



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

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

June 22, 2022

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

Re: SEPA Register 202202939, SE-22-00055

Dear Kelly Bacon:

Thank you for the opportunity to comment during the Optional Determination of Non Significance process for the crushed rock removal project, proposed by Richard Rawlings. We have reviewed the documents and have the following comments.

WATER QUALITY

The Sand and Gravel General Permit (Permit) from the Department of Ecology (Ecology) provides coverage for mining and on-site processing of sand and gravel for construction or fill purposes and mining crushed and broken stone. Processing means washing, screening, crushing, or otherwise preparing sand and gravel for construction uses. To apply for the Permit, the proponent must submit an application electronically using Ecology's Water Quality Permitting Portal – Permit Coverage Notice of Intent (NOI) application, unless the applicant applies for and receives an Electronic Reporting Waiver from Ecology. Applicants that have received a waiver from Ecology must submit a completed and signed application to the appropriate regional Ecology office. To apply, click <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Sand-Gravel-General-Permit>. For technical assistance, contact **Stephanie Giesin**, Sand & Gravel General Permit Manager at Stephanie.giesin@ecy.wa.gov or by phone at (509) 379-3878.

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 activities including building, road construction and utility placements. Obtaining a permit may take 38-60 days.

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

If you decide that your project does not need to acquire an NPDES Construction Stormwater General Permit, and the project has a discharge to waters of the state. There is a potential that this could result in a RCW 90.48 Clean Water Act violation. This violation carries the potential of a penalty of up to \$10,000 per day, per violation.

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 **Wendy Neet** at the Dept. of Ecology, (509) 571-6733 or email wendy.neet@ecy.wa.gov , with questions about this permit.

SHORELANDS/ENVIRONMENTAL ASSISTANCE

Thank you for providing the Department of Ecology (Ecology) an opportunity to review and provide comment on the proposed Rawlings Crushed Rock Removal northeast of the City of Ellensburg.

Ecology staff conducted a desk review of the general area using current and historical aerial imagery, LiDar imagery, soilweb data, and national wetland Inventory (NWI) data. The collective information suggests wetland habitat is present in the area (Images 1 and 2).

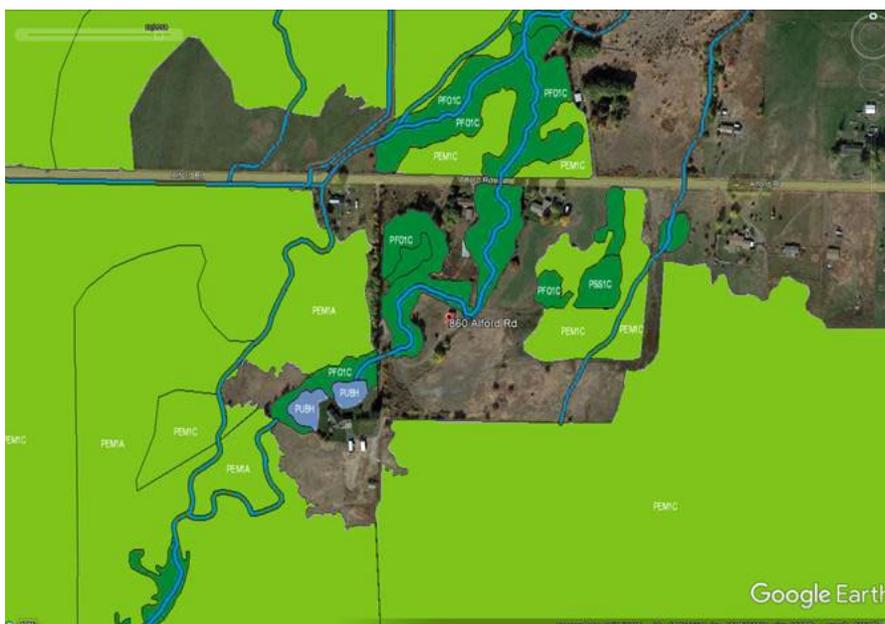


Image 1. Aerial imagery with NWI data overlay.

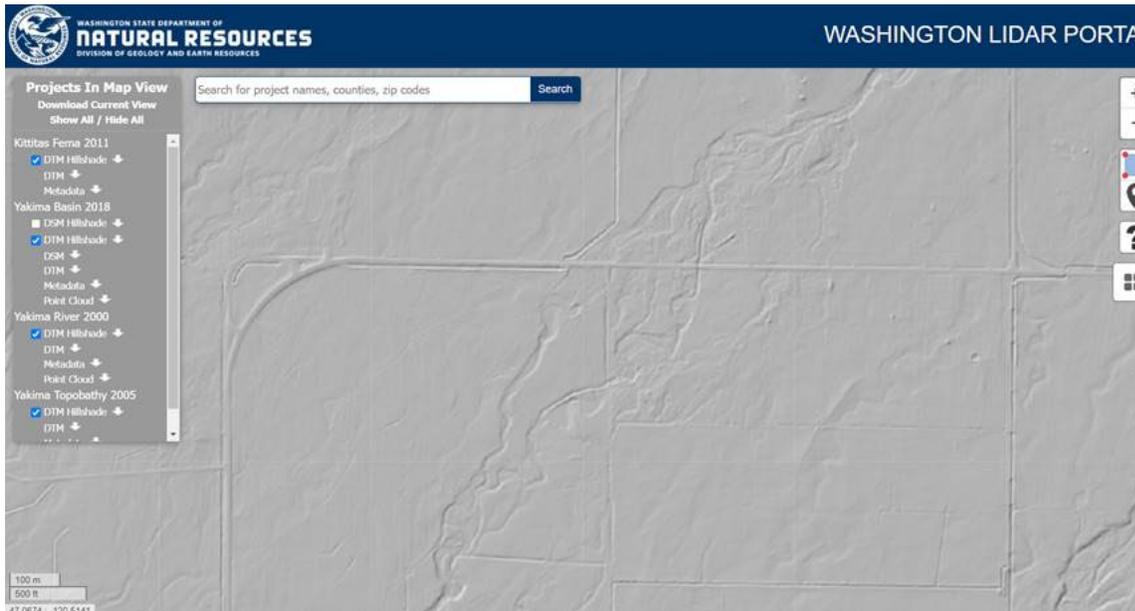


Image 2. LiDar Imagery showing numerous depressions in the area.

A wetland delineation and rating are needed prior to construction on the site. Per the Revised Code of Washington (RCW) 90.48.030, the Department of Ecology has the authority to control and prevent pollution of waters of the State. Therefore, Ecology has the ability to request a wetland delineation be conducted on the site to prevent the pollution of state waters. Any wetland habitat found on site (or adjacent to) should be rated using the 2014 Update for the Washington State Wetland Rating System for Eastern Washington (Hruby, 2014). Rating scores will be used to determine the width of the City's required upland buffer surrounding any delineated wetlands per their Critical Areas Code.

Avoidance and minimization (also known as mitigation sequencing) must be demonstrated.

The last part of mitigation sequencing (avoidance, minimization, rectifying/restoring, reducing, and compensation) is the compensation of unavoidable wetland (and buffer) impacts. After mitigation sequencing has been demonstrated, unavoidable impacts must be compensated for. A compensatory mitigation plan was not seen in the submittal.

Any impacts to a Water of the United States requires coordination and authorization from the U.S. Army Corps of Engineers (Corps). Ecology recommends coordination with the Corps. If any onsite waters are determined to be non-federally regulated waters, coordination with the Department of Ecology would be necessary prior to impacting a Water of the State.

Ecology recommends the County request demonstration of mitigation sequencing, including avoidance, minimization and compensatory mitigation. Mitigation for impacts to the offsite wetland buffers should be required as well.

Typical mitigation ratios for buffer impacts are 1:1, impact to creation.

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Please contact **Lori White**, Wetland Specialist, at lori.white@ecy.wa.gov with any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads "Gwen Clear". The signature is written in a cursive, flowing style.

Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509) 575-2012
crosepa@ecy.wa.gov