



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

August 29, 2006



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

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

Dear Ms. Valencia:

Thank you for the opportunity to comment on the pre-threshold determination for the Ranch on Swauk Creek rezone and preliminary plat into 14 lots, proposed by Ranch on Swauk Creek, LLC and Cle Elum Pines, LLC [P06-27]. We have reviewed the environmental checklist and have the following comment.

Shorelands/Environmental Assistance

More information is needed about the current condition of riparian and wetland resources and how the development will affect them. Information about potential impacts to wetlands and the stream corridor from change of water use (from surface to groundwater, how will water distribution occur, will existing well(s) be used), stormwater runoff, road locations, and recreational trail systems needs to be included. A conceptual plan for each parcel should be shown on the site map. Roadways, trails, and storm water treatment infrastructure / methods should also be shown on a map and described for each phase. The probable location of the Community Center should be described. If details are not available at this time, then additional SEPA review should occur for portions of the project as the information becomes available, and a condition should be placed on the DNS to require that to occur.

There is mention that fill will be provided for road needs by excavating areas which will turn into ponds. Ponds will not form without the presence of shallow groundwater. The borrow pit areas should be identified on a site map or the DNS conditioned so that these activities will not occur within Critical Areas or their protective buffers.

The checklist mentions in the Water impact section (page 5) that there will be four crossings of wetlands associated with Swauk Creek. The size, kind (bridges, fords, fill, etc), and location of crossings should be shown on the site maps and described in more detail in the text.

The checklist mentions that a Forest Practice Application exists for the project. A brief description of type of harvest and a map showing the areas of harvest should be provided since



the reference number of the Forest Practice Application was not provided. Will all the roadways required for timber harvest (more than 3.5 miles worth as described in the checklist) remain in place to access development or will they be abandoned?

Information in the checklist seems to indicate that the open space set aside will be managed as it has in the past – as a ranching and farming activity. Are there any plans to replant or enhance buffers in areas along Swauk Creek that are currently under agricultural use? There is a statement that enhancement of Swauk Creek *could also include fish enhancement measures* (emphasis added) but there are no descriptions or plans provided with the document which document the need for such activity or which show the extent of the improvements anticipated.

If you have any questions concerning the Shorelands/Environmental Assistance comments, please contact Catherine Reed at 509.575.2616.

Water Resources

In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, industrial purposes, stock watering or for the irrigation of up to one-half acre of lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.

On March 28, 2002 the Washington State Supreme Court ruled that the RCW 90.44.050 permit exemption does not apply where a developer of a residential subdivision proposes multiple wells to serve each lot in the development if in combination, the withdrawal will exceed the exemption criteria.

With the Supreme Court's guidance on the limitations of groundwater exemptions, all 14 lots would be covered by a single groundwater exemption. To comply with the 5,000 gallon per day limit, Ecology recommends metering the wells for this development. To comply with irrigating a total of 0.5 acres of lawn and garden, Ecology recommends requiring property covenants for each lot to limit the amount of the lawn and garden to be irrigated so it adds up to the maximum allowable acreage.

The proposed initial **14 lots** may not be classified as a Group B water system if 25 or more people are being served. It is likely that over 25 people will live in this proposed development with 14 lots. Ecology recommends that the County coordinate with the Washington State Department of Health on the requirements of a Group A water system, which will include water conservation requirements, an operators certificate, a water system plan, and other elements.

To comply with the 5,000 gallon per day limit, Ecology recommends metering the wells for this development. To comply with irrigating up to 0.5 acres of lawn, Ecology recommends requiring

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property covenants for each lot to limit the amount of the lawn and garden to be irrigated so it adds up to the maximum allowable acreage.

For well construction, Chapter 173-150 WAC provides for the protection of existing rights against impairment, i.e. interruption or interference in the availability of water, or contamination caused by withdrawal of ground water by a junior water right holder.

All water wells constructed shall be in accordance with the provisions of Chapter 173-160 WAC by a driller licensed in the State of Washington. All wells must be located a minimum of 100 feet from any known, suspected, or potential source of contamination and shall not be located within 1,000 feet of the property boundary of solid waste landfills. A well report must be submitted to the Department of Ecology within thirty days after the completion of a well.

The build-out of 243 lots for this project will require a Group A water System. The applicants refer to being incorporated into the Hidden Valley Water System and applying Senior Water Rights to the project. Any change in water use for existing water rights will require an *Application for Change* with the Department of Ecology. Hidden Valley Water System would also need to be changed to incorporate the new development. The Hidden Valley Water System plan from 2002 only lists one junior surface water right (Court Claim No. 01146 for Bruce Coe). The Yakima River Basin Adjudication Court (Ecology vs. Acquavella No. 77-2-01484-5) issued an Order, Court Docket No. 18638 which in part states that post 1905 water right holders are ordered to cease all diversions while the pro-ratable user receives less than its full entitlement. The Hidden Valley Ranch community domestic right has a priority date junior to the May 10, 1905 pro-ratable water rights.

If you have any questions concerning the Water Resources comments, please contact Kelsey Collins at (509) 575-2640.

Sincerely,



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

