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MAR 20 2009

TN / MN
17 1/2
08/04/08

ART HYATT
2318 NORTHSHORE RD.
BIHAM, WA 98226

1-20-09

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MAR 20 2009

Whatcom County P&DS

TYLER SCHRODER
WHATCOM CO. PLANNING

DEAR TYLER

I CONTEST YOUR DESIGNATION OF NON-SIGNIFICANCE FOR THE INVERSON SECRET DEVELOPMENT ON SQUMLUM MOUNTAIN. FILE # SEP 2008-00063

AS YOU SHOULD KNOW, MUCH OF THIS DEVELOPMENT EMPTIES INTO THE ^{OWENS} ~~SHAW~~ CREEK DRAINAGE, OVER TWO MILES OF ROAD AND 500 ACRES OF DEVELOPMENT WILL CERTAINLY HAVE A NEGATIVE IMPACT ON THIS WATERSHED AND LAKE WHATCOM.

THE CULVERT THAT GOES UNDER NORTHSHORE RD. (2300 BLOCK) IS INADEQUATE TO HANDLE THE CURVE VOLUME, LET ALONE THE ADDED RUNOFF FROM THIS PROJECT. IN THE RECENT STORM EVENT THE CULVERT UNDER THE ACCESS ROAD BELOW NORTHSHORE WAS OVERPOWERED AND FLOODED THE HOUSE AT 2301 NORTHSHORE. YOU SHOULD HAVE KNOWN ABOUT THESE PROBLEMS FOLLOWING YOUR DISCUSSIONS WITH THE ENGINEERING DEPT. IT IS AT LEAST ABSURD THAT YOU WOULD GIVE THIS PROPOSAL A DESIGNATION OF NON-SIGNIFICANCE.

AMONG MY QUESTIONS: WHAT DISCUSSIONS DID YOU HAVE WITH ENGINEERING? WHAT RUNOFF STUDIES DID

YOU CONDUCT? WHAT SATURATION AND ABSORPTION METRICS DID YOU USE? DID YOU EVEN CONSIDER OWENS CREEK IN YOUR GUESSTIMATION.

YOU SPECULATE THAT 350' OF PROPOSED ROADWAY WILL DRAIN INTO THE ACADEMY DITCH SYSTEM. WHAT ABOUT THE RUNOFF INTO THE OWENS CREEK DRAINAGE? ENCLOSED IS A MAP FOR YOUR INFORMATION

THERE ARE SEVERAL DEBRIS JAMS IN THIS DRAINAGE. TO ACCOMODATE THE ADDED TORRENT A NEW CONVEYANCE UNDER NORTHSORE RD SHOULD BE INSTALLED AS AN EFFECTIVE MITIGATION. INSTEAD YOU DEPEND ENTIRELY ON COMPLIANCE AND ENFORCEMENT BOTH OF WHICH ARE SORELY LACKING IN LAND USE POLICY. PETE'S LUST FOR REVENUE HAS FORLED YOU INTO AN UNTENABLE & ILL CONEIVED POSITION. THIS LAND WAS BOUGHT AS FORESTRY, TAXED AS FORESTRY. IT SHOULD REMAIN FOREST.

SINCERELY

Art Hatt

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MAR 20 2009

Whatcom County P&DS

Dear Pete,

I was surprised and sad to read that the county decided that the proposed Squalicum Ridge project, with more than two dozen homes, would have no major environmental impacts. When will the county get serious about cleaning up Lake Whatcom? How can we allow new construction to continue in the watershed when we know that the major source of phosphorous in the lake is from development? When do the interests of the average Whatcom County citizens prevail over the narrow short-term interests of a few landowners?

I urge you to have your staff redo the environmental analysis to more carefully study the effects of this proposed development on water quality. I would like to see a ban on new construction throughout the watershed. If that is not possible, I think the county should impose design and construction requirements that ensure that all water that falls on each property to be retained on the property to minimize water pollution.

I am eager to hear your views on how best to stop polluting Lake Whatcom and how best to clean it up.

Eric

Eric and Susan Hirst

1932 Rhododendron Way

Bellingham, WA 98229

 360-656-6690  EricHirst@comcast.net



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MAR 23 2009

Whatcom County P&DS

MAYOR'S OFFICE
Dan Pike, Mayor
City Hall, 210 Lottie Street
Bellingham, WA 98225
Telephone (360) 778-8100
Fax (360) 778-8101

BY EMAIL AND FIRST CLASS MAIL

March 20, 2009

Tyler Schroeder
Planning Supervisor
Whatcom County Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097

RE: Mitigated Determination of Non-Significance (MDNS)
Squalicum Ridge Road
SEPA 2008-00063
March 6, 2009

Dear Mr. Schroeder:

The purpose of this letter is to provide you with the City of Bellingham's comments regarding the revised MDNS issued by Whatcom County on March 6, 2009 for the proposed Squalicum Ridge Road. The City appreciates the County's decision to withdraw its original MDNS and re-issue a revised MDNS based on the public comments received. The re-issued and revised MDNS is a significant improvement over the original MDNS as it addresses the cumulative impacts of the road as a result of residential development, stormwater treatment, and clearing impacts. Nevertheless, the City remains concerned about the adequacy of the conditions in the MDNS to protect the environment including Lake Whatcom and recommends the following additional conditions be added to the MDNS:

1. The middle of page 5 of the MDNS states that "DOE will also be requiring an NPDES General Construction permit." The MDNS should state that the applicant is required to comply with the special conditions and requirements, including sampling and monitoring, for a 303(d) listed water body within the NPDES General Construction Permit issued by the Department of Ecology.
2. Condition # 1 in the revised MDNS states that "The CESCL shall comply with all record requirements as established in the 2005 DOE Stormwater Management Manual for Western Washington."

In order to ensure the CESCL is meeting all requirements outlined in the latest version of the DOE Stormwater Management Manual for Western Washington and the NPDES General Construction Permit, Condition #1 in the MDNS should be revised to state that "The CESCL shall meet all record requirements as established in the current edition of

the DOE Stormwater Management Manual for Western Washington and the NPDES General Construction Permit issued by the Department of Ecology.”

3. Condition #2 also states that “All areas needed for road stormwater dispersion/amended soils shall lie within the private road easement or a stormwater easement.”

Private road and/or stormwater easements do not provide adequate protection in perpetuity of the areas needed to meet the criteria for Full Dispersion. The areas needed for dispersion should be placed in perpetual conservation easements or conservation parcels granted to Whatcom County.

4. Condition #10 states that “Tree removal shall be the minimum necessary for the constructed project footprint (road, ditches, and utilities).” The condition requires that trees to be saved and those to be removed shall be marked with ribbon.

The City’s experience is that general conditions like “tree removal shall be the minimum necessary for the constructed project footprint” are difficult to enforce and do not yield the desired results. The general tree removal condition in the MDNS should be revised to include standards that are effective and enforceable. In order to ensure that tree removal is the “minimum necessary”, the City recommends that the applicant be required to:

- Develop a clearing plan based on a site survey to minimize removal of trees and other vegetation. The clearing plan shall have clearing limits that have been surveyed. It shall also include stockpile areas, maneuver areas, and any other construction-related impact area.
- Mark the surveyed clearing limits with orange construction fence.
- Install orange construction fence around the critical root zone of those trees intended to be preserved (simply marking with ribbon is not adequate).
- Call for inspection by Whatcom County staff to verify that the clearing limits are correct and to verify the orange construction fence is in the proper location prior to any clearing work.

Additionally, County staff should conduct a weekly site inspection to ensure compliance with the tree removal conditions of the MDNS. The County should issue an immediate Stop Work Order for any deviation from the approved clearing plan or clearing limits.

5. The top of page 9 of the MDNS states that “Based on the findings above, Whatcom County Critical Area Ordinance would adequately mitigate most impacts from construction of the proposed road through the approval of the LDP.”

It is the City’s experience that inspections and other measures to ensure compliance are essential. Simply relying on the LDP or Critical Area Ordinance permit approval will not adequately protect the environment. The County must conduct regular inspections to ensure compliance with approved permits.

March 20, 2009

Page 3

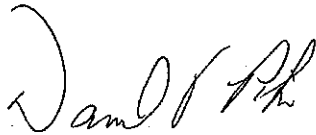
In order to ensure compliance with the County-issued approvals for this project, the City recommends that the applicant be required to:

- Provide as-built drawings to the County upon completion of the project. If the as-built drawings show that the site work deviates from approved plans, the County should consider additional mitigation measures.
 - Provide all contractors and sub-contractors working on the project with a copy of all approved plans. An on-site meeting should occur prior to commencement of any land disturbance with all contractors and sub-contractors present, including the project manager and project wetland biologist. The purpose of the meeting is to ensure everyone working on the project understands the conditions under which the project was approved.
6. The bottom of page 8 of the MDNS states that "there are no documented priority fish or wildlife species or habitat, and therefore [no] Habitat Conservation Areas in the project or study area." This appears to be an erroneous statement as the County's own Critical Areas Ordinance maps show "Habitat and Areas Associated with a State Priority Species" in the project area (see attached map). The SEPA process should include an analysis of the Wildlife and Habitat Conservation Areas within the entire project area.

The City appreciates the opportunity to comment on the re-issued and revised MDNS and respectfully requests that Whatcom County further revise its MDNS to add the conditions described above.

The City also requests that it receive notice of all permit applications for the Squalicum Ridge Road project. Notice of application should be sent to Kim Weil, Planning & Community Development Department, City of Bellingham, 210 Lottie Street, Bellingham, WA 98225.

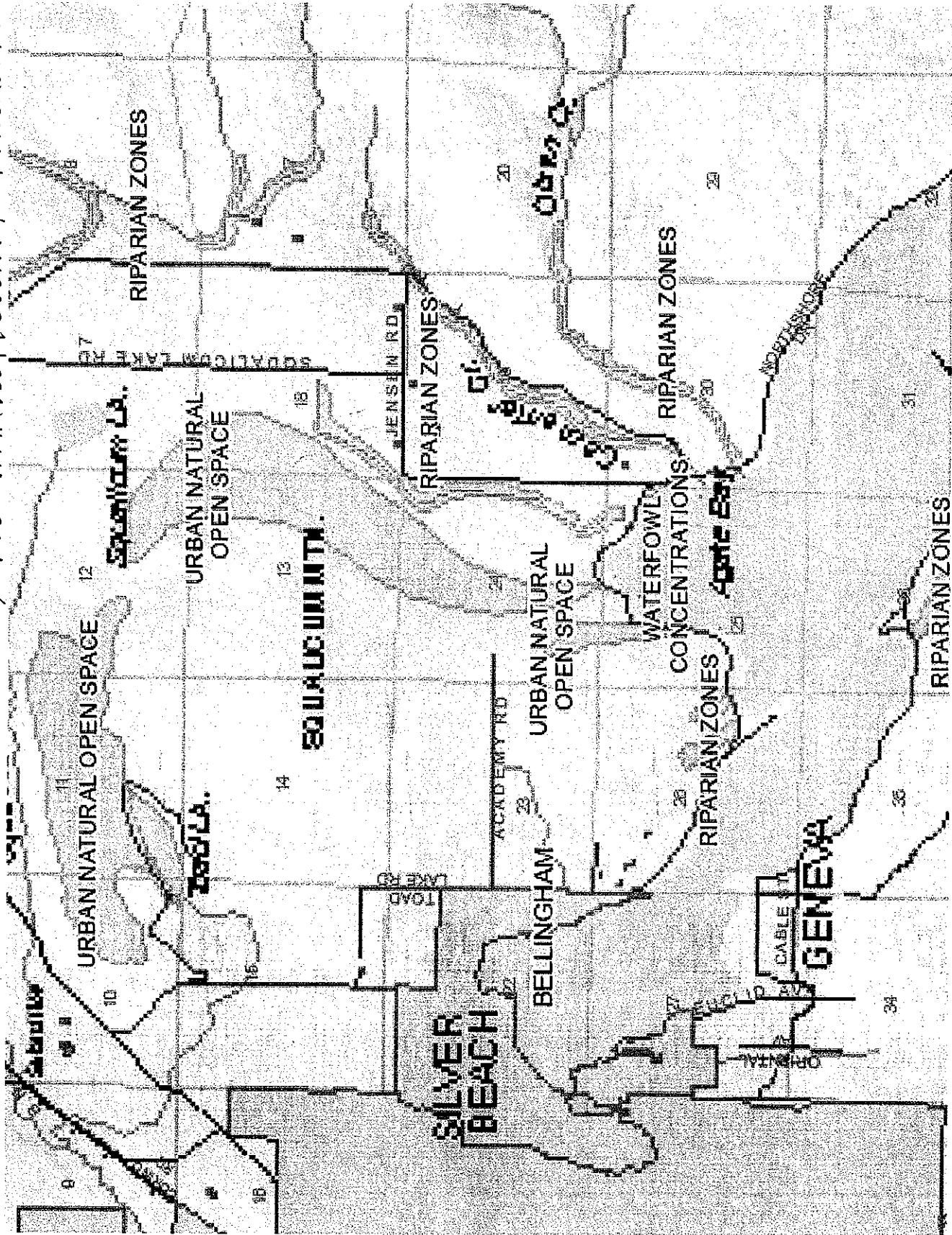
Sincerely,



Dan Pike, Mayor
City of Bellingham

cc: Bellingham City Council
Pete Kremen, Whatcom County Executive
Dave Stalheim, Director of Whatcom County Planning & Development Services
Frank Abart, Director of Whatcom County Public Works
Tim Stewart, Director of City of Bellingham Planning & Community Development
Tom Rosenberg, Director of City of Bellingham Public Works

SOURCE: WHATCOM COUNTY CRITICAL AREA MAPS



CAO Map Legend shows the peach colored areas as "Habitat and Areas Associated with a State Priority Species."



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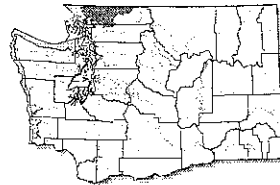
MAR 20 2009

Whatcom County P&DS

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Bellingham Field Office • 1440 10th Street, Ste 102 • Bellingham, WA 98225
(360) 715-5200 • FAX (360) 715-5225

March 19, 2009



Your address
is in the
Nooksack
watershed

Tyler Schroeder
Whatcom County Planning & Development
5280 Northwest Dr.
Bellingham, WA 98226

RE: **LA File# 2008-00063**
Applicant CLN LLC, Christopher and Nancy Secrist, Gordon and Carol Iverson

Dear Mr. Schroeder:

Thank you for the opportunity to provide comments on the above referenced re-issued and revised Mitigated Determination of Non-significance. Based on our review of the revised determination we offer the following comments:

- We are concerned that the county and Ecology have been given inconsistent descriptions of the project. The applicant (Bill Sygitowicz) stated to Ecology (via telephone) quite specifically that the total proposed development encompasses 31 twenty-acre parcels and 18 five-acre parcels for residential development, a total of 49 parcels. This is inconsistent with the 28 parcels specified in the application documents submitted to the county. The SEPA checklist states that "the potential exists for future...development" but "no such proposals are contemplated at the time" of the application. As you know, under SEPA the entire project (i.e., the entire project area and the total number of parcels) needs to be included in the application to fully review, understand and condition the intended actions of the applicant. We think this inconsistency needs to be resolved.

- Under the section entitled Water Resource Protection Overlay and Water Resource Special Management Areas, the fourth bullet indicates that WCC 20.71, 20.80.735 and 20.80.737 provide adequate protection for the lake without additional SEPA conditions. Ecology disagrees. For example, 20.80.735 (2)(d)(i) allows 35% of a site to be non-forest land cover. The TMDL projects that substantially less land disturbance can be sustained in the watershed, without substantial mitigation, if Lake Whatcom is to be protected. Of particular concern is the fact that runoff control under the WCC continues to be regulated by conditions that do not meet the standards established in the Western Washington Stormwater Manual of 2005. A 1998 Ecology summary of the deficiencies in the Whatcom County development standards (see attached), as compared to the Ecology 1992 manual, identified many areas that still have not been updated even as more rigorous standards have been established for western Washington.

In this specific case, we agree that the county's requirement that the applicant comply with the 2005 Western Washington Stormwater Manual and incorporate infiltration facilities (or full dispersion if infiltration is shown to be infeasible) is appropriate and necessary to address water quantity and quality.

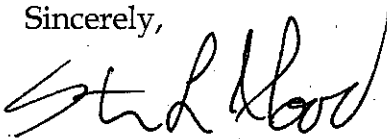
However, the inclusion of these conditions appears to support our disagreement with the county's conclusion that the existing codes are adequate to protect the lake.

- Under the section on Stormwater and Engineering, condition #1 requires infiltration and dispersion areas to be protected by road or stormwater easement. The requirement that the area be maintained in vegetation should be a condition of the easement.
- In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing groundwater, with one exception. Groundwater 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 (RCW 90.44.050). Water use under the exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained from Ecology.

We are concerned that the simple statement in the county's Conclusion number 13 may be misleading. The residential home construction associated with the project (28 homes or 49 homes) is part of a single project when considering water resources and the state's Groundwater Exemption (RCW 90.44.050). This determination is based on both the verbal description of the project given to Ecology by the applicant and the application documents submitted to the county. As such, the entire development would be limited to a maximum total withdrawal of groundwater of 5,000 gallons per day for domestic supply and no more than one-half acre of lawn or non-commercial garden. Any additional withdrawals of groundwater will require a water right permit from the Department of Ecology. Conclusion 13, read in the context of the entire Conclusions section, could be read to imply that the 28 lots proposed to the county can be permitted when, in fact, they cannot unless a water right is obtained from Ecology. 28 (or 49) residences cannot be legally served by an exempt well.

If you have any questions or need any additional information, please contact Steve Hood, for Water Quality concerns, at (360) 715-5211, or Kasey Ignac, for Water Resource concerns, at (360) 715- 5222.

Sincerely,



Steve Hood
Water Quality Engineer



Kasey Ignac
Water Master

Encl: May 1998 review of Development Standards Chapter 2 and 4

cc: BFO Reading File

ec: Richard Grout, ECY
Kyle Dodd, Whatcom Co. Health



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (206) 649-7000

May 21, 1998

Sue Blake
Water Resources Manager
Planning and Development Services
Whatcom County
5280 Northwest Drive
Bellingham, WA 98226

Dear Sue:

Ecology has completed its review of the Whatcom County Development Standards, Chapter 2 (Stormwater) and Chapter 4 (Grading and Clearing). I hope that finally receiving this evaluation will assist Whatcom County in preparing and submitting your Comprehensive Stormwater Program Strategy to Ecology at the end of June 1998.

Attached are three tables that address the equivalency of Whatcom County's standards with *Stormwater Manual for the Puget Sound Basin*. Mr. Steve Hood, Ecology's Nooksack office, prepared two of the tables that principally address erosion and sedimentation control. I have prepared the table that evaluates policies and standards in Chapter 2 for equivalency with Ecology's minimum requirements.

If you have questions regarding the equivalency tables please call me at (425) 649-7140. Technical questions regarding sedimentation and erosion controls can be addressed to Steve Hood at (360) 738-6254. Please keep both Steve and myself apprised of further discussions that may occur regarding equivalency of Whatcom County stormwater standards.

Sincerely,

Rodney Sakrison
Stormwater Coordinator
Water Quality-NWRO

RS:rs
Attachments

Cc: Dick Grout, Manager, Nooksack Office
John Glynn, Supervisor, WQ-NWRO
Steve Hood, Nooksack Office

THE UNIVERSITY OF CHICAGO PRESS

Equivalency Table for Whatcom County Development Regulations
Chapter 2 - Stormwater Standards

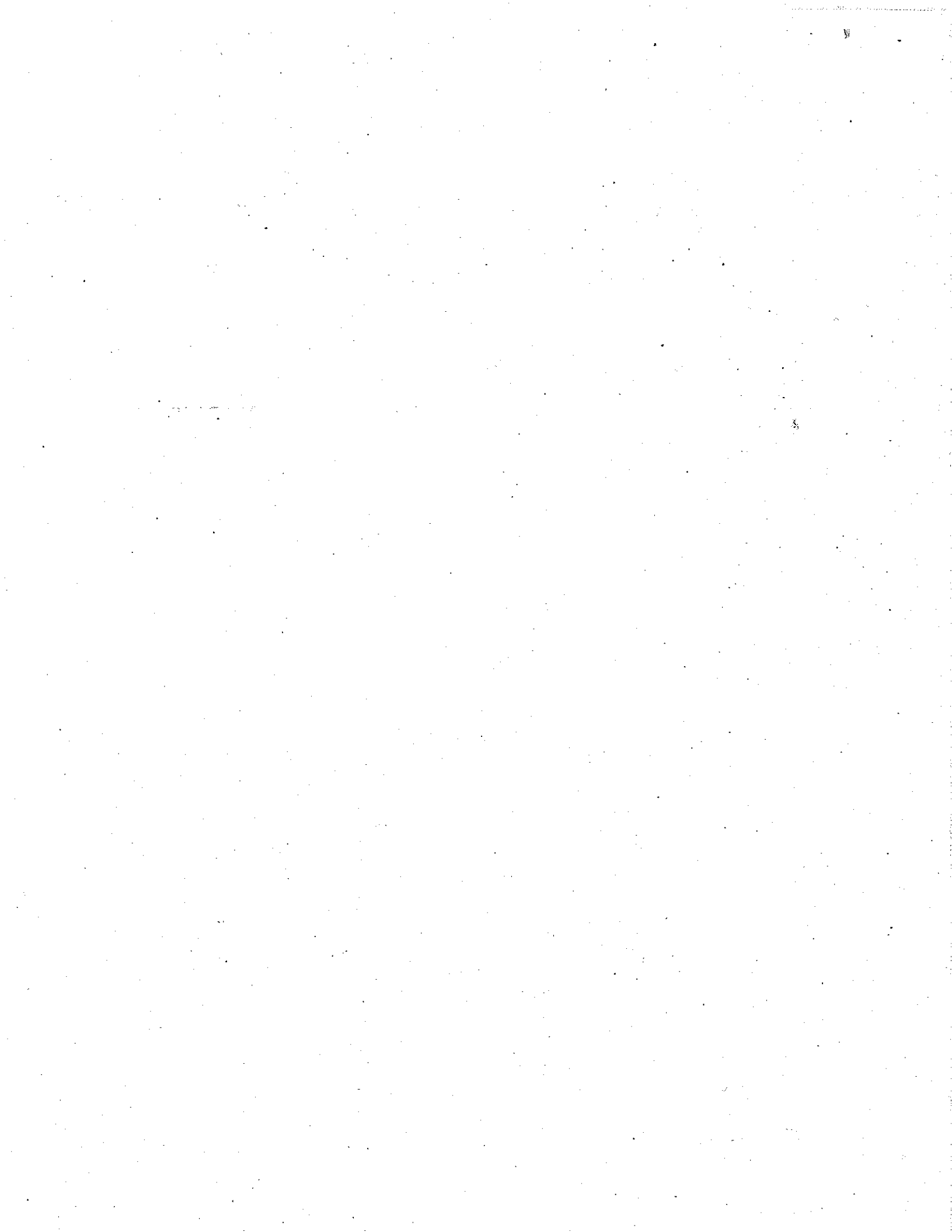
Ecology Requirements	Whatcom County Development Regulations	Difference Analysis
Stormwater Management Manual (Feb/1992)	Chapter 2 Stormwater Management Revised 8/96	
Application of Minimum Requirements		
New Development	205 A-D; 213 C.	One acre clearing threshold only applied in urban area. Two acres clearing threshold in rural area. Not equivalent.
Redevelopment	Only found in Appendix III, Definitions	If clearing limit thresholds are intended to ignore any difference between new development and redevelopment of previously developed site, then probably exceeds Ecology. Otherwise, unclear if equivalent.
#1 - Erosion and Sediment Control	See accompanying documents	
#2 - Preservation of Natural Drainage Systems	219 B. and 219 C.1.(c)	Discusses duties of owners of lands electing to develop. Must deliver waters at pre-development rates and same water quality conditions. Discharges from site shall occur at the natural location, to the maximum extent practicable. Equivalent.
#3 - Source Control of Pollution	219 B.1	Ecology Manual <i>may</i> be used for guidance; <i>shall</i> would be better. Should be incorporated in development regulations through a water quality regulation and source control program. See water quality regulation for Snohomish County. Probably not equivalent.
#4 - Runoff Treatment BMPs	219 B.2	Water quality design storm equivalent to Ecology. Does not mention prohibition against siting treatment facilities (e.g., bioswales) in vegetative buffers and doesn't mention role of basin plans. Otherwise equivalent.
#5 - Streambank Erosion Control	219 B.3 See comment in cover letter.	Streambank erosion control design storms not equivalent: Ecology limits peak rate of runoff to 50 percent of 2-year, 24-hour while maintaining peak runoff rates for 10-year, 24-hour and 100 year, 24-hour design storms. Whatcom County substitutes the 1-year, 24 hour storm which is not equivalent to Ecology.
#6 - Wetlands	219 B.4 See comment in cover letter.	Condition 4.a.2. is not equivalent. Ecology requires that constructed wetlands intended to treat stormwater are considered treatment systems and are not to be constructed on sites that are wetlands. Created wetlands that are intended to mitigate the loss of

Equivalency Table for Whatcom County Development Regulations
Chapter 2 - Stormwater Standards

		wetlands and shall not be used to treat stormwater. See comment to 219 B.2., stormwater treatment BMPs must not be located in a vegetative buffer. Condition 4.a.2. violates several of the requirements found in Ecology's Minimum Requirements #6 (Wetlands) and is not equivalent.
#6 - Wetlands (cont.)		219 B.4.b. allows constructed wetlands to be located in Category III Wetland when existing condition of the wetland is degraded. This is not consistent with Ecology Minimum Requirement #6. Wetlands may be used for detention in limited circumstances only when stormwater has been pre-treated and state surface and groundwater quality standards are met.
#6 - Wetlands (cont.)		219 B.4.c.1 and 2 apply to stormwater discharges through conveyance systems into a wetland. Discharges shall <i>approximate</i> the hydro-period and flows of the existing conditions. Ecology requires that discharges <i>maintain</i> the hydro-period and flows. Whatcom County requires that the use of alternative discharge locations be <i>optimized</i> while Ecology requires that opportunities be <i>maximized</i> . These may be only semantic differences, however these requirements apply only to stormwater discharges through a conveyance system. This implies that direct discharges of stormwater into wetlands without use of a conveyance system are not be subject to similar controls. If so, this is a serious omission and would not be equivalent. Reference to the Whatcom County Critical Areas Ordinance may be pertinent, however it is unclear how stormwater discharges into wetlands are regulated under the CAO.
#7 - Water Quality Sensitive Areas		Note: Minimum Requirement #7 was written before implementation of the Growth Management Act (Ch. 36.70A RCW) and generally has been superseded by the requirements for critical areas planning. Equivalency not an issue if CAO in compliance.
#8 - Off-site Analysis and Mitigation	219 C.1.c.	Ecology requires down-stream analysis to extend a minimum of one-fourth mile. Whatcom Co. requires no off-site downstream analysis. Not equivalent.

Equivalency Table for Whatcom County Development Regulations
 Chapter 2 - Stormwater Standards

#9 - Basin Planning	219 C.I.c.	Ecology allows basin planning to modify Minimum Requirements provided the level of protection equals or exceeds the standard. Whatcom County only refers to basin plans in regard to location of inlets and outlets. Not equivalent to Ecology.
#10 - Operation and Maintenance	220	Whatcom County requires that a Maintenance Plan be submitted. Responsible parties identified and maintenance schedule specified. Equivalent.
#11 - Financial Liability	218	Whatcom County requires financial assurance and posting bonding securities. Equivalent.



Large Development/Clearing Minimum Requirements

# 1 - Erosion And Sediment Control		
# 1) Stabilization and Sediment Trapping	209 - A. 2. 209 - A. 3. 305 - B 1. B) and 305 - B 1. C)	i ii
# 2) Delineate Clearing and Easement Limits	209 - A. 5. 305 - B 1. E)	iii
# 3) Protection of Adjacent Properties	209 - A. 3. 305 - B 1. C)	
# 4) Timing and Stabilization of Sediment Trapping Measures	209 - A. 6. 305 - B 1. F)	iv
# 5) Cut and Fill Slopes	209 - A. 7. 305 - B 1. G)	v
# 6) Controlling Off-site Erosion	209 - A. 4. 305 - B 1. D)	vi
# 7) Stabilization of Temporary Conveyance Channels and Outlets	209 - A. 9.	
# 8) Storm Drain Inlet Protection	209 - A. 8. 305 - B 1. H)	vii
# 9) Underground Utility Construction		
i) Where feasible no more than 500 feet of trench shall be opened at one time		
ii) Where consistent with safety and space considerations, excavated material shall be placed on the uphill side of trenches		
iii) Trench dewatering devices shall discharge into a sediment trap or sediment pond.		
# 10) Construction Access Routes	209 - A. 1. 305 -B 1. a)	viii
# 11) Removal of Temporary BMP's	209 - A. 12. 305 -B 1. j)	ix
# 12) Dewatering Construction Sites	209 - A. 10.	
# 13) Control of Pollutants Other Than Sediment on Construction Sites		
# 14) Maintenance	209 - A. 11. 305 -B 1. i)	x
# 15) Financial Liability		
# 2 - Preservation of Natural Drainage Systems		
# 3 - Source Control of Pollution		
# 4 - Runoff Treatment BMP's		
# 5 - Streambank Erosion Control		
# 6 - Wetlands		
# 7 - Water Quality Sensitive Areas	306 -	xi
# 8 - Off-site Analysis and Mitigation		
# 9 - Basin Planning		
# 10 - Operation and Planning		
# 11 - Financial Liability		

ⁱ State Standards have 2 and 7 day limits depending upon the season. The County Standard does not have a deadline.

ⁱⁱ County restricts sediment trapping to concentrated stormwater.

ⁱⁱⁱ County does not enumerate any marking other than clearing limits. State also enumerates easements, setbacks, sensitive/critical areas and their buffers, trees and drainage courses. I presume the inclusion of trees is meant to include leave trees as required by site development plans.

^{iv} County language is a nice simplification but leaves out the stabilization timing requirements included in the state's language. In the state manual stabilization language is redundant. The county does not include the timing of stabilization in their manual.

^v The county leaves out the design and construction goal of minimizing erosion.

^{vi} County language expands protection to all "Damage", but eliminates protection from development not associated with clearing. County does not enumerate classes of stormwater types (OK?)

^{vii} County does not specify that treatment is for sediment.

^{viii} Standard detail 301 allows for 25 foot construction access route for small sites, this reduction is not supported in the development standards text.

^{ix} County restrict removal to non-biodegradable measures. This means for instance, straw bales could be left to decay in place, even in situations where such decay would cause a post construction sediment input.

^x County restricts Maintenance to Temporary measures. State includes both Temporary and Permanent measures.

^{xi} 306 - B 6. Allows land-clearing activities greater than one acre to be exempted from Minimum requirements 1 through 11 in the rural District.

BMP detail comments

WC#	DOE#	Description	Comments
301	E2-10	Constr. Access	State standard allows shortening to 50' for small areas. County allow down to 25'.
302	E2.35	Soil Stabilization (WC) Soil Roughening (DOE)	Notes should be attached indicating 1. Purpose of roughening - to help establish vegetation 2. areas of applicability (3:1 to 2:1 slopes) 3. Planting should follow as soon as practicable
303	E3-15	Straw Bale Barrier	With out the accompanying text provided by the state the following additions should be added to the standard detail. 1. significance of the binding orientation should be mentioned. 2. 4"min depth requires excavation to mineral soil to prevent piping 3. Posts/Stakes driven to flush with top of bale for safety 4. Inspection and Maintenance comments from section II-5.8.2 if the state manual.
304	E3.10	Silt Fence	Trench depth of 12" minimum. 8" insufficient Slope arrow is not perpendicular to fence Designers should be directed to DOE II-5.8.1 for design criterion Standard notes not included but of significance a. Continuous roll and joints c. trench shall follow the contour d. Mesh attachment notes e. 3 foot max ht. Do not staple to trees h. removal Assume that slit fabric, mono-filament and extra strength fabrics are not permitted so notes regarding same are not significant.
305		Sandbag Berm	Field condition requiring 4" PVC pipe should be identified Is this meant for application constructing temp. settling ponds? Is there a max ht? Must each tier be supported by a wider tier?
306	E1.15	Ero. Cont. Blanket	Notes should include emphasis on firm contact between net and ground. This BMP is probably not suitable for slopes over 1:1 as indicated by the description of slopes less than 1:1 as shallow slopes
307	E2.40	Soil Stabilization (WC) Gradient Terraces (DOE)	Users should be directed to Design criterion in DOE manual section II-5.7.7 Channel grades should be specified in plans when standard detail is used.
308	E3.20	Brush Barrier	Notes should include 1. Ht max 5 feet 2. Not sediment pond replacement 3. Suitable for sheet and rill flow
309	E2.55	Dikes and Swales	Designers should be directed to DOE manual II-5.7.10 for planning considerations, spacing/grade relationship and stabilization requirements Swale outlet notes should be included Maintenance notes should be included

310	E3.35	Sed. Trap Outlet	Guide designers to DOE manual II-5.8.6 for design criterion (3ac max) include cross section for clarity include note about trap length 3X trap width
311	E2.60	Rock Check Dam	Add min 1' deep sump Include note that center of dam must be lower than the edges No dumping to form dam Include maintenance notes Check after rainfall Empty after sump ½ full
312	E3.40	Sed. Pond Baffles	Guide designers to II-5.8.7 for design criterion of pond Include note on effective length (W_e) and distance
313		Pipe Slope Drains	Guide designers to II-5.7.4 for design criterion Cutoff wall missing
314	E3.30 Fig II-5.23	Storm Drain Prot.	Include comment about sump Max 3 feet spacing of stakes State specifies depth of stake 8" min. Recommend 18" min Depth of trench 12" not 8" Staple fabric to stake
315	E3.30 Fig II-5.24	Storm Drain Prot.	12 to 24" ht of blocks include maintenance notes
316	E3.30 Fig II-5.25	Storm Drain Prot.	Include layer of wire mesh Extend fabric 18" beyond grate Minimum depth of gravel 12" Include maintenance notes

From: <vwilkenwatson@aol.com>
To: <TSchroed@co.whatcom.wa.us>
Date: 3/20/2009 3:33 PM
Subject: SEPA 2008-00063

March 20, 2009

Dear Tyler Schroeder:

RE: Re-issued and Revised MDNS SEPA 2008-00063

The following comments are a compilation of those that I received from members of the Squalicum Valley Community Association:

All italicized text was taken from the revised MDNS. Comments follow in regular type.

Project Description

28 existing 20-acre residential properties.

There are 31 parcel numbers listed on the SEPA checklist.

Page 4 under Water Resource Protection and Water Resource Special Management Areas

Whatcom County Code 20.80.735.2(d)(ii) states that no more than 35% of the existing canopy can be removed.

Is this per parcel meaning 35% of each 20-acre parcel (7 acres) or 35% of the entire 560 acres (196 acres)?

Page 8 under Environmental Review Including Geohazards and Wetlands

Paragraph 4 states: "It seemed like the proposal included a broad swath to be cleared in the road right-of-way. This doesn't seem to be necessary for so few lots in an essentially forested area and when 19 acres of each lot will remain in forestry use and tax base."

19 acres of a 20-acre parcel equals 95%.

Page 8 under Residential Construction

Paragraph 2 states: "Pursuant to WCC20.42.450 no more than 20 percent of the lot area shall be permanently altered or removed from production of forest products."

20 percent of 20 acres equals 4 acres.

How much of the entire property will remain forested? How much of each individual parcel will remain forested? Historically, on Squalicum Mountain along Vineyard Drive for example, developers removed more than 35% of the existing canopy, and they did so in such a manner as to ensure the prevailing winds would remove the remaining trees. How will you enforce these requirements and ensure the required mitigation takes place?

What is the difference in the taxes assessed between the acreage that remains in forestry and that, which does not? Does this proposal allow residents to own 20 acres and pay taxes on one or a few? The cost of rehabilitating Lake Whatcom should be factored into the construction and/or purchase price of these houses. Perhaps a water protection overlay area tax is in order? These funds can be used to purchase land or development rights in the watershed, and pay for reservoir cleanup and protection measures.

#3 "Purveyors of public water systems and private water system applicants must comply with Washington State Department of Ecology water right requirements."

Currently, the DOE is not issuing water rights certificates; there is a waiting list.

Opening pages:

Page 2 at (c) "Agencies shall carefully consider the range of probable impacts, including short-term and long-term effects. Impacts shall include those that are likely to arise or exist over the lifetime of a proposal or, depending on the particular proposal, longer.E2

at (d) "A proposal's effects include direct and indirect impacts caused by a proposal. Impacts include those effects resulting from growth caused by a proposal, as well as the likelihood that the present proposal will serve as a precedent for future actions."

These residences will require wells for water. Currently, Lake Whatcom and Whatcom Creek and the aquifers that recharge them are closed to new withdrawals. Any wells that are planned for this proposal rely upon these closed bodies. In addition, it is a fact that wells on Squalicum Mountain have a history of failure. Permitting the construction of houses where wells are most likely to fail is irresponsible. Where will the water come from to service these houses?

"Under Lake Whatcom Watershed Total Phosphorus and Bacteria Total Maximum Daily Loads: "Although phosphorus occurs naturally development increases phosphorus entering the lake in storm water. Roofs, driveways, loss of tree canopy, expressed soil, and lawns interrupt the absorption and filtration provided by forest and soils, instead sending phosphorus-laden storm water into the lake. This phosphorus transferred from runoff and other means, feeds algae growth, which depletes dissolved oxygen that..."

Continued on page 3: "...fish and other beneficial aquatic life need to survive. When dissolved oxygen levels are low, phosphorus is released from lake sediment and re-enters the water, continuing the cycle. The dissolved oxygen levels is a main contributing factor in Lake Whatcom being listed on Ecology's 303(d) list of impaired water bodies."

Bottom of Page 3: "The conclusions above and the TMDL provide relevant scientific studies and evidence that existing land uses are contributing to a violation of the water quality standards in the Agate Bay and Academy basin of the Lake Whatcom watershed and that there are at-risk systems that will be very sensitive to more impact, no matter how small. According the TMDL, since all tributaries fail to meet standards, no allocation for future growth is provided. Therefore, additional sources would only be accommodated through additional reductions in existing sources. Because there is no allocation for additional growth, Whatcom County has determined that without adequate mitigating conditions that the proposal would have a significant environmental impact."

Existing land uses are contributing to a violation of the water quality standards in at least two basins of Lake Whatcom. Development increases phosphorus entering the lake, and without mitigating conditions this proposal would have a significant environmental impact. Since there are no plans for reductions in existing sources, it follows that there is no sufficient mitigation when no allocation for future growth is provided. It is clear that this proposal will have a significant environmental impact.

While an Environmental Impact Study is not required, wouldn't it be prudent? Does new construction that will negatively impact the Lake Whatcom Watershed, its aquifer, and existing residents serve the public interest? Shouldn't the county work with the city to ensure the protection of the reservoir that provides drinking water to 95,000 Whatcom County residents?

Thank you for this opportunity to comment.

Virginia Watson

SQVCA President