

October 2, 2018

Attention: Lindsey Ozbolt
Kittitas County Community Development Services
411 N. Ruby Street, Suite 2

RECEIVED
OCT 05 2018
Kittitas County CDS

**Subject: Kittitas County Public Works and Kittitas Reclamation District
2018 Naneum Creek Emergency Channel Maintenance Project
Request for SEPA, Critical Areas, and Shoreline Permit Exemptions**

Dear Lindsey:

The intent of this letter is to request exemption status for SEPA, Critical Areas Ordinances, and Shoreline Development Permits for the emergency channel maintenance project in Naneum Creek. The project will be undertaken by Kittitas County Public Works (County) and Kittitas Reclamation District (KRD). Documentation and justification for these exemptions are provided herein and in the enclosed information. The project will receive an expedited Hydraulic Project Approval (HPA) from Washington Department of Fish and Wildlife (WDFW).

Also enclosed for your reference and use are project plans and photographs, and a Kittitas County Shoreline Exemption Permitting application.

Project Description

KRD and Kittitas County Public Works needs to prevent imminent damage to irrigation infrastructure by removing accumulated sediment and debris from Naneum Creek and armoring an eroded bank at the KRD intake structure. KRD needs to remove approximately 2,000 cy of blocking debris from Naneum Creek, in an area from the intake structure upstream approximately 350 feet. This section of the creek is completely blocked with sediment, and Naneum Creek flows are currently forced out of the channel and will cause further damage to the KRD NB canal.

In 2017, Kittitas County and KRD completed a joint project to remove the Bar 14 Road Bridge upstream of the NB intake and remove accumulated sediment and debris. Since that time, high water events have mobilized the upstream sediment that was held in place by the bridge for several years. Approximately 2,000 cubic yards of cobble and debris were mobilized and is now perched immediately above the NB intake structure and if not removed will mobilize into the intake structure and erosive flows will breach the canal intake.

In addition, the aggraded sediment is completely blocking the Naneum Creek channel upstream of the intake structure, which has forced flows into a bank of unconsolidated material protecting the right bank. This material has rapidly eroded, and now requires repair and large rock armor to protect the intake structure and prevent Naneum Creek from flanking the structure and breaching the NB Canal.

Approximately 60 linear feet of bank will be armored from the intake structure upstream, requiring approximately 27 cubic yards of armoring below the Ordinary High Water Mark.

The action needs to occur as soon as possible and will take less than 2 weeks once underway. The intent is to complete the project after the KRDC North Branch Canal has stopped running (October 15) and prior to expected high water events. The bedload material removal and bank armoring needs completed before Naneum Creek water levels increase and flooding causes additional failure of infrastructure.

SEPA

Washington Administrative Code (WAC) 197-11-880 defines when emergency actions are exempted from the requirements of SEPA or the SEPA guidelines. Actions that must be undertaken immediately or within a time too short to allow full compliance with SEPA, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt. An emergency exemption can be granted by a lead agency when 1) an action is needed to avoid an imminent threat to public health or safety, public or private property, or to prevent serious environmental degradation; **and** 2) there is not adequate time to complete SEPA procedures.

This action meets these requirements. Due to the lack of channel capacity in Naneum Creek, the next high-water event will severely and catastrophically impact the KRDC NB canal and intake structure. Typical fall flows are high enough to cause this damage, so the emergency action must occur as soon as possible.

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

The project meets the intent of this exemption as well, as the channel cleaning and maintenance is returning the stream to the condition before flooding and accumulated sediment. Removal of the material is a maintenance action specific to protection of the KRDC intake structure.

Shoreline Development Permit

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

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



October 2, 2018
Request for SEPA, Critical Areas, and Shoreline Permit Exemptions

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 emergency action is required due to damage by flood events and to restore the channel capacity of Naneum Creek prior to expected flooding. The action will restore Naneum Creek to the previous condition prior to sediment aggradation. There are no adverse effects to resources or the environment, as work will restore the channel, provide plantings and habitat mitigation as required by WDFW, and restore natural stream conditions compared to the current degraded condition.

Critical Areas

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

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

The action meets this exemption due to the reconstruction of the Naneum Creek channel within its original footprint. The project does not permanently impact wetlands or riparian habitat as defined in KCC 17A.07.010, and will result in restoring aquatic habitat and flood hazard protection.

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

Sincerely,

Craig Broadhead
Inland NW Environmental Group Lead
Jacobs Engineering Group



Encl: Kittitas County Shoreline Exemption Application
Project JARPA and drawings

Cc w/encl: Kittitas County Director of Public Works
Secretary Manager, KR D