

Lindsey Ozbolt

From: ECY RE CRO SEPA COORDINATOR <crosepa@ecy.wa.gov>
Sent: Tuesday, November 10, 2015 4:01 PM
To: Lindsey Ozbolt
Subject: Comments for Big Creek Trails
Attachments: 4829 DK Professional Consultants Inc.pdf

Importance: High

Please see the attached comment letter for RZ-15-00001, SD-15-00002, & SP-15-00003. The original comment letter is in the mail.

Thank you,

Gwen Clear

Regional SEPA\Environmental Review Coordinator
WA State Dept of Ecology
Central Regional Office - Union Gap
(509) 575-2012

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November 10, 2015

Lindsey Ozbolt
Kittitas County Community Development
411 N. Ruby St., Suite 2
Ellensburg, WA 98926

Re: RZ-15-00001, SD-15-00002, & SP-15-00003

Dear Ms. Ozbolt:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the Big Creek Trails Planned Unit Development on 285 acres that will include 58 residences, proposed by D.K. Professional Consultants, Inc. We have reviewed the documents and have the following comments.

SHORELANDS/ENVIRONMENTAL ASSISTANCE

A site map which clearly shows the proposed parcel or development areas as opposed to open space areas and wetland areas should be provided. All existing and proposed roads should be shown on the same site map. The submitted maps are difficult to read (possibly due to scanning deficiencies) and to project onto the landscape. We recommend the use of aerial photos or contour maps as the base map where the items would be placed. The maps need to reflect the recent amendment which states that there will be no development within shoreline jurisdiction.

The Ordinary High Water Mark (OHWM) is measured as an aerial horizontal distance. Shoreline jurisdiction under the current Shoreline Master Plan (see page REG 4, section 7) states that shoreline jurisdiction is 200 feet from the OHWM or the extent of the floodway, whichever is furthest from the stream.

The wetland delineation report results are older than 5 years and the report needs to be updated with either a new delineation report or an addendum to the existing report. This is necessary to assure that site conditions are similar to those in the 2008 report. Wetlands within shoreline jurisdiction (including associated wetlands) should be updated as well and rated with the most recent Eastern Washington Rating System (2014).

The existing 2008 Sewall wetland report is insufficient. The report should contain a detailed map which show the location of each wetland area and the location of the data points that were used to determine where the wetland boundaries are located. Upland data plots as well as wetland plot data should be provided. The report should also have a section in it which



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discusses weather and climatic cycle conditions relevant to observations of hydrologic regime in the field and at field data points. It would be most helpful if a contour map with 2-foot contour intervals could be used as a base map which shows the locations of both wetland areas and proposed lot boundaries, roadways and any existing or proposed infrastructure.

The wetland boundaries shown in the updated report should be verified by agencies with jurisdiction before final lot configuration approval. Wetland areas and their buffers should be located in open space that is not part of lot areas that can be developed.

The 2008 wetland report suggests that 25 foot buffer could protect the functional values of the category II wetlands and that a 50 foot buffer could protect the functional values of the category I wetland. These recommended buffer sizes are not consistent with Best Available Science. The report author assumes that because the buffer is intact, that it can be smaller than BAS. However, the underlying assumption of BAS buffer size determination is based on buffers that are fully vegetated and functional, not degraded. Therefore, buffers that are consistent with BAS should be applied to protect wetlands on site.

Appropriate buffers based on Best Available Science (BAS) should be applied to any development adjacent to the wetlands, especially those in shoreline jurisdiction. Buffers from low impact development areas that are less than 100 feet from category II wetlands and buffers from low impact development areas that are less than 125 feet from Category I wetlands (and peat wetlands) are not consistent with BAS. Peat wetlands may require larger buffers, especially from impacts whose direct or indirect impacts could alter the pH of the wetland.

Signs which identify the presence of critical areas should be placed at the outside edges of wetland buffer boundaries and open space area boundaries.

Both direct and indirect impacts to wetlands should be mitigated. Of particular concern are lawn chemicals and septic system infiltration into shallow groundwater areas which are in wetlands or which feed wetland areas. Temporary and permanent stormwater impacts from construction staging areas, roads and driveway placement, trails, etc. should be evaluated and mitigated if needed.

Please contact **Catherine Reed** at (509) 575-2616 for assistance with wetland report review or if you have questions concerning the Shorelands/Environmental Assistance comments.

WATER QUALITY

Project with Potential to Discharge Off-Site

The NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required if there is a potential for stormwater discharge from a construction site with disturbed ground. This permit requires that the SEPA checklist fully disclose anticipated

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activities including building, road construction and utility placements. Obtaining a permit is a minimum of a 38 day process and may take up to 60 days if the original SEPA does not disclose all proposed activities.

The permit requires that Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading or construction.

More information on the stormwater program may be found on Ecology's stormwater website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>. Please submit an application or contact Ray Latham at the Department of Ecology, (509) 575-2807, with questions about this permit.

WATER RESOURCES

Ecology believes impacts to the water resources, including to water right holders, needs to be fully analyzed and considered during the deliberation of this application. Because of the limited water supplies in the area, unmitigated impacts may result in impairment to existing water rights.

The subject property lies within one of the state's most water-short areas. The Upper Kittitas Groundwater Rule (WAC 173-539A) prohibits any new consumptive uses of groundwater. The Big Creek and Little Creek watersheds have limited water supplies and there is not always a consistent supply of water to satisfy the existing confirmed water rights. Ecology has recently been monitoring flow in Big Creek and Little Creek, and verified that there water not enough water to satisfy all rights, particularly in the late summer months.

Ecology is concerned about the lack of certainty regarding location and quantity of water withdrawals and lack of detail related to the pursuit of water rights for this project.

While Ecology recognizes that a portion of the water right under Court Claim No. 00756 has been changed to instream flow for purposes of mitigation, it is unclear how adequate this mitigation would be given the ambiguous language used by the applicant regarding water use.

Examples of Ambiguity:

1. In the SEPA checklist B. ENVIRONMENTAL ELEMENTS 3. Water b. Groundwater, the applicant indicates that:

"Ground water may be withdrawn from an existing well (as located on Exhibit 1) or other wells to be drilled in non residential areas. In addition individual wells may be located on all or a portion of the residential parcels that are created within this project." [emphasis added]

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2. In the attachment APPLICATION QUESTION 9, the applicant many water uses/features that “may” [emphasis added] occur including: parks, baseball fields, playgrounds, community buildings, indoor facilities, pools, hot tubs, restrooms, food serving areas, etc.
3. In the attachment APPLICATION QUESTION 9, the applicant identifies that proposed water bank under Court Claim No. 00756 will be used for the project. However, it is entirely unclear how this bank will function to address impacts with the many proposed water uses.

Ecology expects Kittitas County to fully evaluate whether water is physically and legally available for the project prior to making a threshold decision. To assist, Ecology recommends the analysis provided below.

Analysis Needed Regarding Water Availability

1. How much water will be withdrawn?
2. Where will the withdrawal occur?
3. How much water will be needed for: domestic use, irrigation, pools, indoor recreational facilities, etc.?
4. What is the schedule for water needs, i.e. approximate monthly demand?
5. What is the timing, magnitude, and location of impacts of withdrawals on area surface waters?
6. How will the withdrawals effect local groundwater users?
7. How might withdrawals effect area water right holders?
8. What is the full scope and scale of mitigation being offered?
9. How effective will the mitigation be in offsetting the proposed uses?
10. Will the timing and quantity of mitigation offset all effects from the withdrawals?
11. What are the unmitigated impacts, if any?
12. How and when will water rights be pursued?

Please contact **Kurt Walker** at (509) 454-4237 or kwat461@ecy.wa.gov for more information or questions regarding the Water Resources information provided above.

Sincerely,



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