



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

November 16, 2017

Craig Broadhead
Eastern WA Environmental Practice Lead
Jacobs Engineering Group
32 North 3rd Street, Suite 304
Yakima, WA 98901

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Kittitas County CDS

RE: Request for SEPA, Critical Areas Ordinance, and Shoreline Permit Exemptions for Naneum Creek Bar 14 Road Project

Dear Mr. Broadhead:

Thank you for the opportunity to assist you in this matter.

I am in receipt of your letter dated November 10, 2017 requesting SEPA, Critical Areas Ordinance, and Shoreline Permit exemptions for the Kittitas County Public Works Naneum Creek Bar 14 project. I have reviewed the documentation submitted with your letter, and have made the following determinations:

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 Bar 14 Road, the Kittitas Reclamation District (KRD) North Brand Canal and intake structure, and adjacent residences. Typical yearly flows in mid- to late November are high enough to cause this damage, so the emergency action must occur as soon as possible.

Additionally, WAC 197-11-800 provides that the repair, remodeling, maintenance, or minor alteration of existing public structures, facilities, and equipment – including transportation facilities involving no material expansions or changes in use beyond that previously existing – shall be categorically exempt from SEPA requirements. This proposed project would meet this exemption as well, because the channel cleaning and maintenance is returning the stream to the condition before flooding and accumulated sediment, and removal of the damaged bridge would remove a constriction that has caused sediment deposition for several decades.

Based on the above review, the Naneum Creek Bar 14 project is exempt from SEPA review.

Critical Areas Ordinance

According to Kittitas County Code (KCC) 17A.03.020, the following activities are exempt from Critical Areas Ordinance review:

5. 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 reconstruction of the Naneum Creek channel would be located within its original footprint, and would include removal of an in-water structure. The project would not impact wetlands or riparian habitat, and would result in restoring aquatic habitat and flood hazard protection. Therefore, the project is exempt from Kittitas County Critical Areas Ordinance review.

Shoreline Development Permit

While it appears that this project would be exempt from shoreline permitting requirements, KCC 17B.07.030(3)(b) requires that any person claiming an exemption from a shoreline substantial development permit shall submit an application in manner prescribed by the Shoreline Administrator. Therefore, a Shoreline Exemption application would be required.

Please let me know if you have questions or require any additional information.

Sincerely,



Dan Carlson, AICP
Community Development Services Director

CC: Mark Cook, P.E., Kittitas County Public Works Director
Lucas Huck, P.E., Kittitas County Engineer