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COMMUNITY PLANNING & ECONOMIC DEVELOPMENT

Creating Solutions for Our Future

Joshua Cummings Director

July 2, 2021

Chris Gourley
Washington Department of Fish & Wildlife (WDFW)
600 Capitol Way North
Olympia WA 98501
Chris.Gourley@dfw.wa.gov

SUBJECT: Project No. 2021100996, Folder No. 21-102552 XC; 21-201553 XA; 21-102554 XI; Request for Emergency Approval (Centralia Adult Salmon Trap); Property 20000 Cook Rd, Yelm, WA 98597, Parcel 22601210100

Dear Chris:

Per the request for emergency authorization submitted by Washington Department of Fish and Wildlife (WDFW) on June 29, 2021, this letter serves as approval for emergency work on Project No. 2021100996 (Centralia Adult Salmon Trap) pursuant to TCC 24.90.040, and the Shoreline Master Program definition of "emergency", WAC 197-11-880 and WAC 173-27-040(2)(d). The project is in a Conservancy Shoreline Environment as designated by the Shoreline Master Program for the Thurston Region (SMPTR) and is within the FEMA flood zone and Wetland Category II.

The June 29, 2021 letter submitted by the applicant outlines the basis behind this emergency request as follows:

"This project is a key element of the Salmon Recovery Plan from the Nisqually Tribe and Washington Department of Fish and Wildlife. Native Nisqually River fall and spring Chinook were extirpated over half a century ago as a result of habitat degradation, hydropower development, and other anthropogenic activities. The reduction in salmon populations has directly impacted the Tribe's treaty rights. In 1999, Puget Sound Chinook salmon was listed as threatened under the Endangered Species Act (ESA). The National Marine Fisheries Service (NMFS) identified the Nisqually Chinook salmon population as having the best chance of recovery because of habitat conditions. Salmon biologists and geneticists from the National Oceanic and Atmospheric Administration, Washington Department of Fish and Wildlife, the Northwest Indian Fisheries Commission, and the Nisqually Indian Tribe developed a multi-phased recovery approach to reintroduce a unique Nisqually Chinook population. One of the key components of the plan is to operate a fish trap within the existing fish ladder at the Centralia Diversion Dam at river mile 26.2 of the Nisqually River. This operation is absolutely essential to the recovery of Nisqually Chinook. The fish trap will be used to: 1) count all Chinook utilizing the high-quality spawning

2000 Lakeridge Drive SW, Olympia, Washington 98502 (360) 786-5490/FAX (360) 754-2939

TDD (360) 754-2933 Website: www.co.thurston.wa.us/permitting

habitat upstream. Enumeration in the wild is nearly impossible due to the glacier origin of the Nisqually River; 2) remove stray hatchery Chinook in order to reduce competition on the spawning ground and eliminate the ability of hatchery strays to spawn with naturally produced Chinook in order to promote local adaptation of natural Chinook, 3) collect a small number of natural origin Chinook to supply brood stock for a small integrated hatchery program that will boost the recovery of the natural stock, and 4 4) conduct monitoring crucial to reporting on the success of the program. This includes genetic parentage research to determine how many offspring Chinook are producing".

This approval is for work identified as necessary to alleviate the emergency situation on the subject property as enumerated below:

- Construction of an adult salmon trap within the existing fish ladder at Centralia diversion dam.
- The trap will be made of aluminum frames with pickets with proper fish spacing of 1": two gates will block the passage up the fish ladder directing fish into the trap area.
- The trap area will have a floor that lifts 5 feet to allow staff to capture the fish with nets by hand and put them into a cable lift system to move the fish to an unwalled, roofed 17'x14' sorting facility on a cement slab.
- Stairs will connect the trap area to the sorting facility.
- The sorting area includes fish troughs for handling, enumerating, scientific sampling, and tagging.
- There will be return pipes back to the fish ladder for returning fish upstream. River water will be pumped from the fish ladder area up to the sampling area to keep the fish in moving water and this water will return back to the fish ladder.
- Within the existing trap and ladder footprint, grated walkways and platform for lift hydraulics will be added. A screen suction intake will be placed to supply water via pump to the facility. A return pipe will allow water to return to the ladder. A bypass pipe will also be installed near the lower end of the trap.
- New slide gates will be installed in the existing guides.
- In an already disturbed area in the wetland buffer, a small 10' x 20' mobile office, portable toilet, and hand washing station will be installed (see Site Plan for Adult Salmon Trap below).

No other work is authorized at this time. Minor adjustments based on site conditions may be made in the interest of safety. All work is to be completed in the manner in the proposed plans. If details or recommendations regarding the current plans change, please contact Thurston County Community Planning & Economic Development (CPED) to discuss plan modifications. All work completed under this emergency authorization are exempt from SEPA.

Pursuant to TCC 24.90.050, "any emergency activity shall incorporate, to the greatest extent practicable and feasible, but not inconsistent with the emergency situation, the standards and criteria required for nonemergency activities under this title and shall:

- A. Be limited in duration to the time required to complete the emergency activity, not to exceed ninety days;
- B. Require the restoration of any affected critical area and associated buffer altered as a result of the emergency activity within this ninety-day period, except when the approval authority

determines that more time will be needed, based on a written request from the responsible party; and

C. Avoid impacts to adjacent properties.

Based upon the stated need, complexity of permitting, and duration of emergency activity documented in the June 29, 2021 request, the emergency work authorized by this order shall be extended to one calendar year after the date of issuance of this letter. Unless further extension is requested in writing by the applicant prior to the one-year expiration, and unless such request is granted, at the full discretion by the County, all necessary permitting must be completed. Failure to obtain approval of all necessary permits within the above timeframe shall result in immediate violation of Thurston County Code and all construction approved by this order shall be removed and abated immediately.

None of the proposed emergency work has been reviewed for compliance with applicable codes by the responsible County, State or Federal agencies. Importantly, this means that any of the delineated work initiated or completed on your property is at your own risk. That risk includes the possibility of slope or structure failure.

<u>Notes:</u> The code review for the entire project has been initiated. At minimum, the review requires a formal decision-making on a Shoreline Substantial Development Permit, a Reasonable Use Exception, and SEPA. The full review could take several months or more to complete. Upon completion, if that review finds that a different design or installation technique is compelled to meet specific code requirements, or any portion is disallowed, it will be the applicant's responsibility to make adjustments.

Per TCC 24.90.060, the issuance of an emergency authorization by the county does not preclude the necessity to obtain any necessary approvals from appropriate federal and state authorities.

If you wish to appeal this determination, please do so in writing on an administrative appeal form, accompanied by a nonrefundable fee of \$2,006.00. Any appeal must be **received** in the Building Development Center on the second floor of Building #1 in the Thurston County Courthouse complex no later than 4:00 pm fourteen (14) days from the date of this letter (TCC 24.05.050). Postmarks are <u>not</u> acceptable. If your fee and completed appeal form are not filed by this time, you will be unable to appeal this determination. This deadline may <u>not</u> be extended.

It continues to be the mission of CPED to serve citizens – your request for emergency authorization to proceed is approved.

Let me know if you have questions. I can be emailed at joshua.cummings@co.thurston.wa.us

Respectfully.

Joshua Cummings

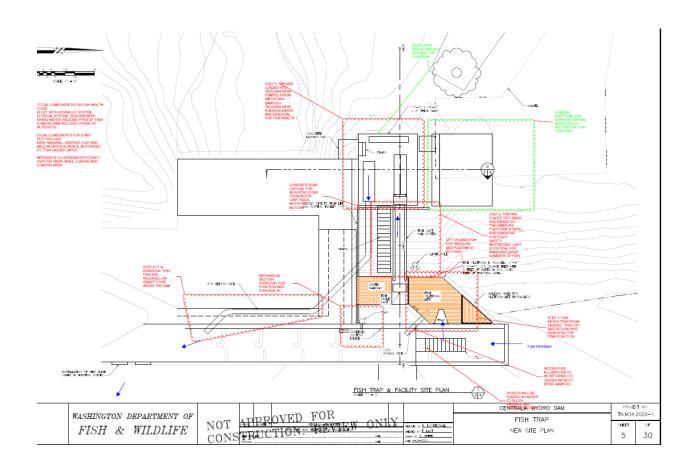
Director, Community Planning & Economic Development

Thurston County

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cc: Tribes – Nisqually
WA Dept. of Ecology, SEPA & Shorelines
WA Dept. of Fish and Wildlife
FEMA Region X

Proposed Site Plan for Adult Salmon Trap



From: Brett Bures

To: Sharon Lumbantobing

Subject: FW: extension of emergency permit for fish trap at Centralia Hydro project

Date: Thursday, July 14, 2022 10:14:50 AM

Sharon:

Please note the extension provided below. Also, please share with the review team.

Thanks.

Brett Bures | Building and Planning Manager

Thurston County Community Planning & Economic Development 2000 Lakeridge Dr SW, Bldg 1, Olympia, Washington 98502 Map Main (360) 786-5471 | Fax (360) 754-2939 | TDD (800) 833-6388 brett.bures@co.thurston.wa.us | www.thurstoncountybdc.com

This communication is a public record and may be subject to disclosure under the Washington State Public Records Act, RCW 42.56.

From: Joshua Cummings < joshua.cummings@co.thurston.wa.us>

Sent: Wednesday, July 13, 2022 3:47 PM

To: David Troutt <troutt.david@nisqually-nsn.gov>; Gabe M Madel <Gabriel.Madel@dfw.wa.gov>

Cc: Ramiro Chavez <ramiro.chavez@co.thurston.wa.us>; Brett Bures

<brett.bures@co.thurston.wa.us>

Subject: Fwd: extension of emergency permit for fish trap at Centralia Hydro project

FYI - emergency permit extended as requested.

Concurrently, CPED will continue to coordinate with WDFW on the standard permit process in a timely manner.

Best,

Josh

Begin forwarded message:

From: Joshua Cummings < <u>joshua.cummings@co.thurston.wa.us</u>>

Date: July 13, 2022 at 3:42:24 PM PDT

To: Brett Bures < brett.bures@co.thurston.wa.us >

Subject: Re: extension of emergency permit for fish trap at Centralia Hydro project

Brett,

Thank you for this confirmation.

Please make a record that I approve of the emergency permit be extended (1) additional year from the date of the initial granting of the emergency permit, with an effective extension to July 2, 2023.

Please also ensure that CPED and WDFW continue the standard permitting process to be completed in a timely manner.

Best, Josh

CPED Director

On Jul 13, 2022, at 3:07 PM, Brett Bures brett.bures@co.thurston.wa.us wrote:

Josh:

According to TCC 24.90.040, WAC 197-11-880, and WAC 173-27-040, I can confirm that this approach is within acceptable parameter to be granted considering the applications for approval have been received and are under review.

Please let me know if you have any further questions or would like clarification.

Thanks.

Brett Bures | Building and Planning Manager

Thurston County Community Planning & Economic Development 2000 Lakeridge Dr SW, Bldg 1, Olympia, Washington 98502 Map

Main (360) 786-5471 | Fax (360) 754-2939 | TDD (800) 833-6388

brett.bures@co.thurston.wa.us | www.thurstoncountybdc.com

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From: Joshua Cummings < joshua.cummings@co.thurston.wa.us>

Sent: Wednesday, July 13, 2022 12:50 PM

To: Brett Bures < brett.bures@co.thurston.wa.us >

Subject: Fwd: extension of emergency permit for fish trap at Centralia Hydro project

Brett,

Please review the request for an extension to the emergency permit below.

It is my perspective that this request is within the acceptable parameters to be granted.

Your confirmation and citing of applicable codes and ordinances would be

appreciated.

Thanks, Josh

Begin forwarded message:

From: David Troutt < troutt.david@nisqually-nsn.gov>

Date: July 13, 2022 at 12:14:21 PM PDT

To: Joshua Cummings

<joshua.cummings@co.thurston.wa.us>

Cc: "Madel, Gabe M (DFW)" < Gabriel. Madel@dfw.wa.gov>
Subject: extension of emergency permit for fish trap at
Centralia Hydro project

Josh,

The Nisqually Indian Tribe and the Washington State Department of Fish and Wildlife are requesting an extension of our emergency permit for Project No. 2021100996, Folder No. 21-102552 XC; 21-201553 XA; 21-102554 XI; (Centralia Adult Salmon Trap); Property 20000 Cook Rd, Yelm, WA 98597, Parcel 2260121010. We ran up against significant staffing and supply chain issues during this time of Covid that did not allow us to complete the project under the previously authorized permit. We now have the engineering and design work completed, materials on hand or on the way, and are working with your staff on permitting issues but are bumping up against the "fish window" for in-water work and need to move expeditiously to meet our recovery objectives for 2022 and beyond.

We appreciate the hard work being done by all of our staffs to identify and address all issues through the full permitting process but need an extension of the emergency permit to provide us the ability to begin our on-site work in the coming days. We are committed to implementing all of the measures necessary to mitigate for any and all impacts that will be identified in the regular permit.

Your timely consideration of this request is greatly appreciated by both the Tribe and WDFW. Mahalo – David

Natural Resources Director Nisqually Indian Tribe 600 Pacific Hwy Olympia, WA 98513 360-456-5221 360-349-2390 (cell)

A'a i ka hula, waiho i ka maka'u i ka hale – (Dare to dance, leave shame at home.)

From: Brett Bures

To: Sharon Lumbantobing

Subject: FW: permit extension request - project 2021100996

Date: Wednesday, June 21, 2023 1:47:51 PM

FYI -

NOTICE

Beginning February 21, 2023, the Planning Services Division will be providing assistance in the Building Development Center between 10 a.m. and 2 p.m. Monday through Friday. This temporary schedule is in place until further notice. Please visit www.thurstoncountybdc.com for up to date information, hours of operation, and services provided remotely.

Brett Bures | Development Services Manager

Thurston County Community Planning & Economic Development

3000 Pacific Ave SE, Suite 100, Olympia, Washington 98501

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<u>brett.bures@co.thurston.wa.us</u> | <u>www.thurstoncountybdc.com</u>

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From: Joshua Cummings < joshua.cummings@co.thurston.wa.us>

Sent: Wednesday, June 21, 2023 1:44 PM

To: Brett Bures

 drett.bures@co.thurston.wa.us>

Subject: RE: permit extension request - project 2021100996

Brett,

Based on CPED staff's information below and recommendation – please proceed with granting this extension request, with the understanding that barring extreme circumstances this will be the last extension request granted.

Best,

Josh

Joshua Cummings | Director

Thurston County Community Planning & Economic Development (CPED)

3000 Pacific Ave SE, Olympia, Washington 98501

Phone (360) 754-4995

joshua.cummings@co.thurston.wa.us |Thurston County CPED

This communication is a public record and may be subject to disclosure under the Washington State Public Records Act, RCW 42.56.

From: Brett Bures < brett.bures@co.thurston.wa.us>

Sent: Monday, June 12, 2023 1:33 PM

To: Joshua Cummings < <u>joshua.cummings@co.thurston.wa.us</u>> **Subject:** RE: permit extension request - project 2021100996

Josh:

After having staff conduct research on this topic we found out the following:

- The emergency declaration has previously been extended
- Applications have been received for this project and are still ongoing but are currently on hold waiting for additional information
- No work, under the emergency declaration has taken place

The tribe is requesting another extension for the emergency declaration providing the following as justification:

- Supply chain issues
- Inflation
- Project funding was not able to keep up with the cost of materials and contract labor without additional funding sources
- Additional funding was sought after and approved by the legislature in late April 2023. The funding support has allowed the project to begin to move forward towards putting the work out to bid and complete the fish trap
- A permit from FERC is needed prior to work beginning. FERC permit process has taken much longer than expected.

I recommend that we grant an additional emergency declaration but condition that this is the last one available for this project.

Please let me know if you have any question or would like additional information.

Thanks.

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From: Joshua Cummings < <u>ioshua.cummings@co.thurston.wa.us</u>>

Sent: Wednesday, May 24, 2023 2:24 PM

To: Brett Bures < brett.bures@co.thurston.wa.us >

Cc: Sharon Lumbantobing <<u>sharon.lumbantobing@co.thurston.wa.us</u>>

Subject: RE: permit extension request - project 2021100996

Brett,

Please provide your recommendation as well as your input on potential parameters of your recommendation.

Thanks, Josh

From: Brett Bures < brett.bures@co.thurston.wa.us>

Sent: Tuesday, May 16, 2023 10:37 AM

To: Joshua Cummings < joshua.cummings@co.thurston.wa.us>

Cc: Sharon Lumbantobing < <u>sharon.lumbantobing@co.thurston.wa.us</u>>

Subject: FW: permit extension request - project 2021100996

Josh:

The project known as the Centralia Salmon Trap was issued an Emergency Declaration to proceed with work prior to application submittal. So far, the applications have been submitted and are about to expire. Further, the Emergency Declaration is also about to expire.

The request from Mr. Troutt is as follows:

- Application to be extended approved per Sharon L. with a new expiration date of November 16, 2023
- Emergency Declaration Expires July 2, 2023 request to extend to July 2, 2024

The Emergency Declaration extension must come from the Director of CPED.

Let's discuss at your convenience.

Thanks.

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brett.bures@co.thurston.wa.us | www.thurstoncountybdc.com

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From: David Troutt < troutt.david@nisqually-nsn.gov>

Sent: Tuesday, May 16, 2023 10:19 AM

To: Sharon Lumbantobing <<u>sharon.lumbantobing@co.thurston.wa.us</u>>; Brett Bures

<<u>brett.bures@co.thurston.wa.us</u>>

Cc: Scott, James B (DFW) < <u>James.Scott@dfw.wa.gov</u>>; Pagano, Lorenzo (DFW)

<<u>Lorenzo.Pagano@dfw.wa.gov</u>>; Madel, Gabe M (DFW) <<u>Gabriel.Madel@dfw.wa.gov</u>>; Bill St. Jean <<u>stjean.william@nisqually-nsn.gov</u>>; Gourley, Chris L (DFW) <<u>Chris.Gourley@dfw.wa.gov</u>>

Subject: RE: permit extension request - project 2021100996

Thanks. Can we have the emergency permit extended through July 2024? Mahalo - david

From: Sharon Lumbantobing <<u>sharon.lumbantobing@co.thurston.wa.us</u>>

Sent: Tuesday, May 16, 2023 10:18 AM

To: David Troutt <<u>troutt.david@nisqually-nsn.gov</u>>; Brett Bures <<u>brett.bures@co.thurston.wa.us</u>>

Cc: Scott, James B (DFW) < <u>James.Scott@dfw.wa.gov</u>>; Pagano, Lorenzo (DFW)

<<u>Lorenzo.Pagano@dfw.wa.gov</u>>; Madel, Gabe M (DFW) <<u>Gabriel.Madel@dfw.wa.gov</u>>; Bill St. Jean

<stjean.william@nisqually-nsn.gov>; Gourley, Chris L (DFW) < Chris.Gourley@dfw.wa.gov>

Subject: RE: permit extension request - project 2021100996

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David and Chris,

The extension of the standard permitting process is extended for another 180 days and expires on November 16, 2023. The emergency declaration expires July 2, 2023.

Sharon Lumbantobing | Senior Planner

Thurston County Community Planning & Economic Development
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From: Sharon Lumbantobing

Sent: Tuesday, May 16, 2023 10:12 AM

To: David Troutt < troutt.david@nisqually-nsn.gov>; Brett Bures < brett.bures@co.thurston.wa.us>

Cc: Scott, James B (DFW) < <u>James.Scott@dfw.wa.gov</u>>; Pagano, Lorenzo (DFW)

<<u>Lorenzo.Pagano@dfw.wa.gov</u>>; Madel, Gabe M (DFW) <<u>Gabriel.Madel@dfw.wa.gov</u>>; Bill St. Jean

<stiean.william@nisqually-nsn.gov>; Gourley, Chris L (DFW) <Chris.Gourley@dfw.wa.gov>

Subject: RE: permit extension request - project 2021100996

David and Chris,

There are two separate tracks: 1) standard permitting process and 2) emergency extension.

Attached is the 2nd emergency extension, which expires July 2, 2023. Installation under the emergency extension needs to occur by July 2, 2023.

The extension request that I was referring to below pertains to the standard permitting process through the hearing examiner, not the emergency extension.

So what you have requested below is an extension of the standard permitting process.

Sharon

Sharon Lumbantobing | Senior Planner

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From: Sharon Lumbantobing

Sent: Tuesday, May 16, 2023 9:40 AM

To: David Troutt < troutt.david@nisqually-nsn.gov >; Brett Bures < brett.bures@co.thurston.wa.us >

Cc: Scott, James B (DFW) < <u>James.Scott@dfw.wa.gov</u>>; Pagano, Lorenzo (DFW)

 $<\underline{\text{Lorenzo.Pagano@dfw.wa.gov}}; \ \text{Madel, Gabe M (DFW)} < \underline{\text{Gabriel.Madel@dfw.wa.gov}}; \ \text{Bill St. Jean}$

<stjean.william@nisqually-nsn.gov>; Gourley, Chris L (DFW) < Chris.Gourley@dfw.wa.gov>

Subject: RE: permit extension request - project 2021100996

Thank you David.

To clarify, installation of the fish trap cannot occur until the application is complete and it goes to the hearing examiner for their review and approval. Your sentence below "We anticipate installation this coming July" is a bit confusing.

Sharon

Sharon Lumbantobing | Senior Planner

Thurston County Community Planning & Economic Development
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From: David Troutt < troutt.david@nisqually-nsn.gov>

Sent: Tuesday, May 16, 2023 9:30 AM

To: Brett Bures < brett.bures@co.thurston.wa.us >

Cc: Sharon Lumbantobing <<u>sharon.lumbantobing@co.thurston.wa.us</u>>; Scott, James B (DFW) <<u>James.Scott@dfw.wa.gov</u>>; Pagano, Lorenzo (DFW) <<u>Lorenzo.Pagano@dfw.wa.gov</u>>; Madel, Gabe M (DFW) <<u>Gabriel.Madel@dfw.wa.gov</u>>; Bill St. Jean <<u>stjean.william@nisqually-nsn.gov</u>>; Gourley, Chris L (DFW) <<u>Chris.Gourley@dfw.wa.gov</u>>

Subject: permit extension request - project 2021100996

Brett and Sharon,

The Nisqually Indian Tribe would like to request an extension of permit for Project 2021100996 for the installation of a fish trap in the fish ladder at the Centralia diversion dam through August of 2024. We anticipate installation this coming July but it is dependent on obtaining a permit from FERC. We appreciate your patience and willingness to consider another time extension for this critical project. Please let me know if there are any questions. Mahalo – David

David A Troutt
Natural Resources Director
Nisqually Indian Tribe
600 Pacific Hwy
Olympia, WA 98513
360-456-5221
360-349-2390 (cell)

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