



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

South Central Region • Region 3 • 1701 South 24th Avenue, Yakima, WA 98902-5720
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April 9, 2024

Bradley Gasawski
Community Development Services
Kittitas County
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

**SUBJECT: WDFW COMMENTS ON RU-24-00001 HORISH REASONABLE USE SV-23-00001
HORISH SHORELINE VARIANCE**

Dear Mr. Gasawski,

Thank you for the opportunity to comment on the Horish Reasonable Use application for the proposed driveway and subsequent future residence on parcel 516534. The Washington Department of Fish and Wildlife (WDFW) previously provided comments on this project under the Shoreline Variance application (SV-23-00001) which we'd like to incorporate by reference with this letter. The Yakima River is dynamic in this reach with several active side channels and associated wetlands and frequently flooded areas. It's important to recognize these riverine processes to protect them and the functions and values they provide for fish and wildlife in addition to ensuring public safety is considered in and around these Shorelines and Critical Areas.

The Kittitas County Code 17B.01.020 defines the scope and jurisdiction of Shorelines in Kittitas County to include "*all shorelines of the state; upland areas (shorelands) within two hundred (200) feet of the ordinary high water mark of those waters; associated wetlands and river deltas; and floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways.*" The wetlands identified in the critical areas report are directly associated with the Yakima River, a shoreline of statewide significance, and are subject to the Shoreline Master Program. The figure on page 9 of the [Critical Area Report](#) shows Wetland D terminating at the Ordinary High Water Mark of a Type S Water, a side channel of the mainstem Yakima River (Figure 1).

We do not dispute that Wetlands C and D are likely influenced by irrigation practices on the pasture south of them, but they are also hydraulically connected to the mainstem Yakima River as they are relic channel scars within the channel migration zone. These wetlands provide important fish and wildlife habitat as they are directly connected to the Yakima River, just east of the areas shown in the Critical Areas report (Figure 2).

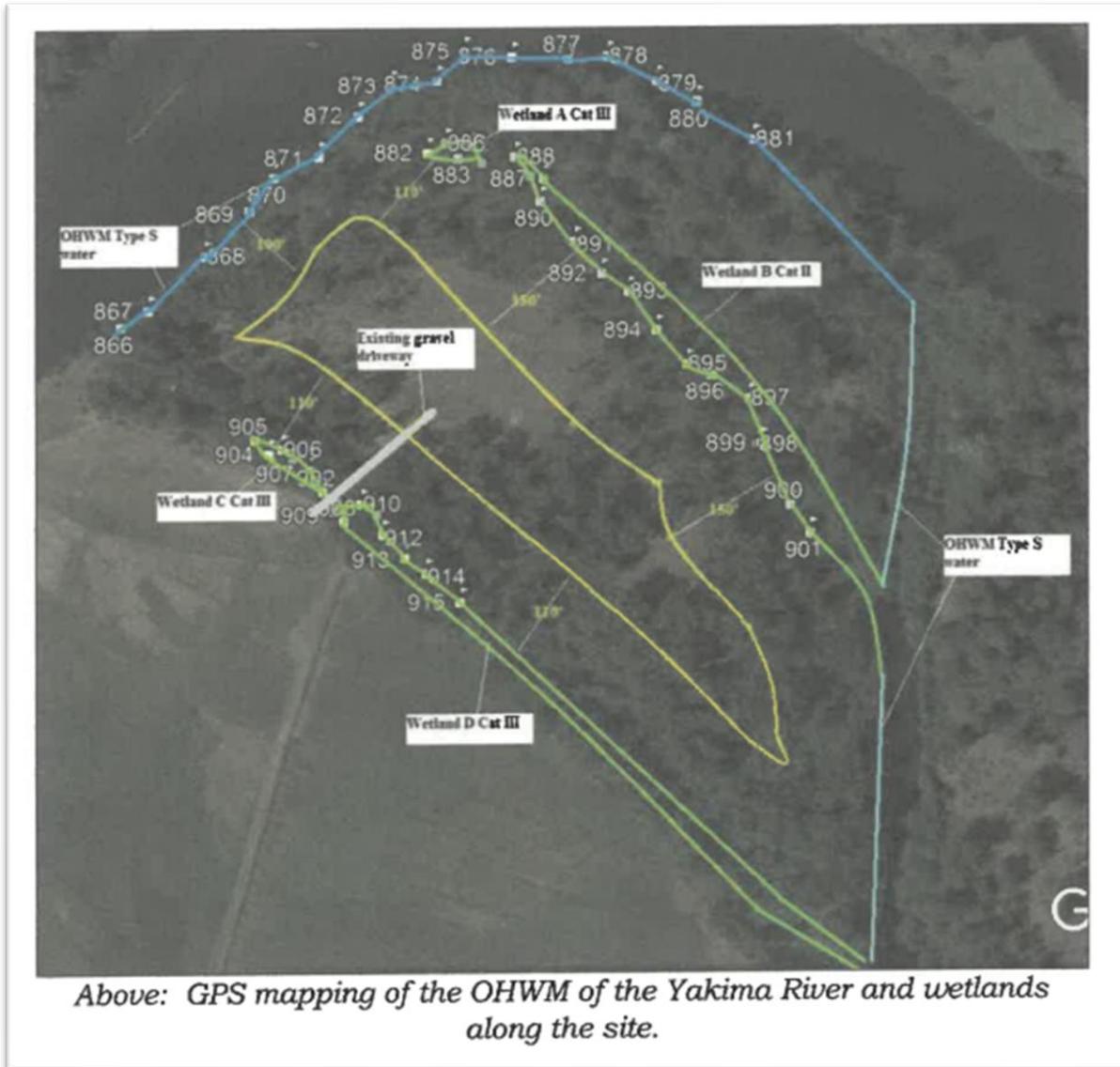


Figure 1: This image comes from Page 9 of the Critical Areas Report submitted with the Horish Reasonable Use application. It clearly shows Wetland D in direct connectivity with the OHWM of a Type S water near the bottom right of this image.

It is our understanding that Ms. Horish recently willingly relocated the existing easement across parcel 546534 to access parcel 516534. The new easement location results in the need for a new driveway that follows the terrace edge of the Yakima River floodplain and its associated side channels and wetlands; thereby creating a need for additional mitigation and potential variances from existing code. The proposed driveway falls within the buffer requirements for the Shoreline Master Program (KCC 17B) as the wetlands are in direct connectivity with side channels of the Yakima River. **The Reasonable Use considerations under the Critical Areas Code (KCC 17A) are helpful for considering impacts, but KCC 17A is not applicable in this location for this project and we recommend reconsideration of the Shoreline Variance as originally proposed.**

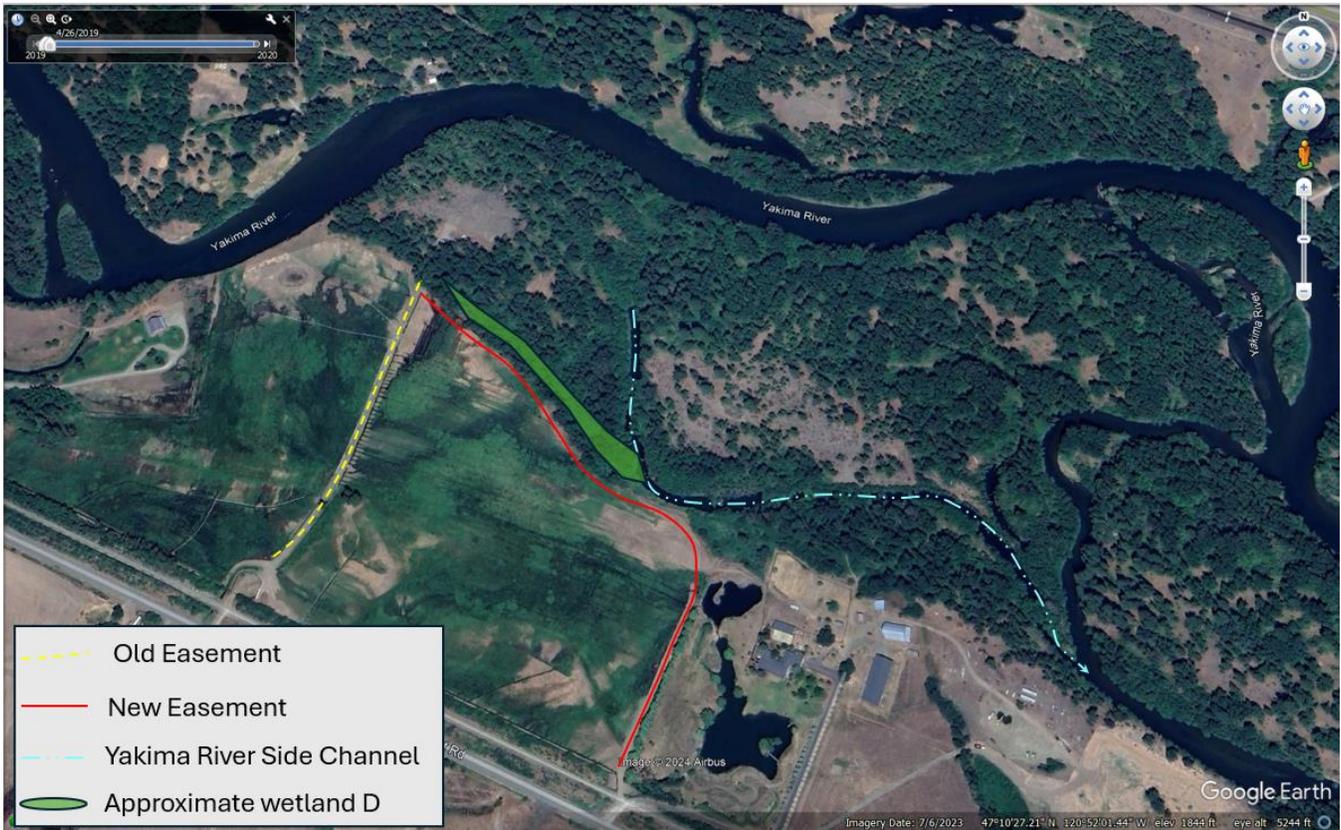


Figure 2. This recent image from Google Earth has been highlighted with the approximate locations of the old easement, the new easement, Wetland D, and a Yakima River Side Channel. It is intended to demonstrate that this wetland is in direct connection with the Yakima River and falls under the Shoreline jurisdiction (KCC 17B) and not the Critical Area jurisdiction (KCC 17A).

Thank you again for the opportunity to comment and for the County’s commitment to protect fish and wildlife habitat conservation areas such as the Yakima River. The Yakima River and its associated floodplain, side channels, wetlands, and riparian forests are of statewide significance and we would be pleased to work together to ensure all potential impacts are appropriately mitigated to protect all Shoreline functions and values for this project. Please let me know if there are any questions about our comments. I can be reached by phone at (509) 961-6639 or email at Jennifer.nelson@dfw.wa.gov.

Sincerely,

Jennifer Nelson
Fish and Wildlife Biologist