



**STATE OF WASHINGTON**  
**DEPARTMENT OF ECOLOGY**

**Southwest Region Office**  
 PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

September 8, 2022

Robert Maul, SEPA Responsible Official  
 City of Camas  
 Community Development Department  
 616 NE Fourth Avenue  
 Camas, WA 98607

Dear Robert Maul:

Thank you for the opportunity to comment on the mitigated determination of nonsignificance for the Oak Tree Station Project (SEPA22-09) as proposed by Paul Williams. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

**SHORELANDS & ENVIRONMENTAL ASSISTANCE: Meghan Tait, (360) 210-2783**

Thank you for providing the Department of Ecology (Ecology) an opportunity to review and comment on the proposed commercial development, Oak Tree Station. We have the following comments for your consideration.

The SEPA checklist does not adequately identify the potential impacts of the proposal on elements of the environment, especially as it relates to fish and wildlife habitat, water resources, and water quality. Potential impacts must be identified along with appropriate mitigation measures.

The wetland delineation conducted for parcel 176162000 titled *The Thomas Property NW Lake Road & NW Friberg-Strunk Street Wetland Delineation & Assessment* dated November 25, 2019 shows that the majority of the property is encumbered by wetland and wetland buffer.

Any impacts to wetland and wetland buffer habitats require the application of mitigation sequencing and compensatory mitigation. The required mitigation sequencing is avoidance, minimization, and then compensatory mitigation for any unavoidable wetland and wetland buffer impacts associated with a project. See [Ecology's website](#) for more information on avoidance and minimization.

In the event impacts to wetlands and wetland buffers are unavoidable, a compensatory mitigation and monitoring plan must be submitted to the City of Camas for review and consideration, per their Critical Area Code 16.53.030.

The wetlands delineated on this property would be considered waters of the state subject to the applicable requirements of state law (see RCW 90.48 and WAC 173.201A) and possibly

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require a permit under Section 401 of the Clean Water Act (33 USC §1341) and 40 CFR Section 121.2). A local government critical areas permit may also be required.

- Contact the U.S. Army Corps of Engineers (Corps) to determine whether the wetlands on the property are under federal jurisdiction.
- For any wetlands over which the U.S. Army Corps of Engineers does not take jurisdiction, contact Ecology
- For wetlands that the Corps determines are federally jurisdictional, submit a JARPA form to Ecology at [ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov).
- Contact the local government to determine their permit process
- A mitigation plan for unavoidable wetland impacts following the standards in Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance ([Ecology Publication #21-06-003](#)) is required for both federally-regulated and non-federally-regulated wetlands.

Should an individual Corps permit be required, a water quality certification will also be required from Ecology. If the wetland is determined to be not subject to the Corps jurisdiction, it remains a jurisdictional wetland for Ecology and will require permitting by this agency and, potentially, the local jurisdiction in regards to applicable critical areas requirements.

For questions or technical assistance, contact the Wetland Specialist Meghan Tait via email, [meghan.tait@ecy.wa.gov](mailto:meghan.tait@ecy.wa.gov), or phone, 360-210-2783.

#### **SOLID WASTE MANAGEMENT: Derek Rockett (360) 407-6287**

All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from your local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials.

#### **TOXICS CLEANUP: Sam Meng (360) 999-9587**

No confirmed or suspected cleanup sites within a quarter of mile from the project area. No comment. For questions contact Sam Meng with the Toxics Cleanup Program at the Southwest Regional Office at (360) 999-9587.

#### **WATER QUALITY/WATERSHED RESOURCES UNIT: Brian Johnson (360) 624-5741**

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water

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Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Construction Stormwater General Permit:

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres **and** discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more **and** discharge stormwater to surface waters of the State.
  - a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, **and** discharge to surface waters of the State; and
3. Any size construction activity discharging stormwater to waters of the State that Ecology:
  - a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
  - b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted. For additional information on contaminated construction sites, please contact Carol Serdar at [Carol.Serdar@ecy.wa.gov](mailto:Carol.Serdar@ecy.wa.gov), or by phone at (360) 742-9751.

Additionally, sites that discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, or phosphorous, or to waterbodies covered by a TMDL may need to meet additional sampling and record keeping requirements. See condition S8 of the Construction Stormwater General Permit for a description of these requirements. To see if your site discharges to a TMDL or 303(d)-listed waterbody, use Ecology's Water Quality Atlas at: <https://fortress.wa.gov/ecy/waterqualityatlas/StartPage.aspx>.

The applicant may apply online or obtain an application from Ecology's website at: [http://www.ecy.wa.gov/programs/wq/stormwater/construction/- Application](http://www.ecy.wa.gov/programs/wq/stormwater/construction/-Application). Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

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Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology  
Southwest Regional Office

(GMP:202204319)

cc: Meghan Tait, SEA  
Derek Rockett, SWM  
Sam Meng, TCP  
Brian Johnson, WQ