WASHINGTON STATE
Joint Aquatic Resources Permit Application (JARPA) Form[1,2] [help]

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.

US Army Corps of Engineers Seattle District

AGENCY USE ONLY

Date received:

Agency reference #: _____

Tax Parcel #(s): _____

_____

RECEIVED
AUG 24 2021
Kittitas County CDS

Part 1–Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [help]
The Ranch on Swauk Creek Fish Passage, Screening & Habitat Enhancement Project

Part 2–Applicant

The person and/or organization responsible for the project. [help]

2a. Name (Last, First, Middle)			
Lael, Anna – District Manager			
2b. Organization (If applicable)			
Kittitas County Conservation District			
2c. Mailing Address (Street or PO Box)			
2211 W. Dolarway Road, STE 4			
2d. City, State, Zip			
Ellensburg, WA 98926			
2e. Phone (1)	2f. Phone (2)	2g. Fax	2h. E-mail
(509) 925-3352			a-lael@conservewa.net

[1]Additional forms may be required for the following permits:
- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- If your project might affect species listed under the Endangered Species Act, you will need to fill out a Specific Project Information Form (SPIF) or prepare a Biological Evaluation. Forms can be found at http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PermitGuidebook/EndangeredSpecies.aspx.
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

[2]To access an online JARPA form with [help] screens, go to http://www.epermitting.wa.gov/site/alias__resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx.

For other help, contact the Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.

Part 3–Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [help]

3a. Name (Last, First, Middle)			
Lael, Anna – District Manager			
3b. Organization (If applicable)			
Kittitas County Conservation District			
3c. Mailing Address (Street or PO Box)			
2211 W. Dolarway Road, STE 4			
3d. City, State, Zip			
Ellensburg, WA 98926			
3e. Phone (1)	**3f.** Phone (2)	**3g.** Fax	**3h.** E-mail
(509) 925-3352			a-lael@conservewa.net

Part 4–Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [help]

☐ Same as applicant. (Skip to Part 5.)

☐ Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)

☐ There are multiple upland property owners. Complete the section below and fill out JARPA Attachment A for each additional property owner.

☐ Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete JARPA Attachment E to apply for the Aquatic Use Authorization.

4a. Name (Last, First, Middle)			
Deneen, Patrick – DBA The Ranch on Swauk Creek LLC			
4b. Organization (If applicable)			
4c. Mailing Address (Street or PO Box)			
PO Box 808			
4d. City, State, Zip			
Cle Elum, WA 98922			
4e. Phone (1)	**4f.** Phone (2)	**4g.** Fax	**4h.** E-mail
(509) 304-4560			patrick@focusfreestyle.com

Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [help]

☐ There are multiple project locations (e.g. linear projects). Complete the section below and use JARPA Attachment B for each additional project location.

5a. Indicate the type of ownership of the property. (Check all that apply.) [help]

☒ Private
☐ Federal
☐ Publicly owned (state, county, city, special districts like schools, ports, etc.)
☐ Tribal
☐ Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E)

5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [help]

US Hwy 97

5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]

Cle Elum, WA 98922

5d. County [help]

Kittitas

5e. Provide the section, township, and range for the project location. [help]

¼ Section	Section	Township	Range
NW	27	20N	17E

5f. Provide the latitude and longitude of the project location. [help]

- Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83)

47.203747°, -120.704027°

5g. List the tax parcel number(s) for the project location. [help]

- The local county assessor's office can provide this information.

827336, 195535, 17014, 045535, 949696, 949697

5h. Contact information for all adjoining property owners. (If you need more space, use JARPA Attachment C.) [help]

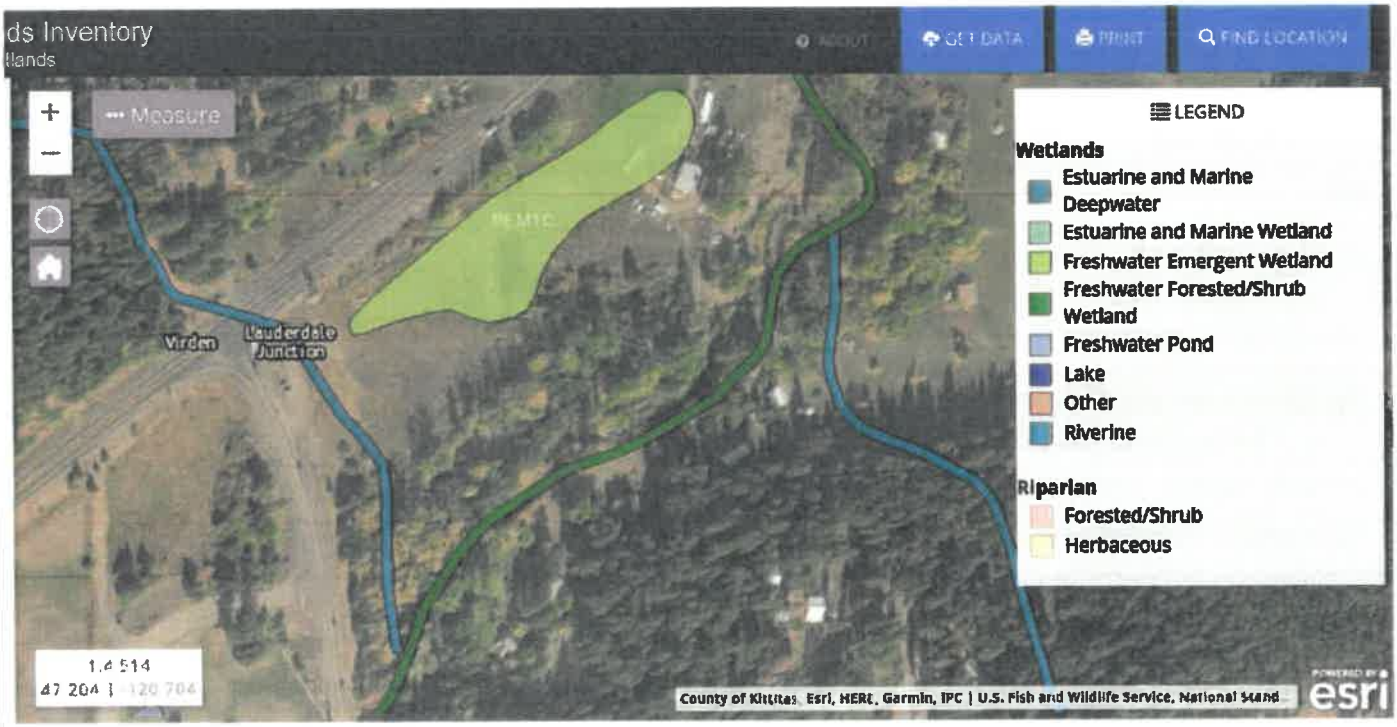
Name	Mailing Address	Tax Parcel # (if known)
SCHULER, JAMES K	PO BOX 808 CLE ELUM, WA 98922	17015
DRAKE, DONALD J & EDITH J	PO BOX 522 DURANT, OK 74702-0522	675535, 205535
SANISLO, STEVEN L ETUX	861 LAUDERDALE LANE CLE ELUM, WA 98922	905535
MATTIODA, NORMAN F. ETUX	26503 - 134TH SE KENT, WA 98042	165535
LAMB, BARRY ETUX	1061 LAUDERDALE LN	175535

	CLE ELUM, WA 98922	
RELYEA, GEORGE R & DEBORAH	611 BURKE RD	16333
	CLE ELUM, WA 98922-9106	
BIG ROCK BUZZARDS LLC	17601 SE 291ST ST	065535
	KENT, WA 98042-5700	
BLANCHARD, MERWYN D	520 RANCH RD	16626
	CLE ELUM, WA 98922-8839	
LUKE, JOSHUA ASHLEY & KYLENE MICHELLE	31312 40TH AVE S	055535
	ROY, WA 98580-8639	

5i. List all wetlands on or adjacent to the project location. [help]

The National Wetlands Inventory map is below. The dark green line indicating freshwater forested/shrub wetland loosely follows the alignment of Swauk Creek. The mapped PEM1C wetland is on the outskirts of the APE in an area that will not be disturbed with implementation of the project.

Swauk Creek is incised and disconnected from its floodplain throughout the project area. The banks are steep and the immediate uplands are dry. There will be no wetlands disturbed with implementation of the project. Please see enclosed drawings and preliminary design report for site photos and justification.



5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]

Swauk Creek

5k. Is any part of the project area within a 100-year floodplain? [help]

☒ Yes ☐ No ☐ Don't know

5l. Briefly describe the vegetation and habitat conditions on the property. [help]

The majority of the property is irrigated agricultural pastures. Swauk Creek flows through the property and within the project area has a narrow, intermittent riparian buffer consisting of ponderosa pine, alder, willow, elderberry, golden currant, dogwood and several other native species. The pastures provide forage for grazing cattle.

5m. Describe how the property is currently used. [help]

The property is primarily in agricultural pasture ground.

5n. Describe how the adjacent properties are currently used. [help]

The adjacent properties are urban homesites and forested uplands.

5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [help]

There are two gravity surface water diversions on the property. The diversions are located on Swauk Creek at river mile 7.7 and 7.9 and provide irrigation to the property. This project will consolidate the two diversions into a single diversion and install a fish screen and fish passage features.

5p. Provide driving directions from the closest highway to the project location, and attach a map. [help]

From Ellensburg, travel on US Highway 97 N for approximately 16 miles. Just before the junction of Highway 97 and Highway 970, Swauk Creek flows under Highway 97. The project site is on Swauk Creek, both upstream and downstream of Highway 97.

To access the diversions, at the intersection of Highway 97 and Highway 970, park in the gravel parking lot on the north east side of the intersection. Walk the gravel access road down to Swauk Creek.

To access the planting area, just before the junction of Highway 97 and Highway 970, turn left onto Burke Road and then take the 1st right on Ranch Road. The planting area is along Swauk Creek (located to the east of Ranch Road).

The project is on private property. Please coordinate site visits with the property owner and project sponsor.

Part 6–Project Description

6a. Briefly summarize the overall project. You can provide more detail in 6b. [help]

The Kittitas County Conservation District is working with a private landowner to restore year-round fish passage, improve irrigation screening and efficiency, and enhance habitat in Swauk Creek near Ellensburg, WA.

The proposed project will consolidate two gravity irrigation diversions to a single existing point of diversion and install a fish screen in accordance with NMFS and WDFW fish screening criteria. At the consolidated point of diversion, a roughened channel fishway will be installed to facilitate year-round fish passage for all life stages of salmonids. In addition, portions of the irrigation conveyance ditches will be piped to reduce evaporation and infiltration, resulting in conserved water available for instream flow benefit. Lastly, a robust planting of cottonwood copses in strategic locations will to provide shade and future woody debris for the stream and floodplain.

Swauk Creek is a high priority for steelhead and salmon recovery in the Upper Yakima Watershed. Lower Swauk Creek is extremely productive, providing important habitat for ESA-listed steelhead, juvenile chinook, coho, rainbow and cutthroat trout, Pacific lamprey, and occasionally ESA-listed bull trout. Given the immense use of Swauk Creek for spawning and rearing, this project is expected to increase steelhead productivity and benefit Chinook and coho, Pacific lamprey, bull trout, and a suite of resident fishes.

6b. Describe the purpose of the project and why you want or need to perform it. [help]

The Swauk Creek drainage experienced substantial commercial gold prospecting in the late 1800s and early 1900s. The extensive placer mining removed large wood and natural substrates and the impacts of those activities are still apparent today. In the stream reach where the diversions are located, Swauk Creek is confined and incised, and placer mining spoils berm the banks, disconnecting Swauk Creek from its floodplain.

In the mid-1950s, US Highway 97 was constructed, and Swauk Creek was relocated and channelized to accommodate the highway. Simplification of the channel has further degraded Swauk Creek and reduced large woody material and pools that are important components of stream function and aquatic habitat.

Despite these challenges, Swauk Creek remains an important and productive spawning and rearing stream for ESA-listed steelhead. The National Marine Fisheries Service identifies the Upper Yakima local steelhead population as high risk (NMFS 2011, p. 14). Despite decades of degradation, radio telemetry data from 2002 - 2014 indicates that 13% of Upper Yakima steelhead spawn in Swauk Creek (USBR 2006, Temple et al., 2015). Swauk Creek is also utilized by coho, Chinook, bull trout, cutthroat trout, Pacific lamprey and other native fishes.

The overall purpose of the project is to improve fish passage and conserve instream flows in Swauk Creek by consolidating two gravity irrigation diversions on Swauk Creek to a single point of diversion, piping an irrigation conveyance channel to conserve water for instream flow, and planting cottonwood copses in strategic locations to provide shade and future woody debris for the stream and floodplain. The design and implementation of key project elements are intended to achieve the following specific project objectives:

- Eliminate irrigation-related mortality of steelhead, coho, and Chinook salmon at Swauk Creek RM 7.71 and significantly reduce the irrigation-related mortality of steelhead, coho, and Chinook salmon at Swauk Creek RM 7.92.
- Restore year-round fish passage for all life stages of salmonids at Swauk Creek RM 7.71 and RM 7.92.
- Improve summer rearing conditions for juvenile steelhead, coho, and Chinook salmon in Swauk Creek by increasing irrigation efficiency, resulting in approximately 0.25 cubic foot per second (cfs) of conserved water (approximately 8% of the water right) available for instream flow benefits.
- Increase canopy cover, provide shade, and produce a source of future large woody debris for Swauk Creek and its floodplain by planting approximately 1 acre with cottonwood copses.

The downstream point of diversion (RM 7.71) and fish screen do not function properly, likely due to topography and channel incision. Considerable in-stream work must be done annually to operate the diversion. This instream work results in a seasonal fish passage barrier during the irrigation season, every year. Due to the topography of the site and the extensive amount of engineering and instream work that

would be required to make the point of diversion operational in accordance with NMFS and WDFW, the downstream point of diversion will be eliminated with implementation of this project.

The upstream point of diversion (RM 7.92) will serve as the consolidation site. This site is well situated topographically to adequately deliver the water user's consolidated adjudicated water right and modifications to the site will be relatively straight-forward. Site modifications will include reworking the existing roughened channel fishway to ensure year-round fish passage of all life stages of salmonids and installing a new fish screen and fish bypass. Reworking this site will eliminate the need for annual in-stream work that is required under existing conditions and results in a seasonal fish passage barrier during the irrigation season.

In order to achieve the consolidation, the proposal is to convert the earthen ditch from the diversion point to the intersection with Burke Road to a buried pipeline. At Burke Road, the water will be split with 1.5 cfs continuing to flow westerly in an existing earthen ditch, and the remainder being conveyed to the south in a new pipeline until the intersection with the existing conveyance ditch in the 400 block of Burke Road. Conveying the water right in a pipeline reduces evaporation and infiltration and increases the efficiency of conveying the adjudicated water to the irrigated fields. This will contribute to in-stream water savings.

Approximately 1 acre of cottonwood copses will be planted in strategic locations in the riparian area downstream of the point of diversion to provide shade and future large woody material for the stream and floodplain. The cottonwood copses are intended to fill gaps and complement the existing buffer consisting of ponderosa pine, alder, willow, elderberry, golden currant, dogwood and several other native species. See enclosed preliminary design report for visual of potential sites.

Over the past two decades, significant restoration projects including water right purchases and floodplain and instream habitat restoration have been undertaken on Swauk Creek. The base streamflow has vastly improved, and side channels and spawning gravel upstream and downstream of this proposal have increased. This project aims to build upon existing efforts. Eliminating a point of diversion, consolidating and adequately screening the most senior water right on Swauk Creek is an invaluable action to protect ESA-listed steelhead and contribute to the vast amount of work that has been accomplished in Swauk Creek.

6c. Indicate the project category. (Check all that apply) [help]

☐ Commercial ☐ Residential ☐ Institutional ☐ Transportation ☐ Recreational
☐ Maintenance ☒ Environmental Enhancement

6d. Indicate the major elements of your project. (Check all that apply) [help]

☐ Aquaculture	☐ Culvert	☐ Float	☐ Retaining Wall (upland)
☐ Bank Stabilization	☐ Dam / Weir	☐ Floating Home	☐ Road
☐ Boat House	☐ Dike / Levee / Jetty	☐ Geotechnical Survey	☐ Scientific Measurement Device
☐ Boat Launch	☐ Ditch	☐ Land Clearing	☐ Stairs
☐ Boat Lift	☐ Dock / Pier	☐ Marina / Moorage	☐ Stormwater facility
☐ Bridge	☐ Dredging	☐ Mining	☐ Swimming Pool
☐ Bulkhead	☐ Fence	☐ Outfall Structure	☐ Utility Line
☐ Buoy	☐ Ferry Terminal	☐ Piling/Dolphin	
☒ Channel Modification	☐ Fishway	☐ Raft	

☒ Other: Roughened channel fishway construction, installation of a NMFS and WDFW compliant fish screen and fish bypass, and riparian planting.

6e. Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [help]

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year floodplain.

This project will be covered by BPA's Habitat Improvement Program (HIP) programmatic and all project elements will comply with the ordering, methodologies, and conservation measures specified in the HIP.

Timing—Instream work will be authorized by the Washington Department of Fish & Wildlife. The instream work window for Swauk Creek is July 15 to September 30 and instream work will likely occur between these dates during low flow conditions. Staging of equipment and materials may begin July 1 and site restoration and revegetation will continue into the following spring.

Staging and Access—Access to the project areas will utilize County roads and existing gravel access roads on the property. Material and equipment will be staged in a vacant dry field on the landowner's property during construction. The access and staging locations are shown on the plan set. The staging will be more than 150 feet from the water's edge of Swauk Creek.

Equipment Limitations— In-channel work shall be accomplished using an excavator equipped with a "thumb", or equivalent piece of equipment. The equipment will operate from the bank and within the isolated section of the creek as much as possible. All equipment will be washed prior to entering the project area such that is clean of debris and petroleum products. Equipment will be in good working order and will be inspected daily for leaks. For phases of construction that require pumping, an adequately sized pump screen will be attached to ensure fish protection. The contractor will have a spill containment kit onsite at all times. Refueling and maintenance of equipment or vehicles will take place at a designated area that is at a minimum of 150 feet away from the stream.

Aquatic Worksite Isolation— Coffer dams and stream bypasses will be installed, and construction will occur in isolation from flowing water to minimize impacts to aquatic life and water quality. Diversion around the construction site may be accomplished with a coffer dam and a bypass culvert or pipe, or a lined, non-erodible diversion ditch. Dissipation of flow energy at the bypass outflow will be provided to prevent damage to riparian vegetation and/or stream channel. Sediment and erosion control BMPs will be implemented during all phases of construction. A WDFW biologist will lead fish rescue efforts and block nets will be installed to isolate fish from the work area.

Installation of the Roughened Channels– The roughened channel grade control structures will incorporate imported material and habitat enhancement boulders mixed with native material and placed in the streambed. The new streambed will be pressure washed to fill the interstitial spaces between the rocks with fine sediments before the staged re-watering begins. The design engineer and project manager will provide adequate construction oversight to ensure the designs and HIP conservation measures are followed.

Installation of the new diversion– An existing headgate at the consolidated point of diversion will remain, as it is already property sized to convey the consolidated water rights. The existing fish screen will be removed and a new rotary-drum fish screen that meets NMFS and WDFW criteria will be installed. A new fish bypass will be installed. New pipelines will be installed and will tie into the existing irrigation infrastructure.

Site Restoration and Revegetation—Upon project completion, all disturbed areas will be cleaned up. The area of disturbance at the PODs will be planting with red-osier dogwood and hydroseeded with a native seed mix. Erosion control seed mix will be spread in disturbed areas and weed free straw mulch (or equivalent) will be used to minimize short term erosion. Erosion control fabric will be installed on the disturbed areas of the creek banks. Downstream on the property, a robust planting of cottonwood will be installed.

Project Monitoring— The design engineer will provide adequate construction oversight. Overtime, KCCD and Yakima Tributary Habitat and Access Program (YTAHP) participants will complete routine inspections to ensure the site is functioning as designed and to maintain riparian plantings for at least three years post implementation.

6f. What are the anticipated start and end dates for project construction? (Month/Year) [help]

- If the project will be constructed in phases or stages, use JARPA Attachment D to list the start and end dates of each phase or stage.

Start Date: July 15, 2020 End Date: December 31, 2021 ☐ See JARPA Attachment D

6g. Fair market value of the project, including materials, labor, machine rentals, etc. [help]

~ $442,000

6h. Will any portion of the project receive federal funding? [help]

- If yes, list each agency providing funds.

☒ Yes ☐ No ☐ Don't know

A portion of the funding will come from BPA. BPA is the federal lead agency for the project.

Part 7–Wetlands: Impacts and Mitigation

☐ Check here if there are wetlands or wetland buffers on or adjacent to the project area.
(If there are none, skip to Part 8.) [help]

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [help]

☒ Not applicable

There are no known wetlands within the project area. As stated above, Swauk Creek has been degraded over the past century. The stream was straightened and channelized for construction of U.S. Highway 97, and extensive mining, including placer mining, has occurred throughout the watershed. The impacts of these activities are still very visible today. Within the project area, Swauk Creek is confined and incised, resulting in a disconnection between the stream and the floodplain. The banks are steep and the immediate uplands are dry.

The entire project is proposed, funded, and designed as a fish passage, screening and habitat restoration project. The project proposal was extensively reviewed and vetted by the Salmon Recovery Funding Board (SRFB) Yakima Lead Entity Technical Advisory Group, where it ranked #1 among other projects in the 2019 SRFB grant round.

There will be temporary disturbance due to access and implementation, but these short-term impacts are far outweighed but the long-term fish passage, instream flow and restoration benefits of the project.

7b. Will the project impact wetlands? [help]

☐ Yes ☒ No ☐ Don't know

7c. Will the project impact wetland buffers? [help]

☐ Yes ☒ No ☐ Don't know

7d. Has a wetland delineation report been prepared? [help]

- If Yes, submit the report, including data sheets, with the JARPA package.

☐ Yes ☒ No

7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [help]

- If Yes, submit the wetland rating forms and figures with the JARPA package.

☐ Yes ☒ No ☐ Don't know

7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [help]

- **If Yes**, submit the plan with the JARPA package and answer 7g.
- **If No, or Not applicable**, explain below why a mitigation plan should not be required.

☐ Yes ☒ No ☐ Don't know

There will be no adverse impacts to wetlands. As the cottonwoods mature and fall into Swauk Creek and add complexity, we expect new wetlands to be created overtime.

7g. Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [help]

Mitigation measures and best management practices during implementation will minimize the project footprint and amount of disturbance to existing vegetation and habitat. The project has been proposed, funded, and designed to restore habitat for ESA-listed steelhead, as well as Chinook, coho, and a suite of resident fishes. The project is supported by the Yakima Tributary Access and Habitat Program (YTAHP), Washington Department of Fish & Wildlife and other partners engaged in habitat restoration in the Yakima Basin.

7h. Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [help]

Activity (fill, drain, excavate, flood, etc.)	Wetland Name[1]	Wetland type and rating category[2]	Impact area (sq. ft. or Acres)	Duration of impact[3]	Proposed mitigation type[4]	Wetland mitigation area (sq. ft. or acres)

[1] If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.
[2] Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.
[3] Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.
[4] Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available: _____

7i. For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [help]

No fill will be placed into wetlands.

7j. For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [help]

There is no excavation proposed in wetlands.

Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, "waterbodies" refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [help]

☐ Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [help]

☐ Not applicable

The work will be coordinated with and approved by the Washington Department of Fish & Wildlife, and timed to occur during low stream flow when sensitive species and life stages are not likely to be present in the work area. Numerous best management practices will be applied to minimize disturbance and protect natural resources. All disturbed areas will be restored and a robust planting of native cottonwoods will be planted to provide shade and a future source of woody debris for Swauk Creek.

The cumulative restoration benefit includes eliminating the risk of fish entrainment into the irrigation infrastructure, conserved water for instream flow benefit, and a 1 acre planting of cottonwoods. These components will initiate long-term beneficial impacts to the affected environment and will result in an uplift in function over the existing baseline conditions.

The proposed restoration project has been vetted by the local Salmon Recovery Funding Board Technical Advisory Group, Yakima Tributary Access & Habitat Program Technical Working Group, Washington Department of Fish & Wildlife and other partners engaged in salmon recovery.

8b. Will your project impact a waterbody or the area around a waterbody? [help]

☒ Yes ☐ No

8c. Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies? [help]

- **If Yes,** submit the plan with the JARPA package and answer 8d.
- **If No, or Not applicable,** explain below why a mitigation plan should not be required.

☐ Yes ☒ No ☐ Don't know

This habitat restoration project will be self-mitigating because of the long-term ecological benefits to this reach of Swauk Creek. This project will result in improved ecological diversity and uplift in function over existing baseline conditions.

Implementation will accomplish the following:

- Consolidation of two gravity irrigation diversions on Swauk Creek
- Decommissioning of a gravity irrigation diversion
- Elimination of two seasonal fish passage barriers
- Installation of a fish screen compliant with NMFS and WDFW fish screening criteria
- Planting of native cottonwoods to diversify the riparian plant community, provide shade for the stream, and serve as a future source of woody debris for Swauk Creek

Swauk Creek is a high priority for restoration in the Yakima Basin. Radio telemetry data from 2002 - 2014 indicates that 13% of Upper Yakima ESA-listed steelhead spawn in Swauk Creek. Partners have invested a significant amount of time and funds to complete several habitat restoration projects in Swauk Creek and completion of this project will complement all of these efforts.

8d. Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g you do not need to restate your answer here. [help]

The Yakima Tributary Access and Habitat Program (YTAHP) has been successful at working with public entities and private landowners to remove fish passage barriers and assist irrigators with coming into compliance with WDFW and NOAA Fisheries fish screening laws.

Since 2003, YTAHP has restored fish passage to >238 stream miles, screened ~335cfs of flow, and revegetated over 218 acres and 15 miles of streambank. Implementation of this project will contribute to YTAHP's success.

8e. Summarize impact(s) to each waterbody in the table below. [help]

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name[1]	Impact location[2]	Duration of impact[3]	Amount of material (cubic yards) to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected
Temporary Fish Bypass	Swauk Creek	Right Bank	Temporary	10 CY	TBD
Excavate existing streambed boulders and gravel/cobbles	Swauk Creek	RM 7.92 diversion	Temporary	350 CY	1200 sf
Replace streambed boulders and gravels/cobbles	Swauk Creek	RM 7.92 diversion/ramp	Permanent	350 CY	3,600 sf
Install additional boulders and gravel/cobbles for rock ramp	Swauk Creek	RM 7.92 Rock ramp	Permanent	200 CY	3,600 sf
Demolish and remove concrete headgate	Swauk Creek	RM 7.71 diversion	Permanent	10 CY	50 sf
Excavate existing streambed boulders and gravel/cobbles	Swauk Creek	RM 7.71 diversion	Temporary	180 CY	1,000 sf
Replace streambed boulders and gravels/cobbles to eliminate drops	Swauk Creek	RM 7.71 diversion	Permanent	180 CY	2,400 sf
Install additional boulders to roughen channel	Swauk Creek	RM 7.71 diversion	Permanent	20 CY	2,400 sf

[1] If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.
[2] Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.
[3] Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

8f. For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [help]

The majority of the boulders, gravels, and cobbles are existing on-site materials that will be excavated and reworked to change the existing drops into a rock ramp/roughened channel to facilitate fish passage. Imported boulders, gravel, and cobbles will be from a commercial source and will supplement the rock ramp/roughened channel. This material will be placed using land-based equipment (excavators) and hand manipulation and packing. Fine materials will be washed into the rock ramp/roughened channel to reduce the potential for the flow to go subsurface.

At RM 7.92, up to 550 cubic yards of streambed boulders, cobbles and gravels will be permanently placed to construct a roughened channel fishway. Of the 550 cubic yards, approximately 350 cubic yards of material is existing on site and 200 cubic yards will be brought in.

At RM 7.71, up to 200 cubic yards of streambed boulders, cobbles and gravels will be permanently placed to construct a roughened channel fishway. Of the 200 cubic yards, approximately 180 cubic yards of material is existing on site and 20 cubic yards will be brought in. Approximately 10 cubic yards of concrete will be removed from the stream.

8g. For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [help]

Existing streambed boulders, gravels, and cobbles will be excavated using land-based equipment (excavators) and hand manipulation and packing. The materials will be temporarily stockpiled on upland adjacent to the river and then replaced in the rock ramp/roughened channel. Concrete and other materials removed from the lower diversion would be disposed of off-site at an appropriate landfill or approved upland location.

Part 9–Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

9a. If you have already worked with any government agencies on this project, list them below. [help]

Agency Name	Contact Name	Phone	Most Recent Date of Contact
Washington Department of Fish & Wildlife	Cassandra Weekes, YTAHP Permitting Biologist	509-406-3206	July 2020
	Jennifer Nelson, Area Habitat Biologist	509-961-6639	July 2020
	Josh Rogala, Fish Passage & Screening Biologist	509-406-2726	July 2020
Bonneville Power Administration	Brenda Aguirre, Environmental Protection Specialist	503-230-5928	July 2020

9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? [help]

- **If Yes,** list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d.

☒ Yes ☐ No

Segments within the Swauk Creek watershed are included on the 303(d) impaired water quality list as not meeting state water quality standards for water temperature.

9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [help]

- Go to http://cfpub.epa.gov/surf/locate/index.cfm to help identify the HUC.

170300010310

9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [help]

- Go to https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up to find the WRIA #.

WRIA 39

9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help]

- Go to https://ecology.wa.gov/Water-Shorelines/Water-quality/Freshwater/Surface-water-quality-standards/Criteria for the standards.

☒ Yes ☐ No ☐ Not applicable

9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help]

- If you don't know, contact the local planning department.
- For more information, go to: https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-laws-rules-and-cases.

☐ Urban ☐ Natural ☐ Aquatic ☒ Conservancy ☐ Other: _____

9g. What is the Washington Department of Natural Resources Water Type? [help]

- Go to http://www.dnr.wa.gov/forest-practices-water-typing for the Forest Practices Water Typing System.

☒ Shoreline ☒ Fish ☐ Non-Fish Perennial ☐ Non-Fish Seasonal

9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [help]

- If No, provide the name of the manual your project is designed to meet.

☒ Yes ☐ No

Name of manual: 2019 Stormwater Management Manual for Eastern Washington

9i. Does the project site have known contaminated sediment? [help]

- If Yes, please describe below.

☐ Yes ☒ No

9j. If you know what the property was used for in the past, describe below. [help]

The property is a rural homestead and working farm and has been for the past century.

9k. Has a cultural resource (archaeological) survey been performed on the project area? [help]

- **If Yes, attach it to your JARPA package.**

☒ Yes ☐ No

A survey was completed in mid-July 2020. BPA is the federal lead agency for NHPA 106 consultation.

9l. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [help]

Middle Columbia River Steelhead
Columbia River Bull Trout

9m. Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [help]

Middle Columbia River Steelhead
Columbia River Bull Trout
Rainbow Trout
Coho Salmon
Chinook Salmon
Westslope Cutthroat
Northern Spotted Owl
Freshwater Forested/Shrub Wetland
Freshwater Emergent Wetland
Mule Deer
Elk
Big Brown Bat
Grizzly Bear

Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at http://apps.oria.wa.gov/opas/.
- Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.
- For a list of addresses to send your JARPA to, click on agency addresses for completed JARPA.

10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [help]

- For more information about SEPA, go to https://ecology.wa.gov/regulations-permits/SEPA-environmental-review.

☐ A copy of the SEPA determination or letter of exemption is included with this application.

☐ A SEPA determination is pending with _____ (lead agency). The expected decision date is _____.

☒ I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [help]

☒ This project is exempt (choose type of exemption below).

☐ Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt?

_____

☐ Other: RCW 77.55.181

☐ SEPA is pre-empted by federal law.

10b. Indicate the permits you are applying for. (Check all that apply.) [help]

LOCAL GOVERNMENT

Local Government Shoreline permits:

☐ Substantial Development ☐ Conditional Use ☐ Variance

☐ Shoreline Exemption Type (explain): _____

Other City/County permits:

☐ Floodplain Development Permit ☐ Critical Areas Ordinance

STATE GOVERNMENT

Washington Department of Fish and Wildlife:

☒ Hydraulic Project Approval (HPA) ☒ Fish Habitat Enhancement Exemption – Attach Exemption Form

Washington Department of Natural Resources:

☐ Aquatic Use Authorization

Complete JARPA Attachment E and submit a check for $25 payable to the Washington Department of Natural Resources. **Do not send cash.**

Washington Department of Ecology:

☒ Section 401 Water Quality Certification

FEDERAL GOVERNMENT

United States Department of the Army permits (U.S. Army Corps of Engineers):

☒ Section 404 (discharges into waters of the U.S.) ☐ Section 10 (work in navigable waters)

United States Coast Guard permits:

☐ General Bridge Act Permit ☐ Private Aids to Navigation (for non-bridge projects)

Part 11–Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [help]

11a. Applicant Signature (required) [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. _____ (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. _____ (initial)

Anna Lael — Applicant Printed Name

Applicant Signature

8/20/2020 — Date

11b. Authorized Agent Signature [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

Anna Lael — Authorized Agent Printed Name

Authorized Agent Signature

8/20/20 — Date

11c. Property Owner Signature (if not applicant) [help]

Not required if project is on existing rights-of-way or easements (provide copy of easement with JARPA).

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

PAT DENEEN, MANAGER, Ranch on Swank Creek, LLC — Property Owner Printed Name

Property Owner Signature

8-19-2020 — Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years or both.