



Public Services

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(509) 574-2300 • 1-800-572-7354 • FAX (509) 574-2301 • www.co.yakima.wa.us

VERN M. REDIFER, P.E. - Director

DATE: September 19, 2017
TO: Robert Rasmussen and Interested Agencies
FROM: Jason Earles — Planning Section Manager
SUBJ: WET2017-00016/SEP2017-00029 – Rasmussen Maintenance and Repair
Shoreline Exemption & Final Threshold Determination

Enclosed are the Shoreline Exemption and Final Threshold Determination - Determination of Non-Significance for the proposal to repair damaged bank protection along the Naches River that protects your residence. 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.

Additional permits and authorization from other public agencies may be required for this project. You are responsible for applying for and obtaining any additional permits (local, state, and/or federal) that may be required. If you have any questions, please contact Byron Gumz, Senior Project Planner, at (509) 574-2300.

Encl.: Exemption from Shoreline Permit
Threshold Determination—DNS
WDFW HPA

**EXEMPTION FROM
YAKIMA COUNTY REGIONAL SHORELINE MASTER PROGRAM
PERMIT REQUIREMENTS**

FILE No.: WET2017-00016

APPLICANT: Robert Rasmussen
390 Elk Valley Lane
Naches, WA 98937

PROPOSAL: Repair and maintenance of stream bank protection (groins) that were damaged during spring 2017. Rock that is retrievable will be used, with additional rock brought in to ensure consistency with permitted design and HPA requirements. Large woody debris is also proposed to be cabled to the bank.

LOCATION: 390 Elk Valley Lane. Naches, WA 98937. The project location is located along private property where the Naches River is eroding the streambank during high water events. The property is located within the Nile Community. (Parcel Nos: 151628-41410, 151628-41411, and 151628-41412)

EXEMPTION CITATION: **YCC 16D.03.07(5)** – Normal maintenance or repair of existing structures.

FINDINGS: This proposal is exempt from the substantial development permit requirements of the Yakima County Regional Shoreline Master Program because repair or maintenance of existing structures is considered exempt.

CONDITIONS:

1. Site development shall substantially conform to the submittal material in File No. WET2017-00016, and as conditioned in this exemption.
2. All work shall be completed within **THREE YEARS** of the date of this exemption.
3. The owners, their grantees and assignees in interest hereby agree to the terms of the Compliance, Extension, Expiration, and Reinstatement requirements as outlined YCC 16B.07.050.

This exemption should be retained as evidence of compliance with the Yakima County Regional Shoreline Master Program but shall not be construed to exempt the project from permits that may be necessary from other agencies.

9/20/17
Date

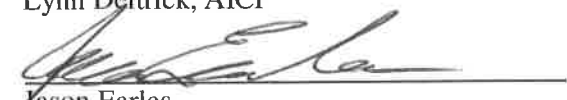


Jason Earles
Planning Section Manager

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.

FINAL DETERMINATION OF NON-SIGNIFICANCE
(Notice of Action)

1. **Description of Proposal:** The Yakima County Planning Division has received a request to repair stream bank protection (groins) that were damaged during spring 2017. Rock that is retrievable will be used, with additional rock brought in to ensure consistency with permitted design and HPA requirements. Large woody debris is also proposed to be cabled to the bank.
2. **File Number:** SEP2017-00029
3. **Owner:** Robert Rasmussen
390 Elk Valley Lane
Naches, WA 98937
4. **Location of Proposal:** 390 Elk Valley Lane. Naches, WA 98937. The project location is located along private property where the Naches River is eroding the streambank during high water events. The property is located within the Nile Community. (Parcel Nos: 151628-41410, 151628-41411, and 151628-41412)
5. **Lead Agency:** Yakima County Planning Division
6. **Determination:** The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment and an Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). 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. You may appeal this SEPA threshold determination to Yakima County Hearings Examiner within 14 days. For information on the comment or appeal processes, or on other issues relating to this proposal, contact Byron Gumz, Senior Project Planner, at (509) 574-2300.
8. **SEPA Responsible Official:** Lynn Deitrick, AICP

9. **Designee:** Jason Earles
10. **Address:** 128 N. 2nd St.,
4th Floor Courthouse,
Yakima, WA 98901
11. **Date:** September 20, 2017

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HYDRAULIC PROJECT APPROVAL

Washington Department of
Fish & Wildlife
PO Box 43234
Olympia, WA 98504-3234
(360) 902-2200

Issued Date: August 16, 2017
Project End Date: October 13, 2017

Permit Number: 2017-3-62+01
FPA/Public Notice Number: N/A
Application ID: 12115

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
Robert Rasmussen 390 Elk Valley Ln Naches, WA 98937	

Project Name: Rasmussen Bank Protection Maintenance

Project Description: Previously permitted and installed groins and connective armoring are to be restored with retrieved displaced large angular rock. New large angular rock will be brought in to supplement dislodge rock that is not retrievable to restore the groins and armoring to their originally condition. The largest rock will be replaced at the downstream face of the damaged groins and oriented at an upstream angle so overtopping flows are directed away from the bank. The repaired height of damaged groins and armoring will be to that as defined in the original permitted HPA. Uprooted trees from the gravel bar will be placed at the downstream area of the last permitted groin/armoring to to replace erosion protection in that heavily damaged area. Bank edge riparian disturbance will be minimum as no excavation will be done except to bury anchoring for the replaced dislodged root wad trees.

PROVISIONS

1. **TIMING LIMITATIONS:** The project may begin August 16, 2017 and in-water work shall be completed by August 31, 2017; PROVIDED: a] All site restorations shall be completed by October 13, 2017; b] Permittee will contact the WDFW Area Habitat Biologist listed below for a site inspection immediately once the revegetation plantings are complete.

GENERAL

2. Work shall be accomplished as per the hydraulic project application, Project Plan Drawings, and the original approved WDFW topographic survey letter dated 10/05/2011; except as modified by this Approval. Contractor Davy Walker, Bill Zilliox, and any equipment operators must be provided copies of this Approval prior to the commencement of work.

3. Work shall avoid damage to existing woody vegetation to the greatest extent possible.

4. Work shall be done in a manner which minimizes the amount of sediment discharged to the stream channel. Temporary erosion control measures shall be implemented during the project as necessary to avoid stormwater drainage directly to the river.

EQUIPMENT LIMITATIONS

5. Re-construction of buried groins shall be done with a trackhoe equipped with a "thumb", or similar piece of equipment, capable of individually placing large rocks.

6. Work shall be done from the bank with equipment drive mechanisms (tracks, etc.) positioned outside of the wetted perimeter, except as provided for boulder salvage activities.



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7. Travel within the ordinary high water mark shall be limited to the minimum amount necessary and travel shall be by the most direct route which results in the least impact on vegetation.

8. Prior to operating near the channel, the trackhoe shall be cleaned of accumulations of earth and petroleum products, and maintained in good working condition such that petroleum products and other harmful materials are not leaked.

BOULDER SALVAGE

9. Travel across the riverbed is authorized so as to salvage boulders from permittee's previous bank protection projects, for use in this project, only. Total travel distance and turning of equipment on the bed must be minimized.

10. Those boulders buried in the bed more than 50% of their total volume shall be left undisturbed.

11. There shall be no excavations of the bed made, except those necessary to retrieve existing boulders below the OHWL.

BURIED GROIN REINSTALLATION/REPAIR

12. Up to eight (8) groins may be reconstructed along the existing bank line to deflect the current away from the eroding bank.

13. Groins must be reconstructed with a resistant keyway into the bank using a sufficiently large grade of riprap boulders. The final structures shall be consistent with the as-builts per HPA # 124840-3, issued on December 9, 2011. Temporary erosion control measures shall be implemented as necessary.

14. Plugs of pit-run or similar clean fill must be placed as backfill closest to the stream in such a manner to prevent silt the keyway from sloughing into the channel. Other soils may be placed in the keyway as backfill- landward of the plug- once the plug is in place.

15. Top soil must be tamped into the voids within each keyway to provide a means for revegetation around the groins.

16. Groins shall be constructed of large, angular rocks of sufficient sizes to prevent them from being washed away by water action. Rocks shall be placed individually by use of an excavator equipped with a grapple device or other suitable equipment. Each rock shall be set in place, well-interlocked with adjacent rock, in essentially its final position.

17. The largest rocks shall be used for the downstream face of each structure, including large projecting rocks and large boulders placed nearest the toe so as to break up high velocity flow adjacent to the bank.

18. Groins shall be oriented at an upstream angle so that overtopping flows are directed away from the bank. Each structure must be constructed somewhat below the expected depth of hydraulic scour such that they do not become destabilized by losses of underlying sediments.

19. The pre-project ground elevations and grade (average 22.2" below shop slab) must be reestablished over all disturbed areas once vaults have been completely backfilled and any associated landscaping features are installed (see "Topographic Survey").

SITE RESTORATION

20. A stream bank-appropriate grass seed mix and native or other approved woody plants adapted to stream sides shall be established within riparian areas disturbed by this project. Plants shall be spaced NOT MORE THAN three feet apart. Cuttings, nursery stock or transplants may be used. Plants shall be established before the end of the next planting season, but not later than April 15, 2018. Sufficient numbers of plants to fulfill the planting density requirement



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must be well-leaved out and healthy on September 15, 2018 to comply with the requirement.

LOCATION #1:		Site Name: Rasmussen Residence 390 Elk Valley Ln, Naches, WA 98937				
WORK START:		August 15, 2017		WORK END:		September 15, 2017
WRIA		Waterbody:		Tributary to:		
38 - Naches		Naches River		Yakima River		
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
SE 1/4	28	16 N	15 E	46.84680	-120.95133	Yakima
<u>Location #1 Driving Directions</u>						
SR410 north to upper loop of Nile Rd, turn left and proceed 3/4 mi to Elk Valley Ln , turn left and follow to 390 Elk Valley Ln						

APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW. Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person (s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.

The person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this Hydraulic Project Approval.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day and/or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All Hydraulic Project Approvals issued under RCW 77.55.021 are subject to additional restrictions, conditions, or revocation if the Department of Fish and Wildlife determines that changed conditions require such action. The person(s) to whom this Hydraulic Project Approval is issued has the right to appeal those decisions. Procedures for filing appeals are listed below.



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MINOR MODIFICATIONS TO THIS HPA: You may request approval of minor modifications to the required work timing or to the plans and specifications approved in this HPA unless this is a General HPA. If this is a General HPA you must use the Major Modification process described below. Any approved minor modification will require issuance of a letter documenting the approval. A minor modification to the required work timing means any change to the work start or end dates of the current work season to enable project or work phase completion. Minor modifications will be approved only if spawning or incubating fish are not present within the vicinity of the project. You may request subsequent minor modifications to the required work timing. A minor modification of the plans and specifications means any changes in the materials, characteristics or construction of your project that does not alter the project's impact to fish life or habitat and does not require a change in the provisions of the HPA to mitigate the impacts of the modification. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a minor modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you did not use APPS you must submit a written request that clearly indicates you are seeking a minor modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234, or by email to HPAapplications@dfw.wa.gov. You should allow up to 45 days for the department to process your request.

MAJOR MODIFICATIONS TO THIS HPA: You may request approval of major modifications to any aspect of your HPA. Any approved change other than a minor modification to your HPA will require issuance of a new HPA. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a major modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you did not use APPS you must submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send your written request by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. You may email your request for a major modification to HPAapplications@dfw.wa.gov. You should allow up to 45 days for the department to process your request.

APPEALS INFORMATION

If you wish to appeal the issuance, denial, conditioning, or modification of a Hydraulic Project Approval (HPA), Washington Department of Fish and Wildlife (WDFW) recommends that you first contact the department employee who issued or denied the HPA to discuss your concerns. Such a discussion may resolve your concerns without the need for further appeal action. If you proceed with an appeal, you may request an informal or formal appeal. WDFW encourages you to take advantage of the informal appeal process before initiating a formal appeal. The informal appeal process includes a review by department management of the HPA or denial and often resolves issues faster and with less legal complexity than the formal appeal process. If the informal appeal process does not resolve your concerns, you may advance your appeal to the formal process. You may contact the HPA Appeals Coordinator at (360) 902-2534 for more information.

A. INFORMAL APPEALS: WAC 220-660-460 is the rule describing how to request an informal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete informal appeal procedures. The following information summarizes that rule.



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FPA/Public Notice Number: N/A
Application ID: 12115

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request an informal appeal of that action. You must send your request to WDFW by mail to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. WDFW must receive your request within 30 days from the date you receive notice of the decision. If you agree, and you applied for the HPA, resolution of the appeal may be facilitated through an informal conference with the WDFW employee responsible for the decision and a supervisor. If a resolution is not reached through the informal conference, or you are not the person who applied for the HPA, the HPA Appeals Coordinator or designee will conduct an informal hearing and recommend a decision to the Director or designee. If you are not satisfied with the results of the informal appeal, you may file a request for a formal appeal.

B. FORMAL APPEALS: WAC 220-660-470 is the rule describing how to request a formal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete formal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request a formal appeal of that action. You must send your request for a formal appeal to the clerk of the Pollution Control Hearings Boards and serve a copy on WDFW within 30 days from the date you receive notice of the decision. You may serve WDFW by mail to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, you may request a formal appeal within 30 days from the date you receive the Director's or designee's written decision in response to the informal appeal.

C. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS: If there is no timely request for an appeal, the WDFW action shall be final and unappealable.

Habitat Biologist Eric.Bartrand@dfw.wa.gov
Eric Bartrand 509-457-9310

for Director
WDFW