



Public Services

128 North Second Street • Fourth Floor Courthouse • Yakima, Washington 98901
(509) 574-2300 • 1-800-572-7354 • FAX (509) 574-2301 • www.co.yakima.wa.us

VERN M. REDIFER, P.E. - Director

DATE: June 7, 2017

TO: Mary Rosen, Yakima County and Interested Agencies

FROM: Jason Earles—Planning Section Manager, Zoning/Subdivision

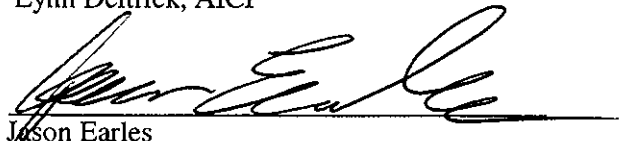
SUBJ: SEP2016-011 – N-9 Levee Removal
Final Threshold Determination - DNS

Enclosed is the Final Threshold Determination - Determination of Non-Significance for the proposal to construct the N-9 Levee Removal project. The proposal has been APPROVED, and we have determined that it will not have a probable significant adverse impact on the environment. Please review the attached documents for information on conditions of approval, and your appeal options. If you have any questions on the project or the appeal process, please contact Daniel De Bord, Project Planner, at (509) 574-2300.

Encl. Final Threshold Determination – DNS
Agency Comments

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FINAL
DETERMINATION OF NON-SIGNIFICANCE
(Notice of Action)

1. **Description of Proposal:** The purpose of the project is to reduce flood risk to the City of Naches by reducing flood heights and velocities of the Naches River. This will be accomplished by removing a segment of the N-9 Levee that is constricting river flow, creating a new berm, constructing 3 groins, and excavating pilot channels. Sediment transport and levee safety will be improved as a result of the proposed project. In addition, a gravel parking lot for the public will be constructed.
2. **File Number:** SEP2016-00011
3. **Owner:** Yakima County Public Services – Water Resources Division
Attn: Mary Rosen
Fourth Floor County Courthouse
128 N. 2nd Street
Yakima, WA 98901
4. **Location of Proposal:** Project site is located in the floodway and floodplain of the Naches River, just southwest of the City of Naches and adjacent and east of Craig Road on parcels 171404-31004, 171404-31012, 171404-31016, 171404-42023 and 171404-43400.
5. **Lead Agency:** Yakima County Planning Division
6. **Determination:** The lead agency for this proposal has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA. This decision was made after a careful review of the completed environmental checklist, and other information on file with the lead agency. This information (including all environmental documentation) is available to the public on request and can be examined in our offices during regular business hours or online at www.yakimap.com/permits. Environmental documents include the SEPA checklist, this threshold determination, and submittal materials.
7. **Comment and Appeal Information:** This Final DNS is issued under WAC 197-11-355. There is no further comment on it. State law prohibits SEPA appeals for permits that do not have an appeal option, consequently no administrative appeal is allowed (WAC 197-11-680(3)(v)). For information on the comment or appeal processes, or on other issues relating to this proposal, contact Daniel De Bord, Project Planner, at (509) 574-2300.
8. **SEPA Responsible Official:** Lynn Deitrick, AICP
9. **Designee:** 
Jason Earles
Planning Section Manager, Zoning/Subdivision

10. **Address:** 128 N. 2nd St.
4th Floor Courthouse
Yakima, WA 98901

11. **Date:** June 12, 2017

Yakima County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, nation origin, or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding Yakima County's Title VI Program, you may contact the Title VI Coordinator at 509-574-2300.

If this letter pertains to a meeting and you need special accommodations, please call us at 509-574-2300 by 10:00 a.m. three days prior to the meeting. For TDD users, please use the State's toll free relay service 1-800-833-6388 and ask the operator to dial 509-574-2300.



Confederated Tribes and Bands of the Yakama Nation
Established by the Treaty of June 9, 1855

Public Services (€)

Post Office Box 151
Toppenish Washington 98948

AUG 29 2016

Vern ___ Gary ___ Don ___ Lynn ___
Dave ___ Lisa ___ Carmen ___

Lynn Deitrick
Yakima County Planning Department
128 N 2nd Street
Yakima, WA 98901

August 22, 2016

Subject: SEPA2016-011 Naches River N-9 Levee Segment Removal Project


Dear Ms. Deitrick,

The Yakama Nation Cultural Resource Program (CRP) has reviewed the SEPA2016-011 Naches River N-9 Levee Segment Removal Project. The project is located within the Ceded Lands, the legal rights to which were established by the Treaty of 1855 (12 Stat. 951) between the Yakama Nation and the United States Government. The treaty set forth that the Yakama Nation shall retain the rights to resources upon these lands and, therefore, it is with the assistance and backing of the United States Federal Government that Yakama Nation claims authority to protect traditional resources.

The SEPA2016-011 document indicates no known resources within proximity to the project. There are three previously documented resources within 1-mile of the project APE associated with Native American landuse including village sites and pictographs. The county should be aware of these resources which are within proximity to the proposed project. The document indicates the project is funded by the Department of Ecology and therefore we expect a cultural resources investigation to be conducted prior to the project moving forward.

Please contact me at 509-865-5121 ext. 4737 or johnson@yakama.com or staff archaeologist Corrine Camuso at ccamuso@yakama.com to furnish a copy of the archaeological resources report for our review and concurrence.

Sincerely,


Johnson Meninick, Program Manager
Cultural Resources Program

CC: Gretchen Kaehler, Department of Archaeology and Historic Preservation



Confederated Tribes and Bands of the Yakama Nation Public Services (CS)
Established by the Treaty of June 9, 1855

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MAY 22 2017

Vern Gary Don Lynn
Harold Lisa Carmen

Byron Gumz
Yakima County Planning Department
128 N 2nd Street
Yakima, WA 98901

May 9, 2017

Subject: Cultural Resources Survey for SEPA2016-011 Naches River N-9 Levee Segment
Removal Project

Dear Mr. Gumz,

Our office was recently contacted by the Yakima County Public Services Water Resources Division in regards to the N-9 Levee Removal Project. We were notified of this project through the SEPA2016-11 and responded via letter on August 22, 2016. We have since received the report through the Public Services Water Resources Division requesting our response.

We have reviewed the report and identified several concerns:

- The report fluctuates between state and federal laws. The project is being implemented through Yakima County Public Services with grant money from the Department of Ecology, and therefore should be compliant with Washington state laws governing cultural resources. If and when the project triggers a federal nexus, the report will allow the federal lead agency to make a recommendation and determination based on the report's finding.
- Under state law RCW 27.53 a permit will be required for any alteration of the sites identified in this report. RCW 37.53 states that a permit is required for any alteration or disturbance of historic features found to be eligible to the state register or National Historic Register. The report identifies the site as eligible to the National Register, therefore a permit will be required by the Department of Archaeology and Historic Preservation (DAHP).

The report as written confuses the applicable laws. The SEPA should indicate the applicant will contact the DAHP to obtain a permit, as it is a state funded project. If and when the project becomes federal, it can re-assessed by the lead agency in consultation with the tribe. Please contact me at 509-865-5121 ext. 4737 or johnson@yakama.com or staff archaeologist Corrine Camuso at ccamuso@yakama.com if you have any questions.