



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490



June 2, 2008



Your address
is in the
**Upper
Yakima**
watershed

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

Dear Ms. Moynihan:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the F & G Performance Based Cluster Plat, proposed by Cool Water, LLC and Fortune Creek, LLC [LP-08-09]. We have reviewed the documents and have the following comments.

Air Quality

The proponent may need to obtain a burn permit from Ecology if they plan to remove trees or debris from the land. Only natural unprocessed vegetation may be burned in an outdoor fire.

Due to the dry conditions of our region, we are reminding people that extra efforts are needed to control blowing dust and dirt. The proponent should create a site-specific Fugitive Dust Control Plan (FDCP) before starting this project, and then follow the plan for construction of the project and duration of activity on property. The FDCP should include, but is not limited to, the following components:

- Identify all potential fugitive dust emission points.
- Assign dust control methods.
- Determine the frequency of application
- Record all dust control activities.
- Train personnel in the FDCP.
- Shut down during windy conditions.
- Follow the FDCP and monitor dust control efforts.



Ms. Moynihan
June 2, 2008
Page 2 of 3

Washington Administrative Code (WAC) 173-400-040 requires that reasonable precautions be taken to prevent dust from leaving the site. Also, dust is prohibited from interfering unreasonably with the use and enjoyment of property, causing health impacts, or damaging property or business.

Water Resources

The checklist states water will be provided to this project via a Class A water system, including the transfer of water rights. No water right records or water right changes associated with this project were found in the Central Regional Office. **Please provide Ecology with additional information regarding the transferring of water rights for this project.**

Furthermore, Ecology believes this project is related to a proposal (CU 08-05) originally submitted in March 2008, and both projects, in combination, would require water rights.

If you have any questions concerning the Water Resources comments, please contact Breean Zimmerman at (509) 454-7647.

Shorelands/Environmental Assistance

It appears from aerial photo review that there may be wetlands associated with the stream corridors on site. There may be wetlands in the adjoining property to the south as well. The presence of cedar trees as indicated in the checklist are often found in wetland areas. Both streams and wetlands are considered to be critical areas. If wetlands or streams are present on site, lot lines should be drawn to assure that each approved lot will not need a variance from Critical Areas Ordinance (CAO) standards/buffers in order to be developed. Residential lots are considered to be high intensity development with respect to determining how big buffers should be to protect their functions. Therefore, maximum buffers sizes based on best available science should be applied between high intensity uses and adjacent wetlands. Also, streams should not be re-routed to accommodate the placement of lots or roads.

Any activities (clearing, grading, draining, or filling) affecting critical areas also requires state and possibly federal review and authorization **prior to** the activity under state and federal water quality statutes. (90.48 RCW, WAC 173-201A, Section 404 of the Clean Water Act. JARPA application forms for projects that affect aquatic resources are available on line at www.ecy.wa.gov. Please contact Cathy Reed at (509) 575-2616 if there are questions about these comments.

Ms. Moynihan
June 2, 2008
Page 3 of 3

If you have any questions concerning the Shorelands/Environmental Assistance comments, please contact Catherine Reed at (509) 575-2616.

Water Quality

Project Greater-Than 1 Acre with Potential to Discharge Off-Site

An 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 more than one acre of disturbed ground. This permit requires that the SEPA checklist fully disclose anticipated 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 Bryan Neet at the Dept. of Ecology, (509) 575-2808, with questions about this permit.

Sincerely,



Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509) 575-2012