

**MEMO** February 28, 2019  
**FROM** Paul Cereghino, Volunteer Restoration Ecologist, Green Cove Watershed  
**TO** The City of Olympia  
**RE** Objection to the Green Cove Gardens Development Design

I am a volunteer providing technical assistance to citizens working to restore and steward the Green Cove Watershed. This involves working to capture and filter storm water, rebuild healthy forest cover, and protect biodiversity. To labor to heal the earth with no direct compensation is the great work of our generation, and is based on morality, law, and treaty. There is nothing more infuriating and humiliating than were these efforts to be undermined by the very governments obligated to support and protect our work.

**I strongly encourage you to make the morally and legally correct choice, to apply the greatest possible scrutiny to the proposal to construct a traditional high-density residential development entitled “Green Cove Park” at 2200 Cooper Point Road NW.**

This proposal is not consistent with best development practice, and ignores substantial and known risks at that site. The City of Olympia could easily determine that there is “a reasonable likelihood of more than a moderate adverse impact on environmental quality” consistent with the State Environmental Policy Act and proceed correctly with this weak development application through an Environmental Impact Statement process.

I would like to draw your attention to two issues: 1) the high potential for persistent soil and groundwater contamination from **an unpermitted and unregulated landfill on the site**, 2) the potential for **irreversible impacts to the green cove creek ecosystem through the cumulative impacts of inadequate storm water management.**

There is clear evidence that this project should be subject to an Environmental Impact Statement under state law.

#### **UNPERMITTED AND UNREGULATED LANDFILL**

Please consider the geohydrology report **submitted by the developer**, which states (emphasis added):

“Over the course of mining operations, it appears from descriptions related to the test pits (13) explored throughout the site that after areas had been completely mined they were then backfilled with assorted and various types of fill materials to varying depths. Generally, the backfill material consists of topsoil, **garbage**, gravel, sand, **silt**, cobbles, **woody debris**, tree roots, **large pieces of wood, and large logs.**” (p. 5)

The geotechnical report states that 8 out of 13 test pits dug on the site have “organic-laced fill”. In particular test pits TP8, TP6 and TP5 have 12’, 10’ and 8’ of fill with mixed materials including garbage, woody debris, occasional large pieces of wood, and silt. The geotechnical report concludes, “It should be noted that **our work does not include services related to environmental remediation** or design”, and “an appropriate design professional or qualified contractor should be contacted to address these issues.” An appropriate warning.

The Phase 1 assessment, **submitted by the developer**, which is supposed to evaluate contamination risk, continues on page 16: “Clean fill dump sites have historically been considered environmentally suspect land use activities due to the potential disposal of petroleum or other chemicals within the materials dumped on site.” It further reports that **a previous site evaluation identified strong petrochemical smells in test pits**. Again quoting the development proposal: **“The strong diesel or oil smells found in two of the test pits** excavated on the site in 2007 remain uncharacterized. The primary concern would be that these smells are associated with buried contaminants within the fill on the subject site.”

There is no record or regulation of the site as a landfill. This indicates that **all observed fill was unpermitted and unregulated over an unknown period of time**.

It is important to note that **this unregulated and unpermitted open pit dump site was located a four minute drive from the largest toxic waste site in South Sound**. The Budd Inlet cleanup program has identified 11 contaminated sites where “... the contamination came from historical industrial practices that preceded modern environmental laws. Previously, there were several industries located on shore, such as a wood treatment facility, plywood manufacturing, and bulk fuel storage.” Work on these sites would generate materials similar to those observed in test pits at Sundberg Mine.

The largest cost for owners stuck with remediation of toxic sites such as on the Budd Inlet shoreline, is the offsite disposal of toxic materials. We have evidence of logs and soils were dumped at the Sundberg Pit, and that it was unregulated and unpermitted. We have industrial operations that are implicated in illegal contamination located a four minute drive from the site. These operations were wrestling with contaminant liability during the period of unregulated dumping at Sundberg. We have professional observations of materials at Sundberg like those that could have been removed from toxic cleanup sites. We have professional reports of “strong diesel or oils smells” on the Sundberg site that are “uncharacterized”.

The report then repeatedly points to a “no action necessary” determination issued by Ecology in 2013 for this address. However they fail to note that this determination has no relation to the risks described above. It reflects a programmatic verification by the Leaking Underground Storage Tank (LUST) program that an underground storage tank was removed on the site. This 2013 determination does not address any of the concerns around unregulated disposal, and in this case is a distraction.

Finally there appear to be general claims within the neighbor community, that trucks containing logs and other materials were dumping at the pit, as a matter of course during the Budd Inlet cleanup.

**Any reasonable person would conclude that there is “significant risk of adverse environmental impact” by the development of this site as a residential community, given no attempt at characterizing an illegal dumpsite with a high risk of toxic materials.**

### **CUMMULATIVE EFFECTS OF STORMWATER**

The stormwater management strategies put forward in this proposal are the minimum required by ordinance, based on optimistic calculations, with no regard for 1) the sensitive character of the site as a groundwater recharge location, 2) the sensitive character of the downstream wetlands, 3) the sensitive overall condition of the Green Cove stream system, and 4) the policies and goals established under watershed management, in the 1998 watershed plan. (Please find attached Thurston County Resolution

11869 implicating the City of Olympia in the Green Cove Creek Comprehensive Drainage Basin Plan hereafter referred to as The Green Cove Plan.)

**Neighborhood runoff, polluted with nutrients, toxins and road waste, will be discharged to retention ponds and wetlands, and then into the Green Cove Creek.** The calculation of allowed runoff is based on existing site conditions—that of a highly damaged old mining site. There is no pretense of sight repair. In fact, development plans propose the maximum legally allowable 15% increase in stormwater discharge. With no small irony, the plan suggests that it meets requirements to “preserve natural drainage systems and outfalls” by leaving unimproved a topography of mining pits and road ditches. No attempt is made to maximize ecosystem services. In fact the proposal states on p.23 of the stormwater plan a confusing statement, that “by providing a storm drainage system that will adequately collect and convey stormwater runoff from the proposed plat, the downstream receiving waters and down gradient properties should not be adversely impacted.” This proposal will result in a 15% increase of barely treated water downstream from a degraded site into an existing degraded system of ditches and culverts. These design specifications largely hinge on the assumption that a healthy soil will be restored at depth over the site (through a promise to implement a soil restoration BMP). With 15 years of experience in the landscape industry, I assure you that this kind of soil restoration is both extremely difficult to implement, and very difficult to enforce over a large high-density development site.

In addition, please consider that these stormwater management calculations are based on current climate conditions, and **do not consider the best-available science concerning climate change.** Please consult the University of Washington’s Climate Impact Group’s 2015 report (Mauger et al 2015) for information about the potential for increased rainfall event intensity, a more compressed rainy season, and longer periods drought.

Furthermore, please consider that both the wetlands on site, and the wetlands downstream of these are forested wetlands. In a wetland assessment report developed for the nearby Grass Lakes Reserve at the headwaters of Green Cove Creek, Sarah Cooke, a highly respected regional wetland ecologist, indicated that because of the sensitivity of trees to water level fluctuation, **forested wetlands are particularly sensitive to changes in water level regime.**

Finally, and perhaps more significantly, consider the high risk of damage to salmon habitat and personal property in the unstable Green Cove Creek ravine. The 1998 Green Cove Plan states:

“The single biggest threat to the basin's beneficial surface water uses is posed by future excess storm water runoff to Green Cove Creek. Increased stormwater runoff in the future could cause several impacts of concern. First, increased runoff would trigger high peak flows in Green Cove Creek that could destabilize the stream channel and threaten the salmon habitat. Second, increased future runoff could carry more pollutants into Green Cove, endangering the shellfish resources there. Third, increased future runoff could cause flooding problems for some of the property owners around the creek and wetlands.”

And under conditions of increased stormwater flow:

“The landslides in the Green Cove Creek ravine, described above, will also increase. In addition, habitat in other areas of the Green Cove Creek may begin to degrade. Increased runoff will also increase peak flows downstream in Green Cove Creek.”

These risks and phenomena are clearly described in the scientific literature, cited in the plan:

“Urbanization increases stream peak flows and lowers summer base flows, which can limit available fish habitat (Nelson 1992). High peak flows degrade fish habitat by reducing in-stream pools and eddies and washing away streamside vegetation, woody debris and spawning gravels (Booth 1992). Reduced habitat complexity caused by urbanization decreases the fish population and diversity (Lucchetti 1992). High peak flows can also flood road crossings and block fish passage. Fish and overall stream health often suffer more damage from changes to stream hydrology than from water quality degradation (Scott 1982; Steward 1983; Bissonnette 1985).”

Not discussed in the report, is the potential for reduced groundwater recharge caused by careless development proposals results in reduced summer streamflow, and increasing competition between stream flow and residential groundwater extraction. These conflicts would be exacerbated under regional modelling of likely future climate conditions. **This proposal is a rapid acceleration of a development approach that reduces community resilience and degrades public resources.** This approach to development sets up our community for conflict over water and the extirpation of salmon populations under climate change.

**These impacts are easily prevented through good development practices. The current regional best practice for watershed protection is Low Impact Development or LID, where through construction of distributed water infiltration, a development mimics the hydrologic function of a mature forest. The State Pollution Control Hearings Board has determined that LID is “a known available method to address stormwater runoff” and that the strategies “are technologically and economically feasible and capable of application at the site, parcel, and subdivision level.”**

This development proposal completely fails to present any reasonable watershed-based strategy, and is inconsistent with stated policies and goals of the City of Olympia. Again from The Plan (emphasis added):

“Computer modeling predicted that a minimum of 60% undisturbed forest cover retained throughout the basin would be the most effective mechanism to mitigate future storm water impacts as the basin develops. Considering that approximately 50% of the Green Cove Creek basin lies within Olympia and the Urban Growth Area (UGA), achieving a minimum of 60% undisturbed forest cover would be difficult given the mandated minimum densities in the City and the UGA. Sixty percent undisturbed forest cover translates to approximately 900 acres. Critical Area buffers constitute approximately 200 acres of the basin. These buffers are protected from development and could, if necessary, be restored to forest. **Consequently, another 700-750 acres of forest need to be preserved or restored within the basin in order to meet the goal of minimizing future adverse impacts to the creek. Regulatory measures in combination with voluntary and incentive programs may be needed in order to reach this goal.**”

Please remember that this modelling based policy analysis by the County and City is 20 years old, and does not consider climate change, and even allows for some continued degradation of existing degraded conditions. The Plan, recommends (emphasis added):

- *Strongly encouraging development clustering where compatible with density requirements. **Resource parcels should be maintained in, or restored to, forest cover.***
- ***Expanding buffer widths** for critical areas within the Green Cove Creek basin*
- ***Increasing drainage manual standards** for release rates and storage requirements within the Green Cove Creek basin*

and

- ***Revising construction practices as appropriate, to protect existing soil infiltration capacity.***

**The proposed development is at the headwaters of the last remaining undeveloped area of the Green Cove Creek watershed within the City of Olympia Urban Growth Area.** This tributary to Green Cove Creek, enters the creek just as the creek enters its ravine. All other development in the watershed has been buffered by the large wetland complexes at Grass Lakes and along Kaiser Road (with unknown effects of amphibian diversity and wetland health.) This next series of developments are very different.

**The storm water impacts from this development and adjacent anticipated developments will have a larger impact on stream condition than any to date.** The Plan's recommendation to monitoring wetland water fluctuation and stream habitat conditions has not been implemented. Increases in storm water from the Sundberg Hill tributary will directly enter the creek, with minimal buffering. There has been no evaluation of whether the City of Olympia and Thurston County have met their forest cover goals, or are instead violating The Green Cove Plan. The same logic that would allow this development, will pave the way for development of the remaining downstream parcels in this last undeveloped catchment of Green Cove Creek. **Development of the Sundberg Mine site under this design, has predictable cumulative impacts that threaten the future of Green Cove Creek. If the City of Olympia approves this design without a complete EIS process, it will be willfully ignoring its own plans and policies, and will be liable for predictable damages to the public trust and tribal treaty rights.**

**Any reasonable person would conclude that there is "significant risk adverse environmental impact". Further, this action is part of a known and predictable pattern of cumulative effect that will have similar adverse environmental impacts. The City has not only studied these effects, but has made commitments to the people of Olympia and Thurston County twenty years ago to prevent these very impacts.**

## **CONCLUSION**

**This proposal should require a full Environmental Impact Statement.** Given the potential lack of capacity to conduct the kind of analysis necessary, the City should consider identifying mechanisms for soliciting additional agency input from the state departments of Ecology and Fish and Wildlife. Further the initial public comment period should be extended to 90 days, to allow for a full investigation of the proposal, so that we can adequately scope an Environmental Impact Statement.

Should these plans for aggressive high-density development continue it would provide a clear signal. City leadership would plainly indicate that the for-profit ventures of Mr. Jerry Mahan of Puyallup has privileges that trump 20 years of community-based watershed planning. City leadership would signal that they have no concern about the risk of building a residential neighborhood on an illegal dump site located 4 minutes from a toxic cleanup, with no further investigation.

I would be grateful if you would consider my comments, and submit them to your administrative record.