

Anna Lael

From: Jamey Ayling <jamey.ayling@co.kittitas.wa.us>
Sent: Friday, May 31, 2024 4:14 PM
To: Anna Lael
Cc: Samantha Cox
Subject: RE: Teanaway Project

Anna,

Sorry this has taken a bit for me to get back to you to discuss the project. I believe the project may be possible but a Shoreline Exemption and a SEPA seem to be in order from the planning department side of things for permitting. I am including the section of our shoreline code that would apply to this project. Happy to have further discussions next week.

17B.07.030 Permit Exemptions.

1. General provisions.
 - a. Only those uses and developments that meet the precise terms of one (1) or more of the listed exemptions may be granted exemption from the substantial development permit process.
 - b. An exemption from the substantial development permit process is not an exemption from compliance with the Act or Master Program or from any other regulatory requirements.
 - c. The burden of proof that a development or use is exempt from the permit process is on the applicant.
 - d. If any part of a proposed use or development is not eligible for exemption, then a substantial development permit is required for the entire proposal.
 - e. Conditions may be attached to the approval of exempted uses or developments as necessary to assure consistency of the project with the Act and the Master Program.
2. Developments exempt from shoreline substantial development permitting process.

Subject to the general provisions above, exempt activities include those set forth in [WAC 173-27-040](#)(2) and [RCW 90.58.030](#), as amended:

 - a. Any use or development of which the total cost or fair market value, whichever is higher, does not exceed seven thousand forty seven dollars(\$7,047), if such use or development does not materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection will be adjusted for inflation by the office of financial management every five (5) years, according to [WAC 173-27-040](#)(2)(a). For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in [RCW 90.58.030](#) (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

- b. 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 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.
- c. Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the OHWM for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one (1) cubic yard of fill per one (1) foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an OHWM has been established by the presence and action of water landward of the bulkhead, then the replacement bulkhead must be located at or near the actual OHWM. Bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the Washington State Department of Fish and Wildlife.

From: Anna Lael <anna.lael@kccd.net>
Sent: Tuesday, May 28, 2024 3:54 PM
To: Jamey Ayling <jamey.ayling@co.kittitas.wa.us>
Cc: Samantha Cox <samantha.cox@co.kittitas.wa.us>
Subject: RE: Teanaway Project

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Hi Jamey,

I'm checking in again on this project to see if you have time to chat. Attached is the most recent drawing with additional comments addressing some of Jennifer Nelson's concerns about the proposal.

Thanks!

Anna

From: Anna Lael

Sent: Friday, May 10, 2024 9:47 AM

To: jamey.ayling@co.kittitas.wa.us

Subject: Teanaway Project

Hi Jamey,

We are continuing to work with the Maggs family on the Teanaway River (Parcel 875235). They have their own funding to do bank protection work and we engaged Anchor QEA to help them design a solution. In the last couple of weeks, the proposal has shifted from rock and wood structure on the bank to installation of a trench just beyond the OHW line that would be filled with rock and wood for long term protection of their property. The intent is not to change the ground surface elevation and not to be in water so as not to trigger a USCOE permit.

I've talked with Jen Nelson at WDFW and Samantha Cox about permitting this option. Samantha suggested I contact you about the shorelines permit.

Attached is the draft drawing that shows the location of the trench. This is likely longer than is needed/fundable, so the priority is on the lower half.

Do you have a few minutes when we could talk about this project? At this point, we're just trying to make sure there are no big roadblocks to this strategy. We know that the engineers may need to do a no-rise determination, but we don't know what other requirements might be out there.

Do you have a few minutes to chat about this?

Thanks!

Anna

Anna Lael

District Manager

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