STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

December 17, 2008
CERTIFIED MAIL
7007 2560 0001 7674 8167

Mr. William Sharp
Yakama Nation-YKFP
Klickitat Project Manager
PO Box 151
Toppenish WA 98948-0151

RE: Water Right No. S4-34554P

Having received the $50.00 extension fee, you are given an extension in the Completion of Construction phase as was previously stated in the January 24, 2008 letter.

- The need for more time before the Yakima Nation can complete construction at the Wahkiacus Hatchery & Acclimation Facility (WHAF).

- The Yakima Nation is still in Step-1 of the Northwest Power and Conservation Council (NPCC) 3-step review process required for major hatchery initiatives such as the WHAF.

  The three steps are:
  - STEP1 The conceptual phase, can be considered largely the feasibility stage that is important in identifying all major components and elements and includes the initial attempts at laying out the components on the chosen site or proposal. Generally the review schedule for the Step 1 process is 18 weeks.
  - STEP 2 The progress review/preliminary phase should identify any major difficulties in the design and proposal. At this point, the proposal should provide the detail and the specifics to assure that all details will meet the intent and scope of the previous decision and ensure financial responsibility. In addition, environmental review has been completed and any changes after this point should be minor.
  - STEP 3 At the detailed/final phase the design is ready to go out to bid. A detail and exhaustive review has been carried out, to assure that all details will meet operational requirements. Step 2 and 3 reviews, and combination reviews (i.e., all elements reviewed) is nine weeks.

In response to your request, you are hereby granted an extension to Complete Construction for the reason(s) below:

For the reasons as identified above:

- The Yakima Nation is still in Step-1 of the Northwest Power and Conservation Council (NPCC) 3-step review process required for major hatchery initiatives such as the WHAF.
- Due to the NPCC/BPA funding schedule.
- The new deadline to submit your *Construction Notice* is **December 1, 2009**.

You have a right to appeal this decision. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of the document that you are appealing.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals & Application for Relief Coordinator
PO Box 47608
Olympia WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals & Application for Relief Coordinator
300 Desmond Dr SE
Lacey WA 98503

3. And send a copy of your appeal to:

Mark C. Schuppe
Department of Ecology
Central Regional Office
15 W. Yakima Ave, Ste 200
Yakima, WA 98902-3452

For additional information visit the Environmental Hearings Office Website: http://www.eho.wa.gov . To find laws and agency rules visit the Washington State Legislature Website: http://www.leg.wa.gov/CodeReviser.

If you have any questions, please contact Teresa Mitchell at 509-575-2597.

Sincerely,

Mark C. Schuppe
Acting Section Manager
Water Resources Program

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Enclosures: *Construction Notice*
Your Right to Be Heard

CC extension granted.doc