



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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June 17, 2019

Barry Berezowsky, Director
City of Sequim
Community Development Department
152 West Cedar Street
Sequim, WA 98382-3317

Dear Barry Berezowsky:

Thank you for the opportunity to comment on the optional mitigated determination of nonsignificance/notice of application for the Legacy Ridge Subdivision Project (SEP15-001, SUB15-001) as proposed by PACE Engineers for Irvin Boyd Family Limited Partnership. The Department of Ecology (Ecology) reviewed the environmental checklist and information provided by the State Environmental Policy Act (SEPA) Lead Agency, City of Sequim has the following comment(s):

**SHORELANDS & ENVIRONMENTAL ASSISTANCE:
Richard Mraz, Wetlands/Shorelands Specialist (360) 407-6221**

Ecology has reviewed the critical areas study and offers the following comments:

1. Ecology requests the opportunity to confirm the wetland delineation. Test pit S7 is documented to have wetland hydrology and wetland vegetation during the growing season, and that location appears to be excluded because the soil is one color chip away from meeting a hydric soil indicator. Hydric soil indicators are "test positive", which means that because a soil does not meet an indicator is not conclusive evidence that the soil is not hydric. The presence of wetland hydrology during the growing season meets the definition of hydric soil.
2. The wetland delineation test plot map (Sheet 1 of 4) does not show a "paired" plot approach to delineation, thus it is unclear how the wetland edge was determined. Based on the numbering of the delineation sheets in the report, it does not appear that all data sheets were included. Please provide all the delineation data sheets to Ecology.

3. The wetland delineation is more than 5 years old. Generally, any delineation done more than five years ago needs to be revisited. This is due to several factors:
 - Wetlands can change significantly in a five-year period due to changes in hydrology, land uses, and plant species composition.
 - Approved jurisdictional determinations by the Corps expire after five years (see the Corps' Regulatory Guidance Letter 05-02, Expiration of Geographic Jurisdictional Determinations?).
 - The Corps' 1987 wetland delineation manual has a requirement for comprehensive determinations to "quantitatively describe the vegetation in the past five years" (page 41, Step 5).

Revisiting a wetland delineation that is five or more years old does not necessarily mean a new wetland delineation needs to be done. It means it may be necessary to revisit the site to determine whether the delineation is still accurate or needs to be redone based on current conditions.

Please contact Rick Mraz, Ecology Wetlands/Shorelands Specialist at Richard.Mraz@ecy.wa.gov or (360) 407-6221 to arrange a confirmation site visit.

**WATER QUALITY/WATERSHED RESOURCES UNIT:
Chris Montague-Breakwell (360) 407-6364**

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

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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.

You 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.

Department of Ecology
Southwest Regional Office

(MLD:201903108)

cc: Richard Mraz, SEA
Chris Montague-Breakwell, WQ
Steve Calhoon, PACE Engineers (Agent)
Irvin Boyd Family Limited Partnership (Proponent)