



GENE DANA, SHERIFF  
**KITTITAS COUNTY SHERIFF'S OFFICE**

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TO: Washington Department of Fish and Wildlife  
RE: DNS 14-067: Yakima River Edge Structures  
FROM: Kittitas County Sheriff's Office

The Sheriff's Office submits the following comments and concerns relating to the proposed wood structures slated for the Yakima River.

**Background:**

Undersheriff Clayton Myers received and reviewed the project overview and met with Applicant and WDFW representatives. He also participated in a site visit with representatives from the project, WDFW, the county and geologist. After the site visit the Undersheriff reviewed the project with members of the Sheriff's Command Staff and Marine Unit.

The Yakima River fluctuates in flow rate, level and temperature and is primarily controlled for agricultural use. It is also a destination resource for recreational use to include but not limited to adjacent trails, personal and guided fishing, Kayaking, rafting, canoeing, swimming and floating.

The Sheriff's Office, by Statute, is responsible for Search & Rescue operations within the established boundaries of the county. The Sheriff is also the Emergency Management Director for the county and is responsible for public safety and the protection of critical infrastructure.

One of the operational components of the Sheriff's Office is the Boating Safety and Education Program. As a state approved program, we receive dedicated Vessel Registration Funds and grant funding to help offset the costs associated with managing the public use on the inland waterways within the county. This management, which includes training for police and the public, education, enforcement and search & rescue, complies with the reporting and funding mandates directed by Washington State and US Coast Guard.

The Marine Unit, comprised of Boating Safety, Swift-Water Rescue Team, Ice Rescue Team and the Dive Team, provide services on the waterways that would be impacted by the Yakima River Edge Structure Project and the future associated projects.

The Marine Unit is managed by the Undersheriff, who has been the water rescue team leader for 27 years. All 7 of the team members are certified swift-water rescue and ice rescue technicians and two of those members are certified basic marine law enforcement instructors for Washington State.

The Marine Unit's combined experience with patrol, rescue and body recovery on the Cle Elum and Yakima Rivers exceeds 150 years.

The team leader is well versed in the public safety aspects associated with the proposed project. He is a state certified marine law enforcement instructor, a member of the State Ad Hoc Committee on Human Powered Boating Safety and presenter to the Washington State Drowning Prevention Network.

**Summary:**

It is the position of the Kittitas County Sheriff's Office that placing the described structures within the Yakima River creates an increased risk to public safety and rescue personnel and would likely inhibit the movement and effectiveness of rescue operations and patrol efforts in the project area.

**Project Concerns:**

Verbal presentation of the project was given by Scott Nicolai to Undersheriff Myers. Mr. Nicolai provided documentation on the location and design of wooden structures to be placed in the river to enhance the diminishing survival rate of juvenile fish.

The structures are proposed to be placed on mid-stream gravel bars and along the river's edge. The proposed edge structures would encompass a width of 15 feet, extending into both primary channels and slack-water areas.

The proposed structures can be characterized as strainers, as they allow only water and small items to pass freely through. Though engineered to mitigate some of the risk when initially set, they still present a hazard which can magnify with the collection of, and impacts from, floating debris and other logs.

The proposed structures, if placed into the primary channels would impair motorized access which is necessary for routine patrol and emergency response. There are many sections in the current and future proposed project areas where the only safe access is within 15 feet of the shore, especially during mid and low flow times.

**Section A (7)** Asks about plans for future additions, expansion or activity...

The Applicant states no plans, but would like to see additional structures installed in several reaches of the river in the future.

During the initial presentation and during the site visit, when asked specifically about the number of future planned structures, Mr. Nicolai said this project was intended as introductory and that he hoped to place hundreds of these structures all the way to the Rosa Dam.

The primary hazards on the Yakima River are log jams. They represent the number one contributor in lost and damaged vessels, rescues, injuries and deaths associated with recreation on the river. The Sheriff's Marine Unit has conducted rescues resulting from log jams on every reach of the Yakima River from the Rosa Dam to the Winston Bridge access, which encompasses the proposed project area.

In nearly all rescues and/or recoveries involving log jams, Sheriff's personnel are asked, challenged or criticized in reference to NOT managing, thinning or removing the log jams. The response is that they are a result of nature, are ever changing and we cannot assume the

responsibility for, “making the river risk free”. The proposed project advocates intentionally creating and placing more of these hazards, thus increasing this type of risk.

**Sec B (3) (a 2)** Asks the applicant if the project will require work on or in the water and if so, to describe the work and attach the plans. The applicant acknowledges work will be required over and in the water, but does not describe the work, only the intended result.

**Sec B (12) a.** Asks what recreational opportunities are in the immediate vicinity. The applicant lists only the Iron Horse Trail. The area above, through and below the proposed project site is used for fishing, swimming, floating, and rafting.

**Sec B (12) b.** Asks if project would displace any existing recreational use. Applicant states no, then summarizes information from a River Guide who describes the recreational use as drift boats and rafts. This is true, but it should be noted that the Sheriff’s Office has and continues to respond to emergencies in this specific area and the area above the proposed project to rescue people in rafts and drift boats who have become entangled in log jams. The proposal identifies the project area as one with reduced wood hazards and proposes to add 37 structures. It is our belief that adding these structures, as proposed, will increase the risk to fishermen and rafters and will reduce emergency personnel’s ability to safely respond to emergencies in the area of the proposed project.

**SEC B (12) c.** Asks for proposed measures to reduce or control impacts on recreation. Applicant states the proposed structures will be built downstream of the ‘Hazards’ upstream and describes the proposed structures as ‘extremely modest in size’ in comparison to the ones up-river. The primary concern we have is that the project is identifying sections of the river without hazards and proposing to create some.

The Applicant references a professional opinion that only rafts and drift boats use this area. We have responded to emergency rescues involving drift boats, rafts, canoes, and kayaks above and below the proposed site.

During high water a smaller structure may pose a lower hindrance to responders in a jet boat, but during mid to low waters, a 15 foot structure may bar passage completely. It is also important to note that many of our rescues and some of our deaths involve log jams half of the size of those proposed on this project, both along the shoreline and in the middle of the river. Many of these have site distances greater than those noted in the proposed project.

#### **WDNR Safety Checklist.**

**Sec A (8)** Asks if the body of water is suitable for novices or does it require skill to navigate. The body of water in the project area is relatively free of debris and hazards and is used by novice operators.

**Sec A (9)** Asks if there have been any previous accidents in the project reach. The Sheriff’s Office has conducted rescues relating to log jams within 1 mile above and below the proposed project area involving rafts and drift boats with both experienced and novice operators.

**Sec B (1)** Asks if the project presents a potential increased risk to human safety by creating a hazard for users. The structures as proposed create an increased risk to the public by

creating additional strainers within the primary channel as well as reducing the safe access for law enforcement and rescue personnel. This will be magnified during mid and low flow levels.

**Sec B (2)** Asks what criteria are influencing risk. Applicant states the structures are easily navigated and do not create strainers in the river. The ability to navigate around a strainer does not change the structure of a strainer. Most of the strainers on the Yakima River that have resulted in rescue or death could have been navigated around.

**Sec B (3)** Asks if changes can be made to reduce the risk. Applicant states there is no increased risk. Placing the structures in the primary channel reduces emergency response access, increases risk to rafters and creates additional foot entrapment hazards.

**Sec B (4)** Asks if additional pre-project studies are needed. In the opinion of the Sheriff's Office the answer is yes. At a minimum the project should work with the agencies responsible for public safety in the project area to address and mitigate the hazards and risk to public safety, the potential impacts on recreation and ability to carry out law enforcement mandates in the current and future project areas, prior to any approval or level of construction.

In closing, the Sheriff's Office supports the environment, restoration and the efforts to mitigate and balance habitat and recreational use. The Sheriff's Office cannot support the project, as proposed, as it increases risk to the public and reduces emergency access.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Dana", written over a horizontal line.

Gene Dana,  
Sheriff