



State of Washington

DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N - Olympia, Washington 98501-1091 - (360) 902-2200, TDD (360) 902-2207
Main Office location: Natural Resources Building - 1111 Washington Street SE - Olympia, WA

DETERMINATION OF NONSIGNIFICANCE (DNS)

Name of Proposal: **SULPHUR CREEK NAWCA PROJECT** (NAWCA = NORTH AMERICAN WETLANDS CONSERVATION ACT)

Description of Proposal: A diversion structure has already been installed upstream of a new weir in Sulphur Creek Wasteway. We plan to bury an underground pipe within a Bureau of Reclamation dike (fee title land) that will deliver water from the wasteway, via gravity flow, to Bridgeman Pond, an isolated oxbow lake, which is located on WDFW-owned land. From there, the flow will cross under McGee Road, via an existing culvert, and into Morgan Lake, another isolated oxbow lake. An old channel leading out of Morgan Lake (dug in the 1950's) will be cleaned to its original depth. Two water control structures, built in the 1950's, will be replaced. These structures will allow water to be directed to the Yakima River or into a newly constructed wetland, located within a historic pasture. Finally, the original outlet structure will be replaced, which will control return flows to the Yakima River.

The intent of this project is to: Reduce the flow in Sulphur Creek Wasteway, thereby reduce the false attraction to salmonids migrating up the Yakima River. Increase the flow through Bridgeman Pond and Morgan Lake, to inhibit at least some of the white water lily infestation, which have taken over the water surface. Allow water to drop out silt and have nutrients removed before reaching the Yakima River. Water should also be cooled due to the shading from water lilies. Provide seasonal water to a newly constructed wetland, which will be managed under moist soil conditions to benefit a wide variety of wildlife. Water will be directed to the Yakima River during the summer months, rather than the moist soil unit, to avoid warming of the water. It will still pass through Morgan Lake and Bridgeman Pond to maintain the cleaning and cooling process.

Proponent/Applicant:

Washington Dept. of Fish & Wildlife
Rocky J. Ross
1820 Road 60
Pasco, WA 99301

Location of Proposal, including street, if any: East bank of Sulphur Creek Wasteway, approximately 500 feet upstream of Holiday Road; near it's intersection with Midvale Road, Washington, Yakima County; T9N, R22E, Section 24 SW1/4 of the NW1/4 EastWM

Lead Agency: Washington Department of Fish and Wildlife (WDFW)

WDFW has determined that this proposal likely will not have a significant adverse impact on the environment. Therefore, state law¹ does not require an environmental impact statement (EIS). WDFW made this determination of nonsignificance (DNS) after we reviewed the environmental checklist and other information on file with us. If you want to review this information, please contact WDFW at the address below.

Agencies, affected tribes, and members of the public are invited to comment on this proposal.

We issued this DNS according to state rules.² We will **not act on this proposal for 14 days** from the date we issued the DNS. If you have comments about this DNS or the proposal, you must send your comments to us so that we receive them within 14 days. This means we must receive your comments by **December 8, 2008**.

When you send us your comments, please provide the name of proposal in your comment letter, and mail the letter to:

Responsible Official: Teresa A. Eturaspe

Position/Title: SEPA/NEPA Coordinator, WDFW Regulatory Services Section

Address: 600 Capitol Way North, Olympia, WA 98501

You can also send your comments via email to SEPAdesk@dfw.wa.gov, or via fax to (360) 902-2946.

If you have questions about this DNS or the details of the proposal, contact Teresa Eturaspe at the address, e-mail, or fax number above; you can also call her at (360) 902-2575.

DATE OF ISSUE: November 24, 2008 **SIGNATURE:** 

Footnotes

1. RCW 43.21C.030(2)(c)
2. WAC 197-11-340(2).

SEPA Log Number: 08 -086. dns

Distribution of Environmental Document:

Department of Ecology, Environmental Review Section, Olympia
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Yakima County Planning Department, Yakima
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WDFW, Habitat Program, Region 3, Yakima
WDFW, Fish Program, Region 3, Yakima
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FILE ONLY: DO NOT COPY

FILE: SULPHUR CREEK NAWCA PROJECT

COUNTY: YAKIMA COUNTY

FINAL DATE: DECEMBER 8, 2008

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J. BERNATOWICZ
- DEPT OF ARCHAEOLOGY AND HISTORIC PRESERVATION
- APPLICANT: ROCKY J. ROSS
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NOTICE OF FINAL DETERMINATION
SULPHUR CREEK NAWCA PROJECT
DATE ISSUED- November 24, 2008 DATE FINAL-December 9, 2008
SEPA NUMBER #08-086

Under the State Environmental Policy Act (SEPA) and WAC 197-11-340(2), the Washington Department of Fish and Wildlife (WDFW) issued a

Determination of Nonsignificance (DNS)

Mitigated Determination of Nonsignificance (MDNS)

Revised Determination of Nonsignificance (RDNS)

This decision by the WDFW Responsible Official to issue a DNS is hereby:

Retained (i.e., an EIS will not be required).

Withdrawn. WDFW is considering making substantial changes to the proposal. This is based on our evaluation of new information we gathered during the comment period. WDFW will make a new threshold determination after we revise the proposal.

Extended. WDFW has not made a final threshold determination. We are still reviewing this SEPA proposal. WDFW will notify you when we make a final determination.

WDFW has attached comments that may have been received for this proposal. Comments we received may affect future permits required for this proposal. You may want to review all comments and respond to them in light of possible future permits.

This document is a part of the official SEPA record. Please retain this with your original checklist and determination.

Sincerely,

Teresa A. Eturaspe

WDFW SEPA Responsible Official
SEPA/NEPA Coordinator

TAE:tae

cc: E. Bartrand AHB Region 3