

**SHORELINE MANAGEMENT PERMIT  
ACTION SHEET**

**Application #:** SDP 24-101; SCUP 24-102  
**Administering Agency** Chelan County Planning Department  
**Type of Permit:**  Substantial Development Permit  
 Conditional Use Permit  
 Variance Permit  
**Action:**  Approved  Denied  
**Date of Action:** August 29, 2024  
**Date Mailed to DOE/AG**

Pursuant to Chapter 90.58 RCW and the Shoreline Master Program of Chelan County, a permit is hereby granted to:

**Yakama Nation Fisheries; Gerald Lewis & Cory Kamphaus  
401 Fort Road  
PO Box 151  
Toppenish, WA 98948**

to undertake the following development: An application for a Shoreline Development Permit (SDP) together with a Shoreline Conditional Use Permit (SCUP) has been submitted by Ryan Walker (agent) on behalf of the Yakama Nation Fisheries to develop a new Chinook and Coho Salmon acclimation site at the Trinity property. This proposed development was originally granted approval in 2017. However, these permits expired before the project could be constructed. The subject property is located at NNA Chiwawa River USFS 6200 Rd., Leavenworth, WA, within the Commercial Forest Lands (FC) zoning district and the 'Natural' environmental shoreline designation for Phelps Creek and Chiwawa River, a shoreline of the state.

upon the following property: located at 22861 Chiwawa River FS 6200 Rd, Leavenworth, Chelan County, Washington

within the Chiwawa River and/or its associated wetlands.

The project will be within a shoreline of state-wide significance (RCW 90.58.030). The project will be located within a natural shoreline designation. The Shoreline Master Program is applicable to this development.

Development pursuant to this permit shall be undertaken in conformance with the following terms and conditions:

1. All conditions imposed by this decision shall be binding on the applicant, which includes the owner or owners of the properties, heirs, assigns, and successors.

2. Pursuant to WAC 173-27-150 and RCW 90.58.130(2), prior to commencement of this development, the applicant shall obtain any necessary aquatic permits from agencies with jurisdiction which may include, but is not limited to, the Washington State Department of Fish and Wildlife, the Army Corps of Engineers, the Washington State Department of Ecology, Chelan County PUD, Chelan County Building Department and the Washington Department of Natural Resources.
  - 2.1. The applicant shall provide copies of all permits to the Chelan County prior to work within the Shoreline jurisdiction.
3. Pursuant to CCSMP Section 7.9, this shoreline permit shall be valid for the activities described within the JARPA and shown on the site plan of record, date stamped May 24, 2024, except as modified by this decision or other jurisdictional agencies.
  - 3.1. Pursuant to CCSMP Section 4.2.C., the proposed mitigation planting shall be completed in full compliance with the proposed HMMP, dated May 2024. Verification that the plantings were completed shall be provided to Chelan County Community Development prior to final approval of the building permit unless the project is bonded in accordance with CCSMP Appendix B 6.5.6(2)(C).
  - 3.2. Upon installation of the approved plantings, monitoring reports shall be submitted to Chelan County Community Development at years one (1), three (3), and five (5) to ensure survival rates.
4. Pursuant to Chelan County Code Section 11.02.040, prior to commencement of construction, the applicant shall obtain all required and necessary building permits.
5. Pursuant to Chelan County Code Chapter 11.78, development shall be subject to the provisions of said chapter, as amended.
6. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
7. Pursuant to CCSMP 6.4.2 Appendix B for geologically hazardous areas, a geological site assessment shall be required for the proposed development.
8. Pursuant to RCW 27.53.020 and CCSMP Section 4.1, if the applicant or their agents discover previously unknown historic or archaeological remains/artifacts while conducting the development activities authorized by this permit, the applicant/ agent shall immediately notify the appropriate tribal and state representatives and the Chelan County Department of Community Development of the finding for local, state and tribal coordination. A cultural resources survey may be required.
9. For all easements, Chelan County assumes no liability whatsoever for the existence, status, location, nor nature of said easements.
10. Chelan County is not responsible for notification or enforcement of covenants or deed restrictions affecting use or title. Any permit issued does not acknowledge or recognize any covenants or deed restrictions or reservations that may burden or otherwise affect this property. Applicant/owner assumes all risks and liability for any claims and liabilities for covenants or deed restrictions or reservations.
11. Pursuant to CCSMP Section 7.10.B, substantial progress toward construction for which a permit has been granted must be accomplished within two (2) years for the granting of the permit.

12. Pursuant to CCSMP 7.10 and 7.11.A, authorization to conduct the approved development shall terminate five (5) years after the effective date of decision; the County may authorize a single extension for a period not to exceed one (1) year in accordance with CCSMP Section 7.10.D.

**Findings of Fact:**

1. The project is located at 22861 Chiwawa River FS 6200 Rd., Leavenworth, WA 98826
2. The parcel number is 30-16-27-220-100; The legal description is T 30N R 16EWM S 27 portion of 5 Millsites Patent No. 1025385; and the size is 22.10 Acres
3. The Owner is Trinity Conservancy Inc.; Reid Brown, 3139 E Lake Sammamish SE, Sammamish, WA 98075
4. The Applicants are Yakama Nation Fisheries; Gerald Lewis & Cory Kamphaus, 401 Fort Road, PO Box 151, Toppenish, WA 98948
5. The Agent is Pacific Engineering; Ryan Walker, 200 S. Columbia St., Suite 300, Wenatchee, WA 98801
6. Urban Growth Area: The subject property is not within an Urban Growth Area.
7. Comprehensive Plan Designation & Zoning: The subject property is located within the Forest Commercial Lands (FC) zoning district and comprehensive plan designation.
8. Existing Land Use & Permit History: The subject property is in private residential use and consists of a former copper mine comprised of remnant structures and existing buildings including a hydroelectric powerhouse.
9. Site Information:
  - 9.1. Site Physical Characteristics: The subject property is isolated within a larger tract of uninterrupted mixed conifer forest that is managed by the USFS near the mouth of Phelps Creek at its confluence with the Chiwawa River. It is bisected by internal dirt and gravel roadways. A man-made pond and outlet ditch are present just to the southeast of the existing residences. Within the subject property, the area around the existing buildings has largely been cleared of trees due to previous and ongoing land uses. Vegetation between buildings consists primarily of managed herbaceous and grassy habitat with scattered trees and shrubs. The southern quarter of the subject property that is located between the buildings and Phelps Creek is vegetated with mature forest that is relatively open in nature with little understory vegetation due to past mining operations, ongoing residential and power generating uses within the parcel. Wildlife habitat at the project site is limited; however, the surrounding parcels are comprised of thousands of acres of undisturbed habitat.
  - 9.2. Property North: Commercial Forest Lands (FC) zoning designation.
  - 9.3. Property South: Commercial Forest Lands (FC) zoning designation.
  - 9.4. Property East: Commercial Forest Lands (FC) zoning designation.

9.5. Property West: Commercial Forest Lands (FC) zoning designation.

9.6. Aquifer Recharge Area: An Aquifer Recharge Disclosure Form is not required for this development per CCC 11.82.060. The subject property is not located within a wellhead protection area.

9.7. Shoreline Master Program: The subject property is located adjacent to Phelps Creek within the natural shoreline jurisdiction and is also nearby to the Chiwawa River and falls within the natural shoreline jurisdiction; therefore, the provisions of the Shoreline Master Program (SMP) do apply. The shoreline buffer for the subject property is 150 feet from the Ordinary High-Water Mark (OHWM) of both of these waterbodies.

9.8. Fish & Wildlife Habitat Conservation Areas: Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat Species Maps, the subject property contains priority habitat for Wolverine, Northern Spotted Owl, Grizzly Bear, Lynx, Pacific Marten, and Golden Eagle at the township scale. Both Phelps Creek and the Chiwawa River are known to have local populations of Dolly Varden/Bull Trout and Rainbow Trout, Cutthroat Trout, Chinook Salmon, and Steelhead Trout. Due to these priority habitats existing onsite, the provisions of Chelan County Code Chapter 11.78 Fish and Wildlife Overlay District, do apply.

9.9. Wetlands: A wetland investigation of the subject property was performed by Grette Associates staff (Technical Memorandum dated May 31, 2023) and the results of the investigation determined that there are no wetlands located on the subject property; therefore, the provisions of CCC, Chapter 11.80, Wetlands Overlay District, do not apply.

9.10. Floodplain: Pursuant to Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Mapping, there are no floodplains on the subject property; therefore, the provisions of CCC, Chapter 11.84, Frequently Flooded Areas Overlay District, do not apply.

9.11. Geologically Hazardous Areas: According to the Chelan County GIS mapping, the subject property does contain geological hazards for erosive soils and steep slopes; therefore, the provisions of Chelan County Code Chapter 11.86 Geologically Hazardous Areas Overlay District, would apply to any future development of the property and a geoassessment would be required at time of building permit submittal.

9.12. Cultural Resources: An archaeological survey report was prepared for the proposed Mid-Columbia Coho Restoration Project Chelan and Okanogan Counties and on August 4, 2014, the State Historic Preservation Office concurred with the Determination of No Historic Properties Affected; therefore, no additional cultural resource study is required.

#### 10. Project / Design Information:

10.1. Construction Phasing/Timing: Applicant plans to begin construction upon approval and receipt of all necessary permits.

10.2. Traffic Circulation: The subject property is accessed off of Chiwawa River FS 6200 Rd.

10.3. Domestic Water: Water to the subject property would continue to be supplied by a private well located on the subject property.

10.4. Power: Chelan County PUD would continue to provide electrical services to the subject property.



- 10.5. Sanitation: Sanitation would continue to be supplied by an existing on-site septic system.
- 10.6. Noise: Noise is similar to other residential uses in the vicinity. The construction of the fish acclimation facility shall comply with CCC, Chapter 7.35 Noise and RCW 70.107.
- 10.7. Visual Impact: The proposed development would not visually impact neighboring properties or users of the surrounding forest service lands.

11. The Notice of Application was referred to surrounding property owners within 300' (excluding 60' of right-of-way), jurisdictional agencies and departments of the County. These agencies and surrounding property owners were notified July 2, 2024 with comments due August 1, 2024. Agency comments are considered by the Hearing Examiner and when appropriate, associated and incorporated into the Conditions of Approval. The following is a list of Agencies who received notice and the date comments were received:

Agencies Notified	Response Date	Nature of Comment
Chelan County Public Works	None	
Chelan County Building	None	
Chelan County Fire Marshal	None	
Chelan County PUD	None	
Dept of Archaeology & Historic Preservation	None	
Confederated Tribes of Colville Reservation	July 23, 2024	Confirmation of DAHP approval.
Yakama Nation	None	
Department of Ecology	July 30, 2024	Water Rights info.
Chelan-Douglas Health District	None	
Washington Dept. of Fish & Wildlife	June 21, 2024	Applicant needs to submit an HPA.

Public Comments	Date Received	Nature of Comment
No public comment received		

12. Application & Public Hearing Notice Compliance

- 12.1. Application Submitted: May 23, 2024
- 12.2. Determination of Completeness issued: June 21, 2024
- 12.3. Notice of Application: July 2, 2024
- 12.4. Notice of Public Hearing: August 10, 2024
- 12.5. Public Hearing: August 21, 2024

13. SEPA ENVIRONMENTAL REVIEW

- 13.1. The proposed development was previously reviewed through the NEPA process and these documents are included within the file of record and adopted by reference in accordance with RCW 43.21C.030(2)(c) and pursuant to WAC 197-11-630(1).
- 13.2. Final Environmental Assessment, dated January 15, 2004, completed by the Office of Energy Projects, Federal Energy Regulatory Commission, United States of America. This document reviews the environmental impacts of the hydroelectric facility improvements.
- 13.3. Environmental Impact Statement (EIS) for the 2012 Mid-Columbia Coho Restoration Program (EIS)(DOE/EIS-0425) and supplemental analysis, prepared by the Bonneville Power Administration dated December 14, 2016. These documents review the environmental impacts of the environmental impacts of the acclimation site and related infrastructure improvements.

14. CHELAN COUNTY COMPREHENSIVE PLAN

14.1. Commercial Forest Lands (FC)

14.2. Purpose: To assure the long-term conservation of commercial forest lands; to preserve and encourage existing and future forest land uses as a viable, permanent land use and a significant economic activity within the community; and to protect forest lands of long-term commercial significance not already characterized by urban development from encroachment of incompatible uses.

14.3. Uses appropriate for these areas include: open space; forestry, open space; residential; and agriculture. Additional uses may be considered with supplemental provisions. These provisions shall address performance standards, impacts to the surrounding area, and be consistent with the goals and policies of the comprehensive plan. Such uses may include: natural resource support facilities and services; mineral resource activities; intensification of existing development or the development of new small scale recreational or tourist uses that rely upon a rural setting but that do not include new residential development; intensification of development on lots containing existing isolated nonresidential uses; home occupations; bed and breakfasts; and community facilities.

14.3.1. FACT: The applicant proposes to develop a new Chinook and Coho Salmon acclimation facility at the Trinity property, which has a comprehensive plan designation of Commercial Forest Lands (FC).

14.3.2. CONCLUSION: The proposed acclimation facility meets the intent of the goals and policies of the Comprehensive Plan for natural resource support facilities and services within the FC comprehensive plan designation.

15. CHELAN COUNTY CODE

15.1. Chelan County Code 11.32.020 - Standards

Development Standards	Commercial Forest Lands (FC) Zoning
Minimum Setback Distances.	
Front Yard	25' from the front property line or 55' from the street centerline, whichever is greater.
Rear Yard	20' from rear property line
Side Yard	10' from side property line

<b>Development Standards</b>	<b>Commercial Forest Lands (FC) Zoning</b>
Maximum Lot Coverage	Buildings and structures shall not occupy more than 35% of the lot area.
Maximum Building Height	35'

16. CHELAN COUNTY SHORELINE MASTER PROGRAM (CCSMP)

- 16.1. The proposed development consists of a new salmonid acclimation site at the Trinity property in order to support Yakama Nation Fisheries efforts to restore Coho and Chinook salmon in the Wenatchee River watershed. The development was originally granted permits in 2017 (SDP 2017-049) but they expired before construction could occur.
- 16.2. The development of the site would require the construction of three new 30 ft diameter acclimation tanks, pole buildings over the tanks for winter protection, the construction of a new semi-natural uncovered acclimation pond adjacent to two of the tanks, the re-routing of tailrace water from the existing Trinity powerhouse to supply the new acclimation tanks and pond, the installation of a well and generator as emergency backup water and power for the new acclimation facility, installation of a graveled access road to the new tank and pond site, and the construction of a new semi-natural return channel between the new acclimation pond and Phelps Creek. The development would utilize the existing man-made pond and its return ditch as the second acclimation pond at the site. By utilizing the existing pond, the applicant avoids construction of a second new pond on the parcel.
- 16.3. All primary movement of water at the site is gravity driven, which was used when determining the layout of the proposed development on the subject parcel. The on-site hydroelectric facility is already utilizing gravity-fed water from Phelps Creek for power generation. This water is currently returning to the Chiwawa River via a man-made return ditch. As part of the proposed development, the tailrace water from the hydroelectric powerhouse would be re-routed into a pipe system that would be used to supply water to the acclimation tanks and new pond before the water returns to Phelps Creek via the new semi-natural return channel. The return of the tailrace water to Phelps Creek via the semi-natural return channel also satisfies a condition of the FERC relicensing of the Trinity Power Project; a separate project at the site.
- 16.4. The proposed development includes components within shoreline jurisdiction and out of jurisdiction and proposed improvements located both within and outside of the 150 ft Natural shoreline buffer of Phelps Creek. The entire project is located outside of shoreline jurisdiction of the Chiwawa River.
- 16.5. The proposed development would impact both mature and immature trees within the shoreline buffer of Phelps Creek. A habitat management and mitigation plan (HMMP) was submitted along with application materials to address unavoidable project impacts. The objective of the development is environmental enhancement through restoring the fishery. Ultimately, after the installation of mitigation vegetation at the site, construction of the proposed development would result in no-net-loss of ecological value or function.

## 17. CCSMP Section 2: Goals and Objectives

### 17.1. CCSMP 2.1 Economic Development Element

17.1.1. Goal ED-1. Permit those commercial, industrial, recreational, and other developments requiring a shoreline location which may contribute to the economic well-being of Chelan County.

17.1.2. Objective ED-1.1. Encourage shoreline development that has a positive effect upon community economic and social activities.

### 17.2. CCSMP 2.4 Circulation Element

17.2.1. Goal CIRC-1. Since major transportation and utility systems pre-exist near many shorelines, minimize conflicts between these systems and shoreline uses when considering circulation additions or modifications.

17.2.2. Objective CIRC-1.5. Promote the design of utilities within existing and new road/transportation corridors and outside shoreline jurisdiction unless water crossings are unavoidable or utilities are required for authorized shoreline uses consistent with the CCSMP

17.3. FINDING OF FACT and CONCLUSION: As conditioned, the proposed salmon acclimation site and associated development are uses that are consistent with goals and objectives of the CCSMP.

## 18. CCSMP Section 3: Shoreline Jurisdiction & Environment Designations

### 18.1. CCSMP 3.2: Shoreline Environment Designations

18.1.1. CCSMP 3.2.1 The subject property is located within the 'Natural' shoreline environment designation of Phelps Creek and the Chiwawa River.

18.1.1.1. The proposed development would be consistent with the purpose of the 'Natural' shoreline environment designation.

18.1.1.2. The proposed development would be consistent with the density and intensity of uses within the 'Natural' shoreline environment designation.

18.1.1.3. The proposed development would be consistent with the management policies of the 'Natural' shoreline environment designation.

### 18.2. CCSMP 3.4: Shorelines of the State and Statewide Significance

18.2.1. CCSMP 3.4.1 The proposed development would be located within the shoreline jurisdiction of Phelps Creek and the Chiwawa River, both of which are shorelines of statewide significance.

18.2.2. CCSMP 3.4.2 The proposed development would be consistent with the statewide interests in such shorelines as outlined in Use Preferences for Shorelines of Statewide Significance

### 18.3. CCSMP 3.6: Shoreline Use Matrix

18.3.1. A Shoreline Substantial Development Permit (SDP) and a Shoreline Conditional Use Permit (SCUP) are required in order to develop the subject property and therefore must comply with the requirements of the CCSMP. The shoreline designation of the subject property is 'Natural' and water-dependent aquaculture is an allowed use in the Natural shoreline designation pending the approval of a SCUP per CCSMP Table 3.6-a. Since the acclimation facilities are water dependent and the location of project components near Phelps Creek are critical to the successful implementation of the development, it is explicitly allowed within the 150 ft Natural shoreline buffer of Phelps Creek through an SDP.

18.4. FINDING OF FACT and CONCLUSION: As conditioned, the proposed salmon acclimation site and associated development are uses that are consistent with the shoreline jurisdiction and environment designations of the CCSMP.

#### 19. CCSMP Section 4: General Regulations

19.1. CCSMP 4.1: Archaeological and Historic Resource Regulations:

19.1.1. The application materials submitted for the proposed development provided a letter from DAHP stating that they concur with the Determination of No Historic Properties Affected for this project. Per requirement of this correspondence, work would stop immediately in the event archaeological resources are inadvertently discovered, and DAHP and the concerned tribe's cultural staff would be consulted before work resumes.

19.2. CCSMP 4.2: Ecological Protection and Critical Area Regulations:

19.2.1. CCSMP 4.2(A): Applicability

19.3. Appendix B Section 6.1 Wetlands: According to the National Wetlands Inventory Map prepared by the US Department of Fish and Wildlife Services, the subject property does contain mapped wetlands. Pursuant to site investigations performed by staff of Grette Associates in the spring of 2023, no wetlands were found to exist within the project area; therefore, the provisions of this section would apply.

19.4. Appendix B Section 6.2 Critical Aquifer Recharge Areas: According to the Chelan County GIS mapping, the subject property is not located within a critical aquifer recharge area; therefore, the provisions of this section would not apply.

19.5. Appendix B Section 6.3 Frequently Flooded Areas: According to the Federal Emergency Management Agency, FIRM Panel No. 5300150450B, the subject property is located within a mapped floodplain; therefore, the provisions of this section would apply.

19.6. Appendix B Section 6.4 Geologically Hazardous Areas: According to the Chelan County GIS mapping, components of the proposed development are located within an identified geologically hazardous area containing erosive soils; therefore, the provisions of this section would apply.

19.7. Appendix B Section 6.5 Fish and Wildlife Habitat Conservation Areas: According to Washington Department of Fish and Wildlife Habitat Conservation data, the subject property is located within known habitat area; therefore, provisions of this section would apply

19.8. CCSMP 4.2(B): Mitigation sequencing and (C) Mitigation.

19.9. Based on the application materials submitted, mitigation sequencing would be applied to the proposed development. No adverse impacts would remain after applying mitigation sequencing;

19.9.1. Avoiding the impact altogether by not taking a certain action or parts of an action;

19.9.1.1. The proposed development would avoid impacts to riparian vegetation by locating the structures as far from Phelps Creek as feasible for project purposes.

19.9.1.2. The existing man-made pond would be utilized for the chinook acclimation and release into the Chiwawa River in order to avoid new impacts from additional pond construction.

19.9.1.3. The proposed development would use an existing water supply diversion from Phelps Creek which would avoid the need to construct a new surface withdrawal.

19.9.1.4. The proposed development would avoid known archaeological sites on the subject property.

19.9.2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;

19.9.2.1. The proposed development would minimize impacts to critical areas by locating the new pond and southern circular tank building in a location with minimal mature vegetation.

19.9.2.2. The northern tank and building would be located in an area that is already devoid of vegetation and on the landward side of an existing building in order to avoid impacts to riparian vegetation.

19.9.2.3. All vegetation removal would be located outside of the 150 ft Natural shoreline buffer of the Chiwawa River, minimizing impacts to critical areas at the site.

19.9.2.4. Impacts from the trenching for utilities would be minimized by top-seeding the trenched area with a native grass blend immediately following installation.

19.9.2.5. BMPs would be utilized during all phases of the project in order to minimize the potential for erosion at the site.

19.9.3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;

19.9.3.1. Mature trees would be replaced at a 2:1 ratio.

19.9.3.2. Immature trees would be replaced at a 1:1 ratio.

19.9.3.3. When fully implemented, the proposed development would restore salmon populations that exceed current conditions within the watershed.

19.9.4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;



- 19.9.4.1. Over time, the operation of the proposed development would have a beneficial impact on the environment by improving salmon populations.
- 19.9.4.2. The facility would be maintained in good repair for its entire life while producing a beneficial impact on the environment.
- 19.9.5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
  - 19.9.5.1. All vegetation removal would be mitigated for as detailed in the Habitat Management and Mitigation Plan (HMMP) prepared for the proposed development.
- 19.9.6. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
  - 19.9.6.1. All vegetation installed would be monitored for five years, as required within the CCSMP. Monitoring reports would be sent to Chelan County as required, with an expected performance benchmarks of 90% survivorship in Years 1 and 2, and 80% survivorship in Years 3 through 5. Any dead plants would be replaced with like and in-kind species to ensure that benchmarks for success are achieved.
- 19.10. Construction of the proposed development would take all reasonable efforts to avoid, minimize and rectify short-term adverse impacts to the shoreline buffers located on the subject property. This development would result in a positive impact on the environment when in full operation. After applying mitigation sequencing, there would be no long-term net-loss of ecological value or function at the site as a result of this proposal.
- 19.11. CCSMP 4.2(C): Mitigation required for impact
- 19.12. Mitigation would be required for vegetation removal associated with the proposed development. A HMMP meeting the requirements of CCSMP 4.2.C1-6 was submitted with the application materials.
- 19.13. CCSMP 4.2(D): Cumulative Impacts.
- 19.14. The proposed development, as conditioned, would not cause net loss of ecological functions of the shoreline.
  - 19.14.1. The subject property and surrounding area within shoreline jurisdiction are largely undeveloped and have a high level of ecological function. With the exception of three private parcels at the Trinity site, the area is entirely publicly owned and much of the watershed is federally protected Wilderness. Because there are tens of thousands of acres of pristine habitat, the effect of the construction of a project of this size is immeasurable.
  - 19.14.2. Further development of the shoreline within the subject parcel is not anticipated. Due to the Natural Shoreline Environment designation and existing residential uses on the property located outside shoreline jurisdiction, no additional development is foreseeable. All other land within miles of the site is owned and protected by the U.S. Forest Service thereby preventing most development. Any future uses on that land would be subject to environmental review under NEPA.
  - 19.14.3. The federal and state endangered species act protects Chinook salmon, bull trout, and steelhead in the Chiwawa River drainage. Through state regulations, all fishing is prohibited

in the Chiwawa River and Phelps Creek. These regulatory programs discourage the use of public shorelines which limits human use that could lead to access trails, vegetation removal and shoreline erosion associated with angling.

19.14.4. Mitigation is proposed for vegetation removal associated with this development. A HMMP was submitted with the application materials that meets the requirements of CCSMP 4.2.C.1-6.

19.14.5. The completion and operation of the acclimation facility would help compensate for past impacts to salmon populations throughout the northwest and Pacific Ocean.

19.15. CCSMP 4.4: Public Access Regulations

19.15.1. The subject property is located outside of the public gap area identified in the Shoreline Public Access Plan in the CCSMP.

19.16. CCSMP 4.5: Vegetation Conservation and Shoreline Buffer Regulations

19.16.1. Any vegetation removal that may occur at the site would be minimized to the greatest extent possible. Water-dependent uses are allowed in the shoreline buffer and are allowed to result in the modification of vegetation per the CCSMP.

19.17. CCSMP 4.5(A): Conserve vegetation.

19.17.1. The proposed development would avoid and minimize impacts to the shoreline buffer vegetation to the greatest extent possible. Development is sited in open areas within the buffer to limit the necessary removal of vegetation. All development would be set back as far from the OHWM as is feasible to avoid the need to remove shoreline vegetation. Impacts to shoreline vegetation adjacent to the OHWM would be limited to the outlet for the return channel. The return channel is a requirement of FERC relicensing and is necessary for the movement of water and fish from the acclimation facilities to Phelps Creek.

19.18. CCSMP 4.5(B): Adverse impacts on vegetation.

19.18.1. Adverse impacts to shoreline buffer vegetation would occur as a result of the proposed development; however, these impacts would be fully mitigated for onsite and within the shoreline buffer as described in the HMMP submitted with the application materials.

19.19. CCSMP 4.5(C): Native plant list.

19.19.1. The proposed HMMP would utilize native vegetative species consistent with the requirements of the CCSMP.

19.20. CCSMP 4.5(D): Water-dependent uses.

19.20.1. The acclimation facility's proximity to Phelps Creek is critical to the successful implementation of the proposed development and is supportive of this water dependent use. Using water from Phelps Creek is critical for imprinting the juvenile salmonids in order to increase the chances that they will return to their native stream. Because the tailrace water from the powerhouse must be returned to Phelps Creek per the FERC license, the new pond and acclimation tanks must be along the path of the water. The tailrace water flows by gravity and is not a pressurized system from the headbox. A location that is lower in elevation than the headbox is required so that water can move from the headbox at the powerhouse to the

pond and be able to flow out via gravity to Phelps Creek for the release of the juvenile fish each spring. A short release path to Phelps Creek using a habitat channel that is otherwise required to be constructed for the FERC licensing provides the greatest survival opportunities for the fish to reach natural waters.

19.20.2. The northern acclimation tank is located along an existing water supply line from the upstream Phelps Creek diversion. That tank must be in the proximity of that line to receive the water by gravity and it must be sufficiently high in elevation to allow water to flow out and downhill to the existing man-made pond that would be used for acclimation. The location of these water dependent improvements in the buffer is required for the success of the development.

19.21. CCSMP 4.5(E): Passive activities.

19.21.1. Does not apply. No passive activities are associated with the proposed development.

19.22. CCSMP 4.5(F): Tree Removal.

19.22.1. Removal of non-hazard trees in the shoreline buffer is permitted in association with an approved mitigation plan. The proposed HMMP is attached to this application and demonstrates how the proposed development would avoid and minimize impacts to buffer trees to the greatest extent possible. The development would utilize open areas within the buffer to minimize the number of trees that would be removed. The HMMP also outlines the proposed mitigation planting to compensate for the permanent impacts to vegetation resulting from the development.

19.23. CCSMP 4.5(G): Residential view corridors.

19.23.1. Does not apply. No residential view corridor is associated with the proposed development.

19.24. CCSMP 4.5(H): Fire Protection Options.

19.24.1. Does not apply.

19.25. CCSMP 4.5(I): Non-native vegetation.

19.25.1. The management of any noxious or invasive weed species in the planting area would occur as outlined in the submitted HMMP. Control and management may utilize physical or chemical methods consistent with the recommendations of the Chelan County Noxious Weed Control Board and would not result in erosion at the site.

19.26. CCSMP 4.5(J): Cultural and historic resources protection.

19.26.1. The proposed development would have no adverse impact to cultural or historic resources on the subject property and has been designed to avoid designated archeological sites.

19.27. CCSMP 4.6: Water Quality, Stormwater, & Nonpoint Pollution Regulations

19.27.1. TESC measures and BMPs such as straw wattles and silt fencing would be utilized during the construction of the proposed development. Immediately following construction, any disturbed areas would be replanted with a native grass seed blend in order to limit the potential for erosion at the site.

19.28. FINDING OF FACT and CONCLUSION: As conditioned, the proposed salmon acclimation site and associated development are uses that are consistent with the general regulations of the CCSMP.

20. CCSMP Section 5: Shoreline Modifications and Uses

20.1. CCSMP 5.1: General Upland Shoreline Modification and Use Regulations

20.2. CCSMP 5.1(A): Preference for water-oriented facility location

20.2.1. The proposed development was designed to minimize development in the Natural shoreline buffer to the greatest extent possible. The new acclimation facility needs to be in the shoreline buffer because it is a water-dependent use and must be located in the immediate vicinity of Phelps Creek in order to facilitate the volitional outmigration of juvenile salmonids. The existing man-made pond that would be used as a second acclimation pond is already present within the buffer. This pond would be retrofitted as part of the proposed development. The retro-fitting would not lead to an increase in buffer impacts from existing conditions. The third acclimation tank has been situated in proximity to the man-made pond. The third tank is in shoreline jurisdiction but is outside of the Natural shoreline buffer. The location of the third tank has been chosen to minimize impacts to vegetation but is dictated by its need to be located upslope of the man-made pond but in proximity to the existing water line from Phelps Creek. Other project elements such as the emergency well and back-up generator would be located outside of shoreline jurisdiction. Most of the trenching of utilities would occur outside of the shoreline buffer and outside of shoreline jurisdiction. Where trenching must occur in the shoreline buffer, it would take the most direct route to limit impacts.

20.3. CCSMP 5.1(B): Minimize changes to topography

20.3.1. The proposed development would not result in changes to topography. The development would utilize topography to facilitate the gravity feed of water from the powerhouse to the acclimation facility. The acclimation facility utilizes gravity feed to move water from the acclimation tanks through the pond and into Phelps Creek via the semi-natural channel.

20.4. CCSMP 5.1(C): Building Heights

20.4.1. None of the components of the proposed project would exceed 35 ft in height, which is the maximum allowed within the Natural shoreline environment.

20.5. CCSMP 5.1(E): Lighting

20.5.1. Any exterior lighting would be designed and operated to avoid illuminating nearby properties or critical areas; as required. Exterior lighting would be downward facing and shaded.

20.6. CCSMP 5.1(H): Mitigation

20.6.1. Following the installation of the proposed mitigation planting, the proposed development would result in no-net-loss of ecological value or function. A HMMP was submitted along with the application materials and describes the proposed avoidance, minimization and mitigation measures.

21. CCSMP 5.4: Aquaculture Regulations

21.1. CCSMP 5.4(A): Location

21.1.1. The proposed acclimation facilities are a water-dependent use and are non-commercial in nature. The facilities including a new gravel access road, two acclimation tanks, a new acclimation pond, a new semi-natural return channel, and a retrofitted existing pond that would be located in the shoreline buffer of Phelps Creek. The third acclimation tank would be located outside of the buffer but would be located in shoreline jurisdiction. Pole buildings are required over the tanks to protect them during the winter months.

21.1.2. The emergency backup well and power would be located outside of shoreline jurisdiction. Most trenching for utilities would also be located outside of shoreline jurisdiction. Where trenching enters the shoreline buffer, it would take the most direct route possible. The proposed development would utilize existing supply lines from Phelps Creek. These are also located outside of the buffer.

21.1.3. The subject property was chosen because vegetation removal is minimized by utilizing open areas in the Phelps Creek buffer to the greatest extent possible, there is no mapped channel migration zone, and no shoreline stabilization would be required. A HMMP was submitted along with application materials that demonstrates how the proposed development would utilize avoidance and minimization measures during project construction.

21.1.4. The proposed development supports the reintroduction of salmonids into the Chiwawa River watershed. Fish for the project would be sourced from conservation-based rearing facilities in the lower Columbia Basin and Wenatchee River systems and would not involve establishing new non-native species.

21.1.5. The proposed development would not be located in a channel migration zone, floodplain, floodway, or wetland.

21.2. CCSMP 5.4(B): Substrate Modification

21.2.1. No substrate modification would occur as a result of the proposed development since all project elements would occur above the OHWM of Phelps Creek.

21.3. CCSMP 5.4(C): Mitigation Sequencing

21.3.1. The proposed development would consist of the construction of new aquaculture facilities on the subject property and would comply with the mitigation sequencing requirement of the CCSMP. A HMMP was submitted along with application materials and demonstrates how mitigation sequencing would be applied to this development.

21.4. CCSMP 5.4(D): New Aquatic Species

21.4.1. No new aquatic species would be introduced into the watershed as a result of the proposed development.

21.5. CCSMP 5.4(E): Fish Kill

21.5.1. The proposed development does not include a net pen facility. However, if a fish kill occurs at the site, the operator shall immediately report to the Chelan-Douglas Health District and Washington Department of Fish and Wildlife stating the cause of death and shall detail remedial actions to be implemented to prevent reoccurrence.

21.6. CCSMP 5.4(F): U.S. Coast Guard Requirements

21.6.1. The proposed development does not include floating or submerged resources in navigable waters.

21.7. CCSMP 5.4(G): Coordination with Tribes

21.7.1. The proposed development is sponsored by the Yakama Nation and would supplement salmon runs within their usual and accustomed fishing areas.

21.8. CCSMP 5.4(H): Submerged and Floating Structures

21.8.1. No submerged or floating structures would be built as part of the proposed development.

21.9. CCSMP 5.4(I): Potential Impacts

21.9.1. The proposed development would be administered by Yakama Nation Fisheries (YNF). There is little uncertainty in regard to potential adverse impacts resulting from the construction of the development. Similar projects have been successfully implemented in other headwaters throughout the region and no adverse impacts are expected to result. However, the YNF will be collecting data and monitoring the success of the development over the next several years.

21.10. CCSMP 5.4(J): Over-water Structures

21.10.1. No over-water structures would be constructed or utilized as part of the proposed development.

21.11. CCSMP 5.4(K): Permanent Instream Facilities

21.11.1. No permanent instream facilities would be built as part of the proposed development.

21.12. CCSMP 5.4(L): Product Processing

21.12.1. The proposed development would not include any product processing.

21.13. CCSMP 5.4(M): Waste Disposal

21.13.1. Any aquaculture wastes would be disposed of in a manner that would ensure strict compliance with all applicable governmental waste and wastewater disposal standards, including, but not limited to, the Federal Clean Water Act, Section 401, and the Washington State Water Pollution Control Act (RCW 90.48).

21.14. CCSMP 5.4(N): Construction, Maintenance, and Bonding

21.14.1. All proposed facilities would be of sound construction and maintained accordingly. No abandoned or unsafe structures are associated with the proposed development. The facilities do not pose a potential public hazard.

22. CCSMP 5.9: Fill and Excavation Regulations

22.1. CCSMP 5.9(C): Upland Fill and Excavation



22.1.1. Excavation would be required to construct the acclimation pond, the construction of the open semi-natural return channel, and to prepare the building areas for the installation of the acclimation tanks and their associated pole buildings. Materials generated during excavation would be disposed of in an appropriate upland location outside of shoreline jurisdiction utilizing a track-mounted excavator and dump truck. Fill would be limited to the ballast and gravel used to construct the access road. Trenching would be required for the installation of underground utilities. However, after installation of the pipe and conduit, the trench would be backfilled. No extra material is expected to be generated by utility installation. The fill and excavation would be the minimum necessary to construct the acclimation facilities, as designed, and would not significantly change the topography in a manner that would adversely affect hydrology, ecological function or increase the risk of slope failure at the site.

22.2. CCSMP 5.9(D): Shoreline Stabilization

22.2.1. The excavation and fill associated with the proposed development would not make shoreline stabilization necessary. The development proposed is not located in a floodplain, floodway, or channel migration zone and is located as far from the OHWM as possible.

22.3. CCSMP 5.9(E): Physical and Visual Consistency

22.3.1. The proposed development elements have been designed to blend in with the existing topography to the greatest extent possible. The facilities would be surrounded by native forest and supplemented by the proposed mitigation planting. Excavation and fill would be the minimum necessary to construct the development as designed.

22.4. CCSMP 5.9(F): Maximum Slopes

22.4.1. No cut and fill slopes are associated with the proposed development. The sidewalls of the excavated pond would be constructed at a 1:2 grade, as specified, unless an engineering analysis is provided.

22.5. CCSMP 5.9(G): Erosion Control

22.5.1. TESC measures and BMPs would be utilized during construction in order to limit the potential for erosion at the site. Any disturbed areas would be top-seeded with a native grass blend immediately after construction is completed in order to stabilize soils at the site and limit the potential for erosion.

22.6. FINDING OF FACT and CONCLUSION: As conditioned, the proposed salmon acclimation site and associated development are uses that are consistent with the shoreline modifications and uses of the CCSMP.

23. CCSMP Section 7: Shoreline Permits, Procedures and Administration

23.1. CCSMP 7.5: Shoreline Substantial Development Permits

23.2. CCSMP Section 7.5.2, Shoreline Substantial Development Permits: Review Criteria: In order for the permit to be approved, the decision maker must find that the proposal is affirmatively consistent with the following: (A) How is the proposal consistent with the policies and procedures of the Act (RCW 90.58)? (B) How is the proposal consistent with the provisions of Chapter 173-27 WAC, Shoreline Management Permit and Enforcement Procedures? (C) How is the proposal with this SMP?

23.2.1. Finding of Fact: The appropriate CCSMP requirements have been addressed in the application materials. The provisions of the SMA and WAC have been met through the adoption of the CCSMP.

23.2.2. According to JARPA, question 6(g), the fair market value of the project is \$5,000,000. The project is not exempt from the substantial development permit requirement.

23.2.3. Conclusion: As conditioned, the proposed development is consistent with the provisions of the SMA, WAC and CCSMP.

23.3. CCSMP 7.7: Shoreline Conditional Use Permits

23.3.1. CCSMP Section 7.7.3, Shoreline Conditional Use Permit: Review Criteria: Conditional use criteria. An applicant proposing a conditional use shall affirmatively demonstrate compliance with review criteria below or as thereafter amended in WAC 173-27-160.

23.3.1.1. How is the proposed use consistent with the policies of RCW 90.58.020 and the SMP?

23.3.1.1.1. Applicant Statement: The proposed development is consistent with the adopted Chelan County Shoreline Master Program as demonstrated in this Technical Memo. In adopting master programs, it is ensured by the Department of Ecology that the policies and procedures of the CCSMP are consistent with RCW 90.58.

23.3.1.1.2. Finding of Fact: As described in the Shoreline Technical Memorandum, construction of the proposed development would result in no net loss of ecological value or function for either Phelps Creek or the Chiwawa River and their associated riparian buffers.

23.3.1.1.3. Conclusion: As conditioned, the proposed fish acclimation facility is consistent with the CCSMP and RCW 90.58.020.

23.3.1.2. How will the proposed use avoid interference with the normal public use of public shorelines?

23.3.1.2.1. Applicant Statement: The proposed development will occur within the upland of a privately-owned parcel. As such, it will have no effect on the normal public use of public shorelines on Phelps Creek. Thousands of acres of public lands surround the private parcel on all sides. The proposed project will not affect these neighboring public lands and will be entirely contained within the subject parcel.

23.3.1.2.2. Finding of Fact: The subject property is located adjacent to public lands owned by the US Government. The construction of the proposed acclimation facility would be contained entirely on privately owned property and would result in no net loss of ecological value or function of Phelps Creek or the Chiwawa River and their associated riparian buffers.

23.3.1.2.3. Conclusion: As conditioned, the proposed fish acclimation facility would not interfere with public use of Phelps Creek or the Chiwawa River.

23.3.1.3. How will the proposed use of the site and design of the project be compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and this SMP?

23.3.1.3.1. Applicant Statement: The site is a privately-owned parcel located within a larger geography of publicly owned forest lands, with no other residential properties located within many miles of the site. The parcel is zoned Commercial Forest (FC). As such the parcel may be developed with water-dependent uses and structures per Chelan County Code Chapter 11.04 District Use Chart. The shoreline of the parcel has a designation of Natural per the CCSMP. Water-dependent aquaculture facilities are permitted within the Natural shoreline with the issuance of a Shoreline Conditional Use Permit (SCUP) per CCSMP Table 3.6-a. The applicant is applying for a SCUP and has demonstrated how the project meets the requirements of the CCSMP within this Technical Memo.

23.3.1.3.2. Finding of Fact: The construction of a fish acclimation facility is allowed on private property within the FC zoning district and within the natural shoreline designation through the submission of a SCUP. The proposed development would be contained entirely on privately owned property and would result in no net loss of ecological value or function of Phelps Creek or the Chiwawa River and their associated riparian buffers.

23.3.1.3.3. Conclusion: As conditioned, the proposed fish acclimation facility would be compatible with the allowed uses in the area per Chelan County Code and the CCSMP.

23.3.1.4. How will the proposed use cause no significant adverse effects to the shoreline environment in which it is to be located?

23.3.1.4.1. Applicant Statement: Because the proposed development is a water-dependent aquaculture facility, it must be constructed within the immediate vicinity of Phelps Creek. The project utilizes gravity feed to move water between project elements. Thus, the project has been designed to maximize gravity by taking advantage of topographic changes on the site. There is no other logical place to locate the project and still accomplish the same goals. The proposed project has been designed to be the minimum necessary to provide its intended function as an acclimation facility for salmonid reintroduction. A portion of the project is located within the shoreline buffer but will not extend below the OHWM of Phelps Creek. The project has been set as far landward as is feasible from the OHWM. When possible, elements of the project have been located outside of the buffer and outside of shoreline jurisdiction to minimize impacts. The project limits impacts by retrofitting and reusing an existing man-made pond on the property. By retrofitting the existing pond, the applicant avoids the need to construct a second new pond at the site. The project also limits impacts by utilizing the existing water withdrawals from Phelps Creek, which eliminates the need to construct new water intakes at the site.

23.3.1.4.2. Vegetation impacts of the project have been minimized to the greatest extent possible by utilizing open areas within the buffer and shoreline jurisdiction. Where impacts to vegetation cannot be avoided, they will be mitigated for on-site; the preferred location. A habitat management and mitigation plan has been prepared for the project and is attached to this application. The Plan outlines how

the project has utilized mitigation sequencing to ensure that no-net-loss of ecological value or function results.

23.3.1.4.3. Finding of Fact: The shoreline designation is 'natural.' The 'natural' designation permits fish acclimation facilities with appropriate permit applications.

23.3.1.4.4. Conclusion: As conditioned, the proposed fish acclimation facility is consistent with the 'natural' shoreline designation and would cause no unreasonable adverse effects to either Phelps Creek or the Chiwawa River.

23.3.1.5. How will the public interest suffer no substantial detrimental effect?

23.3.1.5.1. Applicant Statement: The proposed development is the construction of a water-dependent aquaculture facility on a privately-owned parcel within rural Chelan County. The project is non-commercial in nature and is sponsored by the Yakama Nation Fisheries. As such, it will not cause substantial detrimental effect to the public interest. All public lands within the vicinity of the site, including the aquatic environment of Phelps Creek, will remain unchanged from existing conditions after the construction of the proposed project is completed. Additionally, the project supports the reintroduction of coho and chinook salmon into the upper reaches of the Wenatchee River watershed. As chinook are a federally recognized ESA species and both coho and chinook are a WDFW PHS, facilities that support the expansion of their ranges are of benefit to the public interest and support the usual and accustomed fishing rights of the Tribes.

23.3.1.5.2. Finding of Fact: The construction of a fish acclimation facility is allowed by the CCSMP and would be located on private property.

23.3.1.5.3. Conclusion: The proposed fish acclimation facility is for tribal use, placed on private property; therefore, the public interest is not anticipated to suffer substantial detrimental effect.

23.3.2. Consideration of impact. In the granting of all Shoreline Conditional Use Permits, consideration shall be given to the cumulative impact of additional request for like action in the area. For example, if Shoreline Conditional Use Permits were granted for other development in the area remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

23.3.2.1. Applicant Statement: Cumulative impacts are addressed in Section 3.1.3 of the Shoreline Technical Memo document that was submitted with the application materials. There is very little opportunity for additional development in the vicinity of the subject property. A majority of the land in this part of the county is comprised of thousands of acres of publicly owned forest land which cannot be developed with similar uses without a NEPA review process. The construction of the proposed development on the subject property will not adversely impact the natural functions of the shoreline environment along this section of Phelps Creek. The impacts of the project to the shoreline buffer vegetation are negligible in comparison with the scope of the undeveloped public lands surrounding the site. The ultimate goal of the project is to support the reintroduction of chinook and coho salmon to the upper reaches of the Wenatchee River Watershed; primarily to the Chiwawa River and Phelps Creek. As mentioned above, implementation of the project supports the common good of the public interest and will not produce substantial adverse effects to the shoreline

environment. Further, any impacts to buffer vegetation will be mitigated for on-site as described in the attached habitat management and mitigation plan. If other projects were to propose similar mitigation measures, the cumulative impact to the watershed would be a net-positive result.

23.3.2.2. Finding of Fact: The CCSMP allows for the proposed use of private property. The cumulative impact of proposed fish acclimation facility appears to be minimal. The proposed location of the facility would result in no net loss of ecological value or function of Phelps Creek or the Chiwawa River and their associated riparian buffers.

23.3.3. Conclusion: As conditioned, the proposed fish acclimation facility is consistent with the 'natural' shoreline designation and would cause no unreasonable adverse effects to either Phelps Creek or the Chiwawa River and would not be anticipated to result in a substantial adverse effect to the natural shoreline environment.

24. An open record public hearing after due legal notice was held on August 21, 2024.
25. Appearing and testifying on behalf of the Applicant was Ryan Walker. Mr. Walker testified that he was an agent authorized to appear and speak on behalf of the applicant and property owner. Mr. Walker testified that he had reviewed the Staff Report and the proposed Conditions of Approval and that the Applicant agreed with all of them.
26. No member of the public testified at this hearing.
27. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

**Conclusions:**

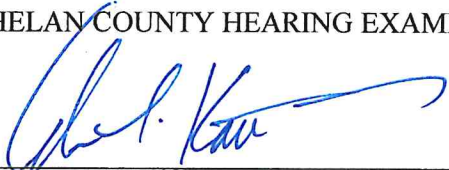
1. The Hearing Examiner has been granted the authority to render this decision.
2. As conditioned, this application is consistent with the Chelan County Shoreline Master Program and Chelan County Comprehensive Plan.
3. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

**Decision:**

Based upon the above Findings of Fact and Conclusions of Law, SDP24-101 and SCUP24-102 are hereby **APPROVED**.

Dated this 29<sup>th</sup> day of August

CHELAN COUNTY HEARING EXAMINER



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ANDREW L. KOTTKAMP



This permit is granted pursuant to the Shoreline Master Program of Chelan County, as amended, and nothing in this permit shall excuse the applicant from compliance with any other federal, state, or local statutes, ordinances, or regulations applicable to this project, but not inconsistent with the Shoreline Management Act of 1971 (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(7) in the event the permittee fails to comply with the terms and conditions hereof.

**CONSTRUCTION PURSUANT TO THIS PERMIT SHALL NOT BEGIN NOR IS AUTHORIZED UNTIL TWENTY-ONE (21) DAYS FROM THE DATE OF FILING AS DEFINED IN RCW 90.58.140(6) AND WAC 173-14-090, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58.140(5)(a)(b)(c).**

Substantial progress toward construction of the project for which this permit has been granted must be accomplished within two (2) years of the filing date of this permit. Authorization to conduct development activities granted by this permit shall terminate five (5) years from the filing date of this permit.

Date \_\_\_\_\_

\_\_\_\_\_  
Name, Title

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**THIS SECTION FOR DEPARTMENT OF ECOLOGY USE ONLY IN REGARD TO A  
CONDITIONAL USE PERMIT OR VARIANCE PERMIT**

Date received by the Department \_\_\_\_\_

Approved \_\_\_\_\_

Denied \_\_\_\_\_

This conditional use/variance permit is approved/denied by the Department pursuant to Chapter 90.58 RCW.

Development shall be undertaken pursuant to the following additional terms and conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Authorized Department Official)



**SHORELINE MANAGEMENT PERMIT  
ACTION SHEET**

**Application #:** SDP 24-101; SCUP 24-102  
**Administering Agency** Chelan County Planning Department  
**Type of Permit:**  Substantial Development Permit  
 Conditional Use Permit  
 Variance Permit  
**Action:**  Approved  Denied  
**Date of Action:** August 29, 2024  
**Date Mailed to DOE/AG**

Pursuant to Chapter 90.58 RCW and the Shoreline Master Program of Chelan County, a permit is hereby granted to:

**Yakama Nation Fisheries; Gerald Lewis & Cory Kamphaus  
401 Fort Road  
PO Box 151  
Toppenish, WA 98948**

to undertake the following development: An application for a Shoreline Development Permit (SDP) together with a Shoreline Conditional Use Permit (SCUP) has been submitted by Ryan Walker (agent) on behalf of the Yakama Nation Fisheries to develop a new Chinook and Coho Salmon acclimation site at the Trinity property. This proposed development was originally granted approval in 2017. However, these permits expired before the project could be constructed. The subject property is located at NNA Chiwawa River USFS 6200 Rd., Leavenworth, WA, within the Commercial Forest Lands (FC) zoning district and the 'Natural' environmental shoreline designation for Phelps Creek and Chiwawa River, a shoreline of the state.

upon the following property: located at 22861 Chiwawa River FS 6200 Rd, Leavenworth, Chelan County, Washington

within the Chiwawa River and/or its associated wetlands.

The project will be within a shoreline of state-wide significance (RCW 90.58.030). The project will be located within a natural shoreline designation. The Shoreline Master Program is applicable to this development.

Development pursuant to this permit shall be undertaken in conformance with the following terms and conditions:

1. All conditions imposed by this decision shall be binding on the applicant, which includes the owner or owners of the properties, heirs, assigns, and successors.