



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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June 17, 2020

Ben Schumaker, Community Development Director
City of Stevenson
Community Development Department
7121 East Loop Road
PO Box 371
Stevenson, WA 98648

Dear Ben Schumaker:

Thank you for the opportunity to comment on the mitigated determination of nonsignificance for the Rock Creek Cove Mixed-Use Hospitality Development Project (SEPA2020-01, SHOR2020-01) as proposed by FDM Development. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

**SHORELANDS & ENVIRONMENTAL ASSISTANCE:
Miranda Adams, Wetlands/Shorelands Specialist (360) 690-7164**

Ecology staff appreciates the applicant's efforts to coordinate with permitting agencies early on during the project design process; the information submitted is an improvement over previous iterations of the proposal. However, it appears that certain aspects of the project may require a shoreline conditional use permit and possibly a shoreline variance from the regulatory agencies.

Please note that there's no legend on Site Plan Sheet C2.0 plan, and it is difficult to discern certain features from one another. Please ensure that the applicant includes a legend for the shoreline permit submittal. In addition, it is preferable to use different colors for the various dashed lines (e.g., 50-foot setback, 33-foot setback, phases, and unidentified lines). It is unclear what the "Type S Buffer" is on this sheet; this needs to be clarified. How will impacts to this buffer be "mitigated off-site" as noted on the plans?

It is unclear what is meant by "landscape improvements" and what areas of the property this includes. Is there an intent to plant along the shoreline and, if so, what types of plants will be used? Shoreline buffer impacts should be mitigated with addition of native plants to prevent and/or minimize future impacts from recreational users along the shoreline; traditional landscaping (e.g. lawn, ornamentals) should not be used as an alternative to providing an ecologically sound, functional shoreline buffer consisting of native vegetation.

It is unclear what is planned for the “observation area” on the small peninsula in Phase 2. The entire peninsula is within the 50-foot setback; therefore, development can only be allowed in that area with a shoreline variance. If development is proposed within the setback, it must meet all variance criteria in WAC 173-27-170. Development includes grading, placement of gravel, and placement of structures, among other things (see WAC 173-27-030(6) for a complete definition of development).

If the existing boat ramp and observation deck were legally authorized when they were first installed, then repair or replacement without a variance is generally allowed if the structure is in a degraded condition. However, they would have to meet the following exemption criteria:

WAC 173-27-040(2)(b) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

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 the 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.

WATER QUALITY/WATERSHED RESOURCES UNIT:

Greg Bengel (360) 690-4787

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 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.

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](#). 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.

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.

Ben Schumaker

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Department of Ecology
Southwest Regional Office

(GMP:202002917)

cc: Miranda Adams, SEA
Derek Rockett, SWM
Greg Bengel, WQ
Zachary Pyle, FDM Development (Proponent)