

From: [Spencer Parr](#)
To: "lori.white@ecy.wa.gov"
Cc: [Josh Mitchell](#); [Kelly Bacon \(CD\)](#)
Subject: 3581 Highway 970, Cle Elum - Swiftwater Storage Conditional Use Application (CU-20-00006)
Date: Friday, May 7, 2021 4:16:32 PM
Attachments: [image002.png](#)
[CU-20-00006 Swiftwater Storage RFI Letter 5-7-21.pdf](#)

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Ms. White:

Attached, please see the correspondence of today from Kelly Bacon of Kittitas County Community Development Services. There is a request at item number 2 for us to submit a “revegetation and monitoring plan for the wetland buffers that have been disturbed.” We understand this to refer specifically to where we have placed a primitive camping site and located that within several feet from the boundary of a wetland area. We did not know that primitive camping was prohibited just outside such a wetland. We simply attempted to beautify and organize that area for primitive camping use, such as by placing stones for a controlled fire pit. Upon learning that this activity within the buffer zone is not acceptable, we will certainly mitigate, but we also now need to confirm that this is what we are being asked to do specifically? Is that the full scope of the present request? Please understand that the county’s correspondence is vague in its instruction and refers us to follow a hyperlink which is broken, so we are now asking you for clarification.

In addition, the broken hyperlink in the County’s correspondence appears to refer to an agency document bearing identifying number 0606011b, which when we search via Google we find the document linked [here](#). That document instructs us to make sure we are utilizing the most up-to-date version, which we need to now confirm with you. Are we? It also instructs at Section 2.1 at page 21 as follows:

“Project proponents should involve the agencies during the development of a mitigation plan. Involvement allows the agencies to discuss approaches and goals, to help identify mitigation opportunities, to evaluate preliminary project designs, and to comment on the more detailed elements of the design before too much effort is spent on designing the mitigation project. Early and periodic meetings can increase the likelihood of the mitigation plan meeting regulatory requirements, reduce potential costs and frustration with the approval process, and ensure that any actions taken by the applicant, such as purchasing a site for the mitigation project, will be worthwhile. Furthermore, restoring, creating, or enhancing wetlands is still an evolving science, and the successful replacement of wetland functions is not always assured. A review of conceptual and draft plans by the agencies and, in some cases, a larger group of technical experts may be very helpful in developing a final plan that will have a higher probability of compliance and attaining its ecological goals.”

Now, therefore, we are proposing that our mitigation effort will conceptually involve removing the fire pit and surrounding seating stones back to a distance at least 50 feet from the wetland boundary, and therein planting whatever native vegetative stock as Ecology now recommends, and in whatever density is recommended. Is that consistent with what you have in mind? If that is not going to be sufficient to bring our parcel into compliance, please advise us exactly what you are asking us to do since we have not received any formal communication since our site visit providing for more information than is supplied in the County's correspondence attached hereto. We respectfully now request your guidance consistent with the instructive language indicated herein above.

I am available to discuss all issue by cell phone, (585) 621-8000, and Josh Mitchell is available at his cell phone as well, (206) 999-7055. We wish to immediately perform whatever mitigation or revegetation efforts as you would ask us to do. Please let us know at your earliest convenience. We will then develop and submit a written plan for approval by Ecology and Kittitas County.

Sincerely,

Spencer D. Parr ([Video Intro](#))

COVID-19 UPDATE: Please be advised that our Washington law Center Attorneys and staff continue to work on your Personal Injury and Labor & Industries matters. We are taking emails (preferred) and phone calls from clients as they come. However, all of our WLC office locations are presently closed to foot traffic (including to current clients) in an effort to follow guidelines from the CDC and other healthcare authorities regionally. This social distancing effort may likely seem excessive to some, but because we do work for many people in vulnerable demographics, we have instituted this policy for their protection. If you have any questions or concerns about this policy, or any other issue, please feel free to contact Attorney Spencer Parr on his cell phone: (585) 621-8000. Texts (including your full name) are preferred. Please be well.

SUPERVISING ATTORNEY & PARTNER



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