

Mr. Grant Beck, Director of Community Development  
PO Box 479  
Yelm, Washington 98597

**SUBJECT:** Thurston Highlands Development DEIS Comments

From: William Hashim  
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Yelm, WA 98597

Dear Mr. Beck:

I am going to start my comments by listing those elements I identified during the scoping process. Typical of the City of Yelm, public comments are ignored or minimized as were mine.

Also, I require extra time to do a meaningful read and comment on the DEIS. It is large and complex. I handed you a request at the open house in July for additional time. The time you gave was not sufficient given the size and scope of the DEIS. The SEPA Rule requires additional time. Since I have not heard from you I will assume extra time is not granted. Thus I will appeal your decision.

I also require a complete and thoughtful response to comments as I suspect they will be used during possible litigation. I do not want to see those little thoughtless text box comments which is the modus operandi of your department.

What follows are my comments for consideration of the Thurston Highlands Development EIS. But first:

1. I am receiving mixed messages as to who actually paid for this study. I hope it is the developers since under state law public funds cannot pay for private development. This DEIS supports private development and thus should be funded by the developers. Please provide documentation that the city of yelm did not pay for this study.

**Article VIII, SECTION 7 from the States Constitution -- CREDIT NOT TO BE LOANED.** No county, city, town or other municipal corporation shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company or corporation

If you can't prove that you did not pay for this study, I request that the city surrender their status as responsible official. At face value, it seems that the city is the actual proponent of this project, that is, they want this project badly. The city, the director of development, and a staff planner are too close to the developers to give a truly objective decision. Surrendering responsible official status will make this a fair process.

2. There are many potentials for the Thurston County Highlands Area. This DEIS only considered a few alternatives citing the history of Thurston Highland Proposals and eliminating those as alternatives:

**Alternatives Considered and Eliminated.** The applicant for the Thurston Highlands Master Planned Community did not consider alternative development concepts for the property other than those described and evaluated in this Draft EIS. Prior proposals considered and eliminated by others are described in Draft EIS Section 2.3, *History and Background of Environmental Review, Land Use Regulations, and Development Proposals for the Site*, in Chapter 2.

What you failed to do was consider alternative buildout scenarios; consider for example, 2500 homes, 2000 homes, or even less. Especially given the uncertainty of Y3 and water availability, I request you entertain those options in addition to the ones identified in the DEIS.

### 3. Groundwater contamination

Unregulated and emerging chemical contaminants present numerous technical and institutional challenges to society and to environmental and public health professionals. Over the past four decades, increasingly sensitive analytical techniques have chronicled the emergence of specific chemicals in actual or potential sources of drinking water. As the ability to detect these agents has improved, the number of contaminants regulated under various environmental statutes has also increased, and the universe of regulated agents has grown dramatically. Despite these advances, many contaminants remain unregulated, and the number of such regulated contaminants will continue to grow slowly over the next several decades. Emerging chemical contaminants such as industrial solvent stabilizers (1,4-dioxane), disinfection byproducts (NDMA), pharmaceuticals (antibiotics/drugs), personal care products (polycyclic musks), pesticides/herbicides (1,2,3-trichloropropane), other persistent compounds such as flame retardants (PBDEs) and phthalates illustrate many technical and institutional challenges. While technologies are available to remove many of these contaminants from water, these technologies are often expensive, and water treatment costs may not balance the estimated reduction in risk.

Since Yelm's drinking water is solely from area wells, risk management decisions in the future will require more complex assessments of the vulnerability of a water supply source to unregulated contaminants, and an analysis of the appropriate combination of treatment processes in the context of water quality uncertainties to meet both current and future hazards arising due to these contaminants taking cost into consideration. It becomes imperative that the risk of not only continued contamination but the exacerbation of ground water contamination from this development be assessed.

The draft EIS never discusses the quality of groundwater. That needs to be known as a baseline condition given the probable impacts this development will create. Thus prior to approving this project, I require at least 1 years worth of ground water quality monitoring.

As mitigation, developers shall be required to perform monthly monitoring of area wells to detect changes in water quality. My well has excellent water and I will hold the City and the developers responsible for any changes to that quality.

On page 3.3-30 you claim that Identified groundwater impacts are either not adverse or not significant (for example, the rise in the groundwater level under infiltration areas), or are avoidable by mitigation (such as the increase in groundwater flux to Thompson Creek. However, you never discuss groundwater quality, thus your statement is meaningless. Given the characteristics of the CARA and

the likelihood that any treatment will not trap all pollutants, there is a strong likelihood that area wells will be contaminated with infiltration of stormwater and reused water. What kind of mitigation would you propose?

#### 4. Protection of Yelm's Critical Aquifer Recharge Area

A Critical Aquifer Recharge Area (CARA) is defined by the GMA as "areas with a critical recharging effect on aquifers used for potable water." The Washington Administrative Code Chapter 365-190 uses the following definition:

*"Areas with a critical recharging effect on aquifers used for potable water are areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water."*

Given that a large part of Yelm's CARA is under both the Berry Valley Development and the proposed Thurston Highlands Development, how do you plan on protecting this critical resource? The increase in impervious surfaces will not allow full capacity recharge. As you know, effective impervious surface over 10% alters the recharge regime forever.

Questions that need to be answered:

1. What is the cumulative impact of both large developments and all the smaller ones on Yelm's CARA? This was never answered in the DEIS
2. How do you propose to protect CARA from contamination? This was never answered in the DEIS
3. What is the impact on available potable water if this CARA is adversely impacted, and the resultant impact on Yelm's ability to provide potable water to its citizens? This was never answered in the DEIS
4. How do you propose to manage groundwater withdrawals and recharge impacts to maintain availability for drinking water sources? This was never answered in the DEIS

#### 5. Impacts to Thompson Creek

Page 33-4 first paragraph you stated that Thompson Creek is dry most of the year. It is an intermittent creek that historically had water only in the winter/early spring months. However, the last several years has seen the creek with running water for longer and longer periods. I suspect it is a result of increased impervious surfaces and excess flows directed to the creek. Your study is silent on that matter. This hydrologic year water was in the creek from October 2007 to July 2008. That is substantial from historical flows.

However, your proposal to infiltrate stormwater into the shallow aquifer system which would directly impact Thompson Creek is absurd. You will change the flow regime from intermittent to perennial. In addition, your description of Thompson Creek as a "conveyance" is disturbing. A conveyance is used to direct polluted waters (whether it is waste or stormwater) to a receiving waterbody. If I understand your proposal, excess stormwater will be infiltrated into a CARA, which will find its way to Thompson Creek, and that polluted water will find its way to the Nisqually River. That is a NO NO.

On page 2.13 you claim that upwards of 30% of infiltrated stormwater would reach Thompson Creek and yet on page 3.3-19 you state that No significant unavoidable adverse impacts to surface water movement, quantity or quality would be anticipated. What you are proposing is a huge impact. The statement does not follow your proposal. How can you say that 30% of infiltrated stormwater reaching Thompson Creek is not a significant environmental impact?

## 5. Controlling Stormwater Runoff

I suggest Yelm volunteer to be part of the Phase II general stormwater permit because if they allow this proposal to happen according to the DEIS they will be liable for third party lawsuit. Yelm and the developers are not capable of controlling stormwater through either source control or treatment. Phase II regulations will help immensely.

## 6. Transportation.

This may be the most obvious issue facing Yelm and all developments within the city. For the EIS, this project needs to identify every transportation option possible, study the current transportation patterns, ownership, environmental effects, and then select the most appropriate. It may be that there is no option that would allow the size of development proposed. This issue needs to be addressed also. What is needed is a transportation cumulative impacts study for the city of yelm. The current proposal for egress onto 93rd is not acceptable, nor is any egress that will impact 93rd, including using Rathbun as a future transportation corridor. I suggest looking at options for egress onto 507 in the area of George road. That would put outgoing traffic nearer the currently planned loop around Yelm.

There is a strong indication that gas tax funds are decreasing and thus funds for Y3 are not guaranteed by a long shot. As I discussed above, you need to develop options for buildout less than what you would desire. In the event of no Y3, what would be the impacts of 2500 homes, 2000 homes or less.

On page 33 of the Transportation Impact Analysis it was stated, "In general, transportation improvements identified in **Appendix C** are not guaranteed for construction; they simply define a need that should be addressed as funding becomes available. In review of the entire list of planned transportation improvements, funded projects have been identified in coordination with the City of Yelm, and have been assumed for completion by 2012 and 2015 as baseline conditions including:"

Given that you admit there is no guarantee for transportation funding, you need to propose alternative buildout scenarios. Failure to do so is a huge mistake.

## 7. Water Quantity - Water rights

There is "probably" not enough water for this project. What is the projected water need to support a development of this size? If there is not enough water, how do you propose to acquire it? You need to create development options in the event that you cannot acquire all the water you need. I propose you begin an aquifer drawdown study. This aquifer supports the existing wells, both in the city and outside the city limits, and probably the water quantity in the Nisqually River. There is a study that is either ongoing or has been completed that measures the impacts of aquifer drawdown on the Nisqually. If that study is not sufficient to answer the questions of impact to not only the Nisqually but other area wells, then the city or proponents need another more comprehensive study is needed for this EIS.

On page 3.3-37 you claim that No significant adverse impacts to public or private water supplies are anticipated that could not be avoided or mitigated, but yet you never go into much detail on water use or the potential impacts to other groundwater users. Nor do you go into any possible ways to avoid or mitigate. RCW 90.44 gives me the right to the water I use. Over the last 12 years since I have lived in my house, my water level has only fluctuated a few inches. If my water rights are harmed in any way I will hold the city of yelm and Thurston Highland Developers responsible. So you better understand the impacts of the water use for your development prior to any approval and breaking of ground.

Besides, how can you even approve of a project of this scope without water being guaranteed to you. As a junior water right holder, there are many users first in line that want water also.

#### 8. Population

The increase in population is dramatic and yet you claim that:

##### POSSIBLE MITIGATION MEASURES

Because no adverse impacts to anticipated population growth are anticipated, no mitigation measures for such impacts have been identified.

and

##### SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS

From a City planning perspective, no significant unavoidable adverse impacts to population growth within the City of Yelm and its UGA would be anticipated.

With dramatic population growth there is a need for increased services. The economic impact to the people of Yelm will be tremendous. Fire, police, waste water, education, public health are just a few of the impacts that will be felt. How do you propose to mitigate these? Public Services, 3-18, claims that the cities use of sustainability principles, LID, and Smart Growth will help mitigate impacts to the citizens.

However, I commented on your statement of sustainability during the time it was adopted. Then as now, I find it a meaningless statement with no real policies or principles attached to it. In addition, Yelm is not a Smart Growth community and the LID concepts are cut and past from somewhere else. Until Yelm decides to adopt Smart Growth, I want to see in place mitigation that will protect Yelm citizens from unsustainable planning practices.