Kittitas County Cle Elem Transfer Station — Comment Resolution Form

Document Number: Cle Elum Transfer Station Conditional Use Application (CU-23-00007)	**Document Title:** Construction Drawings, Revision varies, October 2023	
Name of Reviewer: (included in Reference column)	**Reviewer Organization:**	**Date Comments Transmitted:** January 19, 2024

Comment No.	Reference Reviewer/Organization	Comment	Response
1	WSDOT – Aviation	None	No response needed.
2	Kittitas County PUD	None	No response needed.
3	Confederated Tribes of the Colville Reservation	If ground disturbing activities are to be conducted, such as the clearing of land for construction, installation of a septic system or the installation of a driveway, creation of a concrete pad, a cultural resource surface survey and sub-surface testing of the area in and directly around the proposed ground disturbance are recommended as a surface observation will not be an accurate assessment of the existent potential for sub-surface cultural deposits. Please do so prior to ground disturbing activities. These tests should be to the terminal depth of the implementation to ensure the totality of the presence or absence of cultural material.	A cultural resources report was completed and is provided as **Attachment 1.**
4a	WSDOT	The subject property is adjacent to State Route 903 (SR 903), a Managed Access Class 4 highway with a posted speed limit of 45 miles per hour. We have approved the proposed joint-use access to the highway at milepost 3.45 right (Access Connection Permit 61716 - SR-903).	This comment is accepted, and no response needed.
4b		Any proposed lighting must be directed down towards the site and away from SR 903.	This comment is accepted, and it should be noted that the one proposed light, located inside of the new entrance gate, will match all existing light poles, and be downward facing.
4c		All loads transported on WSDOT rights-of-way must be within the legal size and load limits or have a valid oversize and/or overweight permit.	This comment is accepted, and no response needed.

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5	Department of Archaeology & Historic Preservation	Inadvertent Discovery Plan needed.	As only a minor amount of site clearing activities will be conducted, it is believed that an Inadvertent Discovery Plan should not be required. Proposed site activities include less than 0.5 foot of excavation, with the exception of the light pole installation that will require a narrow 5-foot-deep hole. Additionally, all proposed site clearing activities are be conducted in previously disturbed areas (i.e., the existing building and road footprint). However, if further action is required, please advise so this can be addressed.
6	Kittitas County Public Health	Well exists near the proposed new entrance. A protective area of 100 feet needs to be applied (no contamination – roads, asphalt, concrete, or cement pads).	We are aware that the well is located within the 100-foot protective area distance; however, after further review it was confirmed that the well is no longer used as a potable water source. As the property is now connected to public water, the well was subsequently disconnected to prevent further use. Therefore, the wells' location in proximity to the proposed construction should not be a concern. However, if further action is required for the closure of this well, then please advise so this can be addressed.
7	WDFW	Indicates site plans are unclear and disturbance potentially overlaps between the clearing limits for the building of the trailer parking and Crystal Creek's riparian area (Type F stream). WDFW requests the opportunity to meet with the applicant, preferably on site, to clarify	The design was reviewed again, and it was confirmed that the Kittitas County Riparian Management Zones were applied when considering the Type F stream. As

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		clearing limits in respect to the riparian zone of Crystal Creek. If the proposed clearing limits do overlap with the riparian setbacks for a Type F stream, WDFW requests that either the clearing limits be modified to have no impact or for the applicant to prepare a mitigation proposal to offset the impacts of the clearing. Further, while not part of the proposed application there are existing impervious surfaces within the riparian area of Crystal Creek. WDFW would recommend to explore if those areas could be revised and potentially rehabilitated to provide riparian habitat.	documented on Sheet C-101, a 150-foot offset buffer was established from the Crystal Creek stream and labeled "wetland buffer". In an effort to be more conservative, an additional 15-foot buffer (totaling 165-feet from the stream) was also added to ensure all activities do not impact the riparian zone. Please see **Attachment 2** for further detail on the C-101 drawing.
8a	Kittitas County Public Works - Access	An approved access permit for commercial access shall be required from the Kittitas County Department of Public Works prior to creating any new driveway access or altering an existing access.	As this property is a WSDOT facility, a WSDOT access permit was applied for and approved. All policies and design requirements were met for the WSDOT approval. The WSDOT permit as included as **Attachment 3**.
8b		All commercial and industrial accesses shall be designed in accordance with Exhibits 1340-1 and 1340-2 Driveway Design Templates of the WSDOT Design Manual and approved by the County Engineer prior to access permit issuance per KCC 12.05.030.	
8c		Driveways over 150' in length will be required to meet the standards of Appendix D of the International Fire Code for IFC Turnarounds. 4. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses	
8d		Spacing requirements for all access points are shown in Table 5-1. Site distance requirements are shown in Table -2 (KCC 12.05.030).	
8e		Existing access onto SR903 to be removed and area restored upon completion of new access road.	
8f		In addition to the above-mentioned conditions, all applicable Kittitas County Road Standards apply to this proposal. Access is not guaranteed to any existing or created parcel on this application. (JS)	

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9	Kittitas County Public Works - Engineering	Applicant has applied for a grading permit (GP-23-00022). All engineering comments will be addressed through the grading permit process.	No response needed.
10a	Kittitas County Public Works – Survey	The new shared access with the parcel to the east will need to have an Easement document formalizing the shared use agreement.	This comment is accepted, and the Signed Easement Access is included as **Attachment 4.**
10b		The proposed new access will destroy the property corner shared between the applicant and the parcel to the East. This property corner will need to be reset by a Professional Land Surveyor licensed in the State of Washington, upon completion of the access construction.	This comment is accepted, and a new survey will be conducted following completion of construction.
11	Kittitas County Public Works – Transportation Concurrency	Traffic Concurrency is required for all land use actions. A transportation impact analysis (TIA) shall be required for all development that will generate more than nine (9) peak hour vehicle trips. Please provide estimated traffic generation for peak hours to determine if a TIA will be required. (KCC 12.10.040)). (KAH)	As no new trips are being created through the installation of this access road, a TIA is not required at this time.
12	Kittitas County Public Works – Flood	A portion of parcel #918936 is within the 100-year floodplain and floodway. The proposed activity is outside the 100-year floodplain, so a floodplain development permit is not required for the proposed activity. If possible, any future development should also remain outside of the floodplain in order to reduce risk and avoid mandatory flood insurance purchase requirements. All activities within the floodplain must be permitted through the floodplain development permit process and follow the regulations within KCC 14.08. (SC)	This comment is accepted, and no response needed.
13	Kittitas County Public Works – Water Mitigation Metering	No Comment	No response needed.

ATTACHMENT 1

CULTURAL RESOURCES REPORT COVER SHEET

Author: Nicholas Finley, M.A., R.P.A.

Title of Report: Cultural Resources Assessment, Cle Elum Transfer Station Improvement Project, Kittitas County, Washington

Date of Report: December 2022

County(ies): Kittitas Township: 20 North Range: 15 E Section: 21, 28

Quad: Cle Elum Acres: 9

PDF of report submitted (REQUIRED) ☐ Yes

Historic Property Inventory Forms to be Approved Online? ☐ Yes ■ No

Archaeological Site(s)/Isolate(s) Found or Amended? ☐ Yes ■ No

TCP(s) found? ☐ Yes ■ No

Replace a draft? ☐ Yes ■ No

Satisfy a DAHP Archaeological Excavation Permit requirement? ☐ Yes # ■ No

Were Human Remains Found? ☐ Yes DAHP Case # ■ No

DAHP Archaeological Site #:

_____
_____
_____
_____
_____
_____
_____
_____
_____

- Submission of PDFs is required.
- Please be sure that any PDF submitted to DAHP has its cover sheet, figures, graphics, appendices, attachments, correspondence, etc., compiled into one single PDF file.
- Please check that the PDF displays correctly when opened.

Jacobs

Cultural Resources Assessment
Cle Elum Transfer Station Improvement Project
Kittitas County, Washington

Prepared for:

Kittitas County Public Works

December 2022

Cultural Resources Assessment
Cle Elum Transfer Station Improvement Project
Kittitas County, Washington

Project No.:	KITTCO02
Date:	December 16, 2022
Client Name:	Kittitas County Public Works
Author:	Nicholas Finley, MA, RPA

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ACRONYMS AND ABBREVIATIONS

BP	before present
CFR	Code of Federal Regulations
cmbs	centimeters below surface
County	Kittitas County Public Works
DAHP	Department of Archaeology and Historic Preservation
GLO	General Land Office
Jacobs	Jacobs Engineering Group Inc.
NRHP	National Register of Historic Places
Project	Cle Elum Transfer Station Improvement Project
RCW	Revised Code of Washington
SR	State Route
STP	shovel test probe
USGS	U.S. Geological Survey
WISAARD	Washington Information System for Architectural and Archaeological Records Data

EXECUTIVE SUMMARY

This report summarizes the results of surface and subsurface cultural resources assessment completed by Jacobs Engineering Group Inc. (Jacobs) on behalf of Kittitas County Public Works (County) for the Cle Elum Transfer Station Improvement Project (Project).

The Cle Elum Transfer Station, also known as the Upper County Transfer Station, services upper Kittitas County and is one of two transfer stations in the county. Currently, during high-traffic periods, vehicles back up onto State Route 903 (SR 903), causing a safety hazard and blocking through traffic on the highway. The proposed Project design would alleviate this by constructing a new entrance east of the current garbage truck entrance off of SR 903. As part of the County's waste management plan, the transfer station needs to improve the current transfer of solid waste in preparation for increased transfer station use associated with a growing population in the upper county.

The Project includes improvements to the access and layout of the transfer station. A new entrance from SR 903 would be constructed, improving traffic flow through the site and eliminating backups on SR 903. The Project also includes improving the existing scale house, adding a non-load bearing partition for sorting white goods (electronic waste), constructing a trailer storage area near the transfer building, constructing a new lane south of the recycling bins, and removing a decommissioned transfer shed and scale house. None of the buildings within the footprint of the Cle Elum Transfer station are over 50 years old.

Jacobs conducted a detailed surface and subsurface investigation within the Project area. No archaeological resources were identified within the Project area. Despite the Project's proximity to Crystal Creek (considered a high-probability area for archaeological resources), no archaeological material was noted on the surface or within subsurface deposits. Due to land disturbance, lack of surface cultural material, and negative shovel test probes, Jacobs has **determined that there is no need for further archaeological investigations**.

1 INTRODUCTION

This report summarizes the results of a surface and subsurface cultural resources assessment completed by Jacobs Engineering Group Inc. (Jacobs) on behalf of Kittitas County Public Works (County) for the Cle Elum Transfer Station Improvement Project (Project). The Cle Elum Transfer Station, also known as the Upper County Transfer Station, services upper Kittitas County and is one of two transfer stations in the county. Currently, during high-traffic periods, vehicles back up onto State Route 903 (SR 903), causing a safety hazard and blocking through traffic on the highway.

The proposed Project design would alleviate this by constructing a new entrance east of the current garbage truck entrance directly off of SR 903. As part of the County's waste management plan, the transfer station needs to improve the current transfer of solid waste in preparation for increased transfer station use associated with a growing population in the upper county.

The proposed Project work requires a presence or absence cultural resources survey within the Project work zone. Jacobs completed cultural fieldwork on October 3, 2022.

1.1 Project Description

The Project includes improvements to access and layout of the transfer station. A new entrance from SR 903 would be constructed, improving traffic flow through the site and eliminating backups on SR 903. A new vehicle turnout south of the existing recycling containers would be constructed and vehicles traveling to the transfer building would proceed west to the scales. Once past the scale, vehicles would proceed to the transfer building and then through the scales again and exit onto Number 5 Mine Road. Commercial vehicles would proceed north past the white goods[1] and access the transfer building on the north side.

The Project also includes improving the existing scale house, adding a non-load bearing partition for sorting white goods, constructing a trailer storage area near the transfer building, constructing a new lane south of the recycling bins, and removing a decommissioned transfer shed and scale house.

None of the buildings within the footprint of the Cle Elum transfer station are over 50 years old.

1.2 Project Location

The Project is located north of SR 903, northwest of the city of Cle Elum within Kittitas County, Washington (**Figure 1-1**). The Project area encompasses approximately 9.0 acres (**Figure 1-2**). The legal description of the Project location is within the southeast quadrant of Section 21 and northeast quadrant of Section 28 of Township 20 North, Range 15 East.

[1] Large electrical goods used domestically, such as refrigerators and washing machines.

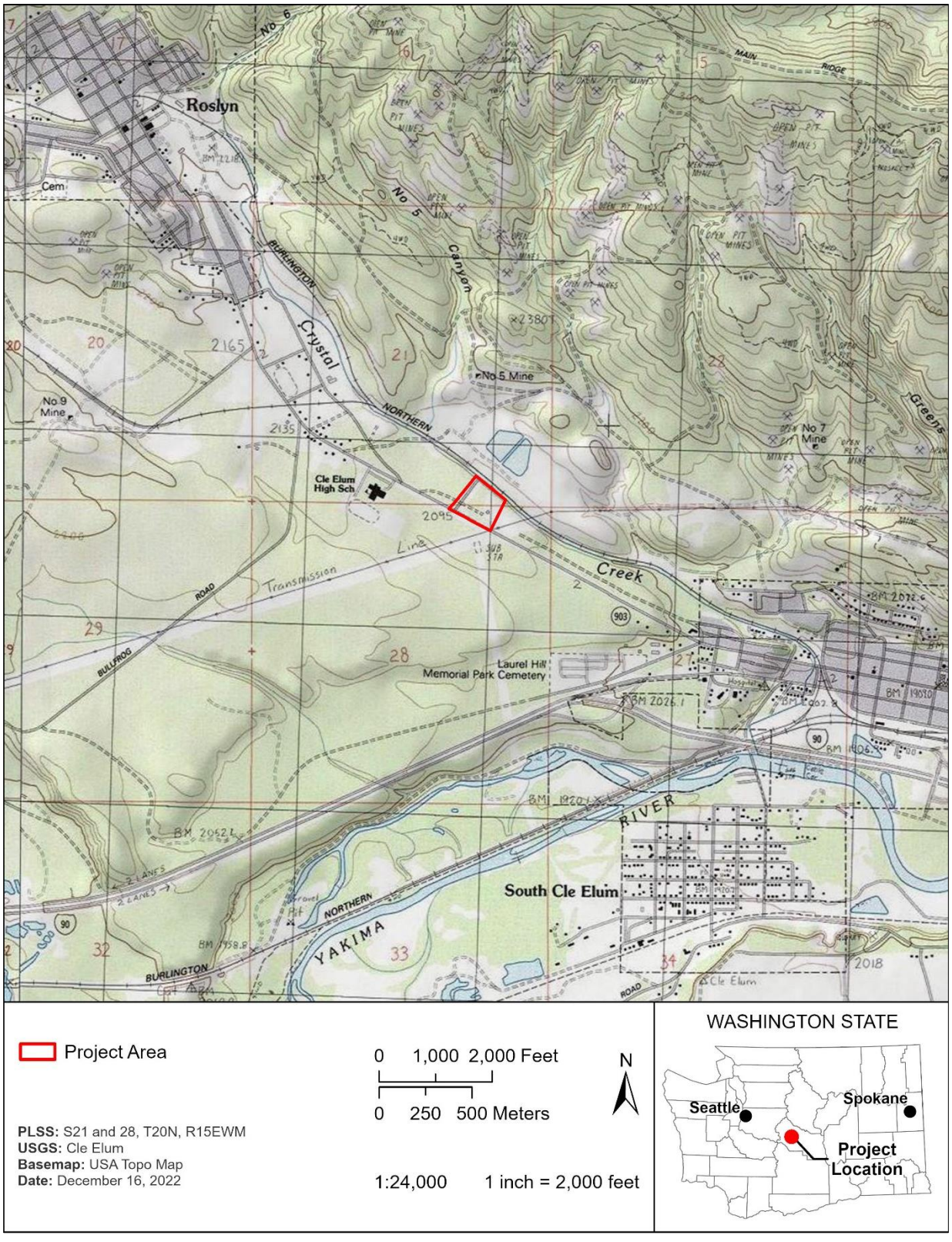

Figure 1-1: Project location

Figure 1-2: Aerial imagery of the Project location

1.3 Regulatory Context

This archaeological study has been conducted in compliance with the Washington State Environmental Policy Act and is not tied to regulatory compliance with the National Environmental Policy Act or Section 106 of the National Historic Preservation Act. However, a series of local and state laws and policies govern the protection of archaeological resources, including the following:

- Revised Code of Washington (RCW) 27.44, Indian Graves and Records, provides for the protection of Native American graves and burial grounds, encourages voluntary reporting of said sites when they are discovered, and mandates a penalty for disturbance or desecration of such sites.
- RCW 27.53, Archaeological Sites and Resources governs the protection and preservation of archaeological sites and resources and establishes the Washington State Department of Archaeology and Historic Preservation (DAHP) as the administering agency for these regulations. This RCW also requires an excavation permit issued by DAHP prior to excavating, altering, or otherwise disturbing a known archaeological site.
- RCW 36.70A.020, Planning goals, includes a goal to "identify and encourage the preservation of lands, sites, and structures that have historical, cultural, and archaeological significance."
- RCW 68.60, Abandoned and Historic Cemeteries and Historic Graves, provides for the protection and preservation of abandoned and historic cemeteries and historic graves.

The County retained Jacobs to provide a cultural resources assessment to support State Environmental Policy Act compliance and Project permitting. This report satisfies the requirements of assessing potential impacts to cultural resources under the local and state laws and policies governing the consideration and protection of archaeological resources.

As mentioned above, the Project is subject to state laws pertaining to archaeological resources. RCW 27.53.060 (Archaeological Sites and Resources) requires a permit issued by DAHP to "knowingly remove, alter, dig into, or excavate" any "historic or prehistoric archaeological resource or site."

- Historic archaeological resources are defined in RCW 27.53.030(9) as "properties which are listed in or eligible for listing in the Washington state register of historic places (RCW 27.34.220) or the national register of historic places as defined in the national historic preservation act of 1966."
- Prehistoric archaeological resources are not explicitly defined in state law; however, RCW 27.53.040 states that "all sites, objects, structures, artifacts, implements, and locations of prehistorical or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and habitation sites…are hereby declared to be archaeological resources."

Thus, all prehistoric archaeological are protected under RCW 27.53 regardless of significance—National Register of Historic Places (NRHP) or otherwise—and require a DAHP-issued permit to disturb, whereas historic archaeological sites require evaluation for significance (for example, NRHP, Washington Historic Reservoir) to determine if protection under RCW 27.53 applies.

1.4 National Register of Historic Places

The NRHP recognizes properties that are significant at the national, state, and local levels. According to the NRHP (36 CFR pt. 60), the quality of significance in American history, architecture, archaeology, engineering, and culture exists in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association. Properties that are eligible for listing on the NRHP are properties that retain their integrity and meet one or more of the four criteria listed below. In addition, unless a property possesses exceptional significance, it must also be at least 50 years old.

A resource can be considered for inclusion on the NRHP if it meets at least one of the following criteria (36 CFR § 60.4):

A. Is associated with events that have made a significant contribution to the broad patterns of our history.

B. Is associated with the lives of persons significant in our past.

C. Embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components might lack individual distinction.

D. Has yielded, or might be likely to yield, information important in prehistory or history.

Individually eligible properties and historic districts must retain key character-defining features, or integrity, to convey the significance of a resource. Integrity specifically refers to the ability of a property to convey its significance. In other words, a historic property must have enough intact physical characteristics or features to communicate its significance under one or more of the NRHP criteria.

2 ENVIRONMENTAL AND CULTURAL SETTING

This section describes the environmental and cultural setting of the Project and was used to inform the methods and expectations for monitoring for precontact and historical archaeological resources. A review of the physical environments that affect human behavior and the cultural setting helped generate expectations about how archaeological sites could be distributed across the landscape, the kinds of activities that occurred there, and the types of archaeological sites that may be present, which directly influenced the proposed field methods.

2.1 Geologic Setting

Cle Elum, Washington, is located in Kittitas County, near the geographic center of Washington State. Kittitas County covers 2,315 square miles of varied terrain and climates. Beginning in the North Central Cascade Mountain range, the land slopes generally to the east and south toward the Columbia River. The North Cascades consist of jagged mountains with numerous glaciers and are composed predominately of Mesozoic crystalline and metamorphic rocks (Lasmanis 1991). The Cascade Mountain range effectively blocks moist maritime air traveling east. An orographic effect takes place where heavy rainfall occurs on the western slope and a rain shadow effect occurs on the eastern slopes of the range. The Yakima River winds its way through Kittitas and Yakima Counties before entering the Columbia River. Cle Elum and the Teanaway River lie within the limits of the Yakima Fold Belt, a tectonic region characterized by parallel anticlinal ridges and synclinal valleys (Smith 1988) yet is beyond the limits of the Miocene Columbia River Basalt Group.

The Quaternary Fraser Glaciation shaped this area by carving broad valleys, including the long basins that today are filled by Keechelus, Kachess, and Cle Elum Lakes (Porter 1976). The retreating ice left deep debris and prominent moraines and outwash deposits (Booth and Waitt 2000; Smith 1937). Soil in the Project area is mapped by the Natural Resources Conservation Service (n.d.) as Racker ashy sandy loam, a thin layer of soil overlayed cobbles.

2.2 Natural Setting

The elevation of the Project area ranges from 2,096 to 2,107 feet above mean sea level. Native vegetation at this elevation is within the *Abie grandis* (Grand fir) Vegetation Zone described by Franklin and Dyrness (1973). Though the understory in the grand fir forest is dominated sparsely, a number of species are still noted within this vegetation zone; dwarf rose, Oregon boxwood, prickly blackcurrant/gooseberry, and mountain huckleberry are common. More dominant vegetation species are brome grass, fragrant bedstraw, star-flowered lily-of-the-valley, western meadow-rue, heartleaf arnica, and many other plants. The Project area is within 150 feet of Crystal Creek, which flows north of the site running west to east.

2.3 Cultural Context

This section provides an overview of the cultural setting (context) for the Columbia Plateau region. The regional cultural background has been divided into two general contexts, composed of the Precontact and Historic periods. The Precontact period dates from around 14,000 to 250 years before present (BP) and is based largely on the archaeological record. The Historic Period dates from 250 BP to 50 BP and was derived primarily from historical records. The cultural chronology was adapted from Ames et al. (1998), Kopperl et al. (2015), and Nelson (1969) and divided into five temporal units (**Table 2-1**). The precontact chronological sequence is based on a combination of geologic and paleoenvironmental data and archaeological patterns of human settlement, subsistence, and lithic technology through time and space.

Table 2-1: Cultural chronology for the Columbia Plateau

Geologic Time Frame	Years BP	Cultural Phases and Periods
Late Holocene	280–50	Protohistoric–Historic Period
	2500–280	Late Archaic/Cayuse Phase
	4500–2500	Middle Archaic/Frenchman Springs Phase
Middle Holocene	8000–4500	Early Archaic/Vantage Phase
Late Pleistocene–Holocene Transition	14,000–8000	Paleoarchaic Period

2.3.1 Paleoarchaic (14,000 BP to 8000 BP)

The Paleoarchaic period includes the period of earliest recognized occupation of the Columbia Plateau, including the two earliest artifactual cultures: the fluted point and western stemmed-point traditions. Andrefsky (2004) combines these type traditions into the Paleoarchaic. The Paleoarchaic includes Ames et al.'s (1998) Period 1A (11,500 BP to 11,000 BP) and Period 1B (11,000 BP to 7000/6400 BP), and King and Putnam's (1994) Clovis Period and Windust Phase. The fluted point tradition, defined by the presence of large spear points exhibiting basally originating long, thinning flakes, or flutes, encompasses the commonly known Clovis and Folsom traditions. Fluted points in the region are known from the East Wenatchee cache site (Mehringer and Foit 1990) and other isolated contexts. The fluted point tradition is indicative of the earliest recognized culture in North America (and the Plateau) and typically dates to the 1,000-year period beginning 11,500 BP, although there is increasing argument for a prefluted point occupation.

The western stemmed-point occupation of the Columbia Plateau, which in some instances appears to predate fluted point types, generally is composed of the Windust, Lind Coulee, early Cascade, and similar stylistic types (Davis et al. 2019). The western stemmed-point tradition in occurs coincides with the fluted point traditions, with dated contexts in 8000 BP or later. Western stemmed-point assemblages have been found throughout the Plateau and Middle Columbia reach, including an early occurrence on the Yakima Training Center at the Sentinel Gap

site (10,100 BP to 10,600 BP) (Galm and Gough 2005). The Paleoarchaic cultures are interpreted as mobile broad-spectrum hunters and foragers, with what appears to be a common use of pluvial lake margins and rockshelters (Andrefsky 2004).

2.3.2 Early Archaic (8000 BP to 4500 BP)

The Early Archaic roughly coincides with increasing warmth and dryness during the Altithermal environmental conditions. Material culture of this period exhibits a continuation and/or alteration of Paleoarchaic characteristics and subsistence. While several Paleoarchaic adaptations persisted into the Early Archaic period, regionally specific patterns developed in the area in response to local adaptations and activities. In the Middle Columbia, these are recognized as two somewhat contemporaneous and overlapping phases: the Cascade and Vantage Phases. Noted projectile point types include the shouldered lanceolate Mahkin Shouldered point/knife (8000 BP to 5000 BP); the large, triangular Cold Springs side-notched type (6000 BP to 4000 BP); the Cascade projectile type group, consisting of three variants of a small, lenticular, lanceolate point (8000 BP to 5000 BP) (Lohse and Schou 2008); and other nonspecific, stemmed, shouldered lanceolate projectiles (Herbel and Bowden 2005).

This period is characterized by small, low-density sites interpreted as being occupied by groups of highly mobile, opportunistic foragers, with a broadening base of subsistence and greater inclusion of plant foods. Microblade technology also appears in the artifact assemblages during this period (Andrefsky 2004). A high frequency of salmon bones at Fivemile Rapids (Ames et al. 1998), one of the earliest-known intensive fishery sites, represents the emergence and exploitation of that important resource.

2.3.3 Middle Archaic (4500 BP to 2500 BP)

In the Middle Columbia region, this period is also known as the very late Vantage Phase and Frenchman Springs Phase. Diagnostic point types of this period and Middle Columbia are non-Cascade, willow leaf-shaped projectile points; Rabbit Island Stemmed, defined as stemmed triangular points with squared shoulders; the Quilomene Bar Corner-Notched, a distinctive triangular point with broad corner notches; and the Columbia Corner-Notched Type A, a large corner-notched triangular point with a straight to expanding stem (Herbel and Bowden 2005; Lohse and Schou 2008). Additional technological developments during the Middle Archaic include net sinkers, hopper mortar and pestles, cobble spall tools, and a variety of ground stone implements. The addition of these tools and materials indicates an increase in root crop exploitation around 3500 BP and a shift toward intensive salmon fishing around 3300 BP and 2200 BP (Andrefsky 2004).

Settlement patterns of the period include the continued use of open campsites and rockshelters, as well as the developing use of semisubterranean pithouses. Though occurring sporadically very early in the period, pithouses became more common across the region by 4500 BP and appear to be associated with seasonal foragers focused on exploiting local subsistence resources (Ames 1991; Andrefsky 2004; Kimball 2005).

2.3.4 Late Archaic (2500 BP to 280 BP)

The Late Archaic period saw the intensification of patterns developed in the Middle Archaic and the emergence of ethnographic characteristics. All available resource niches were intensively occupied and utilized. During this period, regional trade networks involving lithic and other nonlocal materials developed. Large pithouse villages were occupied on the primary watercourses and are typically interpreted as indicative of the development of the ethnographically known Plateau hunter-fisher-gatherer adaptations of intensive fishing, winter village settlement, and intensive use of processed and stored resources (Andrefsky 2004; Browman and Munsell 1969, 260-262; Chatters 2004). On the Middle Columbia, this period is referred to as the Cayuse Phase.

Distinctive artifact types of the Cayuse Phase are net weights, adzes, shell beads and jewelry, and small projectile points. Temporally diagnostic point types for the Late Archaic include the Quilomene Bar Basal-Notched, a stemmed, basal-notched point with square to tapering barbs; the Columbia Corner-Notched B, a small, corner-notched, triangular point with straight to expanding stems; the Columbia Stemmed, a basal-notched, triangular point with sharp, blunt, or square barbs; the Wallula Rectangular Stemmed, a small, corner-notched, triangular point with long, straight stems; and Plateau Side Notched, a small, side-notched, triangular point with a base (Andrefsky 2004; Herbel and Bowden 2005; Lohse and Schou 2008).

2.4 Ethnographic Context, Protohistoric, and Historic Context (280 BP to 50 BP)

During the Cayuse Phase, the ethnographic Columbia Plateau pattern is thought to have been fully developed. Groups wintered in nucleated winter villages of up to 50 pithouses or more (Chatters 1986). With the coming of spring, people dispersed to gather roots, hunt, and fish, strategically locating themselves to take advantage of seasonally available resources. This seasonal round became diverse and well organized. Trade with coastal groups was widespread, as evidenced in the number of coastal shellfish and other goods in Cayuse Phase archaeological assemblages. Approximately 200 years ago, the introduction of European trade goods, the horse, and massive population collapse brought about by the spread of European diseases caused significant changes in settlement and subsistence patterns throughout all native Columbia Plateau groups (Campbell 1990).

The Project area lies within the ethnographic region of the Kittitas (Ray 1936; Teit 1928), though the Wenatchi may have occupied or claimed lands in the vicinity as well (Spier 1936,14-15). At the time of Euro-American expansion, the Kittitas may have occupied all of the Yakima and Kittitas Valleys and the surrounding mountains to the Cascade crest. Ethnographic accounts of this area name several native villages within 5 miles of the Project area. None were located within the Project area. For extensive summaries of the cultural history of the nearby area, refer to the work summarized in Griffin and Churchill (1998a, 1998b) and Oliver and Camuso (2017).

2.5 Native American Tribes

The descendants of the Wenatchi and the Kittitas are now members of the Confederated Tribes of the Colville Reservation and the Confederated Tribes of the Yakama Nation. The Interstate 90 corridor just south of the Project was a trade route that connected Pacific Northwest Coast native populations with those within the Plateau. Alongside the ancestral territory of the Confederated Tribes of the Yakama Nation and the Confederated Tribes of the Colville Reservation, this area has ethnographically been used by the Snoqualmie Indian Tribe and the Muckleshoot Tribe.

3 RECORDS AND LITERATURE REVIEW

The literature review included a review of the Washington Information System for Architectural and Archaeological Records Data (WISAARD) database; historical Bureau of Land Management, General Land Office (GLO) maps; historical U.S. Geological Survey (USGS) topographic maps; Metsker maps; modern aerial maps; and soils data provided by the Natural Resources Conservation Service.

3.1 WISAARD Results

A review of the WISAARD database for previously documented archaeological resources was completed by Jacobs archaeologist Nicholas Finley on September 12, 2022. The review was completed for a 0.5-mile radius around the Project area and included previously conducted cultural resources surveys and previously documented archaeological resources.

3.1.1 WISAARD Predictive Model

The WISAARD predictive model for precontact archaeological resources creates a map overlay based on a series of environmental variables (for example, slope, distance to water) that classifies areas in five categories, ranked 1 through 5, to describe archaeological sensitivity (risk) and survey recommendations (**Table 3-1**). The predictive model overlay is only available through the secure WISAARD online portal.

Table 3-1: WISAARD predictive model for archaeological resources based on environmental factors

Ranking	Color	Risk	Recommended Identification Effort
1	(Color: Brick Red)	Low Risk	Survey Contingent Upon Project Parameters
2	Color: Burnt Orange)	Moderately Low Risk	Survey Contingent Upon Project Parameters
3	(Color: Orange)	Moderate Risk	Survey Recommended
4	(Color: Pale Yellow)	High Risk	Survey Highly Advised
5	(Color: Brightest Yellow/Canary Yellow)	Very High Risk	Survey Highly Advised

The predictive model identified the entirety of the Project area as "5 – very high risk" areas.

3.1.2 Results Summary

No previously completed surveys covered any part of the Project area. A total of 6 cultural resources surveys have been completed within 0.5 mile of the Project area (**Table 3-2**). A total of 17 cultural resources were identified within 0.5 mile of the Project area (**Table 3-3**). Several of the archaeological resources near the Project area are historic and have been determined not eligible.

Table 3-2: Cultural resources studies conducted within 0.5 mile of the Project area

Report No.	Year	Author	Title	Distance from Project area (miles)	Resources
1685004	2014	Schroeder, William	An Archaeological Review and Inventory of the Cle Elum Pines West Development Project, Roslyn	0.02	7 Sites and Three isolates
1351542	2008	Root, Matthew	Cultural Resources Survey of the Progress Pathway Project, Cle Elum	0.03	None
1682658	2012	Schultze, Carol	Archaeological Resources Inventory for the PSE Cascade Substation Project	0.07	45KT03483
1354288	2009	Landreau, Chris	Archaeological Review and Inventory of the City Heights Development Project, Cle Elum	0.08	None in Study area
1341980	1998	Griffin, Dennis	Cultural Resource Survey of the Slash Pile Burn Area in T20N-R15E-S28 & 29	0.20	2 sites
1692562	2019	Perhay, Nathanial	Cultural Resources Assessment for the Transportation Co-op Facility Cle Elum, Kittitas County, Washington	0.40	None

Source: Washington Information System for Architectural and Archaeological Records Data.

Table 3-3: Cultural resources within 0.5 mile of the Project area

Resource No.	Distance from Project Limits (miles)	Description	NRHP Eligibility
45KT03054	0.02	NWI Coal Company Mine No. 5 Tailing and Slag Features	Determined Not Eligible
45KT03483	0.10	Historic Scatter	Not Determined
45KT03491	0.15	Historic Scatter	Determined Not Eligible
45KT03492	0.17	Historic Scatter	Determined Not Eligible
45KT03486	0.19	Historic Scatter	Determined Not Eligible
45KT03493	0.19	Historic Isolate	Not Determined
45KT03494	0.19	Historic Isolate	Not Determined
45KT03490	0.20	Historic Scatter	Determined Not Eligible
45KT03489	0.23	Historic Scatter	Determined Not Eligible
45KT03487	0.39	Historic Scatter	Determined Not Eligible
45KT03488	0.40	Historic Scatter	Determined Not Eligible
4114	0.43	Coal Mine Trail	Not Determined
45KT04021	0.43	NPRR Coal Mine Trails	**Determined Eligible**
45KT03086	0.43	Laurel Hill Memorial Cemetery	**Determined Eligible**
45KT02095	0.44	Historic Refuse Scatter	Determined Not Eligible
45KT02100	0.45	#5 Mine Western Features, Historic Mining Property, 1920s to 1960s	Not Determined
45KT03495	0.45	Historic Isolate	Not Determined

Source: Washington Information System for Architectural and Archaeological Records Data.

3.2 Other Sources Consulted

As part of the records search, other resources consulted include Bureau of Land Management GLOs, USGS, Metsker maps, and aerial image maps. These other sources were reviewed on September 26th, 2022.

3.2.1 Aerial Imagery

The earliest available historic aerials were from 1954; the Project area is heavily wooded and has a road bisecting the Project area (Central Washington University 2022). By 1994, the first buildings are constructed within the Project area and the road terminates at the current location of the Cle Elum Transfer Station (Google Earth).

3.2.2 General Land Office Map Review

A review of the Official Federal Land Records site operated by the Bureau of Land Management GLO survey plats and field notes for the Project location were reviewed. Only one document showed the project area, 1881 map identified a road that runs south of the Project area (BLM 1881). No other features were identified on the 1881 map.

3.2.3 Historical Map Works Metsker Review

A review of the Historic Map Works site, operated by the Historic Map Works LLC identified a 1956 historic map. The 1956 Metsker map displayed the Project area within its legal description. According to the map, the landowner at the time was N.W.I. Co., and the current positions of SR 903 and Number 5 Mine Road were in the same orientation as seen today. No other features of note were visible on the Metsker map.

3.2.4 Historical Topographic Map Review

A review of the USGS TopoView site operated by the U.S. Department of Interior was conducted to review historic USGS topographic maps of the Project area (USGS: 1897 to 1984). Early maps show the P.R.R. Roslyn Branch of the railroad track runs through the Project area but subsequent maps into the 1950s showed the actual rail orientation north of Crystal Creek, which is 170 feet north of the Project area. A 1958 map showed a gravel road that bisected the Project area as did the historic aerial imagery from 1954. This roadway terminated at the current position of the Cle Elum Transfer Station in the 1984 map and was later paved. No other features were noted on any of the subsequent maps within the Project area.

4 METHODS

The following sections provide an outline of the inventory objectives and methods. This research design has been developed based upon the Project setting and review of previous work documentation.

4.1 Objectives and Expectations

The primary objective of the investigation was to conduct an inventory of the Project area to assess the presence or absence of archaeological resources that could be impacted by the proposed Project improvements (vehicle maneuvering, plant removal, and planting).

Expectations for potential archaeology is based upon environmental data and the relationship of that data to our understanding of human behavior. Precontact human habitation was dependent on the availability of water and the ease with which resources could be transported. Consequently, many habitation areas were often located along coastal, river, and lake margins. Landscape modification methods, including removing sediment and filling topographical depressions, have a unique effect on archaeological site preservation and visibility. By understanding these effects, expectations about archaeological potential can be generated and then used to inform archaeological investigation strategies to identify where intact archaeological deposits are most likely to be present.

Background research indicated that there are no identified cultural resources within the Project area. Based upon the proximity the Crystal Creek to the Project area, historic use and/or precontact occupation would have included low-intensity fishing, foraging, and traveling through the area. Based on the known disturbances of the railroad to the south and Interstate 90 to the north, this area could hold potential for cultural material to be present.

The Project area as determined by DAHP's Predictive model is considered an area with medium to high potential for cultural resources. Likely this higher potential is due to the Project's proximity to Crystal Creek. However, disturbances caused by the historic roadway, construction of the Transfer Station, and the depths of soils above a gravel lens will limit potential for cultural resources.

4.2 Native American and other Consultation

No consultation was conducted by Jacobs personnel. Consultation remains under the purview of the County.

4.3 Field Methods

Field methods consisted of surface pedestrian and subsurface survey across the entire proposed 9.0-acre Project area, excluding any areas of dangerous or steep slopes (>40 percent). Field work was conducted by Jacobs archaeologist Nicholas Finley MA, RPA.

4.3.1 Pedestrian Survey Investigation

Transect survey was completed across 100 percent of the Project area with intensive examination of the ground surface. Surface inventory transects were maintained at 25-meter intervals, generally orientated north to south. Indications of historical and modern development,

if encountered, were noted and documented. Surveyors examined all exposed ground surfaces, including road ruts, erosional features, rodent backdirt piles, and animal paths. Field conditions were noted, and photographs taken to document the encountered conditions.

4.3.2 Subsurface Investigation

Shovel test probes (STPs) were excavated within the Project area at the discretion of the field director in areas of potential high probability. Probability was determined by topographic conditions, slope, proximity to favorable environmental and vegetative factors, and potential for intact sediment conditions. Seven STPs were excavated, and the excavated soil was screened through 0.25-inch mesh screen. Excavated soil was backfilled into each STP.

4.3.3 Discovery of Human Remains Protocol

The discovery of human remains did not occur during the cultural resources inventory. However, in the event of such occurrence, the DAHP policy regarding the Inadvertent Discovery of Human Skeletal Remains on Non-Federal and Non-Tribal Land in the State of Washington (RCW 68.50.645, RCW 27.44.055, and RCW 68.60.055) would have been followed.

5 RESULTS

This section presents the results of the surface pedestrian and subsurface survey. Fieldwork was conducted on October 3, 2022, with excellent weather conditions and a high of 72 degrees Fahrenheit during a partly cloudy day. A large majority of the Project area is either paved, built up with infrastructure, ditched along the north extent, and hosts utilities along the eastern and south extents. A total of seven STPs was excavated (**Figure 5-1**). **No archaeological resources were identified within the Project area.**

5.1 Pedestrian Survey

The pedestrian survey was conducted at 25-meter intervals running north to south within the footprint of the Project area. Surface visibility was obscured during the survey by paved roads and infrastructure but when bare ground was noted, surface visibility was good (80 percent) and minimally obscured by leaf litter (**Figure 5-2**). Vegetation identified within the Project area was comprised of Douglas fir (*Pseudotsuga menziesii*), Ponderosa pine (*Pinus ponderosa*), and Cheatgrass (*Bromus tectorum*).

Marked utilities and a two-track gravel road along the southern portion of the Project area prevented subsurface testing in this area (**Figure 5-3**). Historic aerial photographs of the Project area show a great deal of disturbance within its footprint, evidenced predominantly in the eastern portion (**Figure 5-5**). Overall, the majority of the Project area was built up and limited the potential areas for subsurface excavations (**Figure 5-5** and **Figure 5-6**).

5.2 Subsurface Investigation

The subsurface investigation revealed a shallow silty loam uniform soil overlaying a cobble layer. Seven STPs were excavated, the majority of which could not be excavated past 50 centimeters below surface (cmbs) due to gravels. In one STP (excavated to 54 cmbs), the soil transitioned from a brown to an orange, brown, consisting of ashy silt loam terminating due to roots (**Figure 5-7**). **Table 5-1** summarizes STP descriptions. No subsurface artifacts were identified.

Figure 5-1: Subsurface investigation results

Figure 5-2: General overview of STP 4 and southeast portion of the Project area

Figure 5-3: Southern portion overview of the proposed roadway

Figure 5-4: Built-up area on the eastern portion of the Project area

Figure 5-5: Overview of built-up infrastructure on the eastern portion of the Project area

Figure 5-6: Overview of built-up infrastructure on the western portion of the Project area

Figure 5-7: STP 7 excavated to 70 cmbs

Table 5-1: Descriptions of shovel test probe results

ST	Soil Zone	Soil Color	Soil Texture	Arbitrary Level	Depth cmbs	Comments/Inclusions
ST 1	1	10YR4/3	Silty Loam	1-3	0-30	Uniform ashy silt loam. Little rootlets, refusal at cobbles at 30 cm.
ST 2	1	10YR4/3	Silty Loam	1-3	0-30	Uniform ashy silt loam. Very little rootlets (<5%). Refusal at cobbles 30 cm.
ST 3	1	10YR4/3	Silty Loam	1-4	0-37	Uniform ashy silt loam. Very little rootlets (<5%). Refusal at cobbles 37 cm.
ST 4	1	10YR2/1	Fill	1	0-10	Compact, well-sorted gravels – it looks like fill.
ST 5	1	10YR2/1	Fill	1	0-10	Compact, well-sorted gravels – it looks like fill.
ST 6	1	10YR4/3	Silty Loam	1-2	0-15	Uniform ashy silt loam. Little rootlets. No gravels.
ST 6	2	10YR5/6	Silty Loam	2-5	15-48	Clear transition into more ashy silt loam. Increased frequency of roots, mostly medium size.
ST 6	3	10YR5/8	Silty Loam	5-6	48-53	Gradual transition into more ashy, silty loam. Slight color change from second soil zone. Hit gravels and cobbles at 53 cm.
ST 7	1	10YR4/3	Silty Loam	1-2	0-20	Uniform ashy silt loam. Immediately hit a large root and offset shovel probe by 35 cm north. Medium-sized roots high in frequency (<20%).
ST 7	2	10YR5/6	Silty Loam	3-6	20-54	Clear transition into more ashy, silty loam. Increased frequency of roots, large root along north wall of the STP. Terminated at roots at 54 cm.

6 CONCLUSIONS

Jacobs conducted a detailed surface and subsurface assessment within the Project area and **no archaeological resources were identified within the Project area.** Despite the Project's proximity to the Crystal Creek, no archaeological material was noted on the surface or within subsurface deposits. Due to the disturbances described Section 5.1, the lack of surface cultural material, and the negative STPs, Jacobs has **determined that there is no need for further archaeological investigations**.

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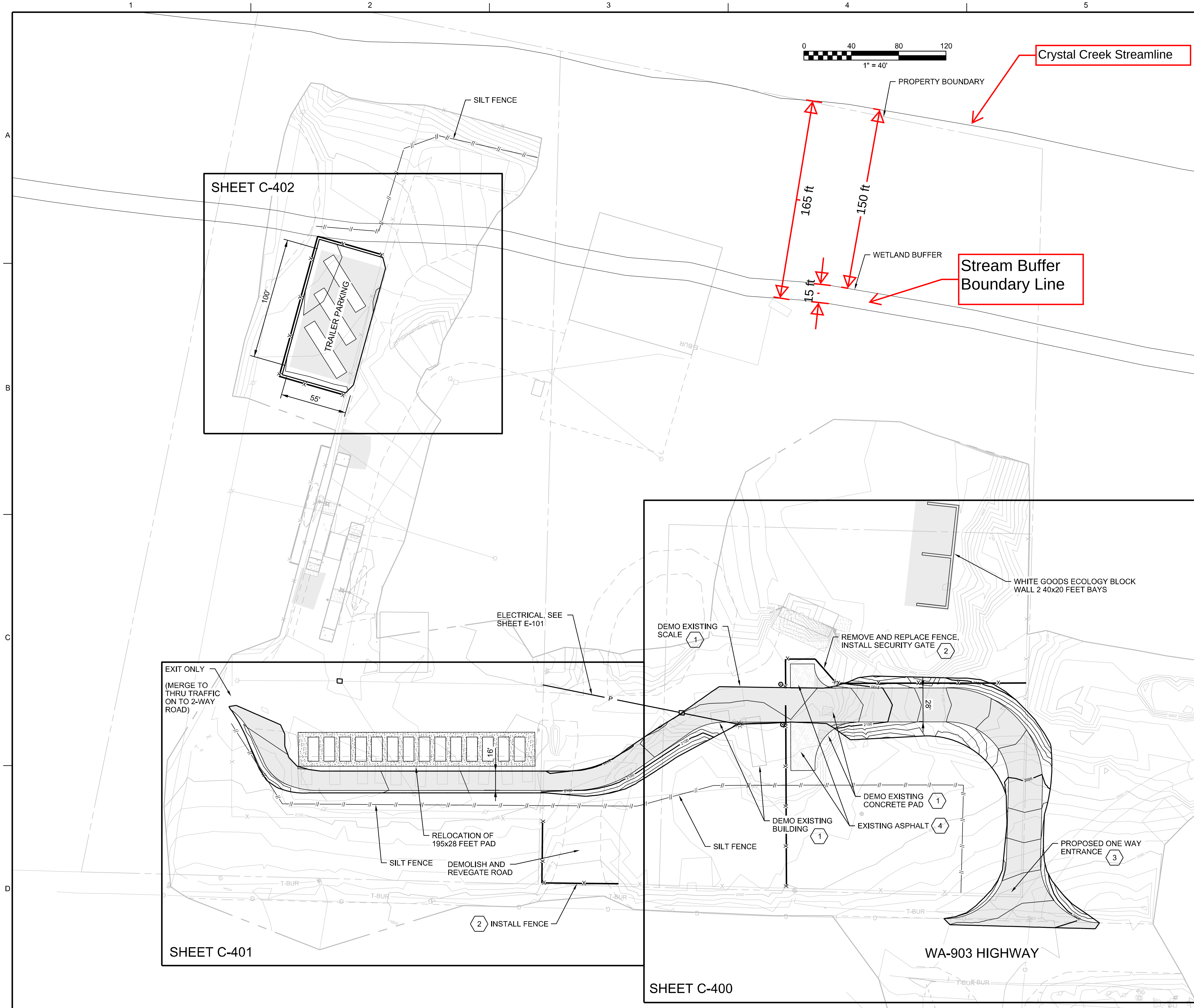
ATTACHMENT 2



GENERAL NOTES

A. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TOPSOIL AND SEEDING OF DISTURBED AREAS

B. ECOLOGY BLOCK WALL, OR SIMILAR AS APPROVED BY ENGINEER.

EROSION AND SEDIMENT CONTROL NOTES

1. FOR GENERAL INFORMATION AND FOR CONTRACTOR TO ESTABLISH MINIMUM STORMWATER AND EROSION CONTROL MEASURES DURING CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR EROSION CONTROL, SEDIMENT CONTROL, AND STORMWATER MANAGEMENT ON THE CONSTRUCTION SITE FOR THE DURATION OF THE CONSTRUCTION PERIOD. CONTRACTOR TO INSPECT EXISTING SITE CONDITIONS, INCLUDING, BUT NOT LIMITED TO, FLOW PATTERNS, STABILIZATION MEASURES AND OTHER PERTINENT INFORMATION RELATED TO STORMWATER AND SEDIMENT CONTROLS. THE SITE UNDER ITS CURRENT CONDITION IS STABLE. CONTRACTOR TO MAINTAIN STABILIZATION OF SITE THROUGHOUT THE ENTIRE CONSTRUCTION PERIOD AND LIMIT OPEN AREAS TO THE EXTENT POSSIBLE.
3. EROSION CONTROL MEASURES SHOWN SHALL BE ESTABLISHED, BUT MAY NOT BE ALL INCLUSIVE OF THE MEASURES REQUIRED. CONTRACTOR IS RESPONSIBLE FOR INSTALLING ADDITIONAL MEASURES AS NEEDED,MAINTAINING, AND THEN DECOMMISSIONING ALL EROSION CONTROL MEASURES AT THE APPROPRIATE TIMES THROUGHOUT THE PROJECT DURATION. CONTRACTOR SHALL PREPARE A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) AND FILE A NOI FOR A NPDES GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES. AT THE CONCLUSION OF THE PROJECT, CONTRACTOR SHALL FILE A NOI. REFER TO SECTION 01 57 13, EROSION AND SEDIMENT CONTROL DURING CONSTRUCTION.
4. CONTRACTOR WILL COORDINATE WITH COUNTY PRIOR TO CONSTRUCTION ACTIVITIES THAT WILL RESTRICT ACCESS TO EXISTING ACCESS ROADS.
5. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING EXISTING DRAINAGE STRUCTURES. GRATES SHOULD BE LINED WITH SEDIMENT CONTROL FABRIC TO PREVENT EXCESS SEDIMENT FROM ENTERING.
6. CONTRACTOR SHALL ENSURE ACTIVE CONSTRUCTION AND EXCAVATION AREAS ARE PROTECTED BY WATTLES OR OTHER APPROVED TESC METHODS AS NEEDED TO DIRECT STORMWATER AWAY FROM EXCAVATIONS OR REMOVE SEDIMENT FROM RUNOFF FROM THESE AREAS.
7. CONTRACTOR SHALL ENSURE THAT NO VEHICLES LEAVING THE FACILITY TRACK MUD OR OTHER DEBRIS ONTO THE PUBLIC ROADWAYS. CONSTRUCT A STABILIZED TRUCK ENTRANCE, IF NECESSARY ALSO CONSTRUCT A TEMPORARY WHEEL WASH STATION.
8. WATER FROM ANY DEWATERING OPERATIONS SHALL BE DIRECTED TO SEDIMENT TRAPS BEFORE DISCHARGING INTO EXISTING STORMWATER SYSTEM.
9. ALL DISTURBED AREAS SHALL BE PERMANENTLY STABILIZED PER SECTION 31 32 00, SOIL STABILIZATION.
10. AT CONCLUSION OF PROJECT, CONTRACTOR SHALL REMOVE ALL SEDIMENT IN INFILTRATION AREAS, AND DITCHES.

SHEET KEYNOTES

1. DEMOLISH STRUCTURE AND ASSOCIATED ELECTRICAL PER SPECIFICATION SECTION 02 41 00B DEMOLITION
2. REPLACE WITH SIMILAR FENCE AND GATE (REUSE GATE FROM ROAD RELOCATION IF POSSIBLE) PER SPECIFICATION 32 31 13 INSTALL TEMPORARY FENCE IF NEEDED TO PRESERVE RESTRICTED ACCESS TO SITE
3. RETAIN ACCESS TO NEIGHBOR PROPERTY
4. PROTECT EXISTING ASPHALT, SMOOTH IN EXISTING AND PROPOSED ASPHALT

N

0 40 80 120
1" = 40'

ELIZABETH ANN BUTTERFIELD STATE OF WASHINGTON 48139 REGISTERED PROFESSIONAL ENGINEER
Butterfield Elizabeth AAB00095725

NO.	DATE	REVISION	BY	APVD

DSGN	K LAMADRID
DR	B BUTTERFIELD
CHK	A IVERSON
APVD	E BUTTERFIELD

CLE ELUM TRANSFER STATION
KITTITAS COUNTY, WASHINGTON
KITTITAS COUNTY

Jacobs

CIVIL
OVERALL SITE PLAN, KEY MAP, AND EROSION AND SEDIMENT CONTROL NOTES

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING.
0 1"

DATE	JUNE 2023
PROJ	KITTCO02
DWG	C-101
SHEET	4 of 11

Jacobs

ATTACHMENT 3

COPY

Washington State Department of Transportation

Access Connection Permit
Managed Access Highways Only
Not for use within an Incorporated City or Town

Name and Address of Applicant **Kittitas County Solid Waste** **925 Industrial Way** **Ellensburg, WA 98926**	Permit Number **ACP - 61716** State Route: **903** Mile Post: **3.45** ☐ Left ☑ Right Region: **South Central** County: **Kittitas**
Property Address (If different from above) **50 Number 5 Mine Road** **Cle Elum, WA 98922**	Joint Use Connection: ☑ Yes ☐ No Primary Tax Parcel Number **20-15-21040-0003**
Email **patti.stacey@co.kittitas. wa. us** Telephone **(509) 962-7070**	Additional Tax Parcel Numbers (if applicable) **20-15-28000-0013**
Project Name (If Applicable) **Cle Elum Transfer Station Entrance Improvements**	Lot # Gov. Lot #
Average Weekday Vehicle Trip Ends (AWDVTE) not to exceed: 999	Approach width not to exceed 30 feet wide,
Public Land Survey System (PLSS) ☑ NE 1/4 ☐ NW 1/4 ☐ SW 1/4 ☐ SE 1/4 Section 28 Township 20-N Range 15-E	

Permit Category	Permit Type	Current Managed Access Highway Classification
☐ 1 - Minimum Connection ☑ 2 - Minor Connection ☐ 3 - Major Connection ☐ 4 - Temporary Connection	☑ Conforming Permit ☐ Non-Conforming Permit ☐ Variance Permit	☐ Class 1 - 1320' Minimum Approach Spacing ☐ Class 2 - 660' Minimum Approach Spacing ☐ Class 3 - 330' Minimum Approach Spacing ☑ Class 4 - 250' Minimum Approach Spacing ☐ Class 5 - 125' Minimum Approach Spacing

This Access Connection Permit serves:

The above-listed parcels with a 30' wide paved joint use approach located at HES 68+15 right, SR 903, Cle Elum to Roslyn, Sheet 2 of 4 Sheets. This permit requires the removal of the approach located at milepost 3.52 right, HES 71+87 right, SR 903, Cle Elum to Roslyn, Sheet 2 of 4 Sheets.

The applicant is required to complete Exhibit F - Road Approach Installation Checklist in coordination with WSDOT's Maintenance representative and deliver the completed form to WSDOT's Planning Office.

The Applicant hereinafter will be referred to as the "Permit Holder," and the Washington State Department of Transportation hereinafter will be referred to as "WSDOT." WSDOT will allow the Permit Holder to construct, upgrade, use, and/or maintain this access connection provided the Permit Holder accepts all the terms, provisions, and exhibits attached hereto and by this reference made a part of this permit. This permit is assigned to the parcel(s) served by the access connection, and shall remain with the parcel(s) served by this permit regardless of any change in ownership of the parcel(s).

Exhibit A - Special Provisions
Exhibit B - Approach Template & Removal Detail
Exhibit C - Aerial Photo & Right-of-Way Sheet
Exhibit D - Traffic Control Plan
Exhibit E - Easement
Exhibit F - Road Approach Installation Checklist

This permit shall be void unless the work authorized by the permit is started within 90 days of issuance and completed within 120 days of issuance, unless otherwise agreed to in writing by WSDOT or if an extended completion date is listed here by WSDOT: **8/31/2024**. No construction work is allowed without a pre-construction conference with WSDOT.

By signing below the Permit Holder accepts the terms, provisions, and exhibits attached to and made a part of this permit.

PERMIT HOLDER		WSDOT	
Print Name **Patti Stacey**		Print Name **Paul Gonseth, P.E.**	
Print Title **Facilities and Waste Operations Director**		Print Title **Planning Engineer**	
Signature Patti Stacey	Date 12/13/23	Signature Paul Gonseth	Date 1/3/2024

General Provisions

1. INDEMNIFICATION

The Permit Holder, its heirs, successors and assigns, agrees to indemnify, defend, and hold harmless the State of Washington and its officers, employees, and agents from all claims, demands, damages (both to persons and/or property), expenses, regulatory fines, and/or suits that: (1) arise out of or are incident to any acts or omissions by the Permit Holder, its agents, contractors, tenants, invitees, licensees, and/or employees, in the use of the state highway right-of-way as authorized by the terms of this Permit, and/or (2) are caused by the breach of any of the conditions of this Permit by the Permit Holder, its agents, contractors, tenants, invitees, licensees, and/or employees. The Permit Holder, its heirs successors and assigns, shall not be required to indemnify, defend, or hold harmless the State of Washington and its officers, employees, and/or agents if the claim, suit, or action for damages (both to persons and/or property) is caused by the sole acts or omissions of the State of Washington, its officers, employees, and/or agents; provided that, if such claims, suits, or actions result from the concurrent negligence of (a) the State of Washington, its officers, employees, and/or agents and (b) the Permit Holder, its agents, contractors, tenants, invitees, licensees, and/or employees, or involves those actions covered by RCW 4.24.115, the indemnity provisions provided herein shall be valid and enforceable only to the extent of the acts or omissions of the Permit Holder, its agents, contractors, tenants, invitees, licensees, and/or employees.

The Permit Holder agrees that its obligations under this section extend to any claim, demand and/or cause of action brought by, or on behalf of, any of its employees or agents while performing construction, operation and/or maintenance work authorized by this permit. For this purpose, THE PERMIT HOLDER BY MUTUAL NEGOTIATION HEREBY WAIVES WITH RESPECT TO THE STATE OF WASHINGTON ONLY, ANY IMMUNITY THAT WOULD OTHERWISE BE AVAILABLE TO IT AGAINST SUCH CLAIMS UNDER THE INDUSTRIAL INSURANCE PROVISIONS OF CHAPTER 51.12 RCW.

The Permit Holder further agrees that the proper performance, safe conduct, and adequate policing and supervision of the work authorized by this permit shall not be lessened or otherwise affected by WSDOT's approval of the plans, specifications, or work authorized by this permit, or by the presence at the work site of WSDOT representatives, or by compliance by the Permit Holder with any requests or recommendations made by such representatives.
This indemnification and waiver shall survive the termination of this Permit.

2. REQUIRED PROPERTY RIGHTS

If the parcel(s) served by this permit does not abut the state highway, the Permit Holder must provide legally recorded easements or other property rights that grant a continuous right of access between this parcel(s) and the state highway right-of-way as required by WAC 468-51-030(2). The Permit Holder shall provide copies of these documents to WSDOT before beginning any work authorized under this permit.

3. PERMIT TYPES

There are three types of Access Connection Permits – Conforming, Non-Conforming, and Variance Access Connection Permits. A brief description of each of these three types of permits is as follows:

- Conforming Access Connection Permits (WAC 468-51-020(4)) meet current WSDOT location, spacing, and design criteria standards at the time of the permit application submittal.
- Nonconforming Access Connection Permits (WAC 468-51-100) do not meet WSDOT's location and spacing criteria standards at the time of the permit application submittal, but denial would leave the property without reasonable access onto the public road system. Nonconforming Access Connection Permits may continue only until WSDOT determines that a Conforming Access Connection can be constructed, in such case the Nonconforming Access Connection shall be removed
- Variance Access Connection Permits (WAC 468-51-105) are a special nonconforming or additional access connection permit issued for a location not normally permitted by WSDOT standards current at the time of permit application. A Variance Access Connection Permit may be issued only after an engineering study demonstrates to the sole satisfaction of WSDOT, that the connection will not adversely affect the safety, maintenance, or operation of the state highway in accordance with its assigned classification. A Variance Access Connection Permit may only be issued for Class 2 thru Class 5 highways and may remain unless a new permit is required due to changes in property site use or unless WSDOT modifies, revokes, or closes the permit pursuant to WAC 468-51-120.

4. OTHER PERMITS, FRANCHISE RIGHTS, AND AGREEMENTS

This permit shall not be deemed or held to be an exclusive one and shall not prohibit WSDOT from granting other permits, franchise rights, and/or agreements or from entering into other permits, franchise rights, and/or agreements of like or other nature with other public or private companies or individuals for the use of the state highway right-of-way, nor shall it prevent WSDOT from using any of its highways, streets, or public places, or affect its right to full supervision and control over all or any part of them, none of which is hereby surrendered.

5. PERMITS FROM OTHER AGENCIES

The Permit Holder shall be responsible for obtaining all necessary Federal, State, and Local Permits including, but not limited to, Washington State Department of Ecology, Washington State Department of Fish and Wildlife, Washington State Department of Natural Resources, and U.S. Army Corps of Engineers permits or other approvals required prior to beginning any of the work authorized in this permit. The Permit Holder shall defend and hold harmless the State of Washington, its officers and employees, for any fines, costs, or other amounts should the Permit Holder fail to obtain all required permits.

6. PERMIT HOLDER'S REPRESENTATIVE

Should the Permit Holder not be present during any of the work authorized by this permit, the Permit Holder shall designate a representative that has either the legal authority to represent the Permit Holder or the authority to make decisions on behalf of the Permit Holder with respect to the work authorized by this permit. The Permit Holder, at its own expense, shall adequately police and supervise all work authorized by this permit, including but not limited to its contractor, subcontractor, agent, and others, so as not to endanger or injure any person or property. The Permit Holder or the Permit Holder's representative shall be present during any active construction or maintenance work authorized by this permit. Failure to comply with this provision may result in WSDOT restricting any further work by the Permit Holder within the state highway right-of-way until this requirement is met.

7. PRE-CONSTRUCTION CONFERENCE

The Permit Holder shall not start any construction on state highway right-of-way without first having a preconstruction meeting which shall be attended by WSDOT, the Permit Holder or its authorized representative, and the Permit Holder's contractor, if applicable. Unless requested otherwise by WSDOT, the preconstruction conference shall be onsite at the location of the work authorized by this permit.

8. WSDOT NOTIFICATION

The Permit Holder shall notify WSDOT a minimum of five (5) working days prior to, including but not limited to: the preconstruction conference; the beginning of any construction work; the implementation of any traffic control plan that closes or restricts a sidewalk, pathway, trail, highway shoulder, or traveled lane of the state highway; submittal of a new or revised traffic control plan; any extension of allowed working hours or days; and the final inspection upon completion of the construction.

Working days, for the purposes of notifying WSDOT of any work or other activity as authorized by this permit, are the weekdays Monday through Friday, excluding legal holidays.

9. PERMIT DOCUMENTS ON SITE

A complete copy of this permit, protected from the elements, shall be readily available any time active construction work is being performed as authorized by this permit. The permit shall be shown, upon request, to any state representative or law enforcement officer. Failure to comply with this provision may result in WSDOT restricting any further work by the Permit Holder within the state highway right-of-way until said requirement is met.

10. TRAFFIC CONTROL PLANS

The Permit Holder shall submit Work-specific traffic control plans (TCP's) to WSDOT for review and written approval before implementation on state-owned highway right of way. It is the Permit Holder's responsibility to plan, conduct, and safely perform the Work authorized by this Permit. Traffic control refers to the control of all types of roadway users, including vehicles, bicyclists, and pedestrians (including pedestrians with disabilities) guiding them through or around the work zone. The Permit Holder shall implement all reasonable means of traffic control necessary to adequately accommodate all road users if they can be reasonably expected to be encountered during the Work authorized by this Permit. All TCPs and traffic control devices shall be in compliance with the current edition of the Federal Highway Administrations Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways as adopted by WSDOT per WAC 468-95

Additional TCP resources can be found at:

Work zone typical traffic control plans (TCP) | WSDOT (wa.gov)
Work Zone Traffic Control Guidelines M 54-44 (wa.gov)

11. CHANGES TO TRAFFIC CONTROL PLANS

WSDOT reserves the right to immediately modify, suspend, or revoke any traffic control plan or work authorized under this permit, including but not limited to lane closures and shoulder closures due to unexpected conditions or other circumstances which WSDOT determines is in the best interests of the state and/or safety of the traveling public. All costs associated with a modification, suspension, or revocation shall be borne solely by the Permit Holder. WSDOT shall in no way be held liable for any delays, costs, or other damages to the Permit Holder by reason of any such WSDOT action.

12. TRACKING OF MATERIAL

The Permit Holder shall maintain the surface of the access connection to prevent the tracking of material onto any portion of the state highway, including the traveled lanes and shoulders of the highway. Any tracking of material onto the highway, such as mud or debris, shall be immediately cleaned up by the Permit Holder in accordance with RCW 46.61.655. Should the Permit Holder fail to immediately correct or clean up material tracked onto the state highway after receiving written notice from WSDOT, WSDOT reserves the right to perform the necessary work to preserve the state highway right-of-way or for the protection of the traveling public or pedestrians. If WSDOT performs the work as provided herein, the Permit Holder agrees to make payment to WSDOT within thirty (30) calendar days of the date of WSDOT's detailed invoice. If WSDOT chooses not to perform the work, WSDOT may initiate an action to revoke this permit as provided as provided by WAC 468-51.120.

13. EROSION AND SEDIMENTATION CONTROL

The Permit Holder shall comply with the Washington State Department of Transportation Highway Runoff Manual (HRM) and implement Best Management Practices (BMP's) to reduce erosion, trap sediment, and ensure that sediment-laden water does not leave the work site. The HRM establishes minimum requirements and provides uniform technical guidance for avoiding, minimizing, and/or mitigating potential water resource impacts. All water discharges to or from the state highway right-of-way due to the work activities authorized by this permit shall conform to all applicable federal, state, and local water quality regulations.

The Washington State Department of Transportation Highway Runoff Manual, M31-16, may be accessed at: http://www.wsdot.wa.gov/Publications/Manuals/M31-16.htm

14. CULTURAL RESOURCES

If any archaeological or historical resources are revealed due to the work authorized under this permit, the Permit Holder shall immediately stop work and notify WSDOT's representative and retain a United States Government Secretary of the Interior's qualified archaeologist. Said archaeologist shall evaluate the site and make recommendations to WSDOT regarding the continuation of the work.

15. UTILITY IMPACTS

All manholes, valve covers, catch basins, utility boxes, or other similar utility appurtenances impacted by the work authorized in this permit that do not require a separate WSDOT Utility Permit or Utility Franchise shall be constructed, modified, or repaired to match the highway shoulder slope and if outside the highway shoulder shall match the adjacent terrain as required by WSDOT. Any WSDOT inspection or concurrence of this work shall be for the sole benefit of WSDOT and not for the Permit Holder or any third party. The Permit Holder shall make a timely application for any WSDOT-issued Utility Permit, Utility Franchise, or an amendment to an existing utility permit or franchise. Failure to obtain any required Utility Permit, Utility Franchise, or an amendment to an existing utility permit or franchise in a timely manner may result in WSDOT delaying the work authorize by this permit until such time that the require documents are obtained. The Permit Holder agrees on behalf of itself, its successors, assigns, tenants, invitees, licensees, contractors, agents and/or employees, that WSDOT shall in no way be held liable for any delays, costs, or other damages to the Permit Holder or its successors, assigns, contractors, tenants, invitees, licensees, employees and/or agents by reason of any action taken by WSDOT pursuant to this section.

Additional guidance in accommodating utilities within state highway right-of-way may be found in the current editions of the Washington State Department of Transportation Utilities Accommodations Manual M22-86 and WSDOT Utilities Manual M22-87.

The WSDOT Utilities Accommodations Manual, M22-86, and the WSDOT Utilities Manual, M22-87, may be accessed at: Utilities Accommodation Policy | Manuals | WSDOT (wa.gov)

16. SURVEY MONUMENTS

The Permit Holder shall not disturb, remove, or destroy any existing survey Monument before first obtaining a Washington State Department of Natural Resources (DNR) permit. The Permit Holder further agrees that all WSDOT control and alignment monuments may not be disturbed, removed, or destroyed unless specifically authorized by this permit or pursuant to WSDOT's prior written approval. Any reset survey Monument shall be set by or under the direct supervision of a Professional Land Surveyor who has an active professional license with the State of Washington.
A listing of Survey Monuments may be accessed at WSDOT's Geographic Services Office Website:
http://www.wsdot.wa.gov/monument/searchBroad.aspx

17. DELAY TO WSDOT WORK

All work authorized by this permit shall be done in such a manner by the Permit Holder as will cause the least interference with any of WSDOT's or it's contractor's work on the state highway. The Permit Holder agrees on behalf of itself, its successors, assigns, tenants, invitees, licensees, contractors, agents and employees, that WSDOT shall in no way be held liable for any delays, costs, or other claims or damages by the Permit Holder or its successors, assigns, tenants, invitees, licensees, contractors, agents and/or employees occasioned by WSDOT's or its contractor's work on the state highway right of way.

18. MATERIALS AND WORKMANSHIP

All material and workmanship shall conform to the current edition of the Washington State Department of Transportation Standard Specifications for Road, Bridge and Municipal Construction, and amendments thereto, and shall be subject to inspection and concurrence by WSDOT. Any WSDOT inspection or acceptance shall be for the sole benefit of WSDOT and not for the Permit Holder or any third party.

The Washington State Department of Transportation Standard Specifications for Road, Bridge and Municipal Construction (M41-10) may be accessed at: http://www.wsdot.wa.gov/Publications/Manuals/M41-10.htm

19. PERMIT MODIFICATIONS, AMENDMENTS, CHANGES AND/OR CORRECTIONS

WSDOT reserves the right to require permit modifications, amendments, changes and/or corrections should the authorized construction not conform with WSDOT's current Standard Specifications for Road, Bridge, and Municipal Construction, WSDOT's Standard Plans, WSDOT's Design Manual, the permit Special Provisions and/or if unexpected construction site conditions are encountered prior to or during the performance of the work authorized by this permit. The Permit Holder is required to obtain WSDOT's prior review and written approval for any proposed changes to the permit. Permit Holder agrees on behalf of itself, its successors, assigns, tenants, invitees, licensees, contractors, agents and employees, that WSDOT shall in no way be held liable for any delays, costs, or other claims or damages to the Permit Holder or its successors, assigns, tenants, invitees, licensees, contractors, agents and/or employees, should WSDOT require any modifications, amendments, changes and/or corrections to the permit.

20. STORAGE OF EQUIPMENT AND MATERIALS

The Permit Holder shall not place or store any equipment and/or materials within the state highway right-of-way unless specifically authorized by this permit or in writing by WSDOT, and any placement or storage of any equipment and/or materials, if allowed, shall only be during the active construction phase of the work authorized by this permit.

21. CONSTRUCTION AND MAINTENANCE WORKING DAYS – SUSPENSION OF WORK

The Permit Holder shall not perform work on Saturday, Sunday or a legal holiday, as listed in RCW 1.16.050, unless specified elsewhere in this permit or by WSDOT in writing.

22. FAILURE TO COMPLETE WORK IN A TIMELY MANNER

The Permit Holder agrees to complete the work authorized by this permit within 120 days, unless an extension of time is granted in writing by WSDOT. Should the Permit Holder fail to complete the work within the approved time limit, WSDOT shall determine what work must be completed to restore the state highway right-of-way back to a condition and configuration that is safe for public use. Should the Permit Holder fail to immediately finish the work authorized by this permit or to restore the state highway right-of-way back to a condition and configuration that is safe for public use after receiving written notice of the deficiency from WSDOT, WSDOT reserves the right to perform the necessary work to preserve the state highway for public use and for the safety of the traveling public. If WSDOT performs the work, the Permit Holder agrees to make payment to WSDOT within thirty (30) calendar days of the date of WSDOT's detailed invoice. If WSDOT chooses not to perform the work, WSDOT may initiate an action to revoke this permit as provided as provided by WAC 468-51.120, as well as recover all costs associated with restoring the state highway right-of-way.

23. FINAL INSPECTION AND SURETY RELEASE

All work on state highway right-of-way is subject to ongoing monitoring and inspection by WSDOT solely for the benefit of WSDOT and not for the Permit Holder or any third party. Upon completion of the work authorized by this permit, including the removal of all construction related rubbish and debris, the Permit Holder shall request a final inspection from WSDOT's representative. Only upon WSDOT's inspection and concurrence of the work authorized by this permit will WSDOT release the surety, if any, that was made a condition of this permit, provided all other conditions related to the surety have been met.

24. ON-GOING MAINTENANCE OF ACCESS CONNECTION

The Permit Holder, its successors or assigns, shall be responsible for maintaining the access connection and related appurtenances between the state highway edge of shoulder and the state highway right-of-way line, including but not limited to, pavement surface, culverts, catch basins, earthen embankment slopes above and below the access connection, vegetation growth that impacts traffic and pedestrian sight lines and sight distance, the removal of snow or other material that may be tracked onto the access such as mud and debris, and mail boxes.

The Permit Holder shall correct any maintenance deficiency within thirty (30) consecutive calendar days upon discovery or WSDOT written notice, unless WSDOT authorizes in writing a different time period. Should the Permit Holder fail to correct a deficiency, after receiving written notice of the deficiency from WSDOT, WSDOT reserves the right to perform the necessary maintenance work to preserve the state highway right-of-way or for the protection of the traveling public or pedestrians. If WSDOT performs maintenance work as provided herein, the Permit Holder agrees to make payment to WSDOT within thirty (30) calendar days of the date of WSDOT's detailed invoice. If WSDOT chooses not to make the repair, WSDOT may initiate an action to revoke this permit as provided by WAC 468-51.120.

25. STORMWATER AND DRAINAGE MAINTENANCE

The Permit Holder shall construct and maintain the access connection such that no stormwater runoff is directed onto the paved surface of the state highway traveled lanes and shoulders. Curbing or other drainage features may be required if the grade beyond the edge of shoulder is flat or slopes toward the state highway pavement such that any stormwater runoff on the access connection would flow onto the traveled lanes and shoulder of the state highway.
The Permit Holder shall be responsible to maintain all culverts and catch basins associated with this permit and shall provide all necessary ongoing maintenance to keep those culverts and catch basins free-flowing and clear of all obstructions in accordance with the provisions of Section 24.

The Permit Holder shall not interfere with the conveyance and/or treatment of the existing highway stormwater drainage system. If the work performed in any way adversely interferes with existing state highway stormwater drainage, including the treatment and/or conveyance of stormwater, the Permit Holder shall immediately correct its drainage impacts on the state highway at its own expense after receipt of WSDOT's written notice. Such work as required by WSDOT shall be inspected and concurred to by WSDOT. Any WSDOT notice, requirement, inspection and/or concurrence shall be solely for the benefit of the state and not for the Permit Holder or any other third party. Should the Permit Holder fail to immediately maintain or correct any stormwater conveyance, drainage, or treatment deficiency after receiving written notice of the deficiency from WSDOT, WSDOT reserves the right to perform the necessary work to preserve the state highway right-of-way or for the protection of the traveling public or pedestrians. If WSDOT performs the work as provided herein, the Permit Holder agrees to make payment to WSDOT within thirty (30) calendar days of the date of WSDOT's detailed invoice. If WSDOT chooses not to perform the work, WSDOT may initiate an action to revoke this permit as provided as provided by WAC 468-51.120.

26. RIGHT-OF-WAY VEGETATION MAINTENANCE

The Permit Holder shall not cut, spray, retard, remove, destroy, damage, disfigure or in any way modify the physical condition of any vegetative material located within the state highway right-of-way for any reason, except for the work specifically detailed, shown, and authorized in this permit. If it becomes necessary to increase the sight lines and sight distance at this access connection for safety purposes, the Permit Holder shall contact WSDOT to obtain prior written approval for any vegetative material modification located on the state highway right-of-way, including obtaining WSDOT's prior written authorization for vegetative material modification to provide Permit Holder property sign or facility visibility from the state highway. This includes any modifications to the earthen embankment on either side of the access connection. The unauthorized cutting of timber or damage to the vegetative material is prohibited. Criminal penalties may apply under RCW 47.40.080. Civil penalties may apply under RCW 4.24.630. The Permit Holder agrees that it shall perform all restoration work at its sole cost and expense to the satisfaction of WSDOT.

27. FUTURE ACCESS PERMIT MODIFICATIONS BY WSDOT AND RIGHT OF ENTRY

In WSDOT's sole discretion as part of its highway work program, existing permitted access connections may require

modification, relocation, or replacement in order to meet current WSDOT design standards. WSDOT shall be responsible to perform such modifications, relocations, or replacements at WSDOT's sole cost and expense. The Permit Holder hereby authorizes WSDOT to enter upon its lands only where necessary to modify, relocate, or replace all or a portion of the permitted access connection and to maintain traffic control devices and appurtenances associated with WSDOT's work performed on or near the permitted access connection.

Should the Permit Holder request that further enhancements or modifications be added to WSDOT's work, WSDOT, at its sole option, may allow the further enhancements or modifications be added to its work program provided all costs to perform the additional enhancements or modifications is at the sole expense of the Permit Holder. The Permit Holder agrees to remit the estimated costs of the work to WSDOT before WSDOT will perform the additional enhancement or modification work. WSDOT agrees to reimburse the Permit Holder for monies paid but not used for the work within thirty (30) calendar days after the work is performed. The Permit Holder agrees to reimburse WSDOT for all additional costs should they exceed the estimated cost paid within thirty (30) calendar days after receipt of a detailed WSDOT notice.

28. FUTURE ACCESS MODIFICATIONS BY THE PERMIT HOLDER

The Permit Holder shall immediately notify WSDOT of any changes made or proposed in the use, intensity of development, type of traffic, or traffic flow of the property or properties served by this access connection permit. WSDOT may require further traffic analyses by the Permit Holder if the change is significant that would require a new access connection permit and/or modifications to the access connection. The cost of a modification to this access connection shall be the sole responsibility of the Permit Holder, including the cost of modification of any access connection required as a result of changes to property site use in accordance with WAC 468-51-110, except as provided in Section 17 of this permit.

29. MODIFICATION OR REVOCATION OF PERMIT OR CLOSURE OF ACCESS CONNECTION

In addition to other provisions of this permit, WSDOT may initiate an action to modify, revoke, or close this permit in accordance with the specific terms of WAC 468-51-110 and 468-51-120, including if:

- Significant changes have occurred in the use, design, or traffic flow of the property or of the state highway, requiring the relocation, alteration or closure of the access connection, or
- The connection was not constructed at the location or to the design specified in the permit, or
- The permit provisions were not met, or
- The connection causes a safety, maintenance, and/or operational problem on the state highway system.

The Permit Holder may have appeal rights as provided under WAC 468-51-150. In addition, WAC 468-51-120(3) authorizes WSDOT to take immediate remedial action, including the closure of an access connection, if there is an immediate and serious danger to the public health, safety, and welfare, in compliance with chapter 47.32 RCW. This permit is also subject to any and all causes of revocation as allowed by state laws, as amended.

30. ASSIGNMENT OF PERMIT

This permit is assigned to the identified parcel(s) served by the access connection and shall remain appurtenant to the identified parcel(s). Should the identified parcel(s) be inherited, sold, assigned, or transferred in any way, this permit shall run with the land to the extent that the identified parcel(s) remain in compliance with the terms of this permit, unless the permit is revoked, modified, or closed by WSDOT as provided by law or the current Permit Holder requests the cancellation of the permit and closure of the access.

31. HIGHWAY ADVERTISING CONTROL

No signs shall be placed on state highway right-of-way. Any advertising adjacent to the state highway shall be in compliance with the Scenic Vistas Act of 1971, chapter 47.42 RCW and chapter 468-66 WAC.

32. APPLICABLE WAC's AND RCW's

In addition to the specific state laws and rules identified in this permit, this permit is also subject to all applicable provisions of chapters 468-51 and 468-52 WAC, and chapters 47.32, 47.44, and 47.50 RCW, and amendments thereto.

33. AMERICANS WITH DISABILITIES ACT

This permit is subject to all applicable provisions of the United States Government American's with Disabilities Act (ADA). Any current or future work shall comply with all applicable ADA requirements in effect at the time of the work

Washington State Department of Transportation

Special Provisions for Access Connection Permit Managed Access Highways Only

Not for use within an Incorporated City or Town

Permit No. 61716

Applicable provisions are denoted by (☑)

☑ 1. No work provided by this permit shall be performed until the Permit Holder is authorized by the following WSDOT representative:

Kevin Nicholson
Cle Elum Maintenance Supervisor
151 South Bullfrog Road
Cle Elum, WA 98922

Phone: (509) 674-4443
Fax: (509) 674-3931
E-mail: NicholK@wsdot.wa.gov

☑ 2. The Permit Holder shall only perform the construction work authorized by this permit during the following work hours:

7:00 AM to 4:30 PM and / or Daylight Hours

☑ 3. The Permit Holder, unless specified otherwise in this permit, shall only implement the Traffic Control Plans approved for this permit during the following work hours:

7:00 AM to 4:30 PM and / or Daylight Hours

While school is in session, lane closure is prohibited between:

7:30 AM - 8:30 AM

2:30 PM to 3:30 PM

☑ 4. **Pre-Paving Inspection**

The Permit Holder shall contact WSDOT to request a pre-paving inspection prior to paving any Hot Mix Asphalt (HMA) or Bituminous Surface Treatment (BST). No paving shall occur without first receiving WSDOT's prior written approval to pave. Failure to obtain this approval may result in WSDOT directing the Permit Holder to remove, repair, and/or add more paving at the Permit Holder's sole cost and expense.
The pre-paving inspection is required to permit WSDOT to verify that the paving, before it is placed, will meet WSDOT's design requirements for the access connection. Items to be inspected include, but are not limited to, paving limits, culvert placement, material installation, side slopes, and grading of the access connection to

ensure that stormwater will not flow onto the existing state highway pavement after the access connection paving is completed.

☑ 5. **Paved Access Connection**

The Access Connection shall be constructed with the following materials, listed from top lift to bottom lift. The thicknesses shown are minimum requirements, as additional material may be necessary to properly construct the access connection.

☑ See Exhibit " B " for design details and paving requirements

8 inches of Mix Asphalt (HMA)

☐ Bituminous Surface Treatment (BST), also known as chipseal

inches Crushed Surfacing Top Course (CSTC)

10 inches Crushed Surfacing Base Course (CSBC)

inches of Rock Cap

☐ Geotextile for separation or soil stabilization

☐ 6. **Gravel Access Connection**

The Access Connection shall be constructed with the following materials, listed from top lift to bottom lift. The thicknesses shown are minimum requirements. WSDOT may require additional material as necessary to properly construct the access connection.

☐ See Exhibit " " for additional desgin details and gravel requirements

inches Crushed Surfacing Top Course (CSTC)

inches Crushed Surfacing Base Course (CSBC)

inches of Quarry Spalls

inches of Rock Cap

☐ Geotextile for separation or soil stabilization

☐ 7. **Culvert Installation**

The access connection shall include the installation of a culvert installed in a straight line and with a grade that matches the existing grade of the highway ditch or swale such that the existing conveyance of stormwater will not be adversely impacted. The culvert to be installed shall be

inch minimum diameter culvert

☐ 8. **Culvert Beveled End Treatments**

The open ends of the culvert run shall be beveled to match the existing slopes of the ditch or swale and access connection fill material.

☐ 9. **Culvert End Treatments – Quarry Spalls**

Quarry spalls shall be placed around the open ends of the culvert. The quarry spalls shall be placed below, along the sides, and on the top of the open end of the culvert for a minimum length of two (2) feet in all directions.

☐ 10. **Gated and Locked Access**

This access connection shall be gated and locked when not in active use.

☐ 11. **Surety**

To ensure proper compliance with all terms and conditions of this permit, a surety amount in the form of a Bond, Assignment of Escrow, Certificate of Deposit, Irrevocable Letter of Credit, Check or Money Order shall be provided to WSDOT in the amount listed below. If a bond is provided, it shall be written by a surety company authorized to do business in the State of Washington.

The surety amount shall be:

The surety bond shall remain in force until all work under this permit has received final concurrence by WSDOT, and WSDOT issues a written release of the surety bond.

☐ 12. **Temporary Access Connection**

This is a temporary access connection that shall be immediately closed and removed by the Permit Holder when no longer needed, or by the date listed below, whichever comes first:

When the access connection is removed, the Permit Holder shall restore the state highway right-of-way to its original condition, including reseeding if required. Failure by the Permit Holder to remove the access connection as specified herein may result in WSDOT removing the access connection at the Permit Holder's expense.

☐ 13. **Access Connection for Emergency Use Only**

This access connection is for emergency use only and shall be gated and locked at all times to the general public.

☐ 14. **This is a Non-Conforming Access Connection Permit:**

Per WAC 468-52-040 Private direct access to the state highway system shall be permitted only when the property has no other reasonable access to the general street system or if access to the general street system would cause traffic operational conditions or safety concerns unacceptable to the local governmental entity. When direct access must be provided the access connection shall continue until such time that other reasonable access to a highway with a less restrictive access control classification or acceptable access to the general street system becomes available and is permitted.

☐ It does not meet the minimum spacing from another adjacent driveway or public road intersection of:

☐ 125 feet ☐ 250 feet ☐ 330 feet ☐ 660 feet ☐ 1320 feet

☐ It does not meet the minimum corner clearance standards of WAC 468-52-040(6) of

☐ 75 feet ☐ 100 feet ☐ 115 feet ☐ 125 feet ☐ 230 feet

☐ It exceeds the number of access points for one parcel or contiguous parcels under the same ownership by one or more additional access connections.

☐ The existing topography, site conditions, and/or wetland or stream restrictions and buffers prevent the access to be constructed to current standards.

Therefore, this access connection shall only continue until such time that a conforming access connection can be constructed or another access to the local street system becomes available and is permitted. Variance Access Connection Permits are only issued on Class 2 through 5 highways.

☐ **15. This is a Variance Access Connection Permit:**

Variance Access Connection Permits (WAC 468-51-105) may be issued, at the discretion of WSDOT, for certain connections not meeting the access classification location and spacing or that exceed the number of connections allowed by the standards adopted for a particular highway segment.

☐ It does not meet the minimum spacing from another adjacent driveway or public road intersection of:

☐ 125 feet ☐ 250 feet ☐ 330 feet ☐ 660 feet

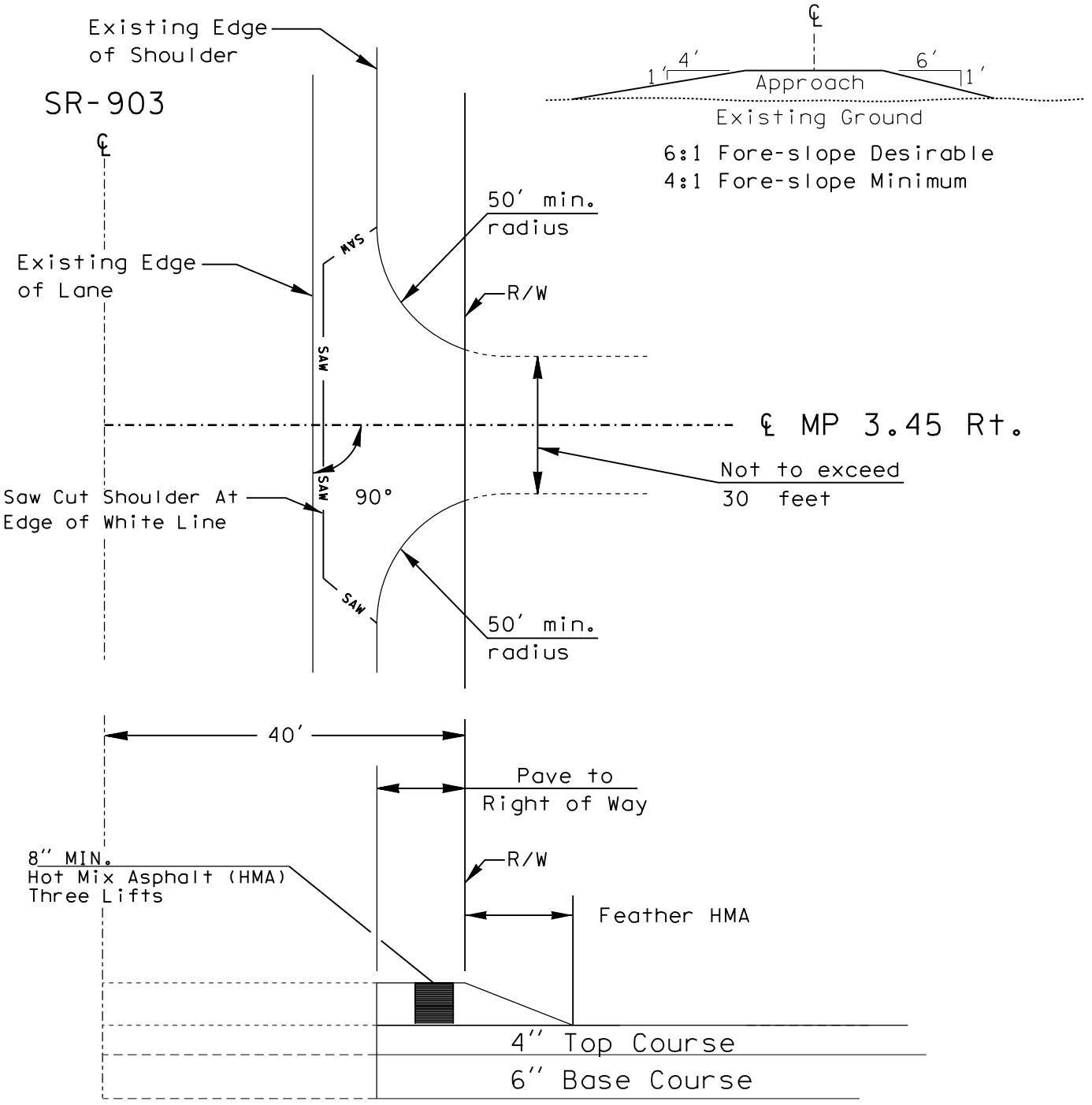
☐ It does not meet the minimum corner clearance standards of WAC 468-52-040(6) of:

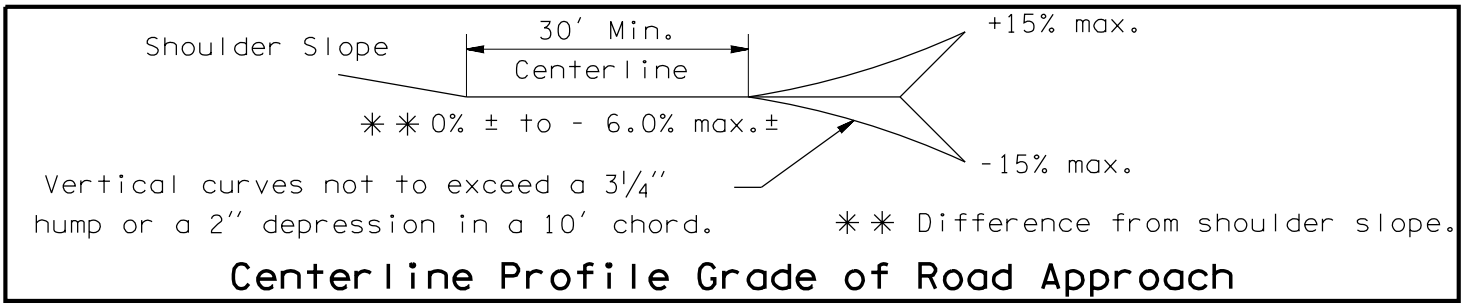
☐ 75 feet ☐ 100 feet ☐ 115 feet ☐ 125 feet ☐ 230 feet

☐ It exceeds the number of access points for one parcel or contiguous parcels under the same ownership by one or more additional access connections.

☐ The existing topography, site conditions, and/or wetland or stream restrictions and buffers prevent the access to be constructed to current standards.

Therefore, this access connection shall only continue until such time that a conforming access connection can be constructed or another access to the local street system becomes available and is permitted.

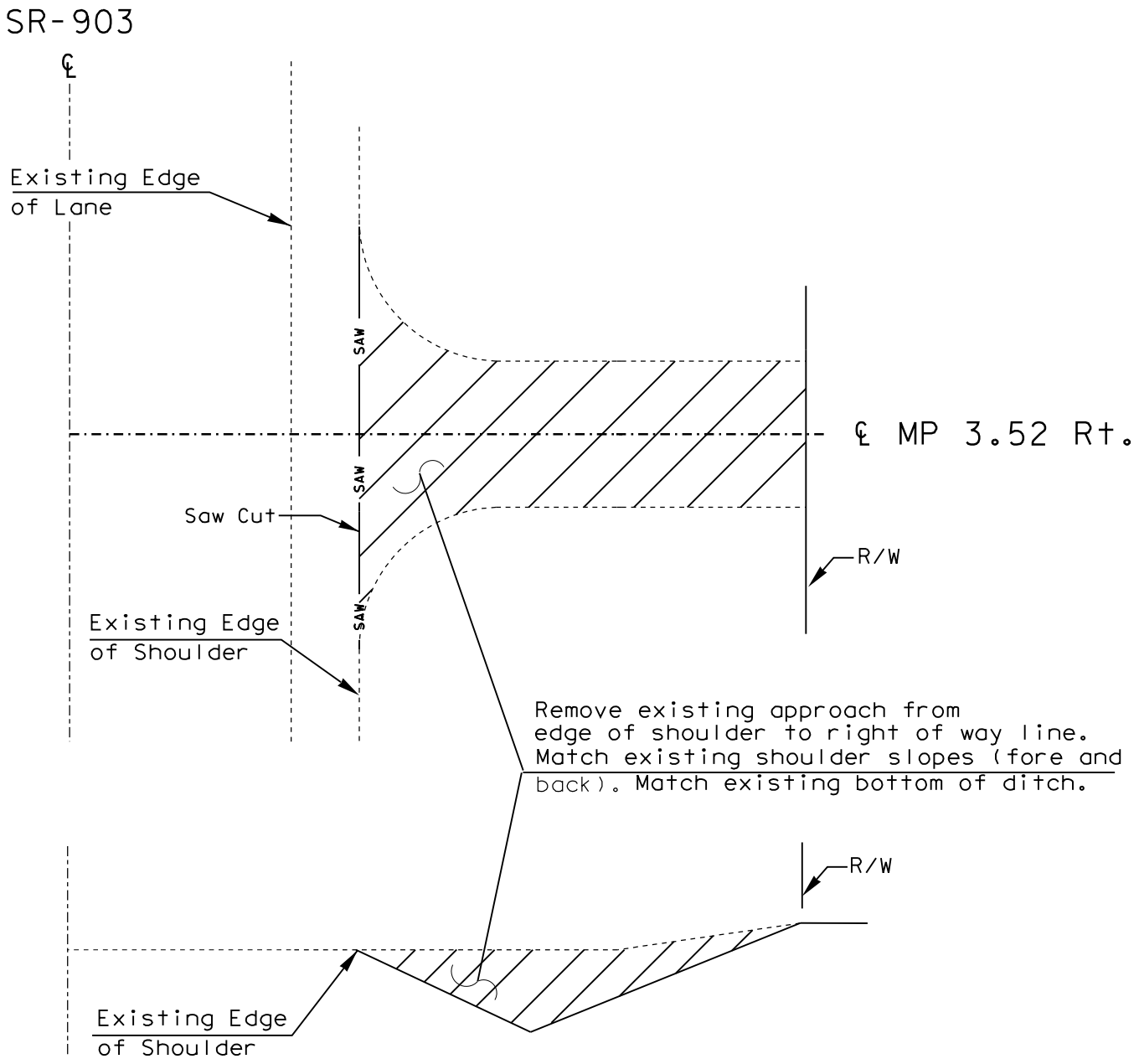




Centerline Profile Grade of Road Approach

Category 2

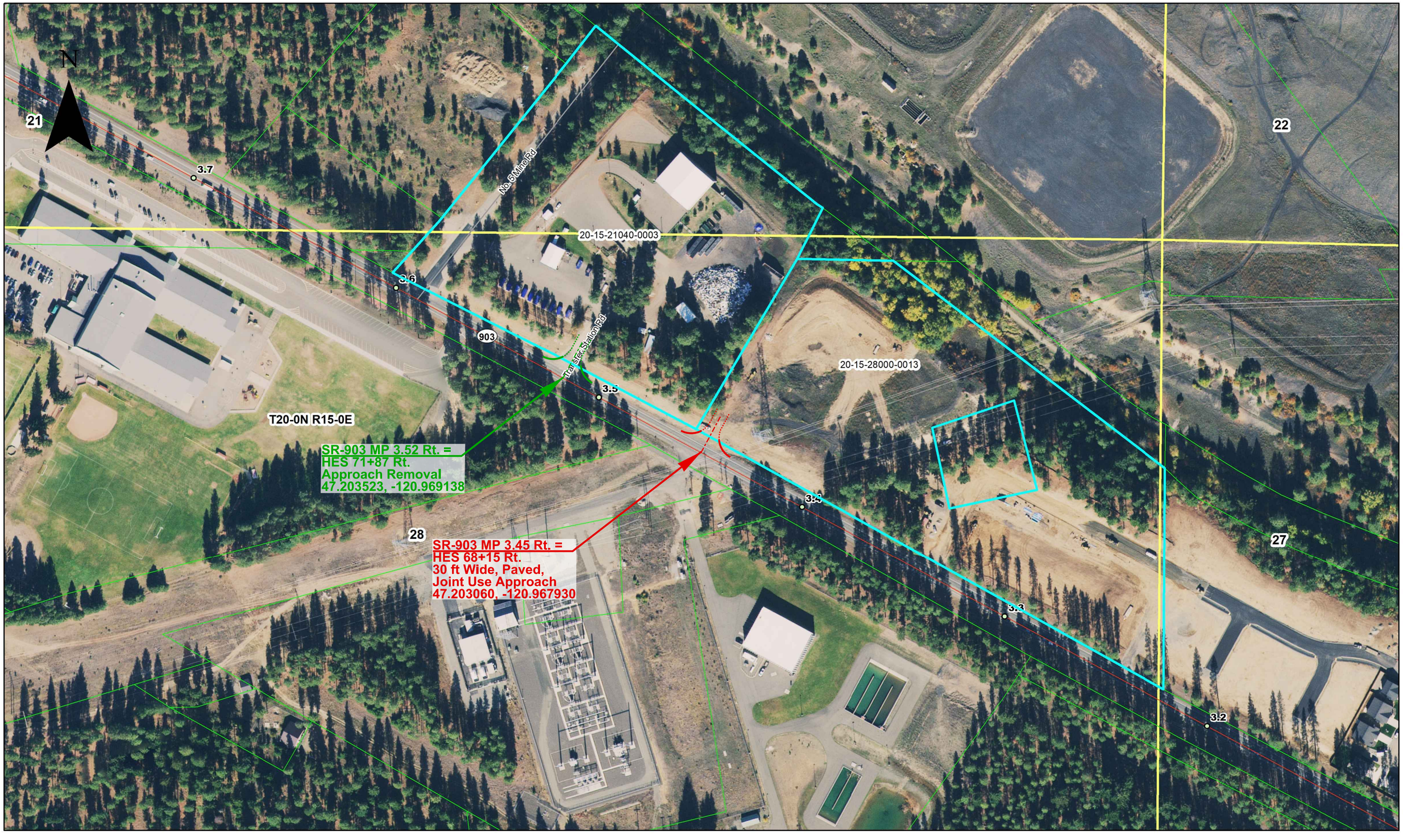
Approach Template

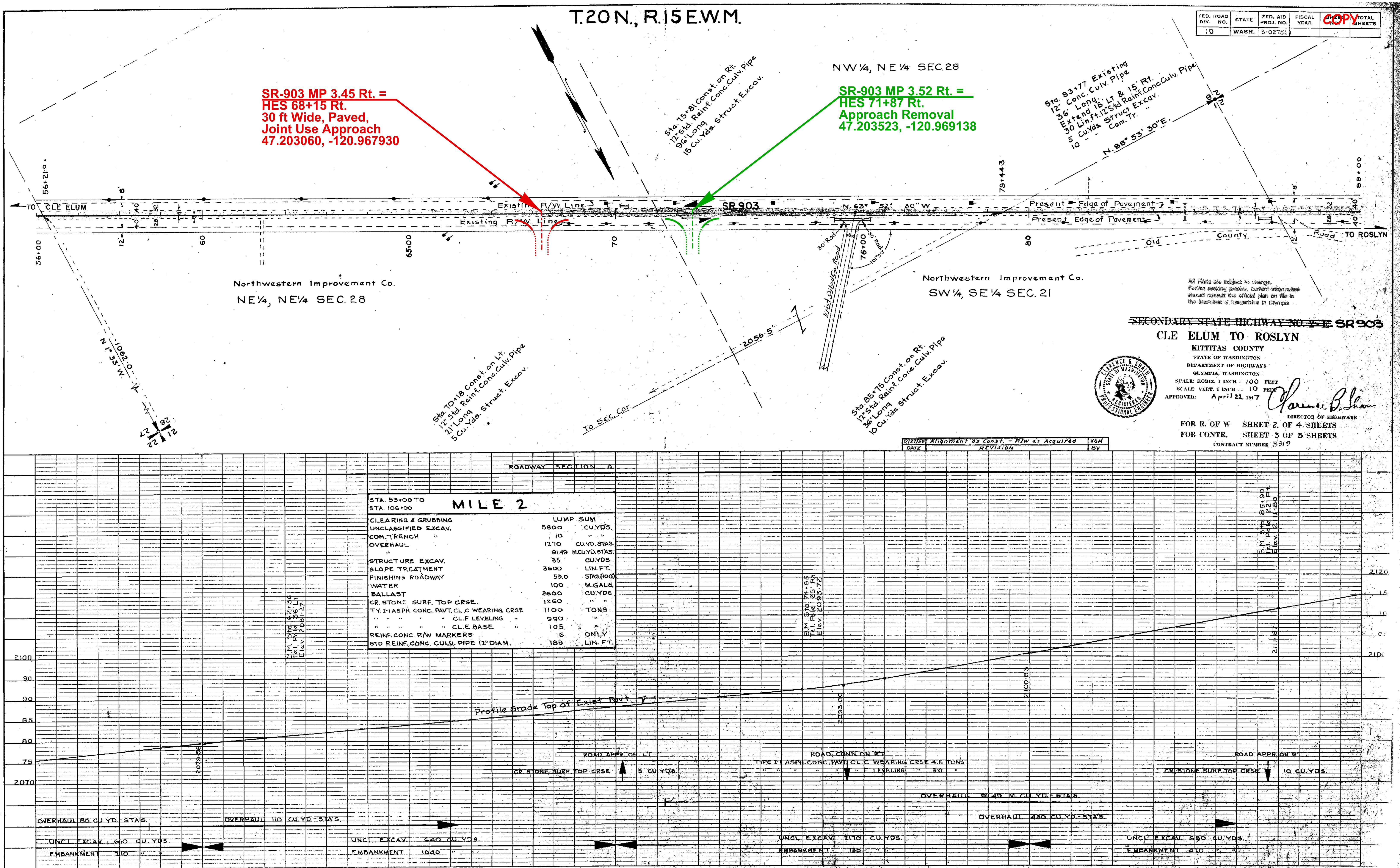


Approach Removal Detail

Slope restoration, seeding & fertilizer shall be coordinated with the Maintenance Supervisor or their representative as per Special Provsions 17.

COPY


N
21
22
27
28
3.7
3.6
3.5
3.4
3.3
3.2
No. 5 Mine Rd
20-15-21040-0003
20-15-28000-0013
903
Transfer Station Rd
T20-0N R15-0E
SR-903 MP 3.52 Rt. =
HES 71+87 Rt.
Approach Removal
47.203523, -120.969138
SR-903 MP 3.45 Rt. =
HES 68+15 Rt.
30 ft Wide, Paved,
Joint Use Approach
47.203060, -120.967930
200 100 0 200 Feet



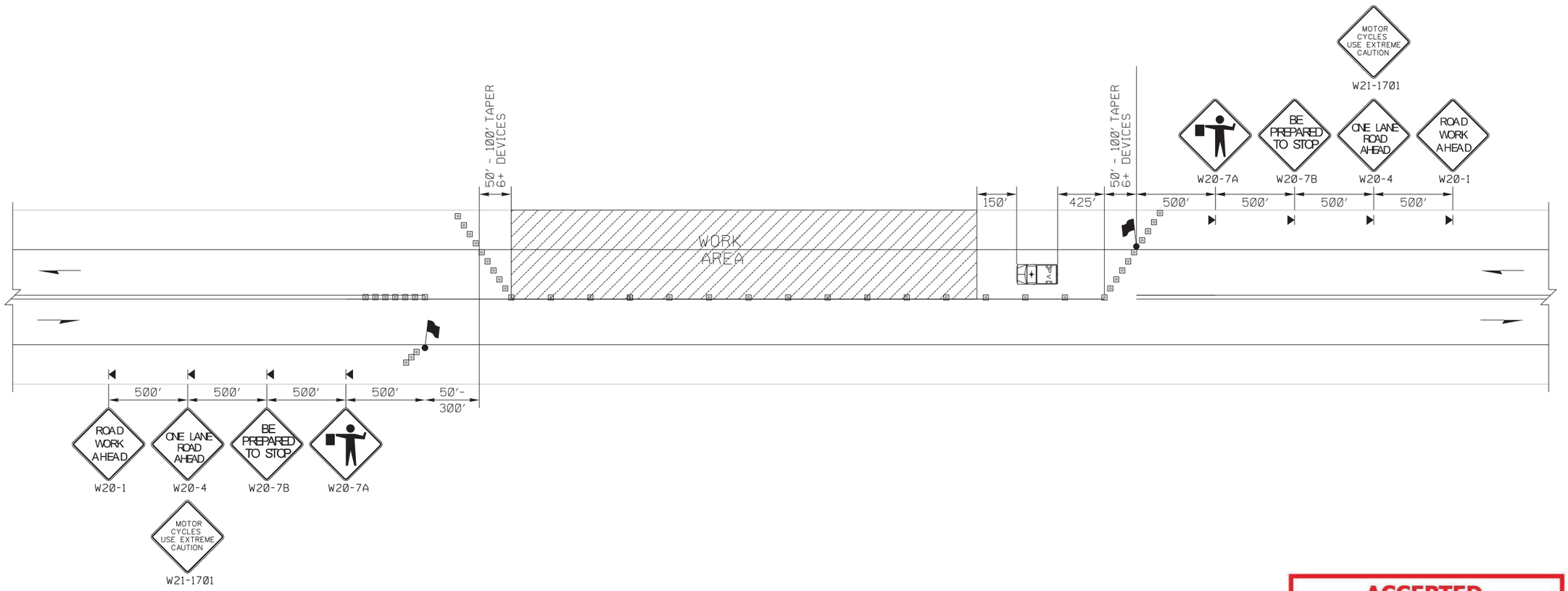
T.20 N., R.15 E.W.M.
FED. ROAD DIV. NO. 10 | STATE WASH. | FED. AID PROJ. NO. S-0275( ) | FISCAL YEAR | SHEET NO. | TOTAL SHEETS
COPY
SR-903 MP 3.45 Rt. = HES 68+15 Rt. 30 ft Wide, Paved, Joint Use Approach 47.203060, -120.967930
SR-903 MP 3.52 Rt. = HES 71+87 Rt. Approach Removal 47.203523, -120.969138
NW¼, NE¼ SEC.28
Sta. 75+81 Const. on Rt. 12" Std. Reinf. Conc. Culv. Pipe 96' Long 15 Cu. Yds. Struct. Excav.
Sta. 83+77 Existing 12" Conc. Culv. Pipe 36' Long Extend 15' Lt & 15' Rt. 30 Lin. ft. 12" Std. Reinf. Conc. Culv. Pipe 5 Cu. Yds. Struct. Excav. 10 " " Com. Tr. "
N. 88° 53' 30" E.
TO CLE ELUM
TO ROSLYN
SR 903
Existing R/W Line
Present Edge of Pavement
N. 63° 52' 30" W.
Old County Road
30' Rad.
76+00
Exist. Oiled Co. Road
56+21.0
56+00
60
65+00
70
80
79+44.3
88+00
Northwestern Improvement Co.
NE¼, NE¼ SEC. 28
Northwestern Improvement Co.
SW¼, SE¼ SEC. 21
N. 1° 33' W. 1062.0
2056.5
To Sec. Cor.
Sta. 70+18 Const. on Lt. 12" Std. Reinf. Conc. Culv. Pipe 21' Long 5 Cu. Yds. Struct. Excav.
Sta. 85+75 Const. on Rt. 12" Std. Reinf. Conc. Culv. Pipe 36' Long 10 Cu. Yds. Struct. Excav.
All Plans are subject to change. Parties seeking precise, current information should consult the official plan on file in the Department of Transportation in Olympia
SECONDARY STATE HIGHWAY NO. 2-E SR 903
CLE ELUM TO ROSLYN
KITTITAS COUNTY
STATE OF WASHINGTON
DEPARTMENT OF HIGHWAYS
OLYMPIA, WASHINGTON
SCALE: HORIZ. 1 INCH = 100 FEET
SCALE: VERT. 1 INCH = 10 FEET
APPROVED: April 22, 1947
DIRECTOR OF HIGHWAYS
CLARENCE B. SHAIN STATE OF WASHINGTON REGISTERED PROFESSIONAL ENGINEER
FOR R. OF W. SHEET 2 OF 4 SHEETS
FOR CONTR. SHEET 3 OF 5 SHEETS
CONTRACT NUMBER 3319
12/27/50 Alignment as Const. - R/W as Acquired KGM
DATE REVISION BY
ROADWAY SECTION A
B.M. Sta. 62+36 Tel. Pole 36' Lt. Elev. 2081.27
B.M. Sta. 71+85 Tel. Pole 35' Rt. Elev. 2093.72
B.M. Sta. 85+90 Tel. Pole 12' Rt. Elev. 2111.80
Profile Grade Top of Exist. Pavt.
ROAD APPR. ON LT. CR. STONE SURF. TOP CRSE. 5 CU. YDS.
ROAD CONN. ON RT. TYPE I-1 ASPH. CONC. PAVT. CL. C WEARING CRSE 4.5 TONS " " LEVELING 3.0 "
ROAD APPR. ON RT. CR. STONE SURF. TOP CRSE. 10 CU. YDS.
OVERHAUL 9149 M. CU. YD. - STAS.
OVERHAUL 430 CU. YD. - STAS.
OVERHAUL 80 CU. YD. - STAS.
OVERHAUL 110 CU. YD. - STAS.
UNCL. EXCAV. 610 CU. YDS. EMBANKMENT 210
UNCL. EXCAV. 640 CU. YDS. EMBANKMENT 1040
UNCL. EXCAV. 2170 CU. YDS. EMBANKMENT 130
UNCL. EXCAV. 650 CU. YDS. EMBANKMENT 410
2070
2100

STA. 53+00 TO STA. 106+00

MILE 2

CLEARING & GRUBBING	LUMP SUM	
UNCLASSIFIED EXCAV.	5800	CU. YDS.
COM. TRENCH "	10	" "
OVERHAUL	1270	CU. YD. STAS.
"	9149	M. CU. YD. STAS.
STRUCTURE EXCAV.	35	CU. YDS.
SLOPE TREATMENT	3600	LIN. FT.
FINISHING ROADWAY	53.0	STAS. (100)
WATER	100	M. GALS.
BALLAST	3600	CU. YDS.
CR. STONE SURF. TOP CRSE.	1260	" "
TY. I-1 ASPH. CONC. PAVT. CL. C WEARING CRSE	1100	TONS
" " " " CL. F LEVELING "	990	"
" " " " CL. E BASE "	105	"
REINF. CONC. R/W MARKERS	6	ONLY
STD. REINF. CONC. CULV. PIPE 12" DIAM.	183	LIN. FT.

CHANNELIZATION DEVICE SPACING (feet)		
MPH	TAPER	TANGENT
30/45	10 to 20	60



GENERAL NOTES:

1. ALL SIGNS SHALL BE MINIMUM 36" X 36" BLACK ON ORANGE, UNLESS OTHERWISE NOTED.
2. ALL SIGNS SHALL BE CLASS "B" UNLESS OTHERWISE NOTED.

ONE-LANE, TWO-WAY TRAFFIC CONTROL WITH FLAGGERS NOT TO SCALE

LEGEND:

- TEMPORARY SIGN LOCATION
- CHANNELIZING DEVICES
- PROTECTIVE VEHICLE
- FLAGGING STATION

ACCEPTED
Digitally signed by Samuel Robert
Date: 2023.11.27 14:43:49 -08'00'
WSDOT TRAFFIC OPERATIONS
Within WSDOT Right-of-Way/Limited Access Only

COPY

Butterfield Elizabeth AAB000957525

NO.	DATE	REVISION	BY	APVD
DSGN	K LAMADRID	DR B BUTTERFIELD CHK A IVERSON	APVD	E BUTTERFIELD

CLE ELUM TRANSFER STATION
KITTITAS COUNTY, WASHINGTON
KITTITAS COUNTY

Jacobs

CIVIL
TRAFFIC CONTROL PLAN

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING. 0 1"

DATE	JUNE 2023
PROJ	KITTCO02
DWG	C-601
SHEET	12 of 12

COPY

07/24/2023 10:43:09 AM ER 3 UCE O: 202307240011
$209.50 Page: 1 of 7
Easement KC SOLID WASTE
Kittitas County Auditor

TREASURER'S USE ONLY

REVIEWED

JUL 24 2023

KITTITAS COUNTY TREASURER
INITIALS: IM

Return To:
Kittitas County Solid Waste
925 Industrial Way
Ellensburg, WA 98926

Kittitas County Auditor/Recorder's Indexing Form

Please Print Or Type All Information in Black Ink

A. ***Document Titles (or transactions contained therein):***
1 Easement and Joint Use Agreement
2 _____

B. ***Grantor (last name, first name, middle initial):***
1 Kittitas County
2 Fowler Creek Trails LLC
Additional grantors on page _____ of document.

C. ***Grantee (last name, first name, middle initial):***
1 Kittitas County
2 Fowler Creek Trails, LLC
Additional grantees on page _____ of document.

D. ***Legal description (lot, block, plat or section, township, range):***
Lot 1 Block 42
Additional legal description on page _____ of document.

E. ***Assessor's property tax parcel/account number(s)***:
918936 & 14202

F. ***Reference numbers of documents assigned or released***:
_____
Additional references on page _____ of document.

The auditor or recording officer will rely on the information provided on this form. The staff will not read the document to verify the accuracy of or the completeness of the indexing information provided herein.

_____ I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document _____

EASEMENT AND JOINT USE AGREEMENT

This Easement and Joint Use Agreement is between Kittitas County (county), a subdivision of the state of Washington and Fowler Creek Trails, LLC, (Fowler Creek), a Washington Limited Liability Company (collectively the parties). The intent of this agreement is to create a reciprocal easement for access from highway 903 between the parties and to set forth terms of its use and maintenance.

The property (property) that is the subject of this easement and agreement is legally described as follows:

An easement across a portion of the Northeast Quarter of Section 28, Township 20 North, Range 15 East, W.M., in the County of Kittitas, State of Washington, 50.00 feet in width, 25.00 on each side of the following described centerline:

Beginning at the westerly most corner of Lot 1 as delineated on that certain survey recorded July 5, 2019, in Book 42 of Surveys at pages 74-75, under Auditor's File No. 201907050022, records of Kittitas County, Washington, said point being the true point of beginning for said described line; thence N 28°20'40" E, along the northwesterly boundary of said Lot 1, 120.00 feet to the end of said described line and described easement.

The sidelines of said easement to be lengthened or shortened to intersect the northeasterly right of way boundary of State Route 903.

The parties grant to each other mutual reciprocal easements for the use of the property to access their respective adjacent parcels as they are currently configured and used. Should that use change in the future, this easement is subject to revocation or amendment at the choice of the party whose property does not undergo a changed use. The access shall be used by Kittitas County for access to its Cle Elum Transfer Station. The access shall be used by Fowler Creek Trails, LLC, or its successors, as commercial property as allowed by the Cle Elum City Zoning Code.

The upkeep and maintenance of the property shall be shared jointly. The parties shall meet annually to schedule and assign responsibilities for the coming year for cleaning, sweeping, snow removal, and repaving, grading, etc. The financial arrangements for said upkeep and maintenance can take the form of one party performing a certain task or tasks and billing the other for its share of the costs. Reimbursement shall be made within 30 days of receipt of invoice. Failure to make reimbursement payment within 90 days of invoice receipt shall be grounds for termination of this agreement. Past due amounts shall bear interest at the rate of 12% per annum. Said upkeep and maintenance could also take the form of one party being responsible for a certain task (sweeping for example) and the other for snow removal, for example.

Each party fully indemnifies the other against all claims, damages, injuries, costs, judgments, fines, and attorney fees caused by the actions of each parties' respective employees, officers,

agents, guests, invitees, contractors, or consultants upon the property that is the subject of this easement and agreement. Each party agrees to fully defend the other against all possible damages or claims resulting from the acts or omissions of its own employees, officers, agents, etc. In the case liability is found to be joint, each party shall be responsible for the share of costs assigned to it as being liable for including its own legal costs, which includes attorney, expert witness, and consultant fees.

Any notice given in conjunction with the exercise of this easement and agreement shall be sent to:

Kittitas County

_____

_____

_____

Fowler Creek Trails, LLC, Fowler Creek
1890 Nelson Siding Road
Cle, Elum, WA. 98922

Should a court of competent jurisdiction hold any provisions of this easement and agreement unenforceable or otherwise unlawful, the remaining provisions, to the extent possible, shall remain in full force and effect.

This document can be signed in counterparts.

_____

Kittitas County

Title and date

_____

Fowler Creek Trails, LLC
Patrick G. Deneen,
Manager

COPY

STATE OF WASHINGTON)
) ss:
COUNTY OF KITTITAS)

On this 11th day of July, 2023 before me personally appeared to me Cory Wright and _____, known to be the duly elected, qualified and acting County Commissioners of Kittitas County, Washington, who executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said County, for the uses and purposes therein mentioned, and he on oath stated that he was authorized to execute said instrument by resolution of the Board of County Commissioners of said county, and that the seal affixed is the official seal of said County.

Given under my hand and official seal the day and year last above written.

JULIE A KJORSVIK NOTARY PUBLIC 49550 COMMISSION EXPIRES 2-19-26 STATE OF WASHINGTON

Notary Public in and for the State of Washington

Residing at Ellensburg

My Appointment Expires 2/19/26

STATE OF WASHINGTON)
) ss:
COUNTY OF KITTITAS)

On this 6ttrh day of July, 2023 before me personally appeared to me Patrick G. Deneen known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Frances J. Moen Notary Public, License #146403 State of Washington My Comm. Expires Mar. 6, 2026

Notary Public in and for the State of Washington

Residing at Cle Elum, WA

My Appointment Expires March 6, 2026

COPY

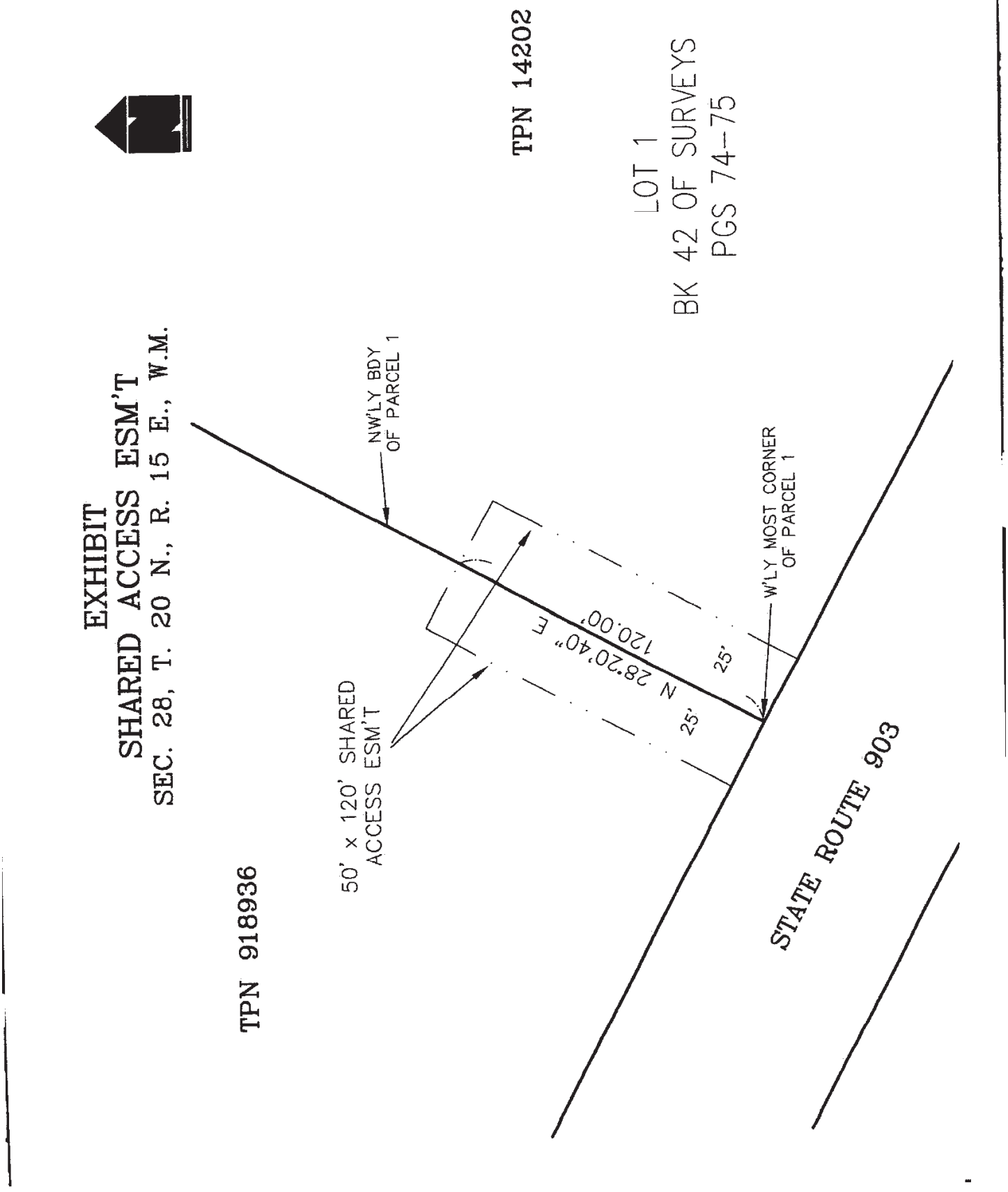


EXHIBIT
SHARED ACCESS ESM'T
SEC. 28, T. 20 N., R. 15 E., W.M.
TPN 14202
LOT 1
BK 42 OF SURVEYS
PGS 74–75
TPN 918936
50' x 120' SHARED
ACCESS ESM'T
NW'LY BDY
OF PARCEL 1
W'LY MOST CORNER
OF PARCEL 1
N 28°20'40" E
120.00'
25'
25'
STATE ROUTE 903

COPY

CRUSE
& ASSOCIATES
PROFESSIONAL LAND SURVEYORS

KITTITAS COUNTY/FOWLER CREEK TRAILS LLC
SHARED ACCESS EASEMENT DESCRIPTION
2/24/2023

An easement across a portion of the Northeast Quarter of Section 28, Township 20 North, Range 15 East, W.M., in the County of Kittitas, State of Washington, 50.00 feet in width, 25.00 on each side of the following described centerline:

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The sidelines of said easement to be lengthened or shortened to intersect the northeasterly right of way boundary of State Route 903.

As per attached Exhibit.

217 E. FOURTH • P.O. BOX 959 • ELLENSBURG, WA 98926 • (509) 962-8242

KITTITAS COUNTY/FOWLER CREEK TRAILS LLC
SHARED ACCESS EASEMENT DESCRIPTION
2/24/2023

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As per attached Exhibit.

COPY

Permit Number ACP 61716 **C.S.** _____ **S.R.** 903 **Area** 1

Maintenance Superintendent Michael Krahenbuhl (509) 674-4443

PERMIT HOLDER Patti Stacey (509) 962-7070

Representative's Name _____ **PHONE** _____

Contractor _____

DATE reviewed _____

DATE Started _____ **DATE Completed** _____

DATE PERMIT HOLDER contacted State's representative before beginning work _____

NAME OF STATE REPRESENTATIVE Kevin Nicholson (425) 434-5608

Remarks _____

DATE paving began _____ **ENDED** _____

Remarks _____

_____

_____

BUILT according to the permit _____

LOCATION PER PERMIT _____

Remarks _____

_____

_____

EVALUATE THE QUALITY OF WORK _____

Remarks _____

_____

_____

***NOT BUILT according to the permit** _____

Remarks _____

_____

_____

Field Review **and remarks by:** _____ **Date:** _____

PLEASE RETURN TO REGIONAL PLANNING OFFICE WHEN COMPLETE.

*****Please add any comments or attachments needed for permanent documentation of this approach.**
*****If the approach is not completed, please list the dates the PERMIT HOLDER was contacted, brief description of conversation, and pictures of approach.**

COPY

Washington State Department of Transportation

South Central Region
2809 Rudkin Road
Union Gap, WA 98903-1648
509-577-1600 / FAX: 509-577-1603
TTY: 1-800-833-6388
www.wsdot.wa.gov

January 3, 2024

Patti Stacey
Facilities and Waste Operations Director
Kittitas County Solid Waste
925 Industrial Way
Ellensburg, WA 98926

RE: Access Connection Permit 61716 - SR-903 milepost 3.45 right

Dear Mr. Stacey:

Enclosed with this letter is your original of Access Connection Permit (ACP) 61716 for joint use approach to serve parcel 20-15-21040-0003 and parcel 20-15-28000-0013.

Please note that Exhibit A requires all work inside the State right-of-way to be coordinated with WSDOT's Maintenance Supervisor **Kevin Nicholson**. Kevin can be contacted by calling **(509) 674-4443.**

Also note we've set an expiration date August 31, 2024. If this work cannot be completed by this date, please contact this office in writing to request an extension. An email is acceptable for this request.

If you have any questions, please contact Mark Kaiser at (509) 577-1668.

Sincerely

Paul Gonseth, P.E.
Planning Engineer

Enclosures
PG: mnk

Cc: Michael Krahenbuhl – Area 1 Maintenance Superintendent
Kevin Nicholson – Cle Elum Maintenance Supervisor
File

ATTACHMENT 4

07/24/2023 10:43:09 AM ER 3 UCE 0 202307240011
$209.50 Page: 1 of 7
Easement KC SOLID WASTE
Kittitas County Auditor

TREASURER'S USE ONLY

REVIEWED

JUL 24 2023

KITTITAS COUNTY TREASURER
INITIALS: JM

Return To:
Kittitas County Solid Waste
925 Industrial Way
Ellensburg, WA 98926

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2 Fowler Creek Trails LLC
Additional grantors on page _____ of document.

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2 Fowler Creek Trails, LLC
Additional grantees on page _____ of document.

D. ***Legal description (lot, block, plat or section, township, range):***
Lot 1 Block 42
Additional legal description on page _____ of document.

E. ***Assessor's property tax parcel/account number(s)***:
918936 & 14202

F. ***Reference numbers of documents assigned or released***:
_____
Additional references on page _____ of document.

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Each party fully indemnifies the other against all claims, damages, injuries, costs, judgments, fines, and attorney fees caused by the actions of each parties' respective employees, officers,

agents, guests, invitees, contractors, or consultants upon the property that is the subject of this easement and agreement. Each party agrees to fully defend the other against all possible damages or claims resulting from the acts or omissions of its own employees, officers, agents, etc. In the case liability is found to be joint, each party shall be responsible for the share of costs assigned to it as being liable for including its own legal costs, which includes attorney, expert witness, and consultant fees.

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Kittitas County

_____

_____

_____

Fowler Creek Trails, LLC, Fowler Creek
1890 Nelson Siding Road
Cle, Elum, WA. 98922

Should a court of competent jurisdiction hold any provisions of this easement and agreement unenforceable or otherwise unlawful, the remaining provisions, to the extent possible, shall remain in full force and effect.

This document can be signed in counterparts.

Kittitas County

Title and date

Fowler Creek Trails, LLC
Patrick G. Deneen,
Manager

STATE OF WASHINGTON)
) ss:
COUNTY OF KITTITAS)

On this 11th day of July, 2023 before me personally appeared to me Cory Wright and ~~and~~ _____, known to be the duly elected, qualified and acting County Commissioners of Kittitas County, Washington, who executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said County, for the uses and purposes therein mentioned, and he on oath stated that he was authorized to execute said instrument by resolution of the Board of County Commissioners of said county, and that the seal affixed is the official seal of said County.

Given under my hand and official seal the day and year last above written.

JULIE A KJORSVIK NOTARY PUBLIC 49550 COMMISSION EXPIRES 2-19-26 STATE OF WASHINGTON

Notary Public in and for the State of Washington

Residing at Ellensburg

My Appointment Expires 2/19/26

STATE OF WASHINGTON)
) ss:
COUNTY OF KITTITAS)

On this 6ttrh day of July, 2023 before me personally appeared to me Patrick G. Deneen known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

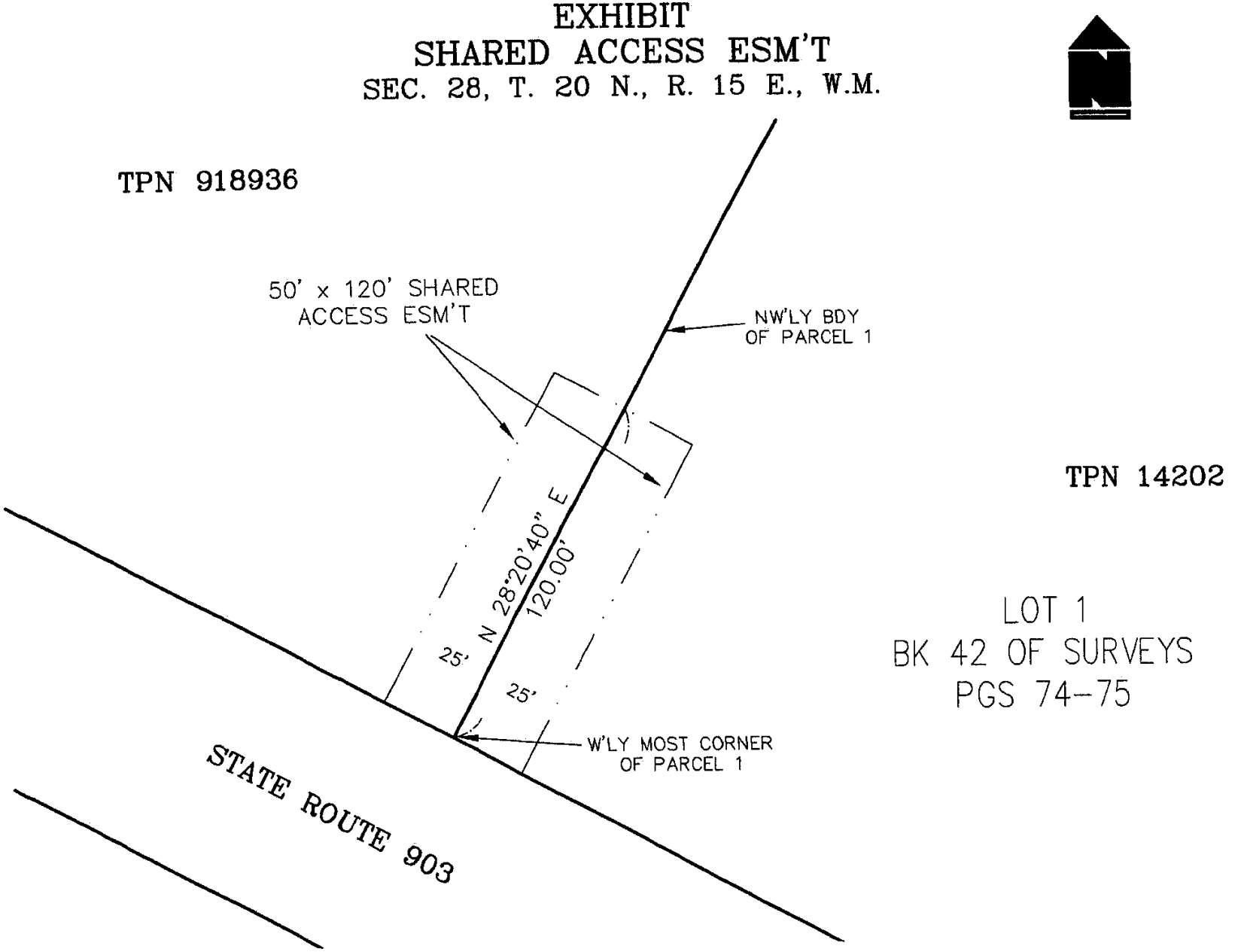
Frances J. Moen Notary Public, License #146403 My Comm. Expires Mar. 6, 2026 State of Washington

Notary Public in and for the State of Washington

Residing at Cle Elum, WA

My Appointment Expires March 6, 2026

EXHIBIT
SHARED ACCESS ESM'T
SEC. 28, T. 20 N., R. 15 E., W.M.



CRUSE
& ASSOCIATES
PROFESSIONAL LAND SURVEYORS

KITTITAS COUNTY/FOWLER CREEK TRAILS LLC
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2/24/2023

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The sidelines of said easement to be lengthened or shortened to intersect the northeasterly right of way boundary of State Route 903.

As per attached Exhibit.

217 E. FOURTH • P.O. BOX 959 • ELLENSBURG, WA 98926 • (509) 962-8242

KITTITAS COUNTY/FOWLER CREEK TRAILS LLC
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2/24/2023

An easement across a portion of the Northeast Quarter of Section 28, Township 20 North, Range 15 East, W.M., in the County of Kittitas, State of Washington, 50.00 feet in width, 25.00 on each side of the following described centerline:

Beginning at the westerly most corner of Lot 1 as delineated on that certain survey recorded July 5, 2019, in Book 42 of Surveys at pages 74-75, under Auditor's File No. 201907050022, records of Kittitas County, Washington, said point being the true point of beginning for said described line; thence N 28°20'40" E, along the northwesterly boundary of said Lot 1, 120.00 feet to the end of said described line and described easement.

The sidelines of said easement to be lengthened or shortened to intersect the northeasterly right of way boundary of State Route 903.

As per attached Exhibit.