



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

1250 West Alder Street • Union Gap, Washington 98903-0009 • (509) 575-2490

May 17, 2021

Rachael Stevie  
Kittitas County Community Development  
411 N. Ruby St., Suite 2  
Ellensburg, WA 98926

Re: SEPA Register 202102262, SE-21-00009

Dear Rachael Stevie:

Thank you for the opportunity to comment on the Pre-Threshold Consultation for the trenching a 36" wide by 5' deep ditch across a 2' wide Type 9 Stream, proposed by Vicki Hobbs. We have reviewed the environmental checklist and have the following comment.

**SHORELANDS/ENVIRONMENTAL ASSISTANCE**

Thank you for providing the Department of Ecology (Ecology) the opportunity to review the Hobbs utility crossing Notice of Application and provide comments.

Ecology's Shorelands and Environmental Assistance (SEA) Program staff have reviewed the accompanying SEPA Checklists and have the following comments to provide regarding impacts to waters of the State (wetland and streams) and federal permitting.

Placement of fill or excavation within a water of the U.S. (including wetlands or below the OHWM) may require an individual or general (nationwide) permit from the U.S. Army of Corps of Engineers (Corps). We advise the applicant to contact the Corps to determine if a permit is needed. In addition, review and authorization from the Department of Ecology may be required.

In the event, the stream is determined to be a non-federally regulated water by the Corps, additional information should be submitted to Ecology to determine if a resulting discharge to a water of the State would require additional review and authorization under RCW 90.48, The Water Pollution Control Act and require an Administrative Order.

Ecology typically requires a jurisdictional determination (JD) from the U.S. Army Corps of Engineers (Corps) verifying the waters are non-federally jurisdictional prior to beginning our permitting process.

If the applicant can demonstrate the work will be conducted in accordance with the State's water quality standards, an AO would not be required; however additional documentation such as the use of appropriate BMPs in an erosion and sediment control plan and water quality protection plan would be needed to support that all work will be done in accordance with the State's water quality standards.

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The parcel appears to have been flood irrigated in the past and could contain wetlands. Any trenching would be considered excavation and would require additional permitting. If wetlands are present and they are determined to be a water of the U.S., this additional location information should be included when coordinating with the Corps. If any wetlands are determined to be non-federally regulated waters they would be regulated by the Department of Ecology and should be included in any application. A wetland delineation would be needed to determine if the site meets wetland criteria and would need additional authorization. Ecology highly recommends this occur prior to any construction of a septic system or single family residence, as mitigation could be required for the developments.

Ecology requests the following documents be included in an application submittal to the Corps (or Ecology): wetland delineation and rating for trenching locations, and construction of the single family residence and associated structures, located outside the stream, outlined BMPs to be used, sediment control plan, water quality monitoring and protection plan, a detailed restoration plan (including species to be planted, location, and spacing).

Should you have any questions regarding these comments, please contact **Lori White** at (509) 575-2616 or [lori.white@ecy.wa.gov](mailto:lori.white@ecy.wa.gov).

## **WATER RESOURCES**

In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, up to 5,000 gallons per day used for industrial purposes, stock watering, and for the irrigation of up to one-half acre of non-commercial lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.

If you have any questions or would like to respond to these Water Resources comments, please contact **Christopher Kossik** at (509) 454-7872 or email at [christopher.kossik@ecy.wa.gov](mailto:christopher.kossik@ecy.wa.gov).

Sincerely,



Gwen Clear  
Environmental Review Coordinator  
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