



## Department of Energy

Bonneville Power Administration  
13294 Lincoln Park Road  
East Wenatchee, WA 98802

March 2, 2023

In Reply refer to: City Heights Phase 3 Preliminary Plat (SUB 23-0001)  
BPA Tract No.: R-MV-58-A-191, R-MV-60-AR-3  
Line Name: Rocky Reach – Maple Valley No. 1  
Structure Nos.: 61/2 – 61/2

RESPONSE SENT VIA EMAIL

Cristina Wollman, City Heights Planner  
City of Cle Elum  
119 West First Street  
Cle Elum, WA 98922  
[Christina.wollman@cleelum.gov](mailto:Christina.wollman@cleelum.gov)

Dear Ms. Wollman,

The Bonneville Power Administration (BPA) has reviewed the above-referenced Preliminary Plat for City Heights Phase 3 and its relationship to the BPA transmission line and access road easements that this project impacts. BPA does have some concerns with the activity that may occur within the project area.

BPA transmission line and access road easements are taken with certain restrictions on the underlying land. In order to maintain operation and safety criteria, all activities planned within the BPA easements need to be approved by BPA prior to their occurrence. Activities that block maintenance crews (such as the installation of fences) or safety concerns (such as buildings, driveways, utilities, or small structures) need to be addressed prior to construction in order to avoid later modification, at the landowner's expense.

In order to avoid problems in this location and to notify prospective landowners, BPA requests that the following language be included on the plat map:

*The Bonneville Power Administration (BPA) imposes certain conditions on the portions of these lots encumbered by its high voltage transmission line or access road easements. BPA does not allow structures to be built within the right-of-way, nor does it allow access to be blocked to any transmission facilities. Any activity that is to occur within the transmission or access road easement needs to be permitted by BPA prior to installation or construction. Information regarding the permitting process for proposed uses of the easement may be addressed to BPA Real Estate Field Services at (800) 836-6619.*

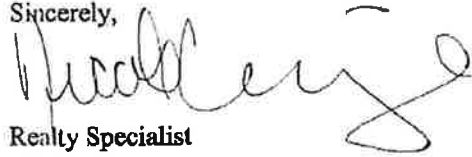
In addition, BPA needs the opportunity to review the location of proposed road and utilities to ascertain whether or not the clearance here allows for safe passage of vehicles (per National Electric Safety Code). This process takes up to 90 days to complete and is typically initiated by a land use application that the developer submits to BPA.

Whether or not this property is subdivided and/or this plat approved, the owner will need to submit a land use application, the associated application fee and acquire a Land Use Agreement from BPA, along with

the county's building permit for any portion of the owner's development plans that lie within BPA's Easement.

If you have any questions regarding this request or need additional information, please feel free to contact Nicole Cummings at (509) 690-9867 or you may contact our Realty Office toll-free at (800) 836-6619.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nicole Cummings".

Realty Specialist



State of Washington  
DEPARTMENT OF FISH AND WILDLIFE  
South Central Region • Region 3 • 1701 South 24<sup>th</sup> Avenue, Yakima, WA 98902-5720  
Telephone: (509) 575-2740 • Fax: (509) 575-2474

February 28, 2023

City of Cle Elum Planning Department  
119 West First Street  
Cle Elum, WA 98922

Dear Planning Official:

**SUBJECT: WDFW COMMENTS ON CITY HEIGHTS PROPOSED PHASE 3  
PRELIMINARY PLAT**

Thank you for the opportunity to comment on the proposed Phase 3 Preliminary Plat for the City Heights development. The Washington Department of Fish and Wildlife (WDFW) have reviewed the materials presented for this proposal. WDFW submitted comments previously on both the overall project, the Phase 1 and 2 developments. Our comments on this proposed Phase 3 are focused on work in streams and the overall impact of fish and wildlife habitat with the development.

**Updated Critical Areas Report Requested**

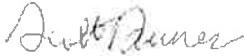
In the Phase 3 Development Standards Compliance Review, it states that "*The critical area designations and delineations set forth in the EIS shall be deemed the final determination of the identification, designation, and extent of critical areas and boundaries for purposes of applying and implementing the provisions of the City's critical area ordinance(s) set forth in Title 18 of the CEMC.*" WDFW would like to add that occasionally streams and other critical areas such as wetlands either form after the EIS is developed or can be missed in the EIS development. Such an example did occur in Phase 1 of this development, when both wetlands and streams were identified in 2021 during a site review that were either missed or absent during the initial EIS development. The critical areas report for this development was conducted in 2009, which is now 14 years since the report was issued. Fourteen years is not an appropriate time frame to still use the 2009 report as the current conditions. *WDFW requests that an updated critical area report be completed and WDFW be allowed to review the report and comment, including a site visit if needed.*

**Hydraulic Project Approval (HPA)**

Any stream, whether identified in the EIS or not, that meets the definition of a waters of the state is considered a water of the state under WAC. Any work that will use, divert, obstruct, or change the natural flow or bed of any of the waters of the state will likely require a Hydraulic Project Approval (HPA) from WDFW. In the preliminary storm drainage report it indicates that an HPA permit will be needed yet provides no details as to the project needing an HPA permit. WDFW encourages early coordination on such projects and recommends the applicant reaching out to WDFW to clarify what is believed to be needed for an HPA permit for this project.

Thank you for the opportunity to comment on this project and look forward to working with the applicant on the issues raised above. If you have any questions, please call me at 509-607-3578 or email me at [Scott.Downes@dfw.wa.gov](mailto:Scott.Downes@dfw.wa.gov).

Sincerely,

A handwritten signature in cursive script that reads "Scott Downes".

**Scott Downes**  
**Area Habitat Biologist**