



October 21, 2019

Thurston County Community Planning and Economic Development Department
Building #1, Administration
2000 Lakeridge Drive SW
Olympia, WA 98502
Attn: Leah Davis

Re: Thurston County Staff Report: Project No. 2019100758 – Manke Reasonable Use Exception, Shoreline Conditional Use Permit, and Shoreline Substantial Development Permit.

Dear Mrs. Davis:

Grette Associates is preparing this letter in response to the County's staff report that was prepared for the Hearing Examiner hearing scheduled for October 22, 2019. The staff report was received by Sitts and Hill Engineers on October 14, 2019.

Upon review, Grette Associates identified numerous comments from the County regarding the *Critical Areas Ordinance General Requirements*. More specifically, County staff concluded that they find the Habitat Management Plan (the "HMP"; Grette Associates 2019a) to be inadequate with respect to mitigation sequencing, compensatory mitigation, and no net loss of critical area function. Prior to Sitts and Hill Engineering receiving the staff report, no critical areas comments associated with the County's review have been submitted to the applicant (Scott Manke) or any project proponents (since May 8, 2019). In response to the County comment letter (May 8, 2019) and discussions with staff, Grette Associates prepared a revised critical areas report (Grette Associates 2019b) and revised HMP (2019a). The County did not express any concerns similar to the comments provided in the staff report in the May 8, 2019 letter. The staff report's *list of exhibits* refers to the May 8, 2019 letter but does not list any additional letter(s) to suggest the County found that the documents prepared by Grette Associates were inadequate requested additional information/revisions.

Provided below are several key comments (*italic*) that the County summarized in the staff report that Grette believes are crucial to bring forward to Hearing Examiner and County staff.

Comment A under the critical areas ordinance general requirements section states that staff finds that critical area impacts were not avoided or minimized by sensitive design.

As summarized in Section 3 of the HMP, per TCC 24.01.037, all feasible design alternatives were considered to demonstrate how the project would avoid and minimize (i.e. mitigation sequencing) impacts to critical areas and their associated buffers. This included demonstrating each project element (unauthorized work and proposed work) separately. In conclusion, all the unauthorized work and proposed work will avoid critical areas. Given that the subject property is largely constrained by critical area buffers, there is no feasible alternative to reposition any structures to fully avoid critical area buffers. All minimization efforts have been implemented. With the exception of the shoreline stairs, all structures were constructed in the previously logged areas that became largely overgrown with blackberry. Based on rationale summarized in Section 3, the HMP has adequately demonstrated mitigation sequencing.

Comment B under the critical areas ordinance general requirements section states that staff finds that the no net loss criteria defined in TCC 24.01.035 and 24.25.090 has not been met because the HMP does not provide compensatory mitigation beyond construction BMPs.

Grette Associates disagrees with this comment. Per TCC 24.25.090, **adverse impacts** (emphasis in bold) to important habitats and associated buffers shall be fully mitigated using mitigation sequencing. As summarized in Section 3 of the HMP, mitigation sequencing was implemented and the HMP provides a detailed impact analysis (Section 4) and no net loss analysis (Section 5) that summarize the unauthorized and proposed project actions would not result in any adverse impacts to critical areas and/or their buffers. Therefore, no compensatory mitigation is necessary per TCC 24.25.090. The County's comment implying that compensatory mitigation is required regardless if the project results in no adverse impacts is inappropriate.

Comment D under the critical areas ordinance general requirements section states that staff finds that the HMP limits mitigation for the proposed home addition through construction BMPs and that no mitigation is proposed for the construction of the unauthorized structures.

Similar to the above comment, compensatory mitigation is only required when a project results in **adverse impact** (TCC 24.25.090). The HMP includes mitigation sequencing (Section 3), an impact analysis (Section 4), and a no net loss analysis (Section 5) associated with these structures. In summary, these structures were constructed in previously disturbed areas (logged areas) and did not result in the removal of any native vegetation. Therefore, no compensatory mitigation is necessary per TCC 24.25.090.

A Mitigation Determination of Non-significance was issued on October 4, 2019 with conditions.

Many of the comments, with respect to critical areas, are associated with mitigation and the comments suggest that the project will be required to provide compensatory mitigation. To Grette Associates' knowledge, the County has not provided the applicant or project proponents with any supporting information and/or analysis to refute the conclusion that the project will not result in any adverse impacts to critical areas or their associated buffers. Issuance of a MDNS contradicts the County's comments regarding mitigation if their stance is that they believe the project would result in adverse impacts. Issuance of an MDNS suggests that all feasible actions summarized in the application materials are sufficient to successfully reduce impacts to a nonsignificant level.

In conclusion, it is Grette Associates' professional opinion that the HMP has been prepared to adequately demonstrate that the project has avoided and minimized impacts to critical areas and/or their buffers and that the project will have no adverse impact or net loss of ecological shoreline functions. Therefore, per TCC 24.25.090, compensatory mitigation should not be required for this project.

If you have any questions regarding this letter, please contact me at (253) 573-9300, or by email at chadw@gretteassociates.com.

Regards,



Chad Wallin
Biologist

Chad Wallin is a Biologist with extensive training in wetland science and ecology restoration. Chad also has professional experience in stream and fish restoration, marine monitoring, mitigation monitoring, and fish and wildlife assessments.

Chad has earned a Bachelor's of Arts degree in Environmental Studies from the University of Washington along with certificates in ecology restoration and wetland science.

References:

Grette Associates, 2019a. 9020 Baird Rd. NE, Olympia, WA. Habitat Management Plan. Prepared for Scott Manke. Revised May 31, 2019.

Grette Associates, 2019b. 9020 Baird Rd. NE, Olympia, WA. Critical Areas Report. Prepared for Scott Manke. Revised May 31, 2019.