Lindsey Ozbolt

From: Nelson, Jennifer L (DFW) <Jennifer.Nelson@dfw.wa.gov>
Sent: Wednesday, February 28, 2018 10:43 AM
To: Lindsey Ozbolt; White, Lori (ECY); Kirsten Sackett (sackettk@ci.ellensburg.wa.us); Craig Jones (jonesc@ci.ellensburg.wa.us); Karen Hodges
Cc: Mark Cook; John Marvin
Subject: RE: PD-16-00001 Commons At Dry Creek - Wetland Reconnaissance
Attachments: Aug 2017 WDFW comments MDJ updated rezone and Long plat.pdf; WDFW_comments and figures_MDJ_rezone_and_long_plat_May2017.pdf

Lindsey,
The wetland reconnaissance report does not seem to address the request for a wetland delineation and seems insufficient.

The comments and photos WDFW submitted in May 2017 for this proposal (and attached again) clearly indicate this parcel is inundated with surface water (perhaps annually, but definitely in 2009, 2016, and 2017). In addition, the draft flood models produced by Kittitas County Public Works for the Wilson/Naneum/Cherry Assessment clearly show water flooding this parcel from the Whiskey drainage and not the Currier Creek basin. The image for this flood model is included in our August 2017 letter that is attached again and on the County's website.

We have provided irrefutable evidence of the very real flood risks associated with this property and the associated significant environmental impacts that would result from the development as proposed. WDFW still believes an EIS is warranted for this proposal unless the plans are revised to avoid/mitigate the impacts described in our previous letters that have yet to be addressed.

Jennifer Nelson
Washington Department of Fish and Wildlife
Habitat Program
201 North Pearl Street
Ellensburg, WA 98926
(509) 962-3421 Office
(509) 961-6639 Mobile

From: Lindsey Ozbolt [mailto:lindsey.ozbolt@co.kittitas.wa.us]
Sent: Thursday, February 15, 2018 9:48 AM
To: White, Lori (ECY) <lowh461@ECY.WA.GOV>; Nelson, Jennifer L (DFW) <Jennifer.Nelson@dfw.wa.gov>; Kirsten Sackett (sackettk@ci.ellensburg.wa.us) <sackettk@ci.ellensburg.wa.us>; Craig Jones (jonesc@ci.ellensburg.wa.us) <jonesc@ci.ellensburg.wa.us>; Karen Hodges <karen.hodges@co.kittitas.wa.us>
Cc: Mark Cook <mark.cook@co.kittitas.wa.us>
Subject: PD-16-00001 Commons At Dry Creek - Wetland Reconnaissance

All,

Attached is the most recent Wetland Reconnaissance performed by Land & Water Solutions, LLC for Commons at Dry Creek PUD and Plat received by Kittitas County CDS on January 30, 2018.

This document was submitted in response to the County's request for additional information dated August 31, 2017, also attached for your reference.

Please review and provide your comments by **5:00pm, Friday, March 2, 2018.**

Best,

Lindsey Ozbolt
Planning Official
Kittitas County Community Development Services
411 N. Ruby St., Suite 2 | Ellensburg, WA 98926
(509) 962-7046 | lindsey.ozbolt@co.kittitas.wa.us

State of Washington
DEPARTMENT OF FISH AND WILDLIFE
South Central Region • Ellensburg District Office • 201 N. Pearl St, Ellensburg, WA 98926
Telephone: (509) 962-3421 • Fax: (509) 575-2474

August 11, 2017

Dusty Pilkington
Kittitas County
Community Development Services
411 N. Ruby Street; Suite 2
Ellensburg, WA 98926

RE: WDFW comments on PD-16-00001 and LP-17-00004 MDJ Rezone and Long Plat near Currier Creek (Commons at Dry Creek)

Dear Mr. Pilkington,

The revised and updated proposed rezone and long plat (PD-16-00001 and LP-17-00004 MDJ) to create 34 new homes and associated infrastructure still does not address the probable significant environmental impacts associated with its approval and construction. Approval of this rezone and long plat as designed will result in additional homes and streets flooding and the desire to confine flood flows. Flood control features would damage critical areas and the fish and wildlife that depend on wetlands, floodplains, and the Currier Creek corridor. The proponents of this development and Kittitas County should demonstrate that there is no net loss of flood conveyance or storage and that the proposed development will not result in increased velocities that become more damaging to infrastructure or fish habitat as it reenters Currier Creek.

Washington Department of Fish and Wildlife (WDFW) submitted concerns with this proposal in our May 23, 2017 letter with attachments; most of which have not yet been addressed. There is physical evidence supporting the presence of flood waters on this parcel on a regular basis and there is no acknowledgement or plans to address or otherwise mitigate these flood risks with the updated proposal. The Draft 2D Hydraulic Model produced as part of the Wilson/Naneum/Cherry Watershed Assessment for this location shows flood waters present in the swale up to about one foot deep (Figure 1) and is confirmed by the aerial and ground based photographs we previously submitted.

WDFW recommends an Environmental Impact Statement that includes detailed hydraulic modeling prior to approval of the rezone (PD-16-00001) and long plat (LP-17-00004) to address the significant environmental impacts likely to occur with this development as proposed.

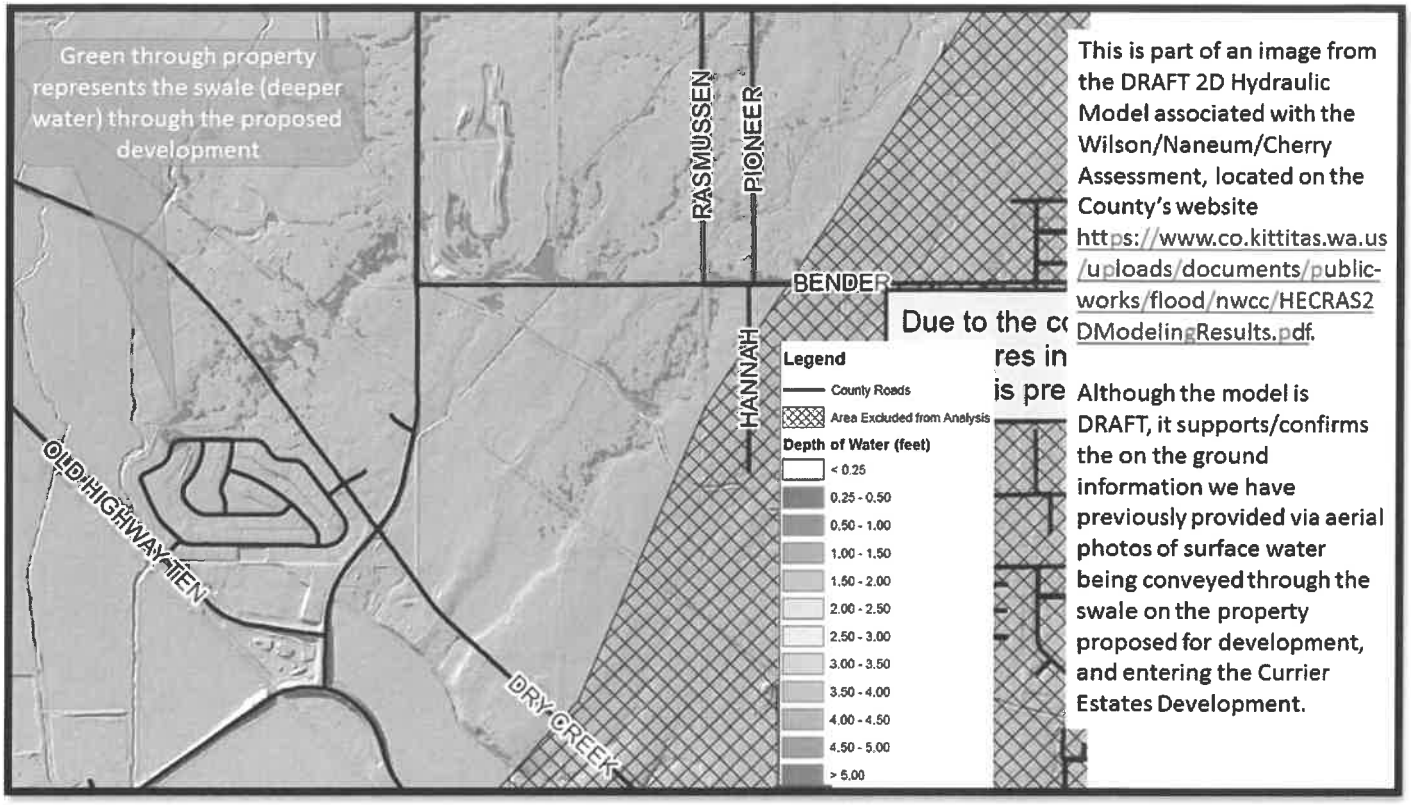

Figure 1. This image is taken from the draft 2D flood model available on the County's website https://www.co.kittitas.wa.us/uploads/documents/public-works/flood/nwcc/HECRAS2DModelingResults.pdf with notes added by WDFW.

We appreciate the opportunity to comment and work with the proponents to meet their needs. Please feel free to contact me at (509) 962-3421 or Jennifer.nelson@dfw.wa.gov if you have any questions about these comments.

Sincerely,

Jennifer Nelson

Jennifer Nelson
Area Habitat Biologist

State of Washington
DEPARTMENT OF FISH AND WILDLIFE
South Central Region • Ellensburg District Office • 201 N. Pearl St, Ellensburg, WA 98926
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May 23, 2017

Dusty Pilkington
Kittitas County
Community Development Services
411 N. Ruby Street; Suite 2
Ellensburg, WA 98926

RE: WDFW comments on PD-16-00001 and LP-17-00004 MDJ Rezone and Long Plat near Currier Creek

Dear Mr. Pilkington,

The proposed rezone and long plat (PD-16-00001 and LP-17-00004 MDJ) to create 35 new homes and associated infrastructure is located near Currier Creek and its associated floodplain. The parcel for the proposed development is largely covered by a wetland according to Kittitas County's critical area mapping and a topographic swale is visible with the LIDAR imaging available from Kittitas County. WDFW has documented water in this swale flowing toward the Currier Creek Estates development immediately south of this proposal on numerous occasions. Water in the swale through the proposed development is generally not overland flow from Currier Creek but it does flow toward Currier Creek and is blocked from joining Currier Creek by an unauthorized berm along the left bank of Currier Creek within the Currier Estates development. (Annotated photos are attached.)

The parcel proposed for development is not mapped within the FEMA floodplain, but local knowledge and photographs indicate that surface water is present on the parcel on a regular basis. The proposed development should be planned to ensure there is no net loss of floodplain conveyance or storage and to ensure that surface waters are not confined such that velocities increase and become more damaging to infrastructure or fish habitat as it reenters Currier Creek. Floodplain capacity is already limited to the extent that many nearby properties and downstream properties already flood. Further reduction of floodplain storage or an increase in peak flows could exacerbate flooding problems in Currier Estates, at the west interchange with I-90, and in West Ellensburg.

Washington Department of Fish and Wildlife (WDFW) has been working cooperatively with partners for several years to restore salmon and steelhead populations in the Yakima Basin. Currier Creek is one of the local success stories with returns of steelhead (federally listed as threatened on the Endangered Species List), coho salmon, and spring Chinook salmon returning after barrier removal and habitat enhancement projects. Protection of the riparian corridor and floodplain of Currier Creek will be critical to the continued recovery of anadromous fish in this watershed.

With the information provided to us for review, WDFW believes the proposed development will likely result in the new homes being flooded and increased flood risks to surrounding properties due to reduced floodplain capacity and impacts to wetland habitat. In light of the presence of surface water and potential for floodplain

impacts, an EIS may be warranted. In the very least, WDFW recommends delaying approval both the rezone (PD-16-00001) and long plat (LP-17-00004) until the following reviews and studies have been completed:

- Provide the wetland report referenced in the SEPA documents for public review and comment.
- Require a detailed study to determine whether or not the proposed development will increase flood risks to surrounding property owners and if the proposed new structures will be flooded. This study should also detail how flows (quantities and velocities) may be altered as they relate to Currier Creek and the fish and wildlife habitat associated with it.
- Require a detailed study to determine if there is a loss of floodplain conveyance and storage. Provide appropriate mitigation if warranted.
- If warranted based upon information from the studies mentioned above, reduce the lot density to allow for more floodplain storage. This may include enhancing wetland habitat within the proposed open space areas.

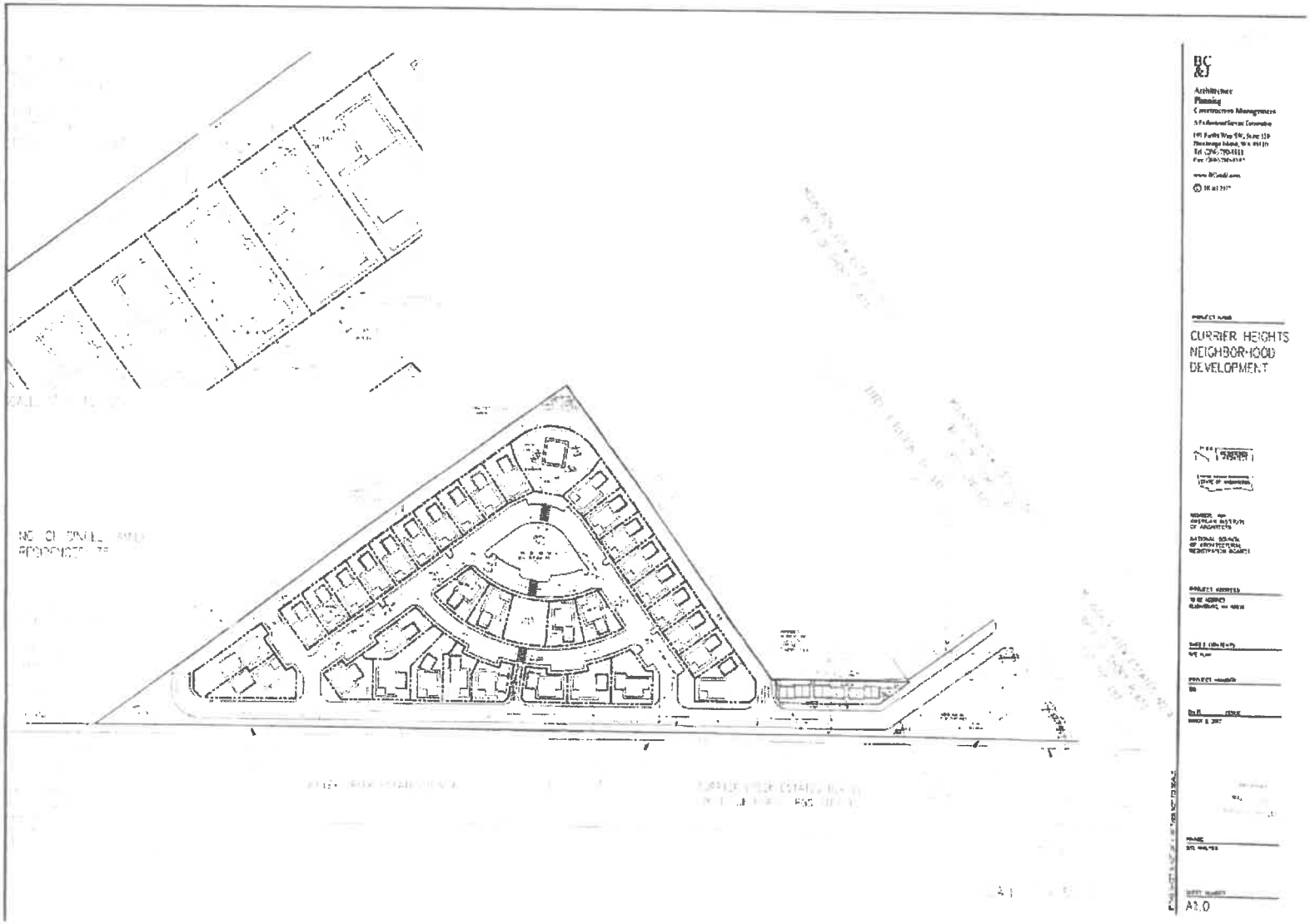
We appreciate the opportunity to comment and work with the proponents to meet their needs. Please feel free to contact me at (509) 962-3421 or Jennifer.nelson@dfw.wa.gov if you have any questions about these comments.

Sincerely,

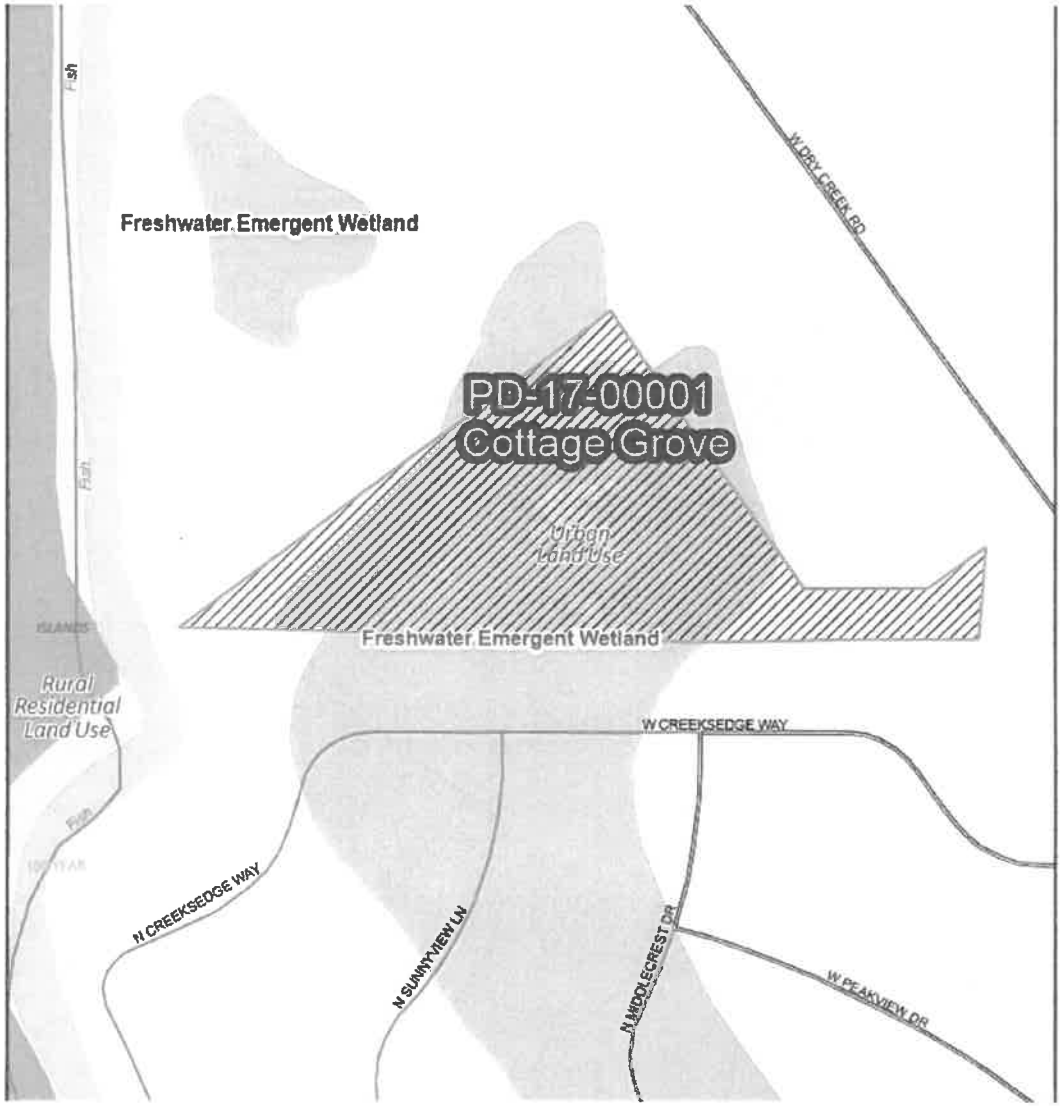
Jennifer Nelson

Jennifer Nelson
Area Habitat Biologist

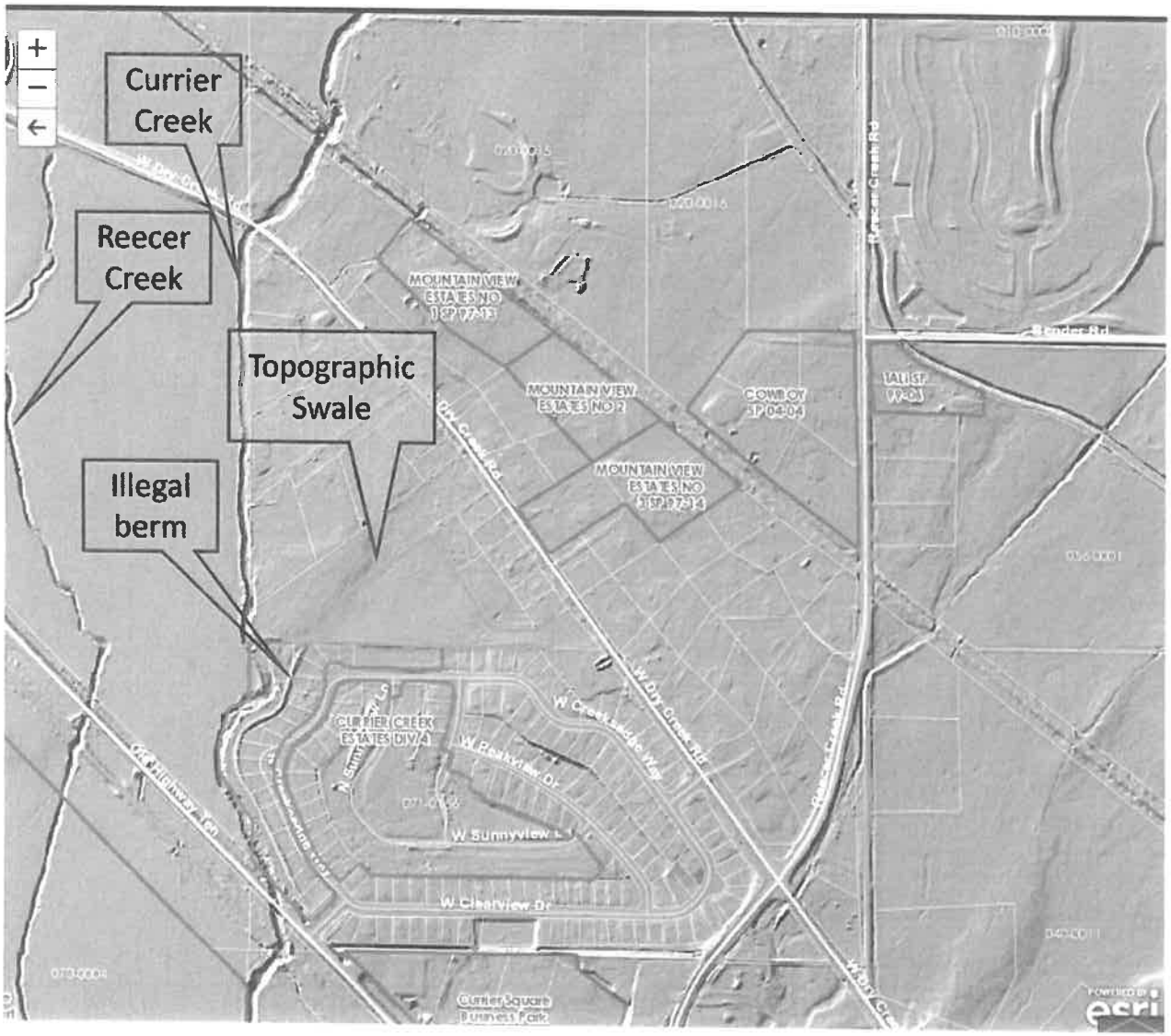
Enclosures: Annotated Photographs



This is the proposed rezone and long plat for MDJ-Cottage Grove/Currier Heights. Currier Creek Estates is located immediately south of this development and homes along Creeks Edge Way already experience flooding.



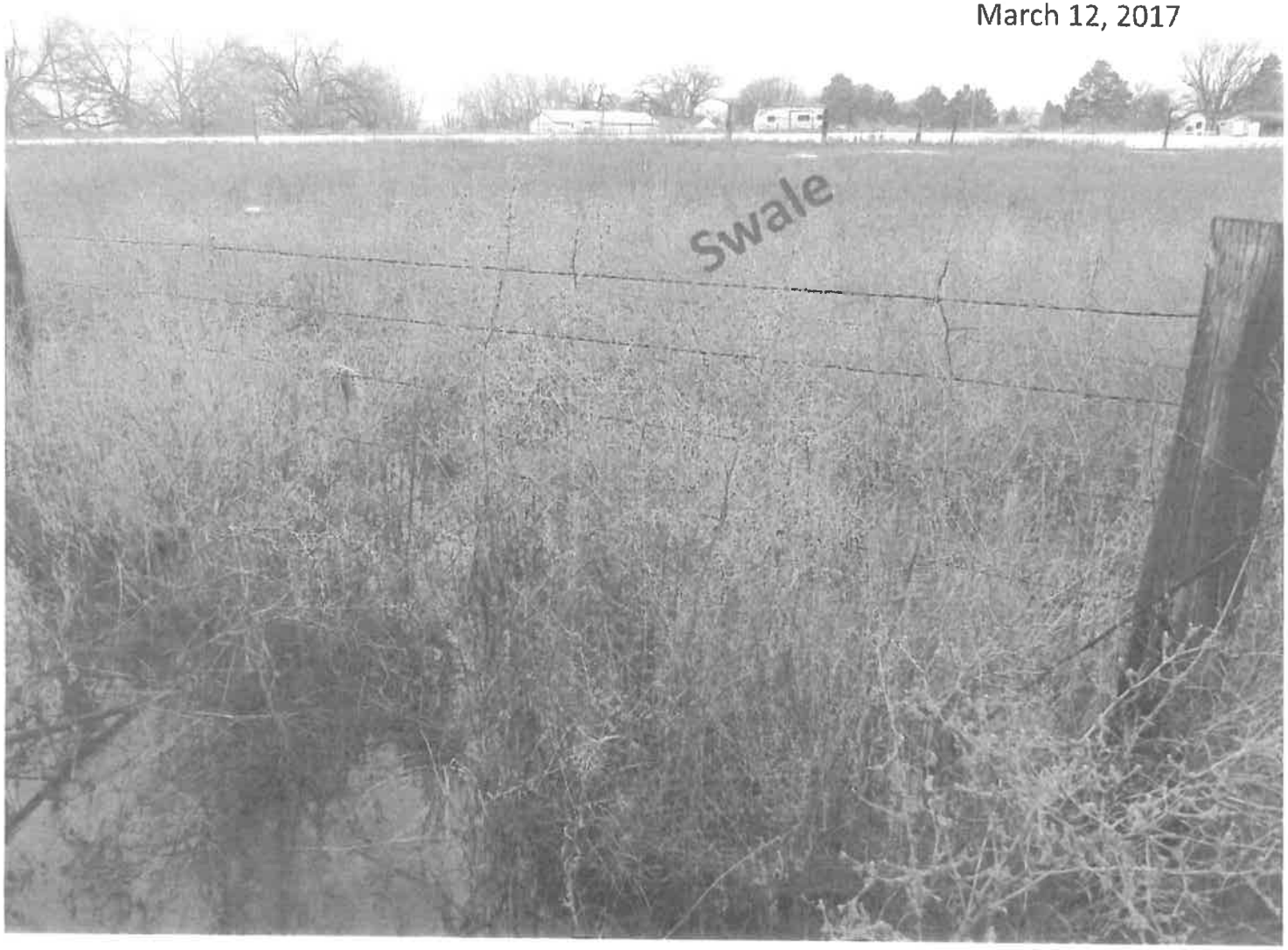
This image of the critical areas from the County's application materials shows a wetland covering nearly the entire parcel where development is proposed. The SEPA checklist references a wetland report completed in 2014, but it has not been made available for review or comment.



The County's LIDAR shows a swale running along the parcel proposed for development (highlighted here in orange). The swale leads to the Currier Creek Estates development and the unauthorized berm along the left bank of Currier Creek.

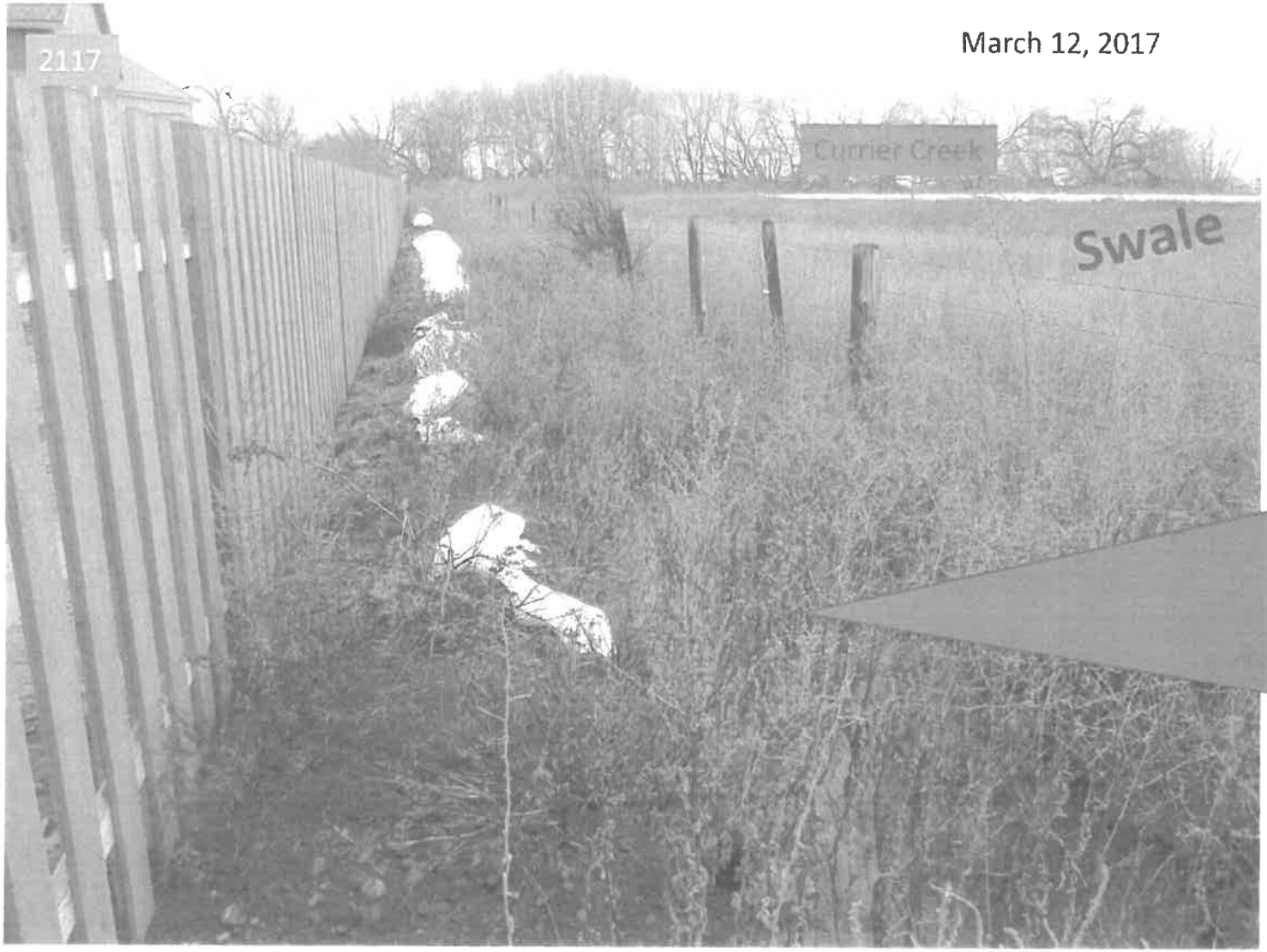
These 2 houses flooded while under construction in February 2016. Flood waters came from the swale on the property north of them (where the current development is proposed) and not overland flows from Currier Creek.

March 12, 2017



This photo was taken on March 12, 2017 from the northern most extent of 2115 Creeksedge Way in the Currier Creek Estates development. This photo is looking north onto the property currently proposed for development. The surface water is difficult to see through the vegetation, but the location of surface water can also be determined by looking at snow on the surrounding properties that do not have surface water present. Currier Creek is in the background of this photo (where the tall trees are).

March 12, 2017



Trench behind homes on Creeksedge Way (2115 & 2117) runs perpendicular to Currier Creek and the swale through the proposed MDJ development. Presumably this trench was constructed to capture surface waters from the swale and reroute to Currier Creek, but there is too much water for the trench to convey.

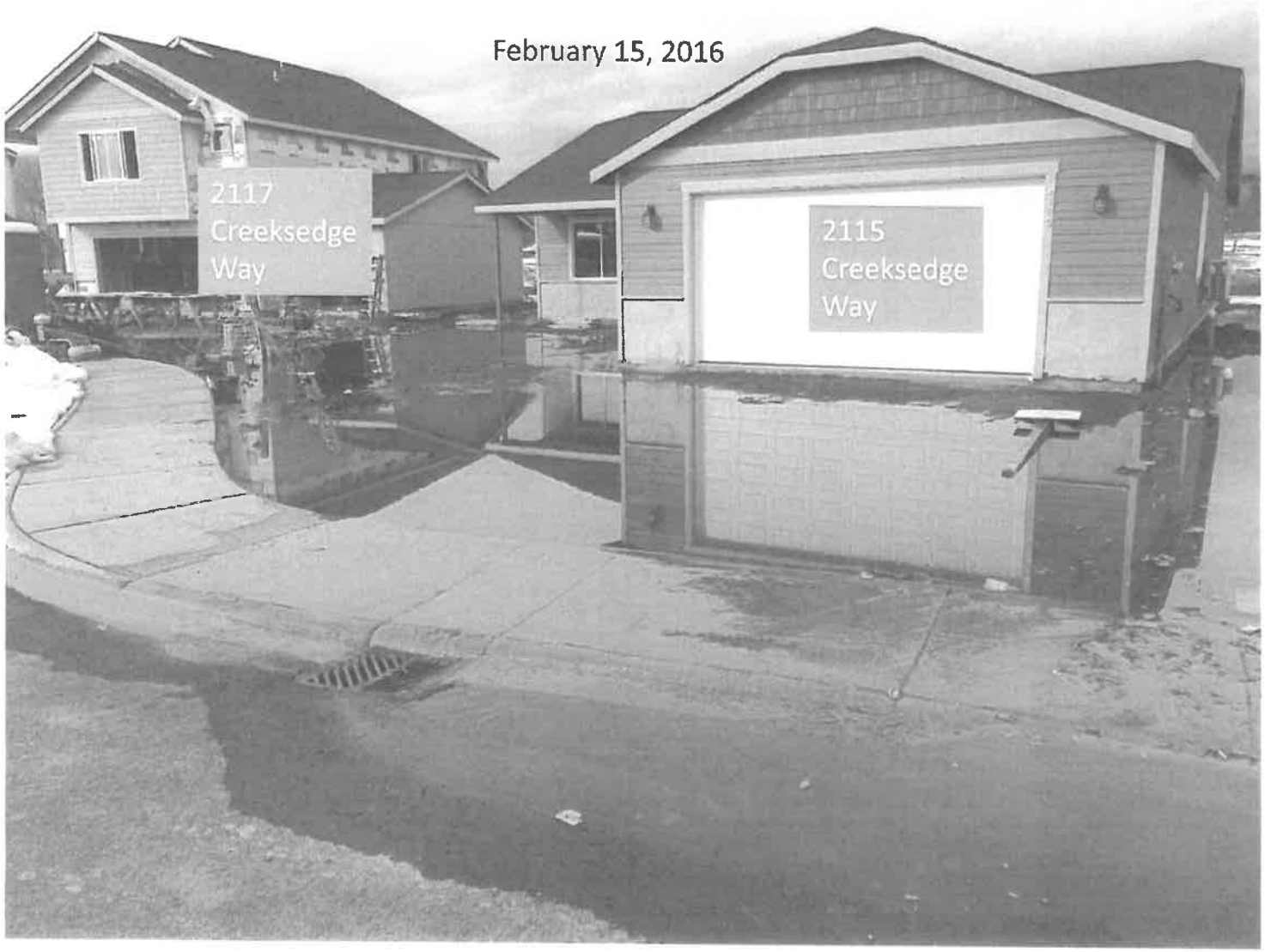
March 14, 2017

Properties on Creeksedge Way (2115 and 2117) that experienced flooding from the swale in March 2017. The trench north of their properties was at full capacity and overtopping into their property.


2115
Creeksedge
Way
2117
Creeksedge
Way
March 13, 2017

Properties on Creeksedge Way (2115 and 2117) that experienced flooding from the swale in March 2017. The trench north of their properties was at full capacity and overtopping into their property toward Creeksedge Way in the Currier Creek Estates development.

Properties on Creeksedge Way (2115 and 2117) also experienced flooding from the swale in February 2016 while they were still under construction. This flood water was not the result of Currier Creek overtopping its banks.



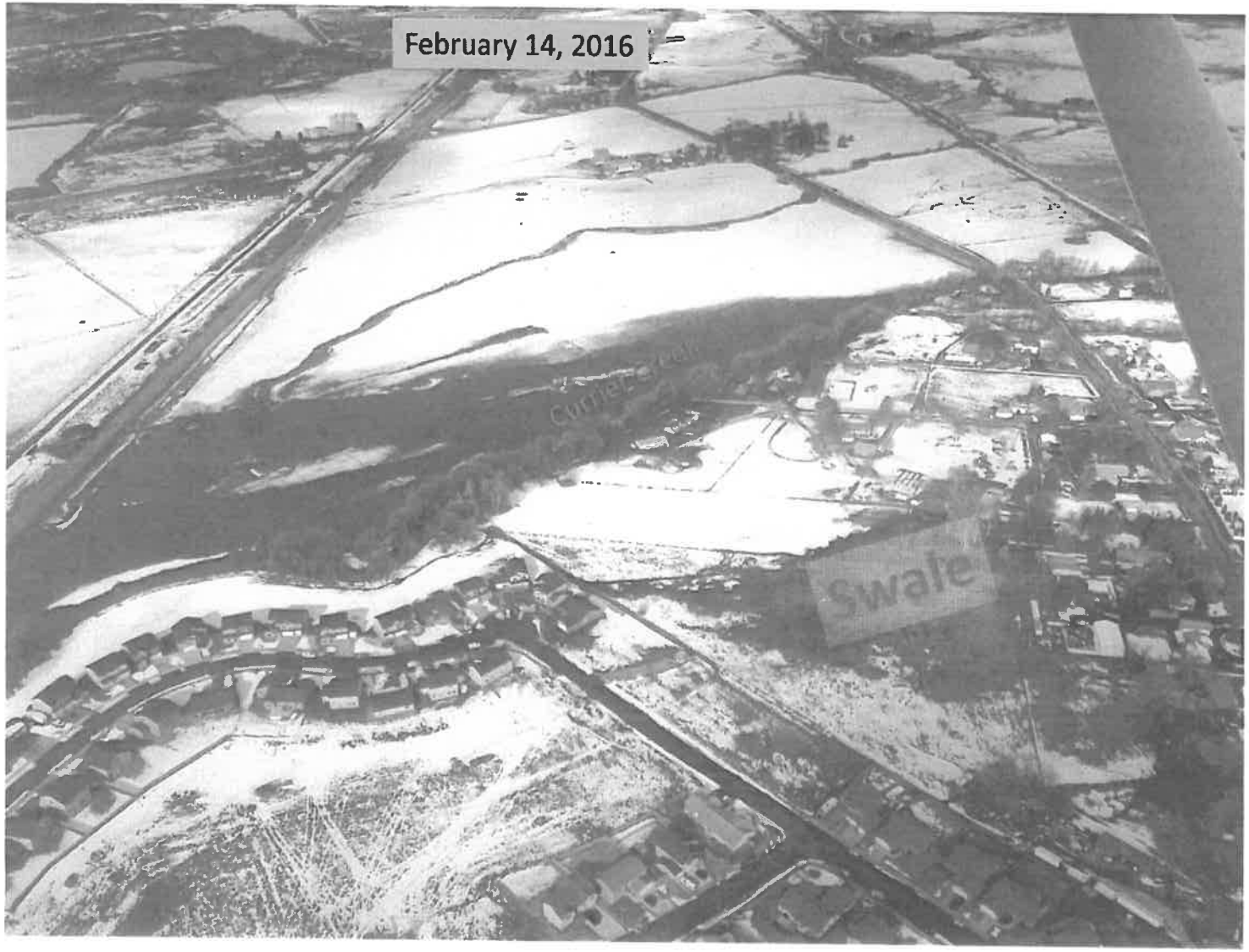
Properties on Creeksedge Way (2115 and 2117) also experienced flooding from the swale in February 2016 while they were still under construction. This flood water was not the result of Currier Creek overtopping its banks.

February 15, 2016

Properties on Creeksedge Way (2115 and 2117) also experienced flooding from the swale in February 2016 while they were still under construction. This flood water was not the result of Currier Creek overtopping its banks.


February 15, 2016
2115
Creeksedge
Way
Swale

This is an aerial photo of the Currier Creek Estates development and the MDJ proposed development shortly after the peak of the January 2009 flood event. Areas that do not have snow, were inundated with surface water during the peak. You can see that the swale on the MDJ property flows southwest toward Currier Creek prior to construction of the unauthorized berm and Phases 3 & 4 of Currier Creek Estates.



This aerial photo from February 2016 clearly shows the flooding that occurred at 2115 and 2117 Creeksedge Way in the Currier Creek Estates Development came from the swale on the MDJ property and not overland flow from Currier Creek. The snow covered ground clearly shows where surface water was not present during this event and much of the MDJ parcel proposed for development is snow free—indicating it was inundated to some extent with surface water, similar to the 2009 event.

February 14, 2016


February 14, 2016
Currier Creek
Swale
2115 Creeksedge Way flooding
while under construction

State of Washington
Department of Fish and Wildlife
South Central Region – Ellensburg District Office, 201 North Pearl, Ellensburg, WA 98926
Phone: (509) 925-1013, Fax (509) 925-4702

August 2, 2010

Dan Valoff, Planner
Kittitas County Community Development Services
411 North Ruby Street, Suite 2
Ellensburg, Washington 98926

Subject: SEPA, **Application for Long Plat – Reinstatement of the Currier Creek Estates project adjacent to Currier Creek, North of Highway 10 near Ellensburg, Sections 27 and 28, T18N, R18E**

Dear Mr. Valoff:

Washington Department of Fish and Wildlife (WDFW) provided comments on the original SEPA for the Currier Creek Estates plat in 2003, and worked with the developers and the county to incorporate a stream buffer along Currier Creek in the design and the final SEPA determination. With the addition of the buffer and floodplain protections, WDFW concurred with the county's SEPA MDNS with regards to the mitigation for fish and wildlife associated with Currier Creek, including the impacts to the floodplain and in-stream habitat.

A review of the application to reinstate the plat reveals that a levee has been constructed along Currier Creek. I have attached an image from the county GIS data which plainly shows the levee along the creek. A levee was not proposed as part of this project nor was it a subject of the project's SEPA review. The levee will reduce floodplain conveyance and storage, and direct additional flood water onto adjacent properties. In response to this Currier Creek Estates levee, adjacent property owners will feel compelled to construct additional levees and place floodplain fill west of Currier Creek as well as upstream of the Currier Creek Estates plat. In addition, any portion of the Currier Creek Estates levee within the stream buffer will degrade the buffer, converting the affected plant community from a comparatively moist, riparian site to a droughty, weedy site which is difficult to restore.

Floodplain Issues – updated information
As we noted in our 2003 comments, the development should be designed such that there is no net loss of floodplain storage. A net loss of floodplain storage or a reduction in floodplain conveyance area would increase the velocity and/or peak flow in the creek, increase the probability of damage to the channel and fish habitat as well as adversely impact properties downstream. I also note that Ellensburg currently has inadequate flood flow conveyance and

flooding of West Ellensburg from Currier and Reecer Creeks is a chronic problem. A net loss of floodplain storage or an increase of peak flow would exacerbate flooding problems within the city.

I have attached a picture of the FEMA floodplain map of the site and some annotated photographs taken during the January 2009 flood as flood waters were receding. Note that the unauthorized Currier Creek Estates levee is visible in the photograph. Note also that the floodplain map does not correctly show the area inundated by floods and that portions of most of the Currier Creek Estates lots west of Creekside Way were inundated with water.

Update Regarding Currier Creek and Fish

The man-made barriers to fish migration referenced in our November 3, 2003 letter have recently been removed. In addition to resident fish such as rainbow trout, Currier Creek now provides habitat for juvenile spring Chinook salmon and coho salmon. Early data on survival of juvenile coho salmon indicates that Currier Creek provides good rearing conditions and is very productive. The number of adult Coho Salmon returning to spawn in the Reecer-Currier watershed has been increasing. Steelhead, remain listed as a Threatened Species under the federal Endangered Species Act. Steelhead numbers in the Upper Yakima Basin are still low but steelhead juveniles should be presumed to be present in Currier Creek. Juvenile steelhead look identical to the juvenile rainbow trout seen in the creek.

Tributary streams like Currier Creek provide important areas for the rearing of juvenile salmon and steelhead. Because of the unnatural way flows are managed in the Yakima River for irrigation purposes, the importance of tributary streams is magnified, as these streams provide favorable juvenile rearing habitat in short supply in the Yakima River.

Recommendations and Requests

From our review of the plat and current information, we have the following requests and recommendations:

1. We request the Stream Riparian Buffer be recorded on the plat and specific CC&R's be instituted to ensure the stream buffer is retained in a properly functioning natural state. The checklist notes that all construction shall be more than 100 feet from the ordinary high water line of Currier Creek, but it is not clear whether the developer will allow property owners to clear or fill the streamside. (Kittitas County does not have a grading and fill ordinance.) Currier Creek is temperature sensitive so trees and shade are important. The riparian buffer area should be retained in natural vegetation which includes native trees and shrubs that shade the water. Restoration of in-channel and shoreline habitat should be encouraged.

2. We request that as a condition of reinstating the plat, the Currier Creek Estates levee be removed and all disturbed areas in Tract A be revegetated prior to April 30, 2011.

3. We recommend that in light of the new information available about the accuracy of the

floodplain mapping, Kittitas County and the developer reconsider the lot density west of Creekside Way and the suitability of the lots.

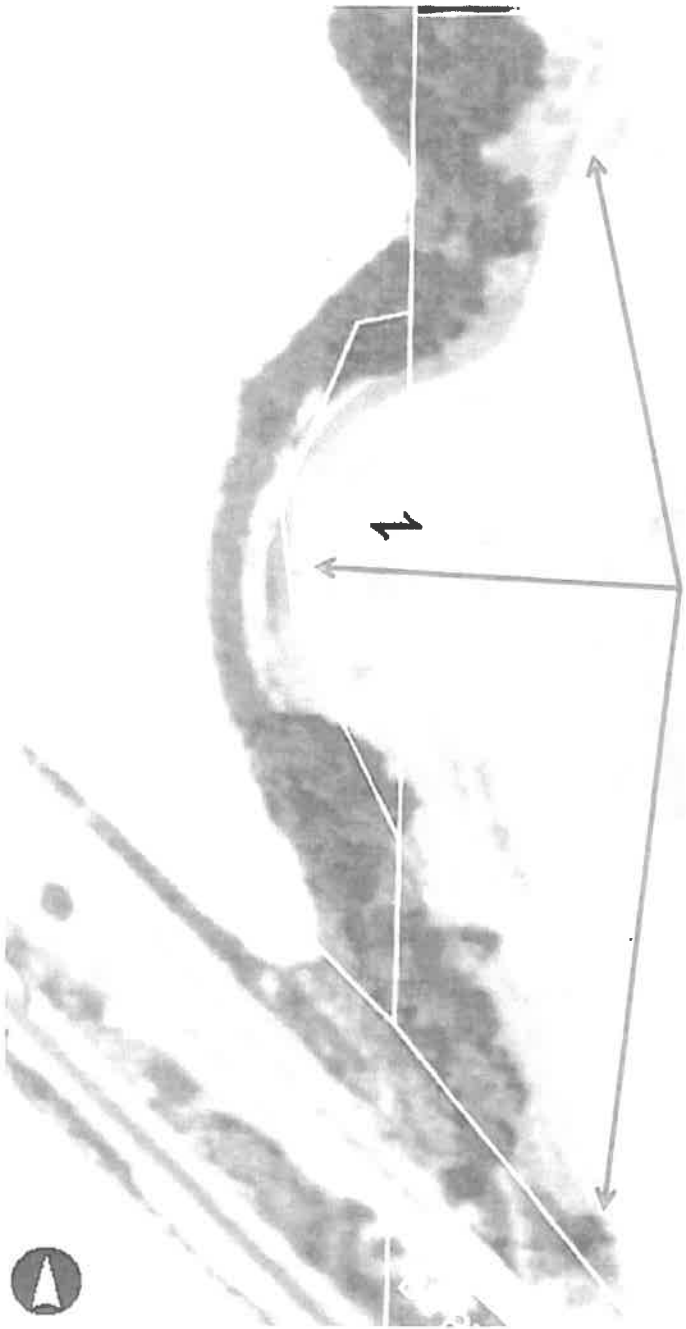
4. If the county determines that it is suitable to develop all of the lots west of Creekside Way as shown on the original plat map, we recommend:
   a) Kittitas County require flood-proofing of these dwellings.
   b) Kittitas County establish updated dwelling elevation requirements.
   c) Kittitas County and the developer, in consultation with WDFW, consider re-grading a portion of the stream bank and buffer (tract A) so as to increase the stream channel capacity of the creek and use the resulting earthen material to raise the elevation of an eastern portion of each lot facing Creekside Way (i.e. raise the elevation of the building envelope available for each dwelling).

Thank you for the opportunity to review and provide comments on this project. If you have questions or need additional information, please contact me at 509-925-1013.

Please keep us apprised of the status of this project.

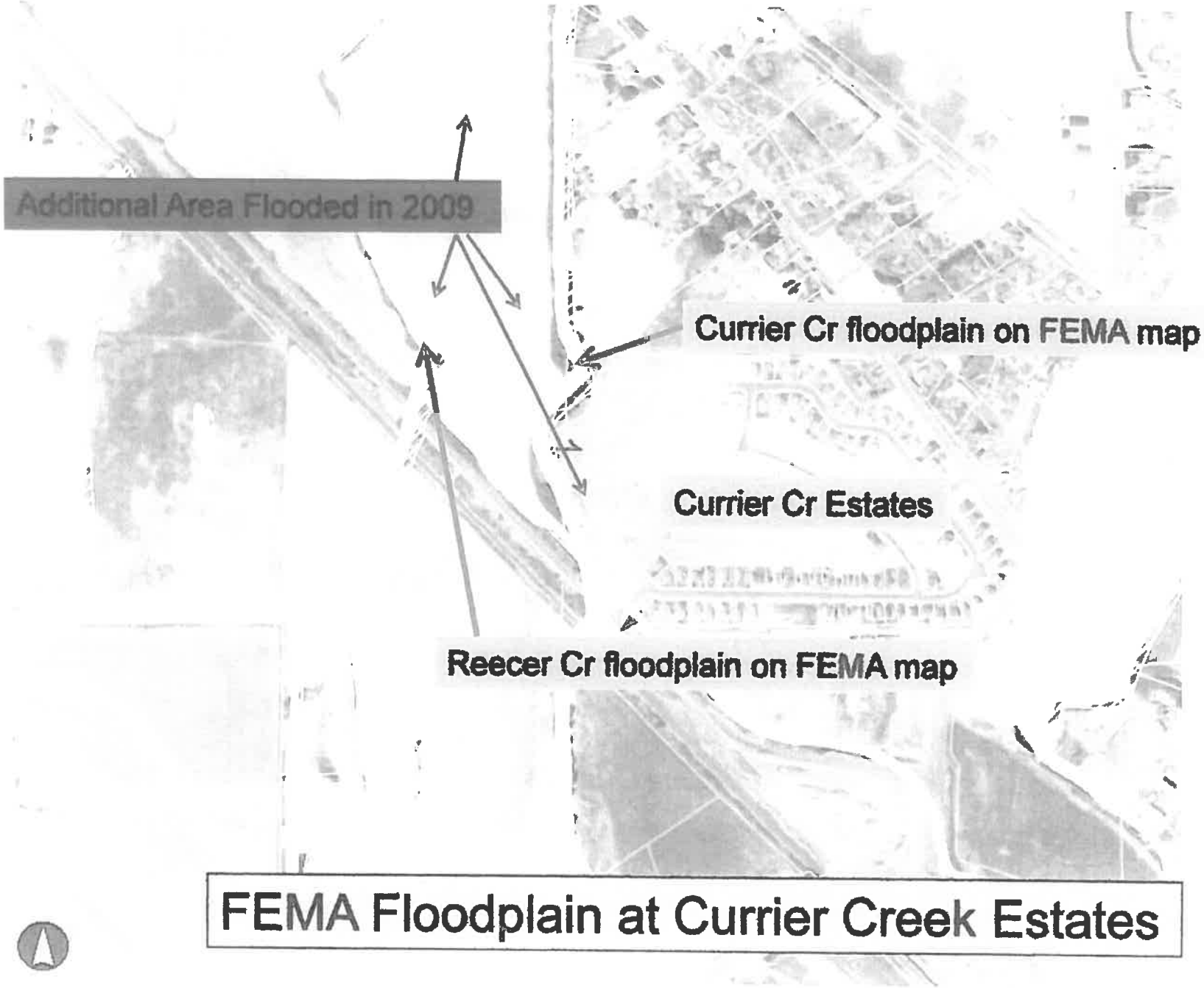
Sincerely,

Brent D. Renfrow
District Habitat Biologist

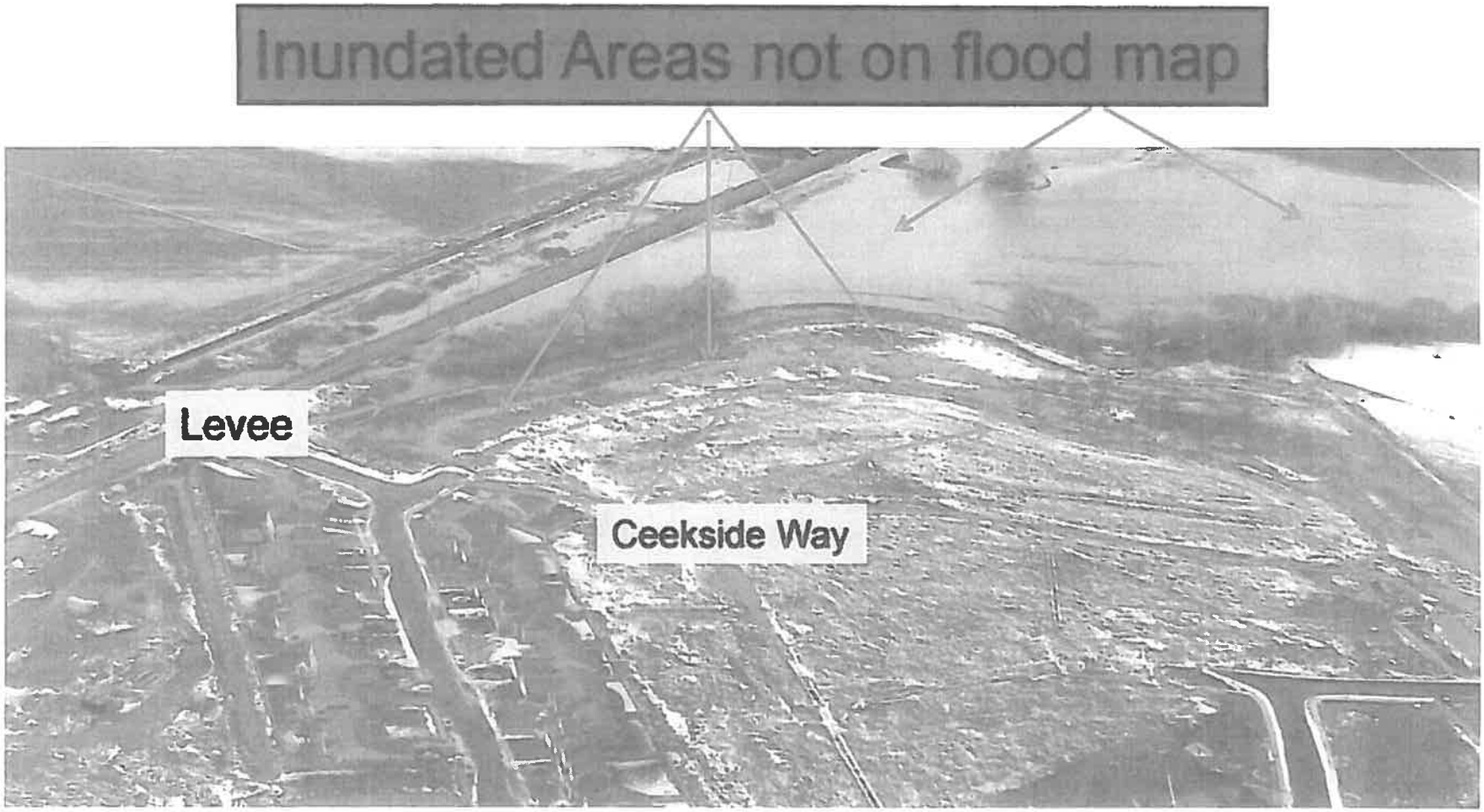


Levee constructed along Currier Creek

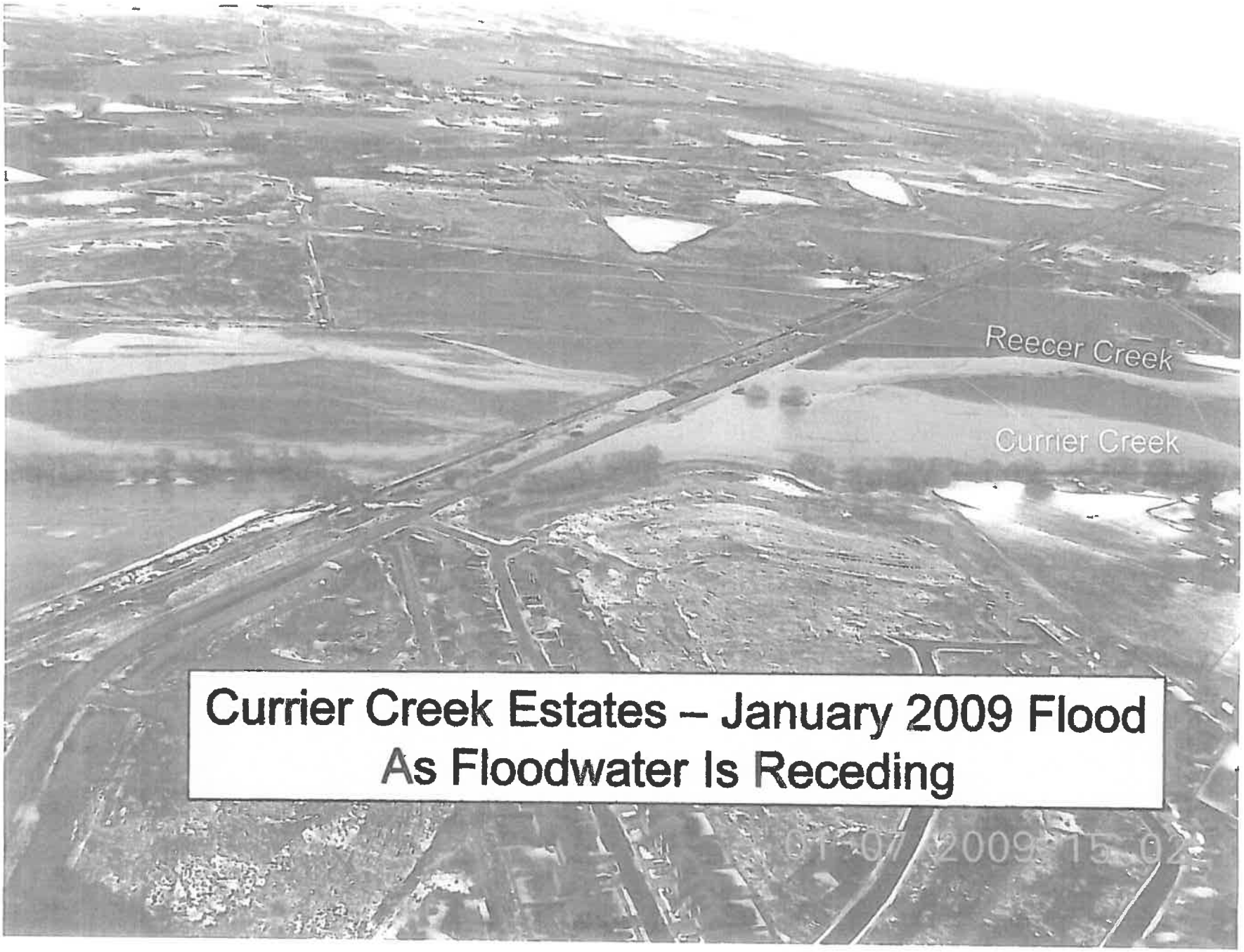
Currier Creek Estates



FEMA Floodplain at Currier Creek Estates



Currier Creek Estates Looking west
January 2009 Flood



Currier Creek Estates – January 2009 Flood
As Floodwater Is Receding