input type="checkbox"/> Scientific Measurement Device |
| <input type="checkbox"/> Boat Launch | <input type="checkbox"/> Ditch | <input type="checkbox"/> Land Clearing | <input type="checkbox"/> Stairs |
| <input type="checkbox"/> Boat Lift | <input type="checkbox"/> Dock / Pier | <input type="checkbox"/> Marina / Moorage | <input type="checkbox"/> Stormwater facility |
| <input type="checkbox"/> Bridge | <input type="checkbox"/> Dredging | <input type="checkbox"/> Mining | <input type="checkbox"/> Swimming Pool |
| <input type="checkbox"/> Bulkhead | <input type="checkbox"/> Fence | <input type="checkbox"/> Outfall Structure | <input type="checkbox"/> Utility Line |
| <input type="checkbox"/> Buoy | <input type="checkbox"/> Ferry Terminal | <input type="checkbox"/> Piling/Dolphin | |
| <input type="checkbox"/> Channel Modification | <input checked="" type="checkbox"/> Fishway | <input type="checkbox"/> Raft | |

Other:

6e. Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [\[help\]](#)

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year floodplain.

YKFP will be implementing a habitat restoration project in the Teanaway River Watershed at Indian Creek. Materials for the project will be sourced from a forest stand to the west of the Cle Elum Hatchery. The contractor for the Indian Creek Project will be hauling logs with a self-loading log truck along the railway maintenance road and past the juvenile outfall structure. We are proposing to offload 10 logs during the haul that can then be installed at the juvenile outfall by an AmeriCorps labor crew with hand tools. One day (10 hours) of crew time is \$750. 6 logs (60%) will replace existing logs and 4 logs (40%) will be additional logs with rootwads to provide higher quality habitat and also provide structure for the 6 logs. Key pieces of wood will be anchored using rebar, cable, and/or chain to minimize the risk of the wood becoming mobilized. None of the wood will be placed in the Yakima River proper and will not conflict with boaters.

6f. What are the anticipated start and end dates for project construction? (Month/Year) [\[help\]](#)

- If the project will be constructed in phases or stages, use [JARPA Attachment D](#) to list the start and end dates of each phase or stage.

Start date: February 2016

End date: January 2017

See JARPA Attachment D

6g. Fair market value of the project, including materials, labor, machine rentals, etc. [\[help\]](#)

\$750

6h. Will any portion of the project receive federal funding? [\[help\]](#)

- If yes, list each agency providing funds.

Yes No Don't know

Part 7—Wetlands: Impacts and Mitigation

- Check here if there are wetlands or wetland buffers on or adjacent to the project area.
(If there are none, skip to Part 8.) [\[help\]](#)

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [\[help\]](#)

Not applicable

7b. Will the project impact wetlands? [\[help\]](#)

Yes No Don't know

7c. Will the project impact wetland buffers? [\[help\]](#)

Yes No Don't know

7d. Has a wetland delineation report been prepared? [\[help\]](#)

- If Yes, submit the report, including data sheets, with the JARPA package.

Yes No

7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [\[help\]](#)

- If Yes, submit the wetland rating forms and figures with the JARPA package.

Yes No Don't know

7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [\[help\]](#)

- If Yes, submit the plan with the JARPA package and answer 7g.
- If No, or Not applicable, explain below why a mitigation plan should not be required.

Yes No Not applicable

7g. Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [\[help\]](#)

7h. Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [\[help\]](#)

Activity (fill, drain, excavate, flood, etc.)	Wetland Name ¹	Wetland type and rating category ²	Impact area (sq. ft. or Acres)	Duration of impact ³	Proposed mitigation type ⁴	Wetland mitigation area (sq. ft. or acres)

¹ If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.

² Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.

³ Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.

⁴ Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available: _____

7i. For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [\[help\]](#)

7j. For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [\[help\]](#)

Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, “waterbodies” refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [\[help\]](#)

Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [\[help\]](#)

Not applicable

Rootwads and key pieces of wood will be anchored using rebar, cable, and/or chain to minimize the risk of the wood becoming mobilized. All wood will be placed at the outfall structure. None of the wood will be placed in the Yakima River proper and will not conflict with boaters.

8b. Will your project impact a waterbody or the area around a waterbody? [\[help\]](#)

Yes No

8c. Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies? [\[help\]](#)

- If Yes, submit the plan with the JARPA package and answer 8d.
- If No, or Not applicable, explain below why a mitigation plan should not be required.

Yes No Not applicable

8d. Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g you do not need to restate your answer here. [\[help\]](#)

This is a maintenance project on an existing structure.

8e. Summarize impact(s) to each waterbody in the table below. [\[help\]](#)

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name ¹	Impact location ²	Duration of impact ³	Amount of material (cubic yards) to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected

¹ If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.

² Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.

³ Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

8f. For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [\[help\]](#)

N/A

8g. For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [\[help\]](#)

N/A

Part 9–Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

9a. If you have already worked with any government agencies on this project, list them below. [\[help\]](#)

Agency Name	Contact Name	Phone	Most Recent Date of Contact
WDFW	Jennifer Nelson	(509) 823-0985	January 19, 2016
		()	
		()	

9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? [\[help\]](#)

- If Yes, list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: <http://www.ecy.wa.gov/programs/wq/303d/>.

Yes No

9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [\[help\]](#)

- Go to <http://cfpub.epa.gov/surf/locate/index.cfm> to help identify the HUC.

Upper Yakima Watershed - 17030001

9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [\[help\]](#)

- Go to <http://www.ecy.wa.gov/services/gis/maps/wria/wria.htm> to find the WRIA #.

39 – Upper Yakima River

9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [\[help\]](#)

- Go to <http://www.ecy.wa.gov/programs/wq/swqs/criteria.html> for the standards.

Yes No Not applicable

9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [\[help\]](#)

- If you don't know, contact the local planning department.
- For more information, go to: http://www.ecy.wa.gov/programs/sea/sma/laws_rules/173-26/211_designations.html.

Rural Urban Natural Aquatic Conservancy Other _____

9g. What is the Washington Department of Natural Resources Water Type? [\[help\]](#)

- Go to <http://www.dnr.wa.gov/forest-practices-water-typing> for the Forest Practices Water Typing System.

Shoreline Fish Non-Fish Perennial Non-Fish Seasonal

9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [\[help\]](#)

- If No, provide the name of the manual your project is designed to meet.

Yes No

Name of manual:

9i. Does the project site have known contaminated sediment? [\[help\]](#)

- If Yes, please describe below.

Yes No

9j. If you know what the property was used for in the past, describe below. [\[help\]](#)

9k. Has a cultural resource (archaeological) survey been performed on the project area? [\[help\]](#)

- If Yes, attach it to your JARPA package.

Yes No

9l. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [\[help\]](#)

9m. Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [\[help\]](#)

Chinook Salmon

Part 10—SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at <http://apps.oria.wa.gov/opus/>.
- Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.
- For a list of addresses to send your JARPA to, click on [agency addresses for completed JARPA](#).

10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [\[help\]](#)

- For more information about SEPA, go to www.ecy.wa.gov/programs/sea/sepa/e-review.html.

A copy of the SEPA determination or letter of exemption is included with this application.

A SEPA determination is pending with _____ (lead agency). The expected decision date is _____.

I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [\[help\]](#)

This project is exempt (choose type of exemption below).

Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt?

Other: _____

SEPA is pre-empted by federal law.

10b. Indicate the permits you are applying for. (Check all that apply.) [\[help\]](#)

LOCAL GOVERNMENT

Local Government Shoreline permits:

Substantial Development Conditional Use Variance

Shoreline Exemption Type (explain): (2)(a) cost does not exceed \$5,000; (2)(b) normal maintenance and repair

Other City/County permits:

Floodplain Development Permit Critical Areas Ordinance

STATE GOVERNMENT

Washington Department of Fish and Wildlife:

Hydraulic Project Approval (HPA) Fish Habitat Enhancement Exemption – [Attach Exemption Form](#)

You must submit a check for \$150 to Washington Department of Fish and Wildlife, unless your project qualifies for an exemption or alternative payment method below. **Do not send cash.**

Check the appropriate boxes:

\$150 check enclosed. Check # _____
Attach check made payable to Washington Department of Fish and Wildlife.

- My project is exempt from the application fee. (Check appropriate exemption) _____
- HPA processing is conducted by applicant-funded WDFW staff.
Agreement # _____
 - Mineral prospecting and mining.
 - Project occurs on farm and agricultural land.
(Attach a copy of current land use classification recorded with the county auditor, or other proof of current land use.)
 - Project is a modification of an existing HPA originally applied for, prior to July 10, 2012.
HPA # _____

Washington Department of Natural Resources:

Aquatic Use Authorization
Complete [JARPA Attachment E](#) and submit a check for \$25 payable to the Washington Department of Natural Resources.
Do not send cash.

Washington Department of Ecology:

Section 401 Water Quality Certification

FEDERAL GOVERNMENT

United States Department of the Army permits (U.S. Army Corps of Engineers):

Section 404 (discharges into waters of the U.S.) Section 10 (work in navigable waters)

United States Coast Guard permits:

Private Aids to Navigation (for non-bridge projects)

Part 11—Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [\[help\]](#)

11a. Applicant Signature (required) [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. KC (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. KC (initial)

Kelly Clayton

Applicant Printed Name

 KC ant
Applicant Signature

1-25-2016

Date

11b. Authorized Agent Signature [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

Authorized Agent Printed Name

Authorized Agent Signature

Date

11c. Property Owner Signature (if not applicant) [\[help\]](#)

Not required if project is on existing rights-of-way or easements.

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

Property Owner Printed Name

Property Owner Signature

Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ENV-019-09 rev. 09/2015

PIPELINE PERMIT NO. _____

WCRC-95-P-2006

AGREEMENT, made this 1st day of **JANUARY 1995**, between **BURLINGTON NORTHERN RAILROAD COMPANY**, a Delaware corporation, whose post office address is 2100 First Interstate Center, 999 Third Avenue, Seattle, Washington 98104-4080, and **WASHINGTON CENTRAL RAILROAD COMPANY**, a Washington corporation, whose post office address is P.O. Box 2337, Yakima, Washington 98907, hereinafter called "Railroad," and **YAKAMA INDIAN NATION - FISHERIES**, whose post office address is **P.O. BOX 151, FORT ROAD, TOPPENISH, WA 98948**, hereinafter called "Permittee".

WITNESSETH:

Railroad, for and in consideration of the fee herein provided to be paid by Permittee and of the covenants and promises hereinafter made to be observed and performed by Permittee, does hereby grant to Permittee license and permission to excavate for, construct, maintain and operate

HATCHERY SLOUGH FISHWAY USING EXISTING 48 INCH CONCRETE CULVERT

hereinafter referred to as "Facility," upon, along or across the right of way of Railroad, underneath the surface thereof, and under the tracks of railroad, as the case may be, at or near **CLE ELUM Station**, in the County of **KITTITAS**, State of Washington, to be located as follows, to wit:

SURVEY STATION 8058 + 00 MILE POST 25 + 3900 As shown in red color on the plat attached hereto, marked Exhibit "A", dated **DECEMBER 19, 1994** and by this reference made a part hereof.

Permittee in consideration of such license and permission hereby covenants and promises as follows:

1. For this Permit, Permittee will pay Railroad in advance, the sum of **FIVE HUNDRED DOLLARS (\$500.00)** for the entire time this Permit remains in effect and Permittee will also pay or reimburse Railroad for all taxes and assessments that may be levied or assessed against said Facility. Railroad reserves the right to change the fee on future Permits at any time without notice. This provision shall in no way affect Railroad's right to terminate said Permit pursuant to Paragraph 10 hereof.

2. Permittee, at Permittee's sole cost and expense, shall excavate for, construct, reconstruct, maintain and repair said Facility placing same in accordance with the specifications provided in the application dated **OCTOBER 26, 1994**, heretofore approved by Railroad. Permittee shall fill in the excavation and restore the surface of the ground upon which the Facility is located to its previous condition subject to the Superintendent Maintenance & Engineering's approval. Said Superintendent Maintenance & Engineering shall have the right at any time when in his/her judgment it becomes necessary or advisable to require any material used in the work to be replaced with like material or with material of a more permanent character, also to require additional work or change of location of said Facility as a matter of safety and/or appearance, or on account of additional tracks being laid, change of grade thereof, construction of a building, or for any other reason whether or not connected with the operation, maintenance, or improvement of Railroad, all of which shall be done at the expense of Permittee in the manner herein provided.

3. Permittee shall give to the Superintendent Maintenance & Engineering at least two (2) days advance notice of any work to be done by Permittee in the excavation for, construction, reconstruction, maintenance, repair, change of location, or removal of said Facility, and shall conduct said work in such a manner as not to interfere with the maintenance and operation of Railroad.

4. In the event that Railroad performs any work, furnishes any material or flagging service, or incurs any expense whatsoever on account of the excavation for, construction, reconstruction, maintenance, repair, change of location, removal of the Facility, or otherwise, Permittee shall reimburse Railroad for the cost thereof within twenty (20) days after bills are rendered therefor. If the excavation for, construction, reconstruction, maintenance, repair, change of location, or removal of the Facility, requires any or all of the following work : removal and replacement of track, bridging, protection of track, or other railroad facilities by work or flagging, engineering, and/or supervision, such work is to be performed by Railroad employees and the cost borne by Permittee.

5. (a) PERMITTEE IS PLACED ON NOTICE THAT FIBER OPTIC, COMMUNICATIONS, CONTROL SYSTEMS, AND OTHER TYPES OF CABLES MAY BE BURIED ON RAILROAD'S PROPERTY. Before beginning work, Permittee shall telephone Railroad's Dispatcher at 1-800-333-8582 (a 24-hour number) to determine if cable systems are buried on Railroad's property to be used by Permittee. The dispatcher will contact the appropriate personnel to have cables located and make arrangements with Permittee as to the protective measures that must be adhered to prior to the commencement of any work on Railroad's property. In addition to the liability terms elsewhere in this Agreement, Permittee shall indemnify and hold harmless Railroad harmless against and from all cost, liability, and expense whatsoever (including, without limitation, attorney's fees and court costs and expenses) arising out of or in any way contributed to by any act or omission of Permittee, its contractor, agents and/or employees, that cause or in any way or degree contribute to (1) any damage to or destruction of any telecommunications system by Permittee, and /or its contractor, agents, and/or employees, on Railroad's property, (2) any injury to or death of any person employed by or on behalf of any telecommunications company, and/or its contractor, agents and/or employees, on Railroad's property, and/or (3) any claim or cause of action for alleged loss of profits or revenue by, or loss of service by a customer or use of such telecommunication company (ies).

6. In the event any cathodic electrolysis or other electrical grounding system is installed in connection with the Facility which, in the opinion of Railroad, interferes with train signals in any way, telephone or telegraph lines, or other facilities of Railroad, Permittee, upon being informed by Railroad of such interference, shall forthwith discontinue operation of and remove said grounding system, or take such steps as may be necessary to avoid and eliminate all such interference. Permittee further agrees to indemnify and save harmless Railroad from and against any damages, claims, losses, suits, or expenses in any manner arising from or growing out of interference with the signals, telephone, or telegraph lines of Railroad by the operation , use, or existence of any such grounding system.

7. Permittee shall and hereby releases and discharges Railroad of any from any and all liability for damage to or destruction of said Facility, and any other property of Permittee located on or near Railroad's premises, and shall and hereby assumes any and all liability for injury to or death of any and all persons whomsoever, including officers, employees, and agents of the parties hereto, and loss of or damage to property to whomsoever belonging, including property owned by , leased to , or in the care, custody, and control of the parties hereto, in any manner arising from or during the excavation for, construction, reconstruction, use, maintenance, repair, or removal of said Facility, however such injury, death, loss, damage, or destruction aforesaid may occur or be caused, and shall and hereby does indemnify and save harmless Railroad of and from any and all claims, demands, suits , actions, damages, recoveries, judgments, costs, or expenses arising or growing out of or in connection with any such injury, death, loss, damage, or destruction aforesaid. Permittee further agrees to appear and defend in the name of Railroad any suits or actions at law brought against Railroad on account of any such personal injury or death, and loss and damage to or destruction of property, and to pay and satisfy any final judgment that may be rendered against Railroad in any such suit or action. **THE LIABILITY ASSUMED BY PERMITTEE SHALL NOT BE AFFECTED BY THE FACT, IF IT IS A FACT, THAT THE LOSS, DAMAGE, DEATH, OR INJURY WAS OCCASIONED BY OR CONTRIBUTED TO BY THE NEGLIGENCE OF RAILROAD, ITS AGENTS, SERVANTS, EMPLOYEES, OR OTHERWISE.**

8. Permittee shall not transfer or assign this permit without the written consent of Railroad.

9. Nothing herein contained shall imply or import a covenant on the part of Railroad for quiet enjoyment.

10. It is expressly understood and agreed that Railroad may at any time cancel and terminate this license and permission by giving to Permittee thirty (30) days written notice of its intention to cancel the same and at the expiration of such notice this license and permission shall terminate. Upon receipt of such notice and before the expiration thereof, Permittee, under the supervision and direction of Railroad's Superintendent Maintenance & Engineering, or his authorized representative, shall remove said Facility from the right-of-way of Railroad and restore the right-of-way and premises of Railroad in a manner and to such condition as shall be satisfactory to said Superintendent Maintenance & Engineering. If Permittee fails to remove the Facility and restore said right-of-way to such condition within said thirty (30) day period, Railroad at its option may remove same and restore said right-of-way to its previous condition, and Permittee shall pay to Railroad the cost and expense thereof.

11. Upon any failure of Permittee to punctually and strictly observe and perform the covenants and promises made herein by Permittee to be kept and performed, Railroad may terminate this Agreement on ten (10) days notice to Permittee, remove said Facility, and restore said right-of-way to its previous condition at the cost and expense of Permittee.

12. Any notices given under the provisions of this Agreement shall be good if properly deposited with the United States Postal Service addressed to Permittee at Permittee's post office address above stated.

13. The license and permission herein granted is subject to permits, leases, and licenses, if any heretofore granted by Railroad affecting the premises upon which said Facility is located.

Subject to the foregoing provisions, this Agreement and all of the covenants and promises thereof, shall inure to the benefit of and be binding upon the parties hereto, their respective executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate as of the day and year first hereinabove written.

WASHINGTON CENTRAL RAILROAD COMPANY BURLINGTON NORTHERN RAILROAD COMPANY

By *Richard B. ...*
President

By *G. ...*
Assistant Vice President Network Services
Permittee - Adm

YAKAMA INDIAN NATION - FISHERIES:

WITNESS TO SIGNATURE OF PERMITTEE

By *Yakama Indian Nation Signature*

By _____

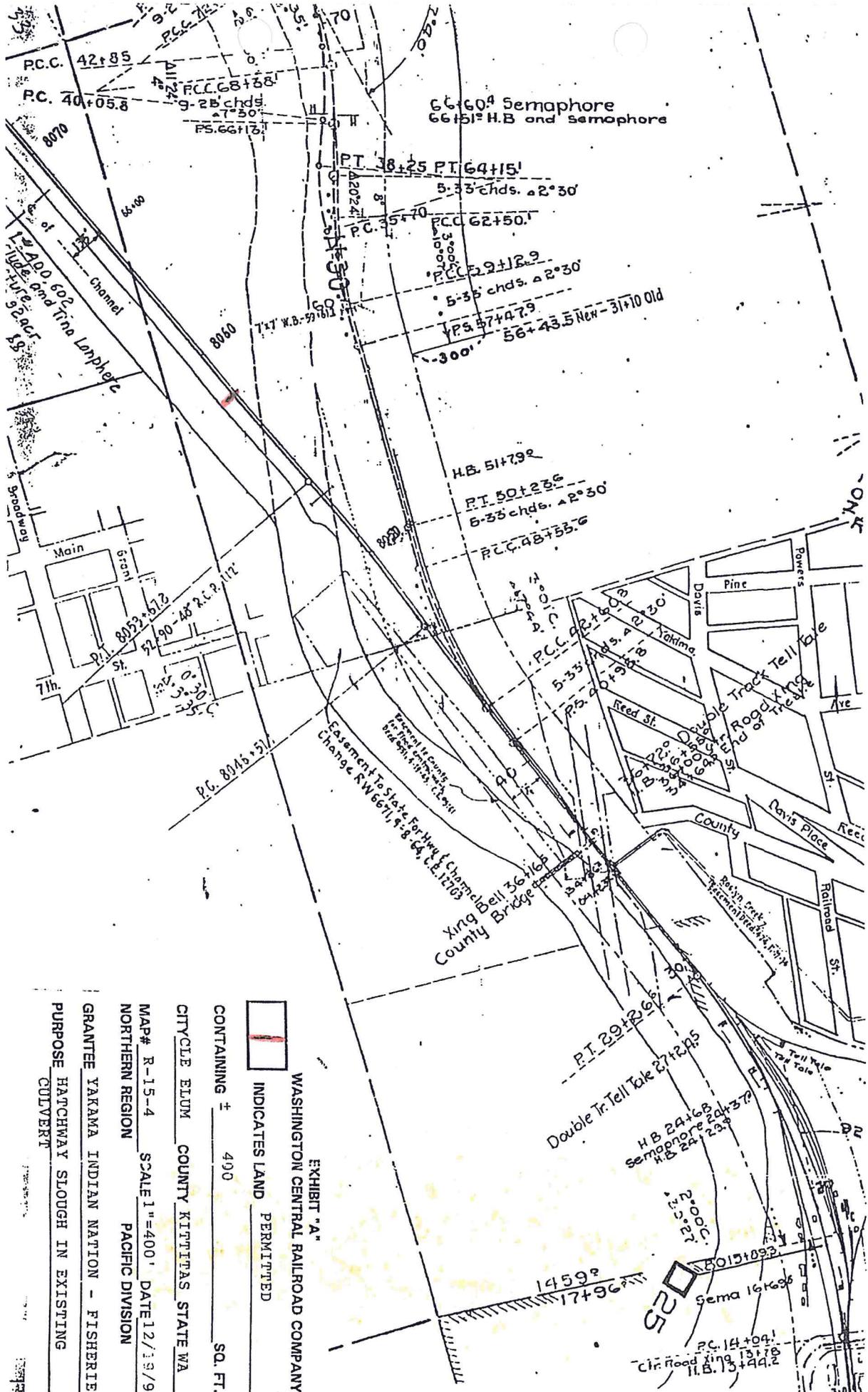


EXHIBIT "A"
 WASHINGTON CENTRAL RAILROAD COMPANY
 INDICATES LAND PERMITTED
 CONTAINING ± 490 SQ. FT.
 CITY/CLUB ELUM COUNTY KITTITAS STATE WA
 MAP# R-15-4 SCALE 1"=400' DATE 12/13/94
 NORTHERN REGION PACIFIC DIVISION
 GRANTEE YAKAMA INDIAN NATION - FISHERIES
 PURPOSE HATCHWAY SLOUGH IN EXISTING
 CULVERT