

# CHAPTER 5—FEIS MITIGATING CONDITIONS FOR SUBSEQUENT PROJECT REVIEW, TECHNICAL COMMENTS, AND COMMENT LOG

## ***5.1 Conditions for Permit Approval in Any Phase of the Approved Proposed MPR***

The mitigation requirements of the FEIS are set forth below and shall be subject to review and approval as appropriate at all project permit phases.

**Shellfish.** DEIS Section 3.2, pp. 3-2 – 3-11

### **Water Quality Mitigation, for Shellfish, as specified in DEIS at Section 3.2.7**

- During construction (all permits).
  - Construction period NPDES general permits will need to be obtained from WDOE and conditions followed to control stormwater during construction to assure no offsite discharge.
  - All construction shall be covered by a stormwater management plan from Jefferson County to show how stormwater shall be collected and infiltrated to prevent any turbidity, sediment, or other contaminants from reaching the harbor or waters of Hood Canal.
  - All stormwater crossing newly constructed surfaces shall be captured and treated onsite before discharge, including the golf course side, where irrigation and stormwater shall be captured treated, retained, and infiltrated onsite with no offsite discharge.
  - A stormwater site plan that includes a construction stormwater pollution prevention plan shall be developed by the proponent and reviewed and approved by Jefferson County prior to conducting land disturbing activity on the site.
- During operation (Maritime Village permits)
  - All stormwater from impervious surfaces shall be captured and treated to Puget Sound Water Quality standards (2005 edition) before discharge.
  - There shall be no discharge of sewage or contaminated bilge waters at the marina. Pump out facilities shall be provided and operational at all times.
  - Cleaning of fish or sea life shall be prohibited within the controlled access areas of the marina.
  - The Project permits shall incorporate shellfish protection district guidelines.
  - The marina shall contract for the right to inspect any vessel that in the opinion of management may jeopardize water quality.
  - The marina shall develop and manage an active boater education program appropriate to the marina setting to supplement the County program developed as part of the shellfish protection district.

- All fueling operations shall be brought up to current codes and protection against leaks, and unauthorized discharges shall be provided as part of any permit issued for work on the marina side of the resort. This is a first priority for the project. Fueling permits for facilities shall also require a refueling plan approved by the local Fire Code official as part of the first permit and in place prior to the issuance of any certificate of occupancy for work at the marina or Maritime Village.
- Fuel storage or transfer shall be prohibited on marina floats, docks, piers, and storage lockers.
- Jefferson County will require a marina management program enforced by the operator that shall provide:
  - No storage shall be permitted on docks, including storage of oily rags, open paints, or other flammable or environmentally hazardous materials except emergency equipment as approved in the Emergency Service MOU.
  - Painting, scraping, and refinishing of boats shall be limited to minor repairs when in the water, which do not result in any discharge to the waters of the harbor.
  - Any minor repairs must employ a containment barrier that prevents debris from entering the marine waters.
  - Cleaning of fish or sea life shall be prohibited within the controlled access areas of the marina.
- Notification and information about shellfish conditions, licenses, and limits will be available at the proposed development at specific locations, such as the marina, Maritime Village, and Conference Center.
- The marina operations shall incorporate mitigation requirements appropriate under the County Shellfish Protection Plan, and shall integrate a boater education program into a marina public education plan, which shall be implemented and maintained for as long as the resort is in operation, as part of a resort habitat management plan.
- The marina operations shall collect water quality data (from State sources as long as available or from approved testing plan should the state sources move or not accurately reflect Pleasant Harbor conditions), and shall be required to participate with the County Public Works Department in an adaptive management program to eliminate, minimize, and fully mitigate any changes arising from the resort and related Pleasant Harbor or Maritime Village.
- During operation (Black Point Golf Course Lands)
  - Construction and grading permits shall require stormwater management plans to demonstrate no discharge to waters of Pleasant Harbor or Hood Canal of any contaminants, turbid waters, or sediments as a result of operations.
  - The stormwater management system for all phases shall capture, treat, and infiltrate or store for reuse all stormwater from impervious surfaces of the improved golf course areas.
  - The golf course shall be operated in accordance with the best practice standards of the King County golf course management guidelines, or substantial equivalent, including, but not limited to, American Golf Association standards.
  - The golf course/resort facilities will be required to participate in any adaptive management programs required by the County as a result of the water quality monitoring program described above and any changes caused by the resort operations.
  - A pet management plan shall be required to address pet waste issues.

**Additional Shellfish-related Conditions or Considerations Identified in DEIS:**

- The marina is permitted for 285 slips.
- Existing Marina permit conditions and mitigations from Shoreline Substantial Development Permit SDP96-0009 are retained. §3.2.1.1
- Have spill prevention plans and spill containment facilities in place. §3.2.1.1
- Replace existing septic system for marina with a sewage treatment system that will provide irrigation water to golf course. §3.2.1.1
- Developer will work with State to facilitate and perform the work necessary to eradicate Tunicates where possible in the marina. §3.2.2
- Limit construction grading on the Marina side to new road alignment, development pads, and parking areas. §3.2.6

**Additional Shellfish-related conditions Identified in Appendix 2 – *Marina Impact Analysis*:**

- There shall be no discharge of sewage in U.S. waters. Boat owners shall use holding tank pump out and potty-dump stations located at the marina. The marina shall have restroom and shower facilities on shore for marina residences.

**Water Resources (Use, Reuse, Management, Treatment, and Disposal).**  
DEIS Section 3.3, pp. 3-11 – 3-33

**Water Summary and Conditions, as specified in DEIS at Section 3.3.8**

- **Sewer service (onsite system)**
  - Any project approval for the golf course area will require construction and operation permits for a wastewater treatment system for the project by WDOE and an operational plan in place as a condition of final plat approval and construction of any structures for occupancy or residency.
  - Any project approval for the Maritime Village remodel and upgrade shall include a demonstration that existing facilities can adequately serve the remodel areas. No additional residential units would be approved until the sewer system is installed and operating.
- **Water supply, groundwater, and rainwater harvesting**
  - Any project approval for the resort shall contain a condition that the applicant demonstrates entitlement to sufficient water rights to serve the approved phase from WDOE (water rights, transfer, and/or rainwater harvesting rights and use conditions) prior to preliminary plat approval and construction of any facilities on the property.
- **Water quality**
  - Stormwater management plans for clearing and grading and for construction and operation phases must be approved and systems in place prior to land disturbing activities to assure control of the stormwater as provided above.
  - The golf course project approval shall require the adoption of best management practices for the management of stormwater onsite and the reuse of water as irrigation water, with a condition that the system demonstrate no direct discharge to Hood Canal of any stormwater from impervious or golf course surfaces, and that the grass management program include specific BMPs to assure proper management of all elements of the golf course management system

consistent with best available technology for management in aquifer sensitive areas or its substantial equivalent.

- Approval of any permits for the marina redevelopment area shall be conditioned upon the approval of a stormwater management plan that intercepts and treats all stormwater from existing or new impervious surfaces to Puget Sound water quality management standards prior to discharge, and that the Maritime Village has a plan and facilities in place to deal with any upland upset that may threaten pollutant discharge to Pleasant Harbor.
- The Project Engineer shall be responsible for ensuring that State and County stormwater management standards are met. Clearing, grading, implementation of the Construction Stormwater Pollution Prevention Plan, and construction of roads and stormwater management facilities shall be conducted under the supervision of the Project Engineer. The Project Engineer shall submit weekly reports to Jefferson County while construction is in progress.

● **Groundwater protection and saltwater intrusion**

- Preliminary plat approval for the golf course resort that requires water use in excess of current approved water rights. Preliminary plat approval shall require a hydrogeological report demonstrating that the additional water use does not pose a threat of saltwater intrusion to existing wells or sources of water supply. A hydrogeological report is required for each construction or development phase to demonstrate compliance with this condition.
- Surface water and particularly irrigation water and potential migration to the harbor or Hood Canal were addressed in the section on water quality above.

● **Fire fighting flow**

- Adequate and sustainable fire flow will be provided by the Class A water system. The Class A water system will provide this level of service at all times.

**Additional Water Resources–related Conditions or Considerations Identified in DEIS:**

- Construction site stormwater runoff for the project is to be regulated at the state level by WDOE through the 2005 Stormwater Management Manual for Western Washington and at the local level by the Jefferson County Stormwater Management Plan. §3.3.7
- A Construction General Stormwater Permit is required for all development activities where more than one acre will be disturbed and stormwater will be discharged to surface water or to storm drains that discharge to surface water.
- The project will require a construction Stormwater Pollution Prevention Plan (SWPPP). §3.3.7
- Low Impact Development – all water on the site will be collected and either used appropriately onsite, routed to the storage ponds, or infiltrated to the groundwater aquifer – a zero discharge criterion, except at the Maritime Village where zero discharge cannot be achieved because of topography. §3.3.7

**Additional Water-Resources-related Conditions or Considerations Identified in Appendix 5 – *Water Supply and Groundwater Impact Analysis*:**

- The project will develop susceptibility ratings for the site and develop adaptive management procedures to maintain groundwater quality and quantity.
- Groundwater and water quality monitoring will be performed at monitoring wells installed along the bluff and interior of the project site.

**Transportation.** DEIS Section 3.4, pp. 3-34 – 3-49**Mitigation Measures Transportation Summary, as specified in DEIS at Section 3.4.4**

- The following traffic mitigation measures will be required as part of a preliminary plat approval for each project phase.
  - Fully fund and construct associated improvements for Black Point Road to meet County standards from US HWY 101 to the project entrance.
  - Provide adequate sight distance to the east of the proposed main site driveways onto Black Point Road and the egress from Maritime Village onto US HWY 101 to improve and maximize entering and exit sight distance.
  - At the US HWY 101 and Black Point Road intersection, provide a southbound left-turn lane as part of project development in all scenarios except the no action alternative. With the Statesman proposal, the expansion of the existing T-intersection would also provide for a median refuge area for left turns from Black Point Road onto US HWY 101.
  - Provide a northbound right-turn pocket or taper at US HWY 101 at the Black Point Road intersection under the Statesman proposal.
  - Residents of the Maritime Village shall be given access to the golf course resort without traveling US HWY 101. A detailed traffic design to accommodate traffic on US HWY 101 returning to the resort must be developed, with further traffic analysis and design approval by WDOT and Jefferson County.
  - Reconstruct the Black Point Road approach to US HWY 101 with adjacent left turning lanes, a widened approach onto US HWY 101, and an “entry treatment” on Black Point Road at US HWY 101. The proposed site access concept would also include a consolidated intersection onto Black Point Road with a realignment of the WDFW boat launch at Pleasant Harbor.
  - Provide all access roads and internal roads available for public use to County road standards. Private drives may be to a lesser standard approved by the Public Works Department and emergency service providers during the preliminary plat phase if desired by the applicant.
  - Provide an internal pathway and circulation system within the site that would not impact County or State highways, would provide for pedestrian and bicycle circulation between the two main development districts, and would allow US HWY 101 bicycle traffic bypass through the resort (i.e. Black Point properties and Maritime Village).
- In addition, the preliminary plat approval for the golf course portion of the resort should evaluate trip management plans as an alternative to simple roadway expansion. Such plans may include:
  - Provide a van or small shuttle bus for guests and tenants to utilize on an as-needed basis for use in group trip making, coordinated events, airport shuttle, and other miscellaneous traffic. All such services shall be coordinated with Jefferson Transit to schedule expanded service as necessary to the resort as well as consider joint opportunities to provide layover or transit service and facilities within the site.

**Public Services (includes Fire, Police, Medical Emergency; Schools; Economy, Housing, Employment).** DEIS Section 3.5, pp. 3-49 – 3-62

**Fire Protection and Emergency Service Mitigation, as specified in DEIS at Section 3.5.1.5**

Any preliminary plat for the development of a portion of the resort shall require the following:

- Ensure the onsite water system will provide for adequate sustainable fire flow.
- All resort buildings to include internal sprinkler systems with FDC connections.
- Incorporate Firewise site design standards in the layout of the proposed resort, as appropriate and approved by the local fire authority.
- All subsurface parking will have to provide fire systems, including air handling, water, and emergency access and egress.
- Install hydrants, two portable fire pumps with hoses and related fire suppression equipment at the marina and maintenance area as approved by the local fire authority.
- Develop an “emergency action plan” with the Fire District in conjunction with predevelopment, development, and operation to assure clear lines of responsibility and response in the event of any incident requiring emergency response.
- Any development of the existing marina complex as part of an MPR shall include improving emergency vehicle access to this portion of the resort.
- Through a memorandum of agreement with District #4, provide the equipment necessary to mount rescue and fire fighting operations on any structure over 18 feet from ground level, including but not limited to the Condo-tel/Conference Center Building.
- Enter into an “action plan” with the local fire authority at District #4 to assure coordinated control of additional services necessary to achieve an adequate level of service to the resort.
- Provide a back-up electrical power supply to the resort to ensure continued operation of emergency systems and water supply during any outage.
- Comply with the provisions of a memorandum of agreement with local service providers to address service equipment and personnel needs created by the resort, taking into consideration increased tax revenues from the resort activity.
- Enter into a memorandum of understanding with the local fire authority to address the following issues:
  - “Firewise” design standards
  - “Emergency action plan” for predevelopment and operational service for each phase of development
  - Provide necessary facilities to mount rescue and fire fighting operations in all phases of the resort
  - “Action plan” for coordinated control and additional services

**Security Services Mitigation, as specified in DEIS at Section 3.5.2.2**

- Project Level: Permit approval for both the marina and the golf resort shall address security-related issues, and shall include specific mitigation which may include:
  - Controlled access at the entry and exit points of the resort and docks.

- Onsite security and surveillance systems for the protection of resort guests, residents, and property coordinated with local service providers to assure appropriate communication and control systems are in place.
- Community level: Explore the use of a development agreement or other assurance to provide a mechanism for the County to provide some public safety funding to the Brinnon area from the revenues received from the resort to assure that the funds will not be diverted to the more populous north county.

**Health Services Mitigation, as specified in DEIS at Section 3.5.3.1**

- Project-specific mitigation shall be addressed in the public services memorandum of understanding (MOU), which shall address reasonable site needs and the means of providing and paying for services. The MOU shall be in place prior to issuance of building permits for development of resort facilities.

**School Mitigation, as specified in DEIS at Section 3.5.4**

- Estimates for planning purposes are that the project will increase the Brinnon School District by 5-10 students and the adjacent district for high school by 1-2 students in any given year. Specific mitigation agreements with the School will be addressed as part of the preliminary plat process for the golf course.

**Economy/Employment, DEIS Section 3.5.5.1**

The FEIS requires the project sponsor to work with the County to provide a job log or similar capability to enable local companies and personnel to compete for project jobs and services.

**Housing, DEIS Section 3.5.6**

- Because there is a limited rental housing market, it is proposed that the out-of-town construction crews may use the existing onsite 60-unit RV facility. This facility would be temporary and must be in place prior to commencement of construction of the infrastructure for the project. (Additional temporary housing could also include the B&B and Kaufman Home, see §3.5.9.)
- The creation of new permanent and seasonal jobs for resort staff will impose an added demand for affordable local housing, and to offset that demand, 52 units of new multi-family apartments are proposed to be built onsite.

**Shorelines.** DEIS Section 3.6, pp. 3-63 – 3-65

**Shoreline Mitigation, as specified at Section 3.6.7:**

- Public access to the southern shoreline should be curtailed and direct access eliminated.
- All stormwater generated in the upland marina area shall be captured and treated to County standards before discharge to the aquifer.
- All surface water on constructed surfaces in the golf course area shall be captured and treated for recycling or treated in accordance with adopted County stormwater manuals, and infiltrated on site. Zero discharge to Hood Canal from the developed golf course/resort area is required.

**Additional Shoreline Conditions or Considerations Identified in DEIS** (see also the conditions related to Shorelines in Sections 3.2.1 and 3.2.2 for shellfish mitigation, Sections 3.3.7 and 3.3.8 for water resources mitigation, and Section 3.10 for critical areas):

- In the golf course area, no structures or golf facilities are to be constructed in the shoreline area. §3.6.2
- Any site-specific issues for water features as part of a wetland mitigation plan shall be approved prior to construction. §3.6.2
- The dock replacement program is subject to project-specific review. §3.6.2
- The residential noise regulations at Chapter 173-60 WAC provide an accepted level of noise versus protection, which is adequate to regulate commercial activities adjacent to residential areas and should be incorporated into any shoreline permit. §3.6.6

**Rural Character/Aesthetics**, DEIS Section 3.5.7, pp. 3-60 – 3-62

**Rural Character/Population**, DEIS Section 3.8, pp. 3-66 – 3-67

**Rural Character/Aesthetics Mitigation, as specified in DEIS Section 3.5.9:**

- The key to the provision is that the Master Planned Resort not lead to suburban or urban level development in the surrounding area and that result is achieved through several techniques:
  - The retention of rural area zoning on the lands outside of the Master Planned Resort.
  - The additional public services shall serve the urban levels of intensity within the Master Plan area, the RVC level services in the RVC area, and the rural development in the surrounding area, and allow extension of urban level sewer utilities only in the event of a health hazard. The purpose of the regulatory restriction is to prevent a fundamental change in the overall development patterns planned for the area. Increasing the quality or quantity of services in such area as a result of the development is one of the economic benefits.
  - A water facility may serve both urban and rural uses as a water system is preferable to individual exempt wells. The water system shall not be used to serve uses in the rural area in excess of that allowed by County codes for rural area development.
  - The number of proposed residential units shall be no greater than 890 units, including both the resort residences and staff/affordable housing.
  - The proposal shall maintain natural open spaces along the shoreline bluffs along site perimeters as is practical with golf course layout, between fairways, and the upper portion of the development.
  - The proposal shall ensure retention of selected stands of significant trees along the bluff of the golf course to reduce the visibility of the site from the south.
  - The proposal shall provide landscaping between US HWY 101 and the new access road proposed on the upland side of the Maritime Village.
  - With the exception of the Condo-tel/conference center, with terrace lofts and the Maritime Village, all structures shall be kept to a maximum of two stories in height from higher grade elevations.
  - The overall project approval shall address light and glare to reduce the projection of evening lights off the golf course and marina properties. (Reduction does not mean lights cannot be seen, but that through shielding and proper placement and orientation, the offsite impacts are minimized.)

- The proposal shall provide construction period housing and housing specifically dedicated to staff and local service personnel to reduce the impact on local housing.

**Rural Character/Population Mitigation, as specified in DEIS Section 3.8:**

- The resort is proposed to have limited onsite retail capability, but is expected to bring additional small commercial and service businesses to Brinnon, subject to project-specific, site-specific environmental reviews and mitigation.

**Archeological and Cultural Resources, DEIS Section 3.9, p. 3-67**

**Archeological/Cultural Resource Mitigation, as specified in DEIS Section 3.9**

- The southern shoreline abutting Hood Canal is a significant environmental and cultural area, and is proposed to be closed to resort use. References the Cultural Resource Assessment.
- The project proponent shall work with the Tribes and County to provide onsite monitoring during all construction to assure identification and management of any cultural resources identified.

**Critical Areas (wetlands, aquifer recharge, fish/wildlife conservation, steep bluffs), DEIS Section 3.10, pp. 3-67 – 3-72**

Critical areas are regulated by Jefferson County as overlay districts, see JCC Chapter 18.15 at Article VI., and are additionally regulated under the state’s Growth Management Act, RCW 36.70A.060.

**Wetland Mitigations, as specified in DEIS Section 3.10.6, pp. 3-71 – 3-72**

- Wetlands shall be protected from development (except Wetland B, which will be used for reuse and recycling). A wetland and wetland buffer mitigation plan shall be developed which demonstrates, under best available science principles, that the wetland functions and values of the resort area have been maintained through a combination of retained, enhanced, and/or created wetlands and buffers. The plan shall demonstrate no net loss to overall wetland area function and value.
- An approved preconstruction wetland mitigation plan must demonstrate that loss of wetland habitat is mitigated, including protection measures for water quality and quantity maintenance, and buffer protection. Such protection must be in place prior to commencement of any grading onsite. The wetland mitigation report for Wetland B shall be approved and demonstrate how the overall system will operate, both during construction and operation to assure overall no net loss of function and value for the resort area wetland system.
- The stormwater management plan for construction shall require all wetland areas (existing and new) meet the no net loss test and are in place prior to any alteration of the central kettle wetland.

**Additional Wetland Conditions or Considerations, identified in DEIS at § 3.10.1, pp. 3-67 – 3-70.**

- Wetland protection and mitigation criteria are specifically set forth in the County Code [see JCC 18.15.325 – 18.15.500].
- Because the Proposal would include altering one of the wetland kettles (Wetland “B” as identified as a Category II in the Wetland Delineation) for use in the water treatment/ recycling program, other wetlands would need to be created, restored, and/or enhanced, per the requirements of JCC 18.15.350(2), Table 3-5:
  - It is possible that additional onsite wetlands could be created, using ecological considerations, as water features and incorporated into the golf course design. (To protect the aquifer, golf courses are required to use Best Management Practices under the King County Model [see JCC 18.15.255(4)].) Per JCC 18.15.350(2), Category II wetlands to be created or restored require a

replacement ratio of 3:1 if forested and 2:1 if scrub-shrub or emergent. Any water features proposed to be incorporated into the golf course design must demonstrate that the feature replaces functions lost at the impact site.

- The site has two previously-disturbed upland areas adjacent to wetlands, both located near the RV camp, wherein the wetland buffers could be enhanced. Per JCC 18.15.350(2), Category II enhancement ratios<sup>1</sup>: are 6:1 if forested and 4:1 if scrub-shrub or emergent.
- Another approach could be offsite wetland creation, restoration, or enhancement. Such an offsite alternative would require the identification of a significant wetland in the area to be enhanced, creation of a wetland, or restoration of a wetland.
- A wetland mitigation plan will be developed in conjunction with the detailed design phase of the project and will be required at the outset of the grading plan in advance of final plat approval and project development when details of the construction will be available. It is common that mitigation plans be implemented prior to the planned filling activity, such as that of Wetland “B”.

**Aquifer Recharge Area Conditions or Considerations** Identified in DEIS Section 3.10.2, pp. 3-70 – 3-71

- Aquifer protection and mitigation criteria are set forth in the County Code [see JCC 18.15.240 – 18.15.255].
- The Black Point property within the Proposal has been mapped as an aquifer protection district. Additionally, the water source for the Black Point residential area is ground water. To protect the aquifer, the Proposal will abide by the County regulations, which include:
  - Prohibition of certain uses involving hazardous materials as specified in JCC 18.15.250 (the fueling facility at the Marina is in an area that is not dependent upon a well for its water supply and no impact to potable water aquifer is anticipated);
  - Complying with the protection standards identified in JCC 18.15.255, including the use of King County standards for Best Management Practices for Golf Course Development and Operations, per JCC 18.15.255(4).

**Additional Aquifer-related conditions Identified in Appendix 5 – *Water Supply and Groundwater Impact Analysis* (at pp. 11 and 15):**

- The critical aquifer recharge areas would best be located on the eastern part of the point, and possibly areas north of the site. This is demonstrated by groundwater heads in the center of the site being lower than those on the margins.
- Additional work will be performed to develop susceptibility ratings for the site. An Aquifer Recharge Area Report will be prepared to quantify aquifer recharge and susceptibility. Based on the results of these studies, Adaptive Management procedures will be developed for maintaining groundwater quality and quantity.

<sup>1</sup> The chart in the DEIS has a typographical error: the forested wetland enhancement ratio is 6:1, not 4:1, for Wetland Categories II and III. Additionally, the Chart is entitled as “Table 3-11” and this is also incorrect – it should be “Table 3-5”; however the citation below the chart at the bottom of p. 3-69 does correctly cite to Table 3-5.

- Reduction of the amount of water used by water saving fixtures and through use of harvested water for residential purposes will ultimately result in recharging more water to the aquifer than is presently occurring. This benefit is due primarily to the decrease in evapotranspiration at the site, that there will be relatively few impervious surfaces on the site compared to the overall property; that the majority of recharge occurs during the fall, winter, and spring, and about one-half of the site receives irrigation, and that the underlying aquifer is not a major source of water supply.

**Fish/Wildlife Conservation Areas Mitigation**, as specified in DEIS Section 3.10.6, p. 3-72

- The three northerly streams shall be set aside in a natural area, and development shall be limited to that necessary to provide adequate access and road right-of-way. All culverts carrying streams shall be fish passable where the preconstruction reports identify that a stream has the potential for fish passage if obstructions can be removed.
- The two southerly streams shall be protected during construction using best management practices, and road crossings shall comply with adopted standards.
- The resort shall be required to annually collect water quality monitoring data from the state water quality sampling station at Pleasant Harbor and submit a summary water quality report to the County. In the event that water quality shows any sign of deterioration, the County shall consult with the resort, the local residents, and the State (both WDOH and WDFW) concerning the source of the change. The resort permits shall require the resort to implement any mitigation measures determined necessary by the County to alleviate any water quality issues emanating from the resort properties.

**Additional Fish/Wildlife Conservation Areas** Conditions or Considerations Identified in DEIS § 3.10.3, p. 3-71

- Fish and Wildlife Habitat protection and mitigation criteria are set forth in the County Code [see JCC 18.15.285 – 18.15.320].
- The site contains several intermittent or seasonal stream channels (Type 5 under the County classification system). Some of these are steep in gradient and blocked from fish passage due to structural barriers. Per JCC 18.15.315, Type 5 streams require a 50-foot buffer of native vegetation. The Proposal will comply with this requirement. Additionally, the creation of a complete and modern treatment system for stormwater on the developed portion of the marina site should result in an improvement in water quality discharge.
- A habitat management plan will be prepared at the project-permitting phase to identify and address mitigation for any potential impacts to streams and associated buffers.
- The resort shall be required to annually collect water quality monitoring data from the state water quality sampling station at Pleasant Harbor and submit a summary water quality report to the County. In the event that water quality shows any sign of deterioration, the County shall consult with the resort, the local residents, and the State (both WDOH and WDFW) concerning the source of the change. The resort permits shall require the resort to implement any mitigation measures determined necessary by the County to alleviate any water quality issues emanating from the resort properties.

**Frequently Flooded Areas**, DEIS Section 3.10.4, p. 3-71. There are no floodplains or frequently flooded areas onsite.

**Geologically Hazardous Areas** Conditions or considerations Identified in DEIS § 3.10.5, p. 3-71

- Geologically Hazardous Areas protection and mitigation criteria are set forth in the County Code - see JCC 18.15.260 – 18.15.280. Per JCC 18.15.275(5)(e), the standard buffer from the top, toe, and all edges of a landslide hazard area is 30 feet.
- The principal geologic hazard feature on the site is the steep bluffs along the southern shore. The Proposal will provide an extra margin of safety by maintaining a 200-foot vegetated edge from the southern shoreline. Further, the stormwater management plan shall require that all water from developed areas be captured in areas sufficiently removed from the bluff edge and are sized sufficiently to avoid discharge to or destabilization of the bluff in the event of wet seasons or upset.

**Additional Geologically-Hazardous Area-related conditions Identified in Appendix 4 – Soils and Geology** (pp. 14-15):

- Limit the extent and duration of site clearing, grading and disturbance of existing ground surface and natural vegetation. This will be accomplished by staging the construction work to accomplish full build out in separate construction phases over a number of years.
- Establish development setbacks from the crest of steep slopes, especially the coastal bluff area.
- Avoid introducing any additional uncontrolled surface water into documented landslide areas and other steep slopes in the project area. Stormwater and groundwater infiltration systems would be designed to reduce groundwater flows toward the shoreline bluffs to reduce landslide hazards.
- Limit development on long, steep slopes, especially slopes underlain by soils prone to erosion.
- Erect silt fences around disturbed areas to minimize migration of displaced soils into undisturbed vegetation and structures.
- Avoid wet weather grubbing, stripping, and grading where possible.
- Hydro-seed cut slopes and fill berms as soon as practical; on steeper slopes use mulch, jute matting or synthetic fabric to aid re-establishment of vegetation.
- Cover any stockpiled soils with visqueen especially during wet weather.
- Employ water trucks and/or sprinkler systems to minimize dust and wind erosion during dry weather.
- Construct haul roads with quarry spalls, asphalt, or recycled concrete and/or suitable road bedding.
- Control surface water runoff with ditches, detention ponds and check dams
- Line drainage ditches grass and/or quarry spalls to limit water erosion
- Protect permanent cut slopes with rockery walls, ecology blocks, and engineered retaining wall structures.

## **5.2 Technical Comments**

The following are comments from Statesman's consultants responding to questions that have arisen during the public review process of the DEIS.

### **5.2.1 Precipitation**

10/9/07 Memorandum from Scott Bender, Subsurface Group LLC, responding to questions about the source of weather and rainfall data.

### **5.2.2 Water Supply**

10/24/07 Memorandum from Scott Bender, Subsurface Group LLC, responding to questions about water supply sources.

### **5.2.3 Wastewater**

11/14/07 Note from Troy D. Vassos, Ph.D., P.Eng., NovaTec Consultants, Inc., responding to questions about the wastewater treatment and reuse process.

### **5.2.4 Wetlands/Habitat**

11/15/07 Memorandum from Wayne S. Wright, PWS, GeoEngineers, responding to questions about impacts to wetlands, kettles, and fish/wildlife habitat.

### **5.2.5 Elk Herd**

Wayne Wright's note summarizing his 11/9/07 conversation with Greg Shirato, WDFW regarding resident elk herd crossing Hwy. 101.

### ***5.3 County Comments Received After the Issuance of the DEIS***

DEIS and project comments have been logged by the County. The log is attached. The responses to comments have been grouped in the chapters referenced in the row entitled response to comments.

Letters or comments for which specific responses were addressed have been identified in the new sections and are indicated with an asterisk\* to the left of the name on the log.

Comments that were more general in nature or repeated concerns previously addressed are acknowledge and were considered in preparation of the Final EIS. Those comments are included in the log with areas of interest indicated. The comment authors may find the responses to their comments or concerns under each FEIS sections of Chapter 3 indicated in the log heading.

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