

From: [Warthen, Luke \(DNR\)](#)
To: [Kelly Bacon \(CD\)](#)
Subject: RZ-22-00005 & CP-22-00005 Mardee Lake
Date: Thursday, September 8, 2022 3:41:28 PM

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Kelly

DNR appreciates the opportunity to provide SEPA comments for the proposed RZ-22-00005 & CP-22-00005 Mardee Lake - Notice of Application. DNR would like to formally note that current or future landowners of properties within the proposed rezoned area may need an approved Forest Practices Application (FPA) prior to conducting timber harvest, whether for commercial sales of the timber or for the removal of trees to create clearings for homes. These comments are intended to protect typed water and other natural resources, but please note that DNR is not requesting the project proponent apply for a FPA at this time, but rather when they (or future owners of lots yet to be created) plan to conduct timber harvest or convert portions of these properties to non-forestry (i.e. for residential use).

Respectfully-

Luke

Luke Warthen
Forest Practices
District Manager (Acting)
Southeast Region
WA DNR
dnr.wa.gov
luke.warthen@dnr.wa.gov
Cell: (360)523.3235
Office: (509)925.8510



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

September 8, 2022

Kelly Bacon
Kittitas County Planner I
411 N. Ruby St. Suite 2
Ellensburg WA 98926

RE: 202204061, RZ-22-00005, CP-22-00005

Dear Kelly Bacon,

Thank you for the opportunity to comment on the Pre-Threshold Consultation for the Mardee Lake Rezone & Comprehensive Plan Amendment. We have reviewed the environmental checklist and have the following comment.

SHORELANDS

Thank you for providing the Department of Ecology (Ecology) an opportunity to review and comment on the Mardee Lake rezone and comprehensive plan amendment. Ecology's Shorelands and Environmental Assistance (SEA) Program would like to provide the following comments for consideration.

Coal Creek, Mardee Lake, Lake Keechelus, and the nearby Gold Creek are Shorelines of the State. Therefore any work proposed within the County's designated Shoreline jurisdiction must meet the purposes and intent of the County's Shoreline Master Program (SMP). It is strongly encouraged to adhere to all buffer requirements established within the County's SMP (including Shoreline buffers and those designated for the stream and wetland critical area buffers).

A large wetland complex surrounds Mardee Lake. Wetlands are considered a water of the State and are regulated by the local government, the Department of Ecology, and the U.S. Army Corps of Engineers (If determined to be a Water of the United States). Therefore any work proposed within a wetland would require review and authorization from the previously mentioned agencies.

Ecology strongly encourages the use of mitigation sequencing and the avoidance of all wetland impacts. Those impacts that can not be avoided must be minimized and the impacted functions and values of the wetland compensated for.

Kelly Bacon
September 8, 2022
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Currently, the area is largely undeveloped. The lack of development has benefits in linking the shoreline, stream, and wetland buffers together, creating a large wildlife corridor. The importance of the buffer and linking them together to form a corridor has numerous benefits in protecting the functions and values of the riverine wetlands and stream: such features provide pathways for animals to move between areas (it is the habitat score of a wetland that drives our widest buffers); screens light, dust, noise pollution; creates roughness to filter stormwater runoff, pesticides, reduce wind erosion; provides structure and mast for animals to forage, loaf, and nest; and generates nutrient inputs to maintain wetland and stream biochemistry. For these reasons we strongly encourage the existing corridor to remain intact.

Please contact the appropriate SEA Program Regional Specialist by contacting Amber Johnson (Amber.johnson@ecy.wa.gov) with any questions you may have.

Sincerely,



Lucila Cornejo
SEPA Coordinator
Central Regional Office
(509) 208-4590
crosepacoordinator@ecy.wa.gov

From: [Holly Erdman](#)
To: [Kelly Bacon \(CD\)](#)
Subject: RE: RZ-22-00005 & CP-22-00005 Mardee Lake - Notice of Application
Date: Friday, September 9, 2022 3:32:01 PM

Kelly,

Public health has no comments or concerns on this project as it is a rezone proposal and therefore will not be withdrawing groundwater or discharging wastewater at this time.

Thank you for this opportunity to comment.

Holly Erdman
Environmental Health Specialist II

From: Kelly Bacon (CD) <kelly.bacon.cd@co.kittitas.wa.us>
Sent: Thursday, August 11, 2022 8:50 AM
To: Kim Dawson <kim.dawson@co.kittitas.wa.us>; George Long <long@kittcom.org>; Julie Kjorsvik <julie.kjorsvik@co.kittitas.wa.us>; Toni Berkshire <toni.berkshire@co.kittitas.wa.us>; Jesse Cox <jesse.cox@co.kittitas.wa.us>; Holly Erdman <Holly.erdman@co.kittitas.wa.us>; Lisa Lawrence <lisa.lawrence@co.kittitas.wa.us>; Patti Stacey <patti.stacey@co.kittitas.wa.us>; Kelee Hodges <kelee.hodges.pw@co.kittitas.wa.us>; Codi Fortier <codi.fortier@co.kittitas.wa.us>; Yakama Nation - Environmental Review <enviroreview@yakama.com>; Corrine Camuso <corrine_camuso@yakama.com>; Jessica Lally <jessica_lally@yakama.com>; Noah Oliver <noah_oliver@yakama.com>; Casey Barney <casey_barney@yakama.com>; Kozj <Kozj@yakamafish-nsn.gov>; matj <matj@yakamafish-nsn.gov>; barh <barh@yakamafish-nsn.gov>; SEPA Register <separegister@ecy.wa.gov>; 'tebu461@ecy.wa.gov' <tebu461@ecy.wa.gov>; DOE - lowh <lowh461@ecy.wa.gov>; 'FormerOrchards@ecy.wa.gov' <FormerOrchards@ecy.wa.gov>; 'wendy.neet@ecy.wa.gov' <wendy.neet@ecy.wa.gov>; WDFW - Scott Downes <scott.downes@dfw.wa.gov>; WDFW - Jennifer Nelson <jennifer.nelson@dfw.wa.gov>; WDFW - Elizabeth Torrey <elizabeth.torrey@dfw.wa.gov>; WS DAHP <sepa@dahp.wa.gov>; James E Brooks Library - Jorgenja <jorgenja@cwu.edu>; James E Brooks Library - Nelmsk <nelmsk@cwu.edu>; Jeremy Larson <jeremy.larson@co.kittitas.wa.us>; Steph Mifflin <stephanie.mifflin@co.kittitas.wa.us>; WA State Department of Health - Russell <russell.mau@doh.wa.gov>; 'brietta.carter@doh.wa.gov' <brietta.carter@doh.wa.gov>; 'Tom Hastings' <THastings@snopass.org>; 'rivers@dnr.wa.gov' <rivers@dnr.wa.gov>; 'Early, Shane (DNR)' <Shane.Early@dnr.wa.gov>; 'sepacenter@dnr.wa.gov' <sepacenter@dnr.wa.gov>; Andrews, Garren (DNR) <Garren.Andrews@dnr.wa.gov>; 'MAUNEY, MARTY (DNR)' <MARTIN.MAUNEY@dnr.wa.gov>; 'Allison Kimball (brooksideconsulting@gmail.com)' <brooksideconsulting@gmail.com>; '(tribune@nkctribune.com)' <tribune@nkctribune.com>; 'terry@nkctribune.com' <terry@nkctribune.com>; 'Megan Breckenridge' <mbreckenridge@kvnews.com>; 'legals@kvnews.com' <legals@kvnews.com>; 'deborah.j.knaub@usace.army.mil' <deborah.j.knaub@usace.army.mil>; 'Hendrix, Leah D' <lhendrix@usbr.gov>; 'mark.a.gradwohl.civ@mail.mil' <mark.a.gradwohl.civ@mail.mil>; 'Kimberly.peacher@navy.mil' <Kimberly.peacher@navy.mil>; 'robert.d.bright10.civ@army.mil' <robert.d.bright10.civ@army.mil>; Haley Mercer <haley.mercer@co.kittitas.wa.us>; Christy Garcia <christine.garcia@co.kittitas.wa.us>;

Snoqualmie Tribe - Steve <steve@snoqualmietribe.us>; Snoqualmie Tribe - dahp <dahp@snoqualmietribe.us>; 'adam@snoqualmietribe.us' <adam@snoqualmietribe.us>; Guy Moura <guy.moura@colvilletribes.com>; Aren Orsen <aren.orsen.hsy@colvilletribes.com>; Sam Rushing <sam.rushing@colvilletribes.com>; matt.boast@kittitaspud.com; 'brian.ingalls@pse.com' <brian.ingalls@pse.com>; 'kdkistler@bpa.gov' <kdkistler@bpa.gov>; 'klarned@fs.fed.us' <klarned@fs.fed.us>; 'jacob.prilucik@wsdot.wa.gov' <jacob.prilucik@wsdot.wa.gov>; 'scplanning@wsdot.wa.gov' <scplanning@wsdot.wa.gov>; 'plattst@wsdot.wa.gov' <plattst@wsdot.wa.gov>; 'ken.graham@parks.wa.gov' <ken.graham@parks.wa.gov>; 'kombola@easton.wednet.edu' <kombola@easton.wednet.edu>; 'jensens@easton.wednet.edu' <jensens@easton.wednet.edu>; 'millerj@easton.wednet.edu' <millerj@easton.wednet.edu>; 'Jay Wiseman (JWiseman@SnoqualmiePassFireRescue.org)' <JWiseman@SnoqualmiePassFireRescue.org>; Mike Engelhart (GOV) <mengelhart@cleelum.gov>; KathiSwanson <kswanson@cleelum.gov>; 'mhayes@cleelum.gov' <mhayes@cleelum.gov>; 'yamick@cleelum.gov' <yamick@cleelum.gov>; CleElumPlanning <planning@cleelum.gov>

Cc: Jeremy Johnston <jeremy.johnston@co.kittitas.wa.us>; Rachael Stevie (CD) <rachael.stevie.cd@co.kittitas.wa.us>; Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>; '(bala.ce@gmail.com)' <bala.ce@gmail.com>; 'llewington18@gmail.com' <llewington18@gmail.com>

Subject: RZ-22-00005 & CP-22-00005 Mardee Lake - Notice of Application

Good morning,

CDS is requesting comments on the following Rezone and Comprehensive Plan Amendment Applications: RZ/CP-22-00005 Mardee Lake. Links to the file materials can be found below. I have attached the Notice of Application to this e-mail. **The comment period will end on Monday September 12, 2022 at 5p (PDT). CDS will assume your agency does not wish to provide comment if not received by this date.**

Please let us know if you have issues accessing the materials.

Internal Link: [RZ-22-00005 Mardee Lake](#)

External Link: [RZ-22-00005 Mardee Lake](#)

If the links above do not work, please go to the CDS website at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx> and navigate to “Rezoning” and then the Project File Number “RZ-22-00005 Mardee Lake”.

Thank you,

Kelly Bacon

Planner I

Kittitas County Community Development Services

411 N. Ruby Street, Ste 2

Ellensburg, WA 98926
Office: (509) 962-7539
Kelly.bacon.cd@co.kittitas.wa.us

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KITTITAS COUNTY
DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

TO: All Staff
FROM: Public Works Plan Review Team
DATE: September 12th, 2022
SUBJECT: RZ-22-00005 AND CP-22-00005 Mardee Lake NOA

ACCESS	There are no access comments. (TM)
ENGINEERING	There are no engineering comments at this point in development. (CC)
SURVEY	

<p>FLOOD</p>	<p>A portion of this property is within the 100-year floodplain of Coal Creek. All activities within the floodplain must be permitted through the floodplain development permit process. All construction, including structures that are exempt from a building permit, must follow the guidelines within KCC 14.08.</p> <p>Future platting must be consistent with KCC 14.08.220 including the following-</p> <ul style="list-style-type: none"> • Be consistent with the need to minimize flood damage. • Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage. • Have adequate drainage provided to reduce exposure to flood damage. • Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments containing greater than 50 lots or 5 acres (whichever is lesser) and shall be included as part of the application and and shall be noted on the final mylar. • All subdivisions shall show on the face of both the preliminary and final plat, for either short or long plats, the boundary of the 100year floodplain and floodway. <p>The Coal Creek floodplain does not have base flood elevation (BFE) data available. Prior to plat application please contact the Floodplain Manager at 509-962-7523 to discuss the submittal requirement for BFE data for plat approval.</p>
<p>WATER MITIGATION/ METERING</p>	<p>No comments</p>



September 12, 2022

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

Attn: Dan Carlson, Director
Kelly Bacon, Planner 1

Subject: Proposed Comprehensive Plan Amendment (CP-22-00005), Rezone Application (RZ-22-00005) and Preliminary SEPA Determination of Non-Significance for Mardee Lake Inc.

The Washington Department of Transportation (WSDOT) has reviewed the application materials for the proposed Comprehensive Plan, Rezone and preliminary SEPA Determination for the Mardee Lake development adjacent to Interstate 90 (I-90) near Exit 54 and State Route 906 and are submitting the following comments.

The application proposes to change four parcels totaling 150.98 acres from Rural Working to Rural Recreation plan designation and from Forest and Range to Rural Recreation zoning designation. The Kittitas County’s Zoning Code allows two options for minimum lot size and maximum density allowance for the Rural Recreation zone:

1. One unit per five (5) acres, unless within a cluster plat
2. For lots in cluster plats, the minimum lot size is one half (½) acre with the ability to increase the density from one (1) unit per five (5) acres to 0.4 units per acre (equates to 1 unit per 2 acres) or 2 units per 5 acres per KCC 17.30.430.

Based on the above and our interpretation of the density allowances, the following potential number of lots and additional average vehicle trips (AADT) may result:

Density	Number of Potential Lots	Average Daily Trips per single family dwelling <i>(9.43 ADT per unit; 1.0 peak PM*)</i>	Average Daily Trips per recreational home <i>(3.55 ADT per unit; .32 peak PM*)</i>
1 unit per 20 acres	Existing four lots	37; 37	14.2; 12.8
1 unit per 20 acres	3 additional	28; 28	10; 3
1 unit per 5 acres	26 additional	245; 245	92; 29
2 units per 5 acres	56 additional	528; 528	198; 63
0.4 units per acre (equals 1 unit per 2 acres)	296 additional	2,791; 2,791	1,050; 336

**Based on Institute of Traffic Engineers Manual*

Under the proposed new zoning, full buildout of future development is estimated to increase the additional AADT for weekdays to between 245 and 2,791 depending on density allowed and developed. This represents a potential significant increase to weekday AADT.

We believe the density and location of associated future development has the potential to affect the function of publicly funded improvements associated with the Interstate 90 Snoqualmie Pass East project (I-90 project). The I-90 project is an investment of over a billion dollars of public funds that will ultimately improve a 15-mile section of the interstate from Hyak at milepost (MP) 55.1 to Easton at MP 70.3. It meets community, regional, and statewide transportation needs while addressing concerns associated with the barrier effects of the highway within a critically important wildlife movement corridor, identified in the Snoqualmie Pass Adaptive Management Area Plan (SPAMA) (USFS 1997).

WSDOT, the US Forest Service (USFS), and other natural resource agencies have collaborated for over twenty years to identify and define a landscape-scale, watershed-based approach to allow for the expansion of I-90 on National Forest land. We identified the Gold Creek Valley as an important connectivity emphasis area because of the ecological improvement opportunities within the watershed, including that it is an important wildlife corridor to link the Alpine Lakes Wilderness to the north with the Norse Peak Wilderness to the south. This connectivity corridor is shown on the WA Department of Fish and Wildlife Priority Habitat and Species maps. Significantly increased land use densities and development within and adjacent to the valley could adversely affect our investments in wildlife connectivity structures (bridges, culverts and overcrossings) and affect habitat restoration areas.

WSDOT is concerned about new development in and around the Gold Creek Valley. These land use issues warrant close attention from WSDOT, as well as collaboration with Kittitas County and other agency partners to ensure public investments are consistent with adjacent land uses. We believe that by providing adjoining property owners and Kittitas County with the context behind WSDOT's ongoing public investments in the corridor, the public will better understand and support the importance of maintaining the Gold Creek Valley and other identified watersheds and connectivity emphasis areas.

WSDOT designed the I-90 Project and made these investments to be consistent with the SPAMA plan along with the Kittitas County Comprehensive Plan.

Based on the above, we believe the Determination of Non-Significance issued for this proposal is not sufficient to adequately address potential impacts, including ecological connectivity investments. This is based on the following:

The Snoqualmie Pass Sub Area Comprehensive Plan-Master Plan (2016) (Kittitas County Comprehensive Plan (2021)) identified the current land use designations in the Snoqualmie Pass and Hyak area with nearly all parcels to the north/east of I-90, including this proposal, designated to allow a density of one unit/20-acres. On the west/south side of I-90 near the existing ski resort, housing and commercial development that are designated as LAMIRD, residential or Rural Recreation zones. The proposal is included in the area identified as Subarea D in this plan. The plan states that the residential projections to 2015 indicate that there is sufficient residential land capacity to meet the estimated demand at that time. There is no identified need for additional residential units. This subarea plan should be updated to allow new projections to be developed along with the identification of residential capacity and for this area. It should include a to plan for transportation system improvements (as well as other capital facilities) to support the more intense developments east of I-90 that impact Exit 54 interchange, as well as Exit 53 interchange.

Although the application is a non-project action, disclosure of potential impacts to capital facilities should be identified at this application. The existing Exit 54 interchange ramp terminal (stop sign)

may not be adequate for additional traffic and needs further review. A Traffic Impact Analysis is warranted for this proposal.

Identifying potential impacts to ecological connectivity in the Gold Creek valley is needed to ensure that public investments and commitments are maintained.

The following comments are informational and apply to future development of the subject property:

This segment of I-90 is a fully controlled Rural Interstate with a posted speed limit of 70 miles per hour and a Highway of Statewide Significance (HSS).

Direct access to I-90 is prohibited. Access to the interstate may be available via the Exit 54 interchange. However, we recommend you coordinate future plans with WSDOT and USFS to determine access restrictions and construction requirements. Jacob Prilucik is the contact at WSDOT, and he can be reached at (509) 577-1635.

The Level of Service (LOS) threshold for HSS highways is set by the state, and not the local jurisdictions. LOS "C" is the threshold for rural HSS highways. The proponent will need to mitigate their impacts to the I-90 ramps to keep the LOS at "C" or better.

This section of I-90 is designated as a National Scenic Byway. We encourage the County to take this designation into consideration when deciding on this change in land use.

The WSDOT right-of-way fence typically lies one foot inside our right-of-way line. For the safety and security of I-90, the applicant will need to construct a minimum six-foot tall solid barrier fence (no gates) on their property adjacent to the state right of way. The right-of-way fence must not be altered or moved.

Any signs that may be proposed as part of this project will need to comply with the state Scenic Vistas Act of 1971 (RCW 47.42 and WAC 468-66). Please contact Trevor McCain of the WSDOT Headquarters Traffic Office for specifics. He can be reached at (360) 705-7282.

I-90 is an existing state facility, and the applicant is proposing additional noise sensitive land use. The proponent and future residents should be aware of highway and traffic noise and expect traffic noise to continue to grow into the future. It is the developer's responsibility to dampen or deflect any traffic noise for this development.

Any proposed lighting should be directed down towards the site, and away from I-90. During periods of darkness, traffic related light may be more noticeable within the subject property. We recommend that if highway related lights are a concern, that visual screening be considered and implemented as part of any future development.

Stormwater and surface runoff generated by this project must be retained and treated on site in accordance with regulating agencies' standards. Any discharge of storm water into WSDOT rights-of-way will require an approved utility permit.

A traffic impact analysis (TIA) should be required as part of future development applications for the property.

Kittitas County CP-22-00005 & RZ-22-00005 Mardee Lake
September 12, 2022

Thank you for the opportunity to review and comment on this proposal. If you have any questions regarding our comments, please contact Debi Freudenthal at (509) 577-1633.

Sincerely,

Debra Freudenthal

Debi Freudenthal for

Paul Gonseth, P.E.
Planning Engineer

PG: mrr/mn/df
cc: Troy Suing, SCR Asst. Regional Administrator -Program Management
Brian White, SCR Asst. Regional Administrator – Project Development
Mike Krahenbuhl, WSDOT Area 1 Maintenance Superintendent
Bill Sauriol, SCR Environmental Manager



Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

August 27, 2022

Sent via Email

Kittitas County Community Development Services
c/o Kelly Bacon, Staff Planner
411 N Ruby ST, Suite 2
Ellensburg WA 98926
Email: kelly.bacon.cd@co.kittitas.wa.us

RE: COMMENTS ON RZ-22-00005 & CP-22-00005 Mardee Lake

I write on behalf of the Yakama Nation Department of Natural Resources (“YN DNR”) to provide comments on rezone and comprehensive plan amendment RZ-22-00005 & CP-22-00005 Mardee Lake

YN DNR appreciates the opportunity to comment as the proposed activities are within the ceded territories of the Confederated Tribes and Bands of the Yakama Nation. YN DNR has several important concerns with the issuance of the permit.

Key areas of concern include but are not limited to:

- Water – there are significant concerns about impacts to flow in Coal Creek that currently supports ESA listed Bull Trout.
- Wetlands – the property has extensive wetland complexes that are currently well-functioning and provide important headwater storage/habitat for a number of species.
- Riparian – there is a substantial amount of riparian habitat along Coal Creek, and the existing riparian has been somewhat degraded, and is in need of restoration. Including the floodplain functions. Development along this portion of the stream will likely be at odds with riparian functions and values, or restoration.
- Wildlife Connectivity – the property is adjacent to the largest I-90 Wildlife Bridges on the Snoqualmie Pass East I-90 rebuild project and is located in an area that funnels animals to those structures. Commercial recreational development will put those investments at risk and substantially degrade their function. The Public has made a multi-million dollar investment in constructing these wildlife structures, purchasing the surrounding habitat, and restoring habitat.
- Bull Trout rearing habitat: Coal Creek is currently occupied by juvenile Bull Trout rearing habitat and has already been degraded by upstream development. Coal Creek represents ~13% of all the historically accessible tributary rearing habitat of all the tributaries to Lake Keechelus.

The proposal fails to address impacts to the natural environment. The proposal has a high likelihood of contributing to habitat degradation.

YN DNR is concerned the proposed activities have the potential to degrade aquatic habitat and alter hydrologic function.

YN DNR appreciates the opportunity to comment, and looks forward to working with Kittitas County to ensure that proposed land use plans and regulations promote sustainable development and protect the environment, including the Yakama Nation's Treaty-reserved resources. Please contact YN DNR's Ryan DeKnicker at dekr@yakamafish-nsn.gov with any questions regarding these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Phil Rigdon', with a long horizontal line extending to the right.

PHIL RIGDON, SUPERINTENDENT
YAKAMA NATION DEPARTMENT OF NATURAL RESOURCES



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

South Central Region • Region 3 • 1701 South 24th Avenue, Yakima, WA 98902-5720
Telephone: (509) 575-2740 • Fax: (509) 575-2474

September 16, 2022

Kelly Bacon
Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

SUBJECT: WDFW COMMENTS ON MARDEE LAKE REZONE AND COMPREHENSIVE PLAN AMENDMENT (RZ-22-00005 & CP-22-00005)

Dear Ms. Bacon,

Thank you for the opportunity to comment on the Mardee Lake Rezone and Comprehensive Plan application. The proposal is requesting that the land be rezoned from Rural Working Land Use to Rural Recreation. Washington Department of Fish and Wildlife (WDFW) has substantial concerns over rezoning these parcels to a zoning that would allow for more intensive recreation. These concerns stem from multiple critical areas on the property (see Figure 1) and the likelihood that more intensive recreation is incompatible with protection of these critical areas.

Critical Areas on the Property with Connection to Fish and Wildlife Habitat

- **Streams:** Coal Creek and its tributaries flow through these parcels. Within these parcels, Coal Creek is a Shoreline of the State. Coal Creek is used by a variety of fish species, but notably as foraging and rearing habitat for Bull Trout which is listed under the Endangered Species Act (ESA). The Gold Creek Bull Trout population which uses Coal Creek is in decline and at risk of local extinction if restoration is not accomplished in this watershed. Coal Creek is a tributary of Gold Creek.
- **Bull Trout rearing habitat:** Coal Creek is currently occupied juvenile Bull Trout rearing habitat and has already been degraded by upstream development. Coal Creek represents ~13% of all the historically accessible tributary rearing habitat of all the tributaries to Lake Keechelus. Protecting and restoring the riparian area and associated floodplain here is critical to the Bull Trout recovery efforts. Further development in any of the riparian area or the floodplains would have a significant negative effect on any recovery efforts for Bull Trout in the Gold Creek watershed.
- **Wetlands:** There is a large wetland complex that covers much of the parcels associated with the application, see Figure 2 showing the large wetland complex. That picture was taken as part of the I-90 East EIS. The extent of the currently mapped wetlands (Figure 1) is likely less than the actual extent (Figure 2). The wetland complex supports a wide diversity of wildlife and is key to the wildlife connectivity piece. Any infrastructure impacts on the wetland are likely to degrade its habitat condition and thus impact on the overall quality of habitat.

- **Wildlife Connectivity Area:** These parcels are part of a larger wildlife connectivity/migration area in the Gold Creek Valley. Large wildlife bridges on I-90 at Gold Creek were built to facilitate animal movement in this area. From 2014 (when structures were installed)-2021, 7000+ successful wildlife crossings have occurred by animals at the Gold Creek crossing structures. Use of animals by these structures ensured successful population connections and reduction of animal vehicle collision.

This connectivity area is mapped as a Biodiversity Area and Corridor under WDFW Priority Habitats and Species (PHS). Wildlife, especially species more sensitive to human presence such as predators, will not utilize this corridor to the current extent with increased human recreation in this area and thus permitting more intensive recreation within this corridor is likely to undermine the function and values of the wildlife connectivity structure that WSDOT and partners have invested millions of dollars of public funds on. Any increase in recreation density within this corridor is likely to reduce the viability of the wildlife crossing structures.

Potential Water Withdrawal on Coal Creek

Coal Creek and the adjacent Gold Creek are already flow limited (areas of dewatering or flows low enough to endanger fish in the dry season by precluding fish passage and reducing production potential of rearing habitat) and the instream flow limitations are having impacts on ESA listed Bull Trout and other aquatic life. Depending on the proposed recreation associated with this rezone, it will likely need to have additional associated water usage. Due to current instream flow limitations to fish and wildlife, any additional water withdrawals/usage proposed from the watershed of either Coal or Gold Creek is a concern. Any additional water would have to be from sources proven to not be in continuity with surface waters on Coal Creek or the Gold Creek watershed.

Public Investment into the Gold Creek Valley

As part of the Yakima Basin Integrated Plan, substantial (millions of dollars) investments have been made into the Gold Creek Valley for aquatic and terrestrial habitat restoration. Increased recreation in and around Coal Creek and next to Gold Creek has the potential to significantly undermine these prior habitat restoration and wildlife connectivity investments. For successful recovery of fish and wildlife in the Gold Creek watershed, restoration of this area is needed, not further impact on the valley, creeks, or wetlands.

A rezone of this property to allow additional more intensive recreation would be incompatible with the issues raised above. Once the property is rezoned, the permitting pathway for additional high density recreation infrastructure is opened. Additional recreation infrastructure in this area is likely to have a substantial impact on the critical areas identified in this letter. In the case of several of the critical areas; including wildlife connectivity, riparian and instream, appropriate mitigation is unlikely to occur on site. Offsite mitigation would not adequately compensate for the loss of critical habitat function for these localized areas.

WDFW Recommendation on SEPA Determination

WDFW does not agree with the SEPA determination of a Determination of Non-significance (DNS) and based on the critical areas discussed in this letter, a rezone here is likely to have substantial impact on the environment.

WDFW requests that before a decision or the public hearing on this rezone application, a critical area report is necessary to identify the extent of critical areas referenced in this letter. The critical area report should also address potential impacts in or near the critical areas of any potential future development associated with this rezone. The critical areas report should also identify how the proposed application proposes to avoid impacts to the critical areas. WDFW requests as a technical expert on these critical habitat areas to review and comment on the report prior to the public hearing.

This report and review should be conducted before any consideration of approval of the rezone and the associated public hearing on the proposal. If the critical areas report demonstrates that there are critical areas on the property that cannot be mitigated as indicated in this letter, the proposal should be changed to a Determination of Significance. The SEPA checklist also needs to be revised to include the information outlined in this letter as it does not describe Bull Trout or Wildlife Migration routes in the SEPA checklist.

Thank you again for the opportunity to comment and look forward to reviewing the habitat assessment. Please contact me at 509-607-3578 or Scott.Downes@dfw.wa.gov with concerns or questions regarding the above comments.

Sincerely,



Scott Downes
Area Habitat Biologist

Cc:

Elizabeth Torrey, WDFW
Dan Carlson, Kittitas County CDS

Figure 1 showing known critical areas around the Mardee Lake parcels (outlined in light blue). Based on the aerial photos and the photo in Figure 2, the wetlands at Mardee Lake are likely larger than are mapped under the National Wetlands Inventory (NWI).



Figure 2. Mardee Lake wetland complex, looking south towards I-90. Picture is from the I-90 East EIS.

