

## SHD19-000S - Specific Grounds for Petition/Appeal

April 23, 2020

Concise Statement of the Factual Reason for Appeal

For the reasons listed below and in the attached PDFs, Lewis County has not met its obligation to evaluate the environmental impacts of the proposed development. After conducting the necessary environmental analyses and supplemental studies described in the attached, I believe there will be a substantial change to this proposal such that it requires the Lead Agency to withdraw its DNS and require a Full Environmental Impact Statement.

Identification of Policies, Statutes, Codes or Regulations (Additional

Policies, Statutes, Codes, and Regulations included in Appendix B)

*Written in order following pertinent policies, statutes, codes, and regulations that the petitioner claims are violated, not in order of magnitude of violation.*

1. Per WAC 197-11-030 (2) & (2)(c): "Agencies shall to the fullest extent possible" [...] "prepare environmental documents that are [...] supported by evidence that the necessary environmental analyses have been made."
  - a. The Lead Agency and Proponent have not, to the fullest extent possible, conducted the necessary environmental analyses to provide supporting evidence that this development would not have a probable, significant adverse impact on the environment.  

Lewis County Public Works believes that we have prepared environmental documents that are concise, clear, and to the point, are supported by evidence that the necessary environmental analyses have been made.
  - b. Please see attached Appendix B for the comprehensive list of sections in which the Lead Agency and Proponent failed to conduct the necessary environmental analyses to the fullest extent possible, providing the required evidence to support its conclusion that this development would not have a probable, significant adverse impact on the environment.  

Appendix B will be reviewed and responses will be provided within Appendix B.
2. Per WAC 197-11-030 (2) & (2)(f): "Agencies shall to the fullest extent possible" [...] "encourage public involvement in decisions that significantly affect environmental quality."
  - a. Fundamentally, Lewis County and the local advocates for this development have inadequately sought public involvement and, from the prospective of an adjacent property owner, the degree to which the Skyline neighborhood was kept in the dark is indicative of a malicious attempt to prevent public involvement. Please provide the requested evidence of soliciting public feedback as noted below.  

The Packwood community was engaged in the project before this time as support for the project concept was sought out in 2016 and a letter of support was provided by the Packwood Anglers Group with over 80 signatures.

Adjacent residents are generally notified of Lewis County Public Works projects through the SEPA comment period unless permission to enter a landowner's property is needed before this time.

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- b. Lewis County Public Works, Proponent, has been actively working on this project since early 2016, potentially earlier. On April 18, 2016, the Lewis County BOCC approved an Application Resolution/ Authorization for Public Works to apply for grant monies from the WA RCO ALEA fund. In this Resolution / Authorization, signed by the Chair of the BOCC, Lewis County agreed to section 12 stating: "We provided appropriate opportunity for public comment on this application."
- i. On August 28, 2019, I submitted a public records request seeking: "Copies of all notifications distributed to the public and evidence of the mediums through which notifications were distributed to solicit feedback as described in the Lewis County BOCC RCO ALEA Application Resolution/Authorization section 12 signed by BOCC Chair on 4/18/16 and 5/31/17." This specific request has been wholly unfulfilled. **Lewis County Public Work's documentation shows that all Public Disclosure Requests related to this project have been responded to.**
- c. Long after Lewis County acquired TPN 035132-005-005, its contractor was conducting a survey of the property in early 2019 and the immediate property owner (Jordans) approached the surveyor and ask why the property was being surveyed. Only at this point, did the Jordans learn of the proposed development, at which time the Jordans distributed notice to the Skyline neighborhood.
- Adjacent residents are generally notified of Lewis County Public Works projects through the SEPA comment period unless permission to enter a landowner's property is needed before this time.**
- d. On May 18, 2019, Josh Metcalf presented on behalf of the County to a limited number of Packwood residents. The County's message to the attendees was that the parking lot project is happening despite the feedback of the Skyline neighborhood and that they need to continue moving quickly to complete the project within the timelines of the grant funding.
- i. Lee Grose, now member of the Lewis County Planning Commission, President of Packwood Improvement Club, and primary advocate for this development volunteered to distribute notices to the Skyline neighborhood about the meeting with Josh Metcalf. During the May 18 meeting, I asked Lee Grose why he didn't deliver a notice to every home on Alta, especially the properties adjacent to the project, his response was, "I didn't know who is a renter and who is full time. I am just a volunteer and did the best that I could." Me, my wife, my sister & brother-in-law, and both of my in-laws (6 of us) were in our driveway weeding the flower beds. Clearly a renter would not be weeding the flower beds at a rental home, but Mr. Grosse walked by without making eye contact, nonetheless. Lee Grose is the President of the Packwood Improvement Club, the organization that will allegedly be responsible for maintaining and enforcing the rules of the parking lot, in a volunteer capacity. If Lee Grosse is too intimidated to hand out flyers for a public meeting to very friendly people cleaning up their property, how is he going to enforce the rules of the parking lot, in a volunteer capacity, on less than friendly terms with transients and general rule breakers?
- N/A**
- e. On September 25, 2019, I sent a letter to Lewis County Manager Erik Martin providing notice

and a copy of a petition signed by more than 280 concerned citizens. The signers are comprised of Skyline property owners, Elkhorn property owners, family, friends, and other Packwood property owners who believe this project requires significantly greater analysis, planning, and consideration of the short- and long-term responsible stewardship of the land.

- i. Other than the 30-day public comment period for this threshold determination, there has been no other attempt to seek public involvement in decisions that significantly affect environmental quality. Josh Metcalf attended one Packwood Improvement Club meeting, at which I was also in attendance, and he was largely unable to answer specific questions and stated that the contents of the SEPA checklist and supporting documents would answer my questions. This is not an attempt to seek public involvement in decisions significantly affecting environmental quality, such that the Lead Agency and Proponent made with its DNS.

**Lewis County Public Works does not believe the proposed project will significantly affect environmental quality as is outlined in the SEPA checklist and Shoreline Burden of Proof documentation.**

3. Per WAC 197-11-030 (2) & (2)(g): "Agencies shall to the fullest extent possible" [...] "Identify, evaluate, and require or implement, where required by the act and these rules, reasonable alternatives that would mitigate adverse effects of proposed actions on the environment." Additionally, per RCW 43.21C.030(2)(c)(iii): "counties shall" [...] "include[...] a detailed statement by the responsible official on: alternatives to the proposed action."

- a. Per WAC 197-11-060 (3)(iii): "Proposals should be described in ways that encourage considering and comparing alternatives."

- i. The Lead Agency and Proponent have not demonstrated that they have identified, evaluated, and required or implemented reasonable alternatives, nor have they described the proposal in ways that encourage considering and comparing alternatives.

**Lewis County Public Works does not believe that there are adverse effects of the proposed actions on the environment that would need to be mitigated over those that are proposed, i.e. replanting.**

4. Per WAC 197 -11- 060(4)(c): "Agencies shall carefully consider the range of probable impacts, including short-term and long-term effects. Impacts shall include those that are likely to arise or exist over the lifetime of a proposal or, depending on the particular proposal, longer." Additionally, per RCW 43.21C.030 (2)(c)(iv): "counties shall" [...] "include[...] a detailed statement by the responsible official on: the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity;"

- a. Fundamentally, the Lead Agency and Proponent have not analyzed long-term environmental impacts and have only considered limited potential impacts during construction.

**Long-term impacts were not discussed in the SEPA this is because Lewis County Public Works does not believe that will be any significant long-term adverse impacts to the environment.**

**Over the long-term no increased erosion is anticipated to occur due to the proposed project.**

Over the long term any potential impacts from use of the gravel parking lot and access road would meet air quality standards.

Over the long term no impacts to surface water or groundwater are anticipated.

Over the long term no adverse impacts to plants, animals, energy and natural resources, environmental health, land and shoreline use, housing, lights and glare, recreation, historic and cultural preservation, transportation, public services, or utilities are anticipated to occur due to the proposed project.

Over the long-term, proposed plantings are anticipated to limit the view of the parking area from the roadway, the bridge, and adjacent parcels, in addition to the buffer proposed to be left in place around the parking area.

- b. Please see attached Appendix B for a comprehensive list of sections in which Lewis County failed to analyze the long-term impacts of the proposed development.

Appendix B will be reviewed and responses will be provided within Appendix B.

- 5. Per WAC 197-11-060 (4)(d): "A proposal's effects include direct and indirect impacts caused by a proposal. Impacts include those effects resulting from growth caused by a proposal, as well as the likelihood that the present proposal will serve as a precedent for future actions."

- a. The Lead Agency and Proponent have only considered limited direct impacts and have not considered indirect impacts.

Lewis County does not believe that there will be growth due to the proposed project so no indirect effects of such growth were evaluated. Additionally, it is unlikely the present proposal will be used as a precedent for future actions as there is no proposed change in zoning required. All proposed project elements have been determined to comply with the Lewis County Code and Shoreline Master Program with the exception of the installation of the proposed 35-ft log stringer bridge which will require a conditional use permit.

- b. Please see attached Appendix B for the comprehensive list of sections in which the Lead Agency and Proponent failed to conduct the necessary analyses to the fullest extent possible, providing the required evidence to support its conclusion that the direct and indirect impacts of this development would not have a probable, significant adverse impact on the environment.

Appendix B will be reviewed and responses will be provided within Appendix B.

- 6. Per WAC 197-11-060 (S)(d): "Phased review is not appropriate when: (ii) it would merely divide a larger system into exempted fragments or avoid discussion of cumulative impacts;"

- a. Further, per WAC 197-11-060(S)(e): "When a lead agency knows it is using phased review, it shall so state in its environmental document."

The fish chute is not a component of the County's proposed project, and as such was not included in permitting for the Cowlitz River Public Access Point project.

- b. Lewis County Public Works has applied for and has been approved for grant monies from

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Tacoma Power to relocate a fish chute to the parcel(s) for which they are making this SEPA application, however Lewis County has omitted this future addition/expansion from this application (see [here](#)).

Lewis County has been approved to receive grant monies from Tacoma Power for the proposed Cowlitz River Public Access Point project. The fish chute is not a component of the County's proposed project.

- c. Phased review is not being sought by the Lead Agency/Proponent and the fish chute installation should be included in this proposal and environmental analyses, specifically the FEMA no-rise study as it involves development in water and on the shoreline. Not including this element in the proposal avoids discussion of cumulative impacts.  
The fish chute is not a component of the County's proposed project.
7. Per WAC 197-11-070 (l)(b): "Until the responsible official issues a final determination of nonsignificance [...] no action concerning the proposal shall be taken by a governmental agency that would: Limit the choice of reasonable alternatives."
- a. On August 14, 2016, Lewis County Public Works received approval for a waiver of retroactivity for the acquisition of TPN 035132-005-005. This waiver of retroactivity allowed the acquisition of this parcel and all eligible transaction expenses to remain eligible for a RCO grant reimbursement.
  - b. See also Waiver Request Letter 8-14-16 written by Ann Weckback to Kim Sellers
    - i. In this letter, Ann Weckback states that "if the purchase of parcel 035132005005 may not be used as match for the proposed Cowlitz River Access Project the County will be unable to move forward with the Cowlitz River Access Point project as we do not have the additional funds to make up for this portion of or proposed match."
    - ii. This letter written by Ann Weckback to Kim Sellers also indicates that the County knew of its intent to develop this parking lot, but did not include its plans to develop the parking lot with the SEPA it submitted for the Skate Creek Bridge S Bridge #193 - Scour Mitigation Project. This, also, is a breach of the County's duty to state a phased development approach.  
The SEPA checklist for the Skate Creek Bridge S #193 – Scour Mitigation Project was submitted in May of 2016. At that time the Cowlitz River Public Access Point was still a concept and no funding had been acquired so it was not considered a project.
  - c. Lewis County acquired TPN 035132-005-005 on 12/12/2016 for \$54,000
  - d. On April 11, 2019, Commissioner Jackson signed a Deed of Right for encumbering TPN 035132-005-005. On Page 1 of the Deed of Right, it states: "The Grantor (Lewis County Public Works) enters this Deed for and in consideration of monies coming in whole or in part from the RCFB- Aquatic Lands Enhancement Account. Such grant is made pursuant to the Project Agreement entered into between the Grantor and the Grantee entitled Cowlitz River Public Access Point [...]."
  - e. By recording the Deed of Right and accepting reimbursement from the RCO ALEA fund, the Lead Agency and Proponent have clearly taken action concerning this proposal that limits the

choice of reasonable alternatives.

8. Per WAC 197-11-080: "If information on significant adverse impacts essential to a reasoned choice among alternatives is not known, and the costs of obtaining it are not exorbitant, agencies shall obtain and include the information in their environmental documents."

- a. In the Liquefaction Review of Project Elements contained in Appendix C: Geomorphic Assessment, the Proponent states " Extensive in-place testing would be cost prohibitive for this site given correction results would likely include surcharging fill, draining ground water or over excavation and replacement with import materials. All of these options may be appropriate for high importance structures such as dams, multi-story building and power facilities." This section goes on to state that the elements of this proposed development do not have significant ground pressure and, therefore, do not warrant these studies. This section fails to consider that the Skate Creek Road S Bridge #193 abutments are on one of the two parcels affected by this proposal which I believe the residents of Packwood would agree that access across the Cowlitz River makes this bridge abutment a high importance structure.

The two parcels proposed with this project are undeveloped. The only structures proposed with this project is a log stringer walk bridge and a 240 square foot vault toilet, both of which are classified as non-significant structures. The parcels proposed for this project are adjacent to Skate Creek Road S. right of way (ROW), however, no work is proposed within the Skate Creek Rd S. ROW. As a note of clarification, Skate Creek Rd S. includes the main span Cowlitz River steel truss structure (with concrete approach structures) and a concrete overflow structure. All bridge structure foundations are supported by driven H-piles or concrete fill pipe piles designed to withstand earthquake loading (including liquefaction).

- b. WAC 197-11-080 (3)(b) states : "Agencies may proceed in the absence of vital information as follows [...] Then the agency shall weigh the need for the action with the severity of possible adverse impacts which would occur if the agency were to decide to proceed in the face of uncertainty. If the agency proceeds, it shall generally indicate in the appropriate environmental documents its worst case analysis and the likelihood of occurrence, to the extent this information can reasonably be developed."

- i. The Lead Agency and Proponent have not conducted or described a worst-case analysis and the likelihood of occurrence.

The attached "No-Rise" Analysis (NHC, 7-Des-19) concludes impacts from flood events (up to a 100-yr event) will not change/increase flood elevations in this reach of the Cowlitz River.

9. Per WAC 197-11-330(3): "In determining an impact's significance, the responsible official shall take in to account the following, that: (a) the same proposal may have a significant adverse impact in one location but not in another.

- a. The proposed site for this parking lot development is in the following critical areas:

- i. Severe Channel Migration Zone
- ii. FEMA 100-year Floodplain and Floodway
- iii. Category II Critical Aquifer Recharge Area
- iv. Moderate to High Liquefaction Susceptibility Zone

- b. The proposed site is also arguably the floodgate to downtown Packwood (see [here](#)) and that

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a net negative excavation and removal of 132 trees from this site will increase the risk of flood damage to the commercial core of Packwood, in addition to many residences.

The attached "No-Rise" Analysis (NHC, 7-Des-19) concludes impacts from flood events (up to a 100-yr event) will not change/increase flood elevations in this reach of the Cowlitz River.

- c. Based on critical area maps of Packwood, it is clear that there are other reasonable alternatives for the location of this parking lot development that will not have the same significant adverse environmental impacts as the proposed site. Other locations have not been contemplated or described in the SEPA or supplemental documents.

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a. **SEPA Environmental Checklist Incomplete**

- i. Fundamentally, the SEPA checklist does not analyze long-term impacts, only potential impacts during construction.

Long-term impacts were not discussed in the SEPA this is because Lewis County Public Works does not believe that will be any significant long-term adverse impacts to the environment.

Over the long-term no increased erosion is anticipated to occur due to the proposed project.

Over the long term any potential impacts from use of the gravel parking lot and access road would meet air quality standards.

Over the long term no impacts to surface water or groundwater are anticipated.

Over the long term no adverse impacts to plants, animals, energy and natural resources, environmental health, land and shoreline use, housing, lights and glare, recreation, historic and cultural preservation, transportation, public services, or utilities are anticipated to occur due to the proposed project.

Over the long-term, proposed plantings are anticipated to limit the view of the parking area from the roadway, the bridge, and adjacent parcels, in addition to the buffer proposed to be left in place around the parking area.

- ii. Ongoing operation and maintenance has not been adequately planned or budgeted:
1. Packwood Improvement Club not equipped for responsibilities, financial burden, and legal burden to which it purports to agree. Either the County's O&M plan (with budget) or an executed management agreement with a third party for the O&M of the parking lot should be an element of this SEPA application.  
Lewis County stands by our agreement with the Packwood Improvement Club (PIC) to operate and maintain the Cowlitz River Access Park including providing all grounds maintenance, opening and closing the gate, and providing security, as needed.
- iii. On the first page of the SEPA Environmental Checklist, the first sentence of paragraph three states: "*The checklist questions **apply to all parts of your proposal**, even if you plan to do them over a period of time or on different parcels of land.*"
1. Section A(7): Lewis County has applied for and has been approved for grant monies from Tacoma Power to relocate the fish chute to the parcel(s) for which they are making this SEPA application, however Lewis County has omitted this future addition/expansion from this application (see [here](#)).  
Lewis County has been approved to receive grant monies from Tacoma Power for the proposed Cowlitz River Public Access Point project. The fish chute is not a component of the County's proposed project
  2. Fish chute installation should be included in this proposal and the FEMA no-rise study as it involves development in the water and on the shoreline.

Relocation of the fish chute is not a component of the proposed Cowlitz River Public Access Point Project.

- iv. SEPA Checklist section B(2)(a):
  - 1. The SEPA application does not contemplate emissions to the air that would result from maintenance of the property when the project is complete, such as emissions from vehicles and emissions from the vault toilet. It also doesn't contemplate emissions from the heavy vehicular use inherent with the parking lot.  
Over the long term any potential impacts from use of the gravel parking lot and access road would meet air quality standards.
- v. SEPA Checklist section B(2)(c):
  - 1. Applicant states that dust will be controlled as necessary by spraying work zone haul routes with water. How will dust be controlled after construction and during the on-going maintenance of the parking lot?  
The access road will be posted at 15 MPH to minimize dust. If additional funding becomes available in the future, the parking lot and access road will be paved.
- vi. SEPA Checklist section B(3)(a)(6):
  - 1. Applicant states that "the project does not involve any discharged waste materials to surface waters." The frequency of vehicular use they illustrate as likely will result in discharge of petroleum waste to surface waters. Long-term discharge of waste materials, including but not limited to petroleum discharge from vehicles, should be modeled and provided as a factor to be considered when determining the significant, probable environmental impacts.  
As per Lewis County Code (LCC) 15.45.230, infiltration basins may be designed according to the latest edition of DOE's Stormwater Management Manual for Western Washington (DOE Manual). The DOE Manual encourages infiltration for both flow control and treatment (Volume V-5.1) for low volume traffic parking areas (average daily traffic less than 100 vehicles per day). The access road and parking area at this remote site will likely experience a few weeks of peak traffic that is well below this threshold. All exposed soil will be hydroseeded to provide additional treatment properties for traffic/parking oils generated from normal low volume traffic. This project is a day use facility that will be gated at night. Equipment will not be fueled or stored at this site. If an accidental spill occurs that triggers DOE response (due to volume or material type) Lewis County Facilities will lead efforts to report/clean/dispose of material according to DOE reporting guidelines.
- vii. SEPA Checklist section B(3)(c):
  - 1. Subsection (1): Applicant states the majority of the runoff in the project area flows into the Cowlitz River. This illustrates need for mitigation of hazardous waste discharge.  
As per LCC 15.45.230, infiltration basins may be designed according to the latest edition of DOE's Stormwater Management Manual for Western Washington (DOE Manual). The DOE Manual encourages infiltration for both flow control and treatment (Volume V-5.1) for low volume traffic parking areas (average daily traffic less than 100 vehicles per day). The access road and parking area at this remote

site will likely experience a few weeks of peak traffic that is well below this threshold. All exposed soil will be hydroseeded to provide additional treatment properties for traffic/parking oils generated from normal low volume traffic.

This project is a day use facility that will be gated at night. Equipment will not be fueled or stored at this site. If an accidental spill occurs that triggers DOE response (due to volume or material type) Lewis County Facilities will lead efforts to report/clean/dispose of material according to DOE reporting guidelines.

2. Subsection (2): The application does not contemplate or detail the fact waste materials could enter ground or surface waters after construction and during the ongoing maintenance of the property.

As per LCC 15.45.230, infiltration basins may be designed according to the latest edition of DOE's Stormwater Management Manual for Western Washington (DOE Manual). The DOE Manual encourages infiltration for both flow control and treatment (Volume V-5.1) for low volume traffic parking areas (average daily traffic less than 100 vehicles per day). The access road and parking area at this remote site will likely experience a few weeks of peak traffic that is well below this threshold. All exposed soil will be hydroseeded to provide additional treatment properties for traffic/parking oils generated from normal low volume traffic.

This project is a day use facility that will be gated at night. Equipment will not be fueled or stored at this site. If an accidental spill occurs that triggers DOE response (due to volume or material type) Lewis County Facilities will lead efforts to report/clean/dispose of material according to DOE reporting guidelines.

3. Subsection (3): Applicant states that the proposed project will not affect drainage patterns in vicinity of the site. How does installing a 50,000 sq. ft impervious surface not affect drainage patterns? This should be proven with applicable studies. Within the proposed parking lot and access road area, existing contours slope northwest towards the overflow channel. Proposed construction will be graded to direct stormwater to ditch lines and the infiltration trench.

viii. SEPA Checklist Section B(7)(b)

1. Despite subsection (2) specifically asking for long-term noise impacts, the Applicant only contemplates the short-term impacts during construction in subsections (1), (2), & (3). It is not anticipated that noise impacts will from traffic entering and leaving the proposed recreational area will result in increased noise levels above baseline levels of existing traffic on Skate Creek Rd.

ix. SEPA Checklist Section B(8)(c):

1. Applicant states that the log stringer bridge is designed to provide ADA access to the bank. Please provide study and evidence showing that gravel pathways are ADA compliant. Guidance from the United States Access Board states walking surfaces must have a slope less than 5%, 36-inch minimum width, and a ground surface that is stable,

firm and slip resistant. The proposed 8-foot wide gravel trail will be constructed of compacted crushed rock (5/8" minus). Path grades will be nearly flat from the parking area along the east half of the loop gravel trail to the walk bridge and canoe/kayak launch area. Additionally, the vault toilets will be ADA compliant (access, width, handrails, etc.).

x. SEPA Checklist Section 8(8)(1):

1. Applicant states "N/A" to the question asking for proposed measures to ensure the proposal is compatible with existing and projects land uses and plans, if any. The Applicant should have answered this question.

According to LCC 17-42.020 Land Use local recreational areas facilities are a permitted use within the existing land use and zoning of parcel 035147001001 which is listed as Rural, rural development district with a density designation of one unit per 20 acres (RDD-20) and parcel 035132005005 which is listed as limited area of more intense rural development (LAMIRD) small town residential 4 units per gross acres (STR-4).

Additionally, Land Use Goal 4, Policy NE 4D.2 of the Comprehensive Plan the reads "Prioritize land uses such as forestry, agriculture, public recreation, and water dependent uses in areas subject to flooding."

xi. SEPA Checklist Section B(I O)(b):

1. Applicant states that "no views would be altered or obstructed." However, the Applicant is proposing to remove 132 from the sight line of adjacent property owners, which will significantly alter the views of the adjacent property owners, in addition to everyone crossing the James Frankland Bridge via Skate Creek Road S.

A minimum 20-ft vegetated buffer is proposed to be left long the property line of the proposed recreation area and the majority of trees to be removed are outside of the 150ft shoreline buffer. While view may potentially be modified from Skate Creek Rd S, the James Frankland Bridge and parcel 010125177000 the views from other residences are not anticipated to be modified. A minimum 50-ft buffer is proposed to be hydroseeded and/or planted with a mix of native trees and shrubs between parcel 010125177000 and the proposed access road and parking lot so any potential impacts to view are anticipated to be temporal.

xii. SEPA Checklist Section 8(12):

1. Assumes that the access to the river will be safe and the Applicant has not demonstrated that they have created a safe access to the shoreline that meets the intent of this project.

The proposed non-motorized boat launch location was selected based on the existing gentle grade into the water. This launch and alternative proposed launch areas along the trail were investigated in the field on May 6, 2020, and the area selected was determined to be a safe launch site.

xiii. SEPA Checklist Section 8(13):

1. The Applicant conclusively states that neither the James Frankland Bridge or the overflow bridge will not be impacted by the proposed project. However, the

Applicant does not sufficiently contemplate and mitigate the high risk of liquefaction adjacent to the structures supporting these bridges of critical importance.

Additional studies are required.

Liquefaction takes place when loosely packed, water-logged sediments at or near the ground surface lose their strength in response to strong ground shaking (earthquakes). The two parcels proposed with this project are undeveloped. The only structures proposed with this project is a log stringer walk bridge and a 240 square foot vault toilet, both of which are classified as non-significant structures. If a catastrophic earthquake occurred, it is likely the proposed walk bridge and vault toilet could be damaged, likely from differential settlement. If a major earthquake occurs, the park would likely be closed until other essential structures (road bridges, public building, hospitals, etc.) are repaired.

The parcels proposed for this project are adjacent to Skate Creek Road S. right of way (ROW), however, no work is proposed within the Skate Creek Rd S. ROW. As a note of clarification, Skate Creek Rd S. includes the main span Cowlitz River steel truss structure (with concrete approach structures) and a concrete overflow structure. All bridge structure foundations are supported by driven H-piles or concrete fill pipe piles designed to withstand earthquake loading (including liquefaction).

xiv. SEPA Checklist Section B(13)(d):

1. What was the agreement reached with local tribes to remove or avoid the cultural material identified in the positive dig sites during the Cultural Resource Study?

This information is not disclosable under RCW 45.56.300.

xv. SEPA Checklist Section B(14)(d):

1. Applicant states that "project does not propose any of the aforementioned improvements" which is inadequate answer to this sections questions of whether "the proposal [will] require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways."

The proposed project will require a new access road within the proposed recreation area. No improvements will be required to any existing roads, streets, pedestrian, bicycle, or state transportation facilities including driveways.

2. Has a roadway study been done to show Alta can handle the increased traffic, pumping trucks for the vault toilet, and fish trucks, if and when the fish chute is installed? If not, a roadway study should be completed as part of this application.

Per Lewis County Road Development Standards 12.60 (410 and 420), this project is not anticipated to generate 50 or more peak PM hour trips and therefore does not warrant a Level I Traffic Impact Analysis. The proposed project incorporates less than 40 parking spots. With assumed usage of ~2-hours per vehicle, this project could never generate more than 50 trips an hour.

xvi. SEPA Checklist Section 8(14)(f):

1. Applicant states "It is difficult to determine a new recreation area's users [...]. However, from observations during past years [...]."

**Appendix B: Specific Issues with SHD19 -0 00S**

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- a. Whose observations were these?

Skate Creek Road S. parking on the 2-ft wide shoulder was observed on several occasions by Lewis County staff members during the fall fishing season.

2. This answer also doesn't adequately answer this sections question asking for data or transportation models that were used to make the estimates provided by the Applicant. A traffic and roadway study should be completed to sufficiently answer this section. Per Lewis County Road Development Standards 12.60 (410 and 420), this project is not anticipated to generate 50 or more peak PM hour trips and therefore does not warrant a Level I Traffic Impact Analysis. The proposed project incorporates less than 40 parking spots. With assumed usage of ~2-hours per vehicle, this project could never generate more than 50 trips an hour.

xvii. SEPA Checklist Section 8(15)(a):

1. Applicant states "the proposed project would not result in the need for increased public services."  
Lewis County Public Works does not believe the proposed project will result in the need for increased public services.
2. Considering the Applicant is seeking to add a "Park" to its infrastructure and is strictly responsible for the management of the property in perpetuity, how is there no required increase in public services, such as cleaning, providing custodial supplies (as agreed upon in the PIC management agreement), etc.?  
This facility can be managed with current Lewis County Staff.
3. See below on the question of the safety of the river access and subsequently required emergency services.

**a. JARPA not adequately completed**

i. Part 4: Property Owners

1. Considering " river access" is the purported use of this development and it is the Applicant's intent to relocate the fish chute to this property, this project should also be labeled as being on DNR-managed aquatic lands  
The fish chute is not a component of the County's proposed project and as such was not included in permitting for the Cowlitz River Public Access Point project.

ii. Part 5: Project Locations

1. 5(a): There are private easements running across the subject property  
The JARPA requests types of ownerships be indicated. Easements and encumbrances are not types of ownership but rather use agreements.
2. 5(a): The development crosses DNR-managed aquatic lands  
The project does not propose any development within the DNR managed aquatic lands.
3. 5(i): The Conditions of Development from the Scour Mitigation Project stated that "future projects may require a wetland report." The Applicant's answer of N/A here is

insufficient. Applicant should demonstrate that there are no wetlands on or adjacent to the project location by completing a wetland study to conclusively deem this not applicable. The overflow channel is described as "wetted" by Lewis County Public Works. A wetland study should be completed to sufficiently answer this question  
**A wetland reconnaissance was performed on May 6, 2020. At this time transects were walked, drainage patterns were observed, a plant list was compiled, and test pits were dug in areas most likely to be wetland. It was determined no wetlands were present at the site.**

iii. Part 6: Project Description

1. 6(c): Commercial should also be checked to account for fish chute relocation
  - a. Conditions of Development on Scour Mitigation Project ("Scour CoD") are enforceable per SEPA Guidebook Page 73 (see [here](#))  
**Relocation of the fish chute is not a component of the proposed Cowlitz River Public Access Point Project.**
  - b. Scour CoD section 5: "Nothing of a commercial, business, or industrial nature will be constructed, maintained, or suffered to be constructed or maintained on the said land of grantor(s)."  
**Relocation of the fish chute is not a component of the proposed Cowlitz River Public Access Point Project.**
2. 6(d): Applicant has not checked any major elements that apply to this project, such as: boat launch, bridge, channel modification, fence, land clearing, retaining wall, road, stormwater facility, and utility line. Instead, the applicant has checked the "Other" box and listed the major elements. These boxes should be checked and all pertinent requirements should be completed by the Lead Agency/Proponent.  
**The major elements of work were identified.**

iv. Part 7: Impacts and Wetlands

1. LCC 17.35A.115 - due to the "wetted" overflow channel this land is arguably in a wetland/habitat critical area buffer and Section 7 of this application should be completed accordingly  
**The OHW was determined to be at approximately elevation 1056 based on the last 10 years for gauge data and field indicators. The overflow channel is above OHW elevation of and no areas within the overflow were determined to contain wetlands.**

v. Part 8: Waterbodies (other than wetlands): Impacts and Mitigation

1. 8(a): Applicant solely describes the measures that will be taken during construction of this project and not ongoing O&M. Applicant does not describe the impact to the aquatic environment for pedestrians accessing the shoreline and does not describe the impact of the fish chute relocation.  
**Relocation of the fish chute is not a component of the proposed Cowlitz River Public Access Point Project. Section 8 of the JARPA is used to identify materials to be added and removed from a waterbody or area around a waterbody. These impacts have been provided.**

2. 8(c): Applicant has indicated that it has not prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies.
  - a. Applicant's description of why a mitigation plan is not necessary is strictly focused on the construction and not O&M of the parking lot and subsequent discharge of hazardous substances into the groundwater of the critical area & aquifer recharge for Cowlitz River. A mitigation plan should be completed and provided for public review/comment. It should also be used to determine this project's probable adverse impacts on the environment.  
**Lewis County does not believe a mitigation plan is warranted for the proposed project impacts.**
  
3. 8(d): Applicant's summary of mitigation plan to compensate for adverse impacts to non-wetland waterbodies does not describe how a watershed approach was used to design the plan.  
**A watershed approach is used in areas where off site mitigation is utilized. No offsite mitigation is proposed for this project.**

vi. Part 9: Additional Information

1. 9(1) & (m): Applicant also states that "Northern Spotted owls are also listed as being within the vicinity; however according to USFS John Jakubowski, the closest known nest sites are two miles away from the project site."  
**Consultation with local area habitat biologist to determine potential impacts to listed species is using best available science. These communications are coupled with review of Washington State Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) interactive mapper, WDFW PHS GIS data, and the SalmonScape interactive mapper.**
    - a. When was the last time a Northern Spotted Owl nest study was completed?  
**N/A, a nesting study is not warranted for this project.**
  
    - b. When was the last time a Bald Eagle nest study was completed?  
**N/A, a nesting study is not warranted for this project.**
  
  2. Applicant should study and provide conclusions as to the adverse impacts of this development on the fish habitat and population.  
**Lewis County does not believe the proposed project would have a significant adverse effect on fish habitat.**
- i. Part 10: SEPA Compliance and Permits
1. I O(b): Why is a Critical Areas Ordinance permit not be sought?  
**Lewis County Community Development does not issue a Critical Areas permit. Rather a critical areas review as completed for all permit applications.**

**b. Updated Site Plan (December 2019)**

- i. Page 2 Summary of Quantities
  - 1. This page indicates that two gates will be purchased for the property: one for the main entrance road and the other for the fish chute access road  

The project will provide a gate for the main entrance and one at the entrance to a gravel access path that may be used for County vehicles if future maintenance of the LWD is needed.
  
- ii. Page 3 T.E.S.C Plan
  - 1. There are no culverts planned for the intersection of the gravel entrance road and Alta Drive. Why not?  

An approach culvert will be added.
  
- iii. Page 5 Road and Parking Lot Plan and Profile
  - 1. Illustration depicts access control gate on "12' wide access road to the Cowlitz River for Tacoma Power's fish chute relocation." - quoted from Lewis County's grant application to Tacoma Power, which the Lewis BOCC approved on 1/27/2020  

Relocation of the fish chute is not a component of the proposed Cowlitz River Public Access Point Project. This road is intended to be used by County vehicles should future maintenance of the LWD be needed.

**c. Burden of Proof Not Adequately Completed**

- i. Section 3: Shoreline Environmental Designations
  - 1. 3.01.04 Rural Conservancy
    - a. Subsection 1 states that "uses in the Rural Conservancy shoreline environment designations should include those that [...] do not substantially degrade ecological functions or the rural or natural character of the Shoreline area."
      - i. Applicant states the trees and vegetation that will be removed, but does not make mention of the hazardous waste discharge from the parking area and its degradation of the ecological functions of the shoreline area.  

This project is a day use facility that will be gated at night. Equipment will not be fueled or stored at this site. No ongoing hazardous waste discharge is anticipated to occur from use of the parking lot. If an accidental spill occurs that triggers DOE response (due to volume or material type) Lewis County Facilities will lead efforts to report/clean/dispose of material according to DOE reporting guidelines.
    - b. Subsection 6 states that "Developments and uses that would substantially degrade or permanently deplete the biological resources of the area should not be allowed."
      - i. The Applicant's response is strictly limited to the vegetation that will be removed from the property and not the ongoing hazardous waste discharge that will result from the parking lot use and the fish chute use.

No ongoing hazardous waste discharge is anticipated to occur from use of the parking lot. If an accidental spill occurs that triggers DOE response (due to volume or material type) Lewis County Facilities will lead efforts to report/clean/dispose of material according to DOE reporting guidelines.

## 2. Shoreline Residential

- a. Subsection 1 states that applicant should establish development standards for [...] impervious surface coverage, critical area protection, and water quality protection to assure no net loss of ecological functions in shoreline jurisdiction
  - i. The Applicant has not described the development standards they've established, but rather has repeated the language it has used frequently in this application relating to the vegetation removal and mitigation. The County is utilizing the development standards.

The language provided "The proposed project will sustain the area's physical and biological resources and provide the public access to enjoy these resources. The project will result in the removal of 35 trees and the permanent removal of 0.25 acres of vegetation from the designated residential shoreline however none of the trees to be removed are within the 150 foot shoreline buffer so no function is anticipated to be lost. The project proposes to plant/hydroseed approximately 0.35 acres of native vegetation within the designated residential shoreline" is provided to demonstrate why no net loss of ecological functions is anticipated to occur within the shoreline jurisdiction.

It is the applicants understanding that development standards should be established by Lewis County Community Development not by the applicant as is shown through the development of the shoreline height, shoreline buffers, building setbacks in the Lewis County Shoreline Master Program.

- ii. There is no mention of ongoing operation and the discharge of hazardous waste from the parking lot use.
 

No ongoing hazardous waste discharge is anticipated to occur from use of the parking lot. If an accidental spill occurs that triggers DOE response (due to volume or material type) Lewis County Facilities will lead efforts to report/clean/dispose of material according to DOE reporting guidelines.

## ii. 4.05 Flood Hazard Management

1. Subsection 4.05.02 (A): Applicant has stated "N/A" to the question of whether flood hazard management measures comply with LC Comprehensive Flood Hazard Management Plan indicating that the Applicant has no intent to put in place flood hazard management measures.

The Lewis County Comprehensive Flood Hazard Management Plan was developed in 2008 and was superseded by the 2016 Lewis County Multi-Jurisdictional Hazard

Management Plan. The proposed project complies with the 2016 Lewis County Multi-Jurisdictional Hazard Management Plan

2. Subsection B: Development in floodplains shall not increase flood hazards
  - a. Applicant cites Northwest Hydraulic Consultant s determination of no-rise, however the velocity of flood waters once they have breached the shoreline armoring has not been studied. A model/study should be created to ensure this development does not increase the flood hazards to downtown Packwood.
  
3. Subsection F(S)
  - a. Applicant states that foot bridge needs to be placed within this location to provide ADA access over the overflow channel to the Cowlitz. How is this feasible with gravel path on both sides of the bridge?  

Guidance from the United States Access Board states walking surfaces must have a slope less than 5%, 36-inch minimum width, and a ground surface that is stable, firm and slip resistant. The proposed 8-foot wide gravel trail will be constructed of compacted crushed rock (5/8" minus). Path grades will be nearly flat from the parking area along the east half of the loop gravel trail to the walk bridge and canoe/kayak launch area. Additionally, the vault toilets will be ADA compliant (access, width, handrails, etc.).
  - b. Applicant states that the bridge will be impacted by large flood events, but the applicant offers no other analysis of the impacts of a large flood events with respect to broader flood hazard mitigation measures. Please study and provide evidence that downtown Packwood will not be at an increased risk of flood damage as a result of this development.
  
- iii. 5.07 Boating and Water Access Facilities
  1. Subsection A(S)(a) states that Boating and water access facilities shall not be located along braided or meandering river channels where the channel is subject to change in alignment.
    - a. Applicant responds with: "the proposed non-motorized boat access launch is located along a braided or meandering river channel where the channel is subject to change in alignment. However, signage designating a location will be posted in an area with an existing gentle grade into the water. It is anticipated that this location can be monitored, and the signage moved in the future as appropriate. Additionally, the launch is located between rock barbs designed to withstand and protect the existing bank during storm events up to 100-year flood events."
    - b. Who will be responsible for moving the sign and how frequently will it be evaluated?  

Lewis County Facilities will be responsible for moving this sign. It is anticipated this location will be monitored and reassessed after significant

flood events (5-Year flood event or greater). If at any time in the future the site is found to be unsafe or not functioning as intended it is anticipated another location will be selected and signage moved as appropriate.

- c. There have been six 100-year floods in the last 21 years.
2. Subsection A(S)(d) states that Boating and water access facilities shall not be located in areas with important habitat for aquatic species
    - a. Applicant has responded N/ A which is an inadequate answer to this prompt.
  3. Subsection B(3): Applicant has responded with "N/A" which appears to be an inadequate response to this prompt
  4. Subsection B(S): Who will be the party responsible for determining whether the launch is safe? This seems like a dangerous standard to set for an ever-changing river and that it exposes the taxpayer to undue legal burden in the event someone gets hurt on this property.
 

Lewis County Facilities will be responsible for determining whether or not the boat launch is safe. It is anticipated this location will be monitored and reassessed after significant flood events (5-Year flood event or greater). If at any time in the future the site is found to be unsafe or not functioning as intended it is anticipated another location will be selected and signage moved as appropriate.
  5. Subsection C(I ): How will the boat launch avoid adverse impacts to fish spawning area?
    - a. [WAC 220-660-150](#) states: "(2) Fish life concerns: A boat ramp or launch typically destroys habitat that supports fish life in its footprint. A large number of ramps or launches in a given area reduces and fragments habitat. Ramps and launches placed above bed grade can block sediment and wood movement, and alter nearshore juvenile fish migration behavior. Ramp and launch construction, maintenance and the associated vessel activity can damage or destroy aquatic vegetation. "
 

The proposed launch would not block sediment or wood movement as no construction is proposed for the launch rather signage designating a location for the launch is proposed to be posted in an area with an existing gentle grade into the water.

iv. 5.09 Forest Practices

1. Subsection B(I) states that preparatory work associated with the conversion of land to non-forest practices or developments shall limit the conversion to the minimum necessary to accomplish the purpose and intent of the S M P on the subject property.
  - a. Applicant states that size of parking lot, roadway, and vault toilet. Why is this large of parking lot required for the limited scope of the river access?
 

The parking area was sized to accommodate anticipated parking needs

based on observed previous vehicle shoulder parking on Skate Creek Road S peak during the fishing season.

2. Subsection B(3): Applicant states that "conversion has been minimized to the maximum extent possible ." It is hard to imagine why a parking lot of this size is required for this property.

v. 5.12 Parking

1. Subsection A: Applicant states that "proposed parking facilities are allowed as an accessory use to the recreational trail and non-motorized boat access launch. "
  - a. River viewing and access exists in Packwood State Park, but there is limited parking. Parking purportedly is safety, but it's convenience. To me, this makes parking the primary use.
2. Subsection D: Applicant states that an infiltration pond will be installed to comply with all applicable water quality and stormwater regulations.
  - a. Conditions of Development on Scour Mitigation Project ("Scour CoD") are enforceable per SEPA Guidebook Page 73 (see [here](#))
    - i. Scour CoD section 1: "\* Discharge of petroleum or hazardous materials to any ditch, swale, or other non-impervious surfaced area, where migration to an aquifer is reasonably likely, is prohibited "
    - ii. Scour CoD section 3: "Oil-water separators shall be required for new impervious surface areas of 5,000 square feet or larger."

As per LCC 15.45.230, infiltration basins may be designed according to the latest edition of DOE's Stormwater Management Manual for Western Washington (DOE Manual). The DOE Manual encourages infiltration for both flow control and treatment (Volume V-5.1) for low volume traffic parking areas (average daily traffic less than 100 vehicles per day). The access road and parking area at this remote site will likely experience a few weeks of peak traffic that is well below this threshold. All exposed soil will be hydroseeded to provide additional treatment properties for traffic/parking oils generated from normal low volume traffic.

This project is a day use facility that will be gated at night. Equipment will not be fueled or stored at this site. If an accidental spill occurs that triggers DOE response (due to volume or material type) Lewis County Facilities will lead efforts to report/clean/dispose of material according to DOE reporting guidelines.

1. SEPA Checklist section B(I)(g) states: "The site will be 23 percent impervious surface (51,598 sq ft) after roadway realignment."

The proposed project is located on two parcels:

Parcel No. 035147001001	3.46 acres
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Parcel No. 035132005005 1.60 acres

The proposed improvements include 51,598 square feet of access road/parking area or 23% of the 5.06 acres owned by Lewis County.

vi. 5.13 Recreational Development

1. Subsection D: Applicant states: The project proposes to plant 0.39 acres of vegetative buffer to minimize impacts to adjacent residences. Additionally, signs reading "Park Boundary" are proposed to be placed along the boundary of the recreation area.
  - a. Will there also be fencing installed as originally planned?  
The fencing, which was originally proposed, has been omitted due to increased costs associated with design and permitting of the project.
2. Subsection G states that Recreational development proposal shall include facilities for water supply, wastewater, and garbage disposal in conformance with County Standards.
  - a. Applicant states "The proposed vault toilet will not require utilities. Garbage pickup is proposed to occur by the PIC."
    - i. Will the vault toilet not require power?  
No, natural lighting is proposed for this "Day Use" facility.
    - ii. Why are facilities for water supply not required in this recreational facility?  
Primitive facility, water not required per LCC.

vii. 6.02 General Shoreline Modification Provisions

1. Subsection Estates "Shoreline modifications and uses shall be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions."
  - a. Applicant states that parking lot will be gravel and an infiltration pond will be installed to comply with all applicable water quality and stormwater regulations
    - i. Infiltration pond not sufficient oil-water separator on its own.  
As per LCC 15.45.230, infiltration basins may be designed according to the latest edition of DOE's Stormwater Management Manual for Western Washington (DOE Manual). The DOE Manual encourages infiltration for both flow control and treatment (Volume V-5.1) for low volume traffic parking areas (average daily traffic less than 100 vehicles per day). The access road and parking area at this remote site will likely experience a few weeks of peak traffic that is well below this threshold. All exposed soil will be hydroseeded to provide additional treatment properties for traffic/parking oils generated from normal low volume traffic.

This project is a day use facility that will be gated at night.

Equipment will not be fueled or stored at this site. If an accidental spill occurs that triggers DOE response (due to volume or material type) Lewis County Facilities will lead efforts to report/clean/dispose of material according to DOE reporting guidelines

2. Subsection G states "all disturbed upland areas shall be restored and protected from erosion."

- a. How does the ongoing O&M of the parking lot mitigate for erosion?

Disturbed areas outside the gravel surfaces will be hydroseeded after construction. The parking lot, access road and path will be compacted gravel to provide an all-weather finished surface. With established vegetation and a compacted road/parking lot surface the site will be stabilized from erosion. Future minor gravel maintenance will restore compaction/grading (if needed) and will not require removal of adjacent vegetation thereby preserving established erosion control measures.

viii. 6.03 Clearing, Grading, Fill

1. Subsection F(2) states that clearing, grading, and fill are permitted provided it does not change the topography in a manner that affects hydrology[...]

- a. Applicant states conclusively that the clearing grading, fill will not significantly change the topography in a manner that affects hydrology.

- i. Where has this been demonstrated in the analysis?

Construction plans depict existing contour lines draining northwest (within the access road and parking areas) towards the overflow channel. The proposed parking lot and the access road also depict the final surface draining northwest to the overflow channel. Road and parking lot grading mimics the existing ground in most areas with minor changes to direct stormwater into collection/infiltration facilities.

**d. Appendix A - Site Development Plan**

i. Figure 3: Photopoint Map

1. If the intent of the photo locations on this map is to illustrate the view impacts of this development, why are all four view points located on the development site, rather than from the neighboring parcels from which view impacts are to be considered?

The two photopoints provided on the Photopoint Map show where photos were taken from. Photos were taken from the boundary of the Lewis County property where it abuts the neighboring property, Parcel 010125177000, which is anticipated to be most affected by the proposed project. Photos are looking toward the Lewis County property to show how the project will potentially impact the view from parcel 010125177000.

**e. Appendix B- Hydraulic Impact Assessment**

- i. This Hydraulic Impact Assessment assumes at least the parking area will be paved, possibly also the access road. Please provide re-evaluation using correct site specific plans.

The Hydraulic Assessment assumes the full build out for determination of the project's ultimate impacts. Due to funding restraints, the parking lot and access road will incorporate

a gravel surface. If additional funding becomes available in the future, the parking lot and access road will be paved.

- ii. This Assessment does not include the County's intent to relocate the fish chute, which will consist of in-water development and addition of permanent in-water elements that would likely negate the no-rise certification of Northwest Hydraulic Consultants.

Relocation of the fish chute is not a component of the proposed Cowlitz River Public Access Point Project.

#### f. Appendix C- Geomorphic Assessment

- i. Fundamentally, this assessment is weak at best. It is clearly missing pages and makes sweeping conclusions without conducting the required analyses and without providing evidence illustrating the applicant's conclusions.

Lewis County Public Works believes the submitted Geomorphic Assessment meets or exceeds required evaluation components.

- ii. Section 1 Introduction

- 1. Applicant states: "The proposed facilities are located mostly within the mapped severe channel migration zone (CMZ) and in a moderate to high liquefaction zone, and so Lewis County Community Development has requested that Public Works provide a report that demonstrates the project area is safe for the proposed use."

- a. This is a conflict of interest. Due to the public nature, proximity to critical County owned infrastructure, and potential significant impact on the environment, Community Development should have solicited and contracted with a third party to demonstrate that the project area is safe for the proposed use.

- 2. Applicant states in the next sentence: "The principal hazard at the site is channel migration, and so this report focuses on that aspect. Appendix B outlines Public Works' understanding of liquefaction risk for the proposed development"

- a. This determination of non-significance should be based on a specialist's guaranteed statement and not "Public Works' understanding," especially as it relates to the structural stability of the Skate Creek Road Bridge. Please provide a specialist's study and findings on this subject.

The parcels proposed for this project are adjacent to Skate Creek Road S. right of way (ROW), however, no work is proposed within the Skate Creek Rd S. ROW. As a note of clarification, Skate Creek Rd S. includes the main span Cowlitz River steel truss structure (with concrete approach structures) and a concrete overflow structure. All bridge structure foundations are supported by driven H-piles or concrete fill pipe piles designed to withstand earthquake loading (including liquefaction). Since liquefaction occurs directly below a structure, it is unreasonable to assume any liquefaction impacts from a 240 square foot vault toilet or a log stringer bridge (located 200-ft to 400-ft linear away) on the Skate Creek Road S. overflow and main span Cowlitz River structures.

## iii. Section 2 Project Site Conditions

1. Applicant states: "the Skate Creek Road Bridge and associated bank protection features prevent channel migration into the proposed development area."
  - a. "The bank protection features" were installed in 2016 and are not proven to maintain their structural integrity in a high -water event breaching the 100-year flood level.
  - b. Page 7 of the "Plan\_Review\_Comments.pdf" document from July 14, 2016 Skate Creek Road S Bridge #193 - Scour Mitigation Project, Northwest Hydraulic Consultants states in Section 1 Background:
    - i. "In recent years, the Cowlitz River has flanked existing riprap bank [(approximately 386 cubic yards)] protection upstream of the Skate Creek Road crossing and has eroded over 150 feet of bank during water year 2016 alone."
 

This statement refers unprotected bank sections upstream of existing riprap installed over 40-years ago to protect the main span steel truss crossing the Cowlitz River. This bank erosion has been stabilized with anchored large woody debris (LWD) designed and constructed to withstand a 100-yr flood event. Additionally, anchored LWD terminates at exposed bedrock at the upstream point to eliminate the risk of future flood flows outflanking this reach.
    - ii. This illustrates that the structural integrity of the "bank protection features" are not proven and could be easily consumed by the river's high propensity for channel migration due to the two bedrock inselberg's pinching the river.
 

This bank erosion has been stabilized with anchored large woody debris (LWD) designed and constructed to withstand a 100-yr flood event. Additionally, anchored LWD terminates at exposed bedrock at the upstream point to eliminate the risk of future flood flows outflanking this reach.

## iv. Section 2.2? (unknown due to missing pages)

1. Applicant states: "Observations along the high-flow side channel, the location of which is identified in Figure 3 (missing) indicate that [the river] continues to be dynamic. Some localized lateral migration of the high flow side channel, therefore, should be anticipated. It would not be expected to impact the parking area, so long as flow continues to be forced through the overflow bridge at Skate Creek Road."
2. The overflow channel is currently intentionally obstructed by a ballasted log jam, which was installed in 2016.
  - i. How can the overflow channel achieve its purpose if it is blocked?
 

From NHC's Cowlitz River at Skate Creek Road (Bridges #12 and #193) – Hydraulic Design of Upstream Channel Migration dated July 27, 2016, Section 5.3 *Hydraulic Analysis of Design*—3<sup>rd</sup> Bullet, "The log jam located at the inlet to the overflow channel is necessary and effective at

decreasing flows entering the overflow channel. Immediately downstream of the proposed inlet jam, the model simulates the overflow channel capturing nearly 1,100 cfs in the 100-year flood for existing conditions (DEM 3). The model simulations show a reduction to 420 cfs for the log jam design (DEM 4). The inlet log jam will also prevent significant amounts of debris from entering the overflow channel”..

- ii. Won't this build up significant force on the river side of the 2016 bank protection features and, once the max elevation is breached, the full force of the river will be unleashed on the upland side of the ballasted log jams and the support structures for the Skate Creek Road Bridge? Please study this and provide evidence illustrating your conclusion.

From NHC's Cowlitz River at Skate Creek Road (Bridges #12 and #193) – Hydraulic Design of Upstream Channel Migration dated July 27, 2016, Section 5.3 *Hydraulic Analysis of Design*— 5<sup>th</sup> Bullet, “The log jams could cause in-channel velocity to slightly increase (up to 1 foot per second in simulations) adjacent to the large downstream key jam. Based on the geomorphic analysis, the simulated increases in velocity would likely be offset by minor channel expansion through bed and bar mobilization in the area.

- v. Section 3 Proposed Development Impact on River Processes and Suitability for the Proposed Use
  1. Applicant states: "Previously completed hydraulic modeling of the project site indicates that much of the proposed development is inundated by up to 4 feet of water during the 100-year flood, but velocities are quite low (see Figure S).
    - a. Figure 5 must be on a page that is missing
  2. Applicant states: " analysis of historic aerial imagery shows that the combination of bedrock and bank protection features in the project area have resulted in persistent maintenance of a low-flow wetted channel near the location of the proposed hand launched boat site."
    - a. Please provide the aerial imagery demonstrating this. The new bank stabilization features were installed in 2016.
- vi. Appendix B: Liquefaction Risk (effectively a 1-page document written by Rod Lakey, Lewis County PublicWorks)
  - a. Page 1 applicant states: "From site observation and available soil classification data, the site consists of Greenwater loamy sand"
  - b. Page 2 applicant states: "Soil liquefaction often occurs in sand dominant soils and results in landslides and structure bearing failures near or along hillsides."

- c. Page 2 applicant states: "Extensive in-place testing would be cost prohibitive for this site given correction results would likely include surcharging fill, draining ground water or over excavation and replacement with import material."
- d. Page 2 applicant concludes: "All of these options may be appropriate for high importance structures, such as dams, multi-story building and power facilities."
- e. Within this exact Geomorphic Assessment, the Applicant states: "Because the Skate Creek Road Bridge is a critical infrastructure crossing of the Cowlitz River, Lewis County is committed to maintaining the upstream bank protection that is necessary to protect the approach roadway and bridge abutments."
  - i. Why is the Skate Creek Road Bridge not considered critical infrastructure for the purposes of determining liquefaction risk, especially considering the sandy conditions of the parking lot site?  
The parcels proposed for this project are adjacent to Skate Creek Road S. right of way (ROW), however, no work is proposed within the Skate Creek Rd S. ROW. As a note of clarification, Skate Creek Rd S. includes the main span Cowlitz River steel truss structure (with concrete approach structures) and a concrete overflow structure. All bridge structure foundations are supported by driven H-piles or concrete fill pipe piles designed to withstand earthquake loading (including liquefaction). Since liquefaction occurs directly below a structure, it is unreasonable to assume any liquefaction impacts from a 240 square foot vault toilet or a log stringer bridge (located 200-ft to 400-ft linear away) on the Skate Creek Road S. overflow and main span Cowlitz River structures.
- f. In the final paragraph of this Liquefaction Review, the Applicant states: "This evaluation was completed without the benefit of site-specific geotechnical information."
  - i. Considering the critical infrastructure of the Skate Creek Road Bridge, why has the County not analyzed the liquefaction evaluation with the benefit of site-specific geotechnical information?  
The parcels proposed for this project are adjacent to Skate Creek Road S. right of way (ROW), however, no work is proposed within the Skate Creek Rd S. ROW. As a note of clarification, Skate Creek Rd S. includes the main span Cowlitz River steel truss structure (with concrete approach structures) and a concrete overflow structure. All bridge structure foundations are supported by driven H-piles or concrete fill pipe piles designed to withstand earthquake loading (including liquefaction). Since liquefaction occurs directly below a structure, it is unreasonable to assume any liquefaction impacts from a 240 square foot vault toilet or a log stringer bridge

(located 200-ft to 400-ft linear away) on the Skate Creek Road S. overflow and main span Cowlitz River structures.

- g. Please conduct all necessary studies to illustrate with sufficient evidence that this development will not jeopardize the critical infrastructure of the SkateCreekRoad S#193Bridge.

**g. Appendix D - PIC Memorandum of Agreement establishes insufficient long-term maintenance procedures**

Lewis County stands by it's agreement with the PIC to operate and maintain the Cowlitz River Public Access Point including providing all grounds maintenance, opening and closing the gate, and providing security, as needed.

If it is determined at some time in the future that the PIC cannot fulfill these responsibilities in the Memorandum of Agreement (MOA), Lewis County Facilities will be responsible for ensuring these obligations are met. Lewis County Facilities is also anticipated to coordinate with Public Works to monitor the boat launch facility for safety and determined appropriate relocation areas for signage as well as report, clean, and dispose of any hazardous materials (ie. fuel or hydraulic fluid) should any accidental spills occur.

- i. Fundamentally, this Memorandum of Agreement has not been executed by either party and is therefore, not adequate planning for the long-term maintenance obligations to which the County has expressly agreed in the ALEA Funding Agreement with WA State RCO.
- ii. Additionally, entering into this Agreement is a tremendous financial and legal burden for the Packwood Improvement Club and we believe it constitutes a breach of the nonprofit's Duty of Care per Chapter 13(a) of the [WA State Nonprofit Handbook](#).
- iii. Provision 1: What are Packwood Improvement Club's qualifications for entering into this Agreement ? Per the guidelines from [WA State Nonprofit Handbook](#), may we please review the following:
  1. The Corporate Record Book, including, but not limited to the articles and bylaws, any amendments to the articles or bylaws, minutes of all board and committee meetings, waivers of notice or notice of all meetings, tax -exemption application and determination letters, annual reports, membership certificates, all insurance policies, warranties, contracts, leases and other legal documents, and copies of all communications with board members officers, members and contributor s.
  2. Conflict of Interest Policy
  3. Four years of historical financial data including balance sheets, statements of revenues and expenses, plus two years of projected budget as required by the IRS for nonprofit s.
- iv. Provision 2:
  1. "Operate and Maintain" should be defined terms.
  2. Obligations listed in the last sentence of the first paragraph are very significant, especially "grounds maintenance."

**Appendix B: Specific Issues with SHD19 -0 00S**

April 23, 2020

3. Does PIC have legal authority to "provide security" for the park?

v. Provision 4:

1. What is the procedure for the County approving the sub-contracting of maintenance obligations by the PIC?

vi. Provision 7:

1. The RCO Funding Agreement into which Lewis County has entered states that any management agreement may not be revocable at will. The last sentence of provision 7 states PIC may give 30-day notice to terminate this Management Agreement.

2. PIC should have a substantial performance bond to ensure the burden of maintaining this development is not promptly passed along to the taxpayer upon Pie's inability to perform its duties under this Agreement.

vii. Provision 8:

1. Does PIC have insurance in the amount of \$1M to "cover all classifications of work for each person and each occurrence?"

viii. Provision 9:

1. PIC cannot hold Lewis County harmless because Lewis County agreed to having the ultimately liability for this development per the terms of the RCO Funding Agreement.

**h. Appendix E - Stormwater Pollution Prevention Plan only contemplates construction and not ongoing environmental impacts and O&M**

i. Section 1.1 Existing Conditions

1. Drainage patterns: Applicant states "the majority of the runoff in the project area sheetflows into adjacent properties, roadside ditches, and the Cowlitz River."

a. How is petroleum discharge from heavy vehicular use mitigated to prevent pollution into the Cowlitz River? Please provide studies and sufficient evidence illustrating that the petroleum discharge will not reach the Cowlitz Aquifer.

As per LCC 15.45.230, infiltration basins may be designed according to the latest edition of DOE's Stormwater Management Manual for Western Washington (DOE Manual). The DOE Manual encourages infiltration for both flow control and treatment (Volume V-5.1) for low volume traffic parking areas (average daily traffic less than 100 vehicles per day). The access road and parking area at this remote site will likely experience a few weeks of peak traffic that is well below this threshold. All exposed soil will be hydroseeded to provide additional treatment properties for traffic/parking oils generated from normal low volume traffic.

This project is a day use facility that will be gated at night. Equipment will not be fueled or stored at this site. If an accidental spill occurs that triggers DOE response (due to volume or material type) Lewis County Facilities will lead efforts to report/clean/dispose of material according to DOE reporting guidelines.

## ii. Section 2.1.3 Element 3: Control Flow Rates

1. Applicant states that Wattles will be installed and inspected after significant rain events. This seems to be solely applicable to the construction process and not the long-term maintenance. Who will be doing this inspection and maintenance after construction is complete?

Temporary erosion control items (such as wattles) will be installed and kept in-place until the site is stabilized with hydroseed. When grasses establish complete coverage of disturbed soils, temporary erosion control measures will be removed. Long term site inspection and maintenance will be completed by Lewis County Facilities.

## iii. Section 2.1.8 Element 8: Stabilize Channels and Outlets

1. Applicant states that "no work is proposed within any channels as part of this project.
  - a. The applicant also purports to install a log stringer bridge across an existing Cowlitz River overflow channel. Please revise and conduct any necessary studies required for work proposed within a channel.
  - b. The applicant also states in the Appendix E. Engineering Calculations that the site has a "natural outlet location, near the Skate Creek Road S overflow bridge."

## iv. Section 2.1.9 Element 9: Control Pollutants

1. Applicant states that petroleum-based products will be present
  - a. Applicant's mitigation is strictly limited to the construction process and not the ongoing environmental impacts of the heavy vehicular use and O&M for the development.
2. Applicant states that maintenance, fueling, and/or repair of heavy equipment and vehicles will occur on-site
  - a. Why is this necessary if all vehicles will be inspected prior to leaving County facilities?
 

The Stormwater Pollution Prevention Plan is for work which occurs during project construction. While no maintenance or repair of heavy equipment is anticipated to occur onsite refueling of heavy equipment may be necessary during project construction. Any refueling should occur 150 ft from any waterbodies.

## v. Stormwater Appendix E. Engineering Calculations

1. Memorandum:
  - a. Applicant states that the "site consists of Greenwater loamy sand - somewhat excessively drained Hydrologic Group A soil, permeability greater than 6.0 inches per hour."
    - i. With this high degree of permeability, petroleum discharge swiftly enters the critical aquifer recharge area of the Cowlitz River.
  - b. Applicant states that "With standard maintenance of stormwater facilities, infiltration appears to be an effective method for this site."



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List of Primary Reasons Lewis County Has Not Completed the Required Analysis

1. Lewis County has only evaluated the environmental impacts during the construction of this development and has not evaluated or attempted to prevent pollution of the Cowlitz River Critical Aquifer Recharge Area from long-term heavy vehicular use of the parking lot.
2. Lewis County has omitted its plan to relocate the Tacoma Power fish chute to this property and, as a result, the additional development plans have not been included in environmental analysis and its conclusion that adverse environmental impact are not probable.
3. Lewis County has not adequately studied the environmental risks associated with developing the property immediately upriver from the **James Frankland Bridge (Skate Creek Road S)** and, without additional studies demonstrating otherwise, **the development of this property jeopardizes this highly critical infrastructure used by many Packwood residents to access basic necessities.**
4. The intent of this development to provide "safe" access to the Cowlitz River is not just unmet, the parking lot design creates an injury-inviting attractive nuisance by encouraging the public to cross dangerous man-made riprap and logjams to access the Cowlitz. **There are no additional emergency services planned for visitors to this park.**<sup>1</sup>
5. Lewis County has not adequately planned for the long-term maintenance of this parking lot development. It intends to enter into a Management Agreement with the Packwood Improvement Club (PIC) that burdens PIC with significant financial obligations and legal risk.

This is done by deferring responsibility for managing every aspect of the development to PIC-- expressly including "security" -- apart from Lewis County paying for pumping the vault toilet and providing custodial supplies. I feel strongly that this unreasonably burdens PIC and creates great likelihood of PIC being unable to fulfill its obligations, which would shift the responsibility of paying for this development to taxpayers.

On the following pages, I provide greater detail on the primary reasons, including specifics on elements of the SEPA application that I believe Lewis County has insufficiently met its responsibility to evaluate.

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<sup>1</sup> Lewis County states in its SEPA Checklist that no additional emergency services are required [here](#).

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Detailed Explanation of Primary Reasons for Further Environmental Analysis

**1. Lewis County Scope of Environmental Analysis Limited to Short-Term Construction Impacts**

Throughout the SEPA Checklist, the JARPA (Joint Aquatic Resources Permit Application) Form, and the Burden of Proof, Lewis County has solely focused its environmental analysis on the environmental impacts of strictly the construction and not the on-going heavy vehicular use of the development.

It is important to note that all off-street parking lots or parking structures are prohibited as a primary use in all shoreline environment designations, such as this property. Lewis County states that the parking lot element of this development is an "accessory use" to the "boat launch, fishing access, and water views<sup>2</sup>" and is, therefore, a permitted use. Based on manual calculations of Lewis County's Site Plan, I estimate that the vehicular use is 75% of the developed area on this property. I find it hard to accept that parking is an accessory use when it makes up 75% of the land the public will utilize!

Regardless of whether Lewis County has irresponsibly labeled parking as an accessory use, they have made virtually no attempt to mitigate the environmental impact of adding 38 parking stalls in a gravel parking lot, with highly permeable soil beneath that drains directly into the Critical Aquifer Recharge Area of the Cowlitz River. In fact, Lewis County is seemingly violating the "Conditions of Development" it placed upon itself during the 2016 Scour Mitigation Project that took place on the exact parcels they are seeking to use today. In this document<sup>3</sup>, it states:

1. \*Discharge of petroleum or hazardous materials to any ditch, swale, or other non-impervious surfaced area, where migration to an aquifer is reasonably likely, is prohibited.
2. \*Oil-water separators shall be required for new impervious surface areas of 5,000 square feet or larger.

Regarding #1, in today's parking lot development proposal, Lewis County is planning to install a 1,650 square feet infiltration pond for stormwater management. An infiltration pond is a non-impervious surface designed to hold stormwater and permeate it into the earth. During a stormwater event, discharged petroleum from the heavy vehicular use the County is anticipating will be channeled into the non-impervious surface where migration to the Cowlitz River aquifer is not just likely, but guaranteed.

Regarding #2, the proposal includes new impervious surface area estimated to be approximately 40,000 square feet, including the gravel parking lot, entrance road, and service vehicle access road. Lewis County has made no indication that they plan to install an oil-water separator as mandated by this Condition of Development.

These are two examples of dozens where Lewis County's answer to questions on the SEPA checklist and burden of proof are limited to the construction impacts and neglect to contemplate the long-term environmental impact of heavy vehicular use. Please reference the included list of specific issues to see the number of instances where Lewis County's scope of analysis was limited to construction.

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<sup>2</sup> Burden of Proof Section 6.03.02(F)(3)

<sup>3</sup> View [screenshot of document here](#)

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## 2. Lewis County Omitted Additional Development Plans from Environmental Analysis

Lewis County Public Works submitted the SEPA Environmental Checklist and Lewis County Community Development determined it was sufficiently complete on March 6, 2020. On the first page of this document, within the "Instructions for Applicants" section, it states "[t]he checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land."

Lewis County has omitted from its SEPA application any specific description of an intent to relocate the Tacoma Power fish chute to the parcels on which it proposes to build this parking lot development. However, it is clearly apparent from the development's design elements and a grant application approved by Lewis County Board of County Commissioners that Lewis County intends to relocate the fish chute to this property.

The specific design elements of this development that make it apparent the County intends to relocate the fish chute to this property are: (1) a secondary access gate (see [here](#)), which controls vehicular access to, (2) a 12' wide gravel service vehicle access road (see [here](#)) with, (3) a road stub at the Shoreline above the rock armoring and logjams installed in 2016 (see [here](#)). It should be noted that this road stub is also an attractive invitation for pedestrians to access the shoreline at this location, across dangerous rock armoring and logjams with exposed metal cabling installed in 2016. More on this later.

On January 27, 2020, Lewis County Board of County Commissioners unanimously voted to approve the County entering into a grant agreement with Tacoma Power to fund a percentage of this development. In Lewis County's application for the grant from Tacoma Power, it clearly states its intent to relocate the fish access chute to this property (see [here](#)) and describes it as a 12' wide gated access road, which perfectly aligns with the development's design elements stated in the prior paragraph.

As stated in WAC 197-11-60(5) "SEPA Rules" environmental review may be phased, however, per subsection (d): "phased review is not appropriate when (ii) it would [...] avoid discussion of cumulative impacts." Additionally, Lead Agencies are obligated to state that their intent to pursue phased review in its environmental document, which LCCD has not done in this proposal.

The relocation of the fish chute further complicates the environmental analysis of the development as it is proposed today, including adding a commercial vehicular use and adding an in-water element that would need to be considered in the FEMA "no-rise" analysis on which the County relies for its Hydraulic Impact Assessment.

Lewis County has clearly omitted its intent to relocate the fish chute from its proposal today to limit the cost and degree of environmental impact analysis it would normally be obligated to conduct and is, therefore, avoiding discussion of cumulative impacts, which is prohibited by WAC 197-11-GO(S)(d)(ii).

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### **3. Lewis County Has Not Adequately Studied Geomorphic Environmental Risks and Subsequently Jeopardizes the Structural Integrity of the James Frankland Bridge (Skate Creek Road S)**

The Geomorphic Assessment (Appendix C) is arguably one of the most critical elements to Lewis County's environmental impact analysis and it is also one of the least thoroughly evaluated. The Geomorphic Assessment involves the analysis of the principal hazards affecting the property proposed for the parking lot development. As stated in this Appendix, "the proposed facilities are located mostly within the mapped severe channel migration zone (CMZ) and within a moderate to high liquefaction zone."

Also stated in this Appendix, "Lewis County Community Development has requested that [Lewis County] Public Works provide a report that demonstrates the project area is safe for the proposed use." This represents a tremendous conflict of interest to me in that Lewis County Public Works is the applicant for this project. Based on the following paragraphs I believe Lewis County should subcontract the Geomorphic Assessment to an objective third-party specialist to provide a far more thorough and guaranteed analysis of the severe risk of channel migration and moderate-to-high risk of liquefaction.

This is especially pertinent as it relates to the structural integrity of the James Frankland Bridge (Skate Creek Road S), which Lewis County specifically states is highly critical infrastructure used by many Packwood residents to access basic necessities.

Regarding the severe risk of channel migration, in the July 14, 2016 Skate Creek Road S Bridge #193-Scour Mitigation Project, Northwest Hydraulic Consultants states in Section 1: "In recent years, the Cowlitz River has flanked existing riprap bank protection [(approximately 386 cubic yards)] upstream of the Skate Creek Road crossing and has eroded over 150 feet of bank during water year 2016 alone."<sup>45</sup>

Within Section 2 of Lewis County Public Works' Geomorphic Assessment, they conclusively state, "the Skate Creek Road Bridge and associated bank protection features prevent channel migration into the proposed development area." This conclusion seemingly ignores the fact that in water year 2016, the Cowlitz River consumed 386 cubic yards of riprap revetment (presumably intended not to be dislocated) and 150 feet of bank, which predicated the emergency construction of the present rock armoring and logjams to protect the left abutment of the James Frankland Bridge.

From the date the 2016 rock armoring and logjam "Scour Mitigation Project" was completed, the integrity of the "continuous system of revetments intended to prohibit channel migration" has not been breached by the Cowlitz River. Therefore, Public Works cannot conclusively state that this system would not threaten the left bank approach roadway and bridge abutment of the James Frankland Bridge.

I believe it is critical for Lewis County to hire an independent geomorphic and hydraulic consultant to evaluate the risk to Skate Creek Road and the James Frankland Bridge of removing earth-anchoring trees from the channel migration zone immediately upriver from this critical infrastructure.

Regarding the moderate-to-high liquefaction risk of the proposed development site, this is arguably the most underdeveloped section of the Lewis County proposal coming in at a whopping 1 page!

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4 View [screenshot of NHC Report from 2016](#)

5 View location of [386 cubic yards of riprap lost](#) in water year 2016

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Soil liquefaction occurs when saturated sand dominant soil effectively turns into liquid in response to stresses such as shaking during an earthquake or other sudden change in stress condition. When heavy structures, such as bridge abutments, are located on or near soils with a high risk of liquefaction, it results in landslides and other structure bearing failures. The proposed development site consists of Greenwater loamy sand and this consistency is a primary factor to the proposed development being designated as moderate-to-high liquefaction risk.

This undeveloped section of the SEPA application goes on to state that, "this evaluation was completed without the benefit of site-specific geotechnical information." Additionally, Lewis County states, "extensive in-place testing would be cost prohibitive for this site given correction results would likely include surcharging fill, draining ground water or over excavation and replacement with import material. All of these options may be appropriate for high importance structures such as dams, multi-story building and power facilities."

For an unknown reason, Lewis County fails to consider the James Frankland Bridge, which immediately abuts this property, as a high importance structure. I believe a structure that provides the only year-round access to numerous residents and property owners on the northwest side of the river is high importance and deserves to have its structural integrity preserved regardless of the cost of in-place testing. If the County cannot bear the cost of the in-place testing, it should abandon its plans to develop this property and find another more suitable property a sufficient distance away from this critical infrastructure.

#### **4. Design Does Not Meet Intended Purpose- Attractive Nuisance**

Lewis County claims that the purpose of this parking lot development is to provide "a safe access point" to the river for fishermen and local residents. During the 2016 "Scour Mitigation Project," Lewis County installed 1,200 tons of riprap, 75 logs, and 255 boulder anchors with exposed metal cabling along half of the shoreline on this property.<sup>6</sup> The other half is comprised of riprap "barbs" that jut out into the river. The purpose of these man-made features is to protect the shoreline from the river's natural likelihood of migrating and consuming the land upriver from the Skate Creek Road S Bridge. I have personally attempted to cross the rock armoring and logjams and it is treacherous to say the least.

Lewis County's design of stubbing out the service vehicle access road at the shoreline immediately above the rock armoring and logjams is an invitation to the public to cross these dangerous elements. Encouraging the public to access the river in this location is an attractive nuisance that invites pedestrians of all ages to injure themselves on public property, as well as the private property of the neighboring homeowners.

Additionally, the "non-motorized boat launch" is nothing but "a sign that will be posted in an area with an existing gentle grade into the water." In the County's plan, the party obligated with the management of the parking lot development (see next section) shall be responsible for observing the best location for the boat launch and moving the sign to a new location as deemed appropriate.

Whether or not the "existing gentle grade" is a safe access point for fishermen and other experienced watersport enthusiasts, constructing a parking lot of this size is encouraging everyone in the general public, able-bodied or otherwise, to access the shoreline in this location. Again using the County's own

<sup>6</sup> See site schematic showing dangerous access points [here](#)

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words, "the upper Cowlitz is mostly a highly-dynamic braided river [where] geologic and [man-made] controls at the project site force it into a single-thread channel as it passes under the Skate Creek Road S Bridge." As we all know from watching it constantly morph the channel in which it lies, the Cowlitz is a mighty force that should only be used for recreation by highly experienced water enthusiasts.

Encouraging the public to access the river in a location at which natural and man-made features "force" the power of the water from a broad braided river into a "single-thread" channel is asking for public injury or death.

Furthermore, Lewis County has yet again only considered the need for additional emergency services during the construction of the parking lot development and not the on-going long-term maintenance of the property.

#### **S. Long-Term Planning - Packwood Improvement Club Management Agreement**

The supporters of this parking lot development are members and leadership of the Packwood Improvement Club (PIC). Based on their written lobbying, it is evident that in order to get the County to consider this project, the PIC leadership has continuously guaranteed that it will "keep an eye out" and "ensure the park remains safe and clean for the community of Packwood." Accordingly, PIC has drafted a management agreement with the County (which neither party has executed) in which it agrees to assume responsibility for every aspect of managing the property -- expressly including "security," cleaning the restrooms, and landscaping, just to name a few. Lewis County has solely agreed to pay for pumping the vault toilet and pay for supplies so PIC can complete its custodial duties.

Aside from the fact PIC is obligated to clean public restroom facilities expected to be used by 60 people a day it has no actual authority to provide "security" service. If there was an occurrence that required "security" services, PIC would call 911 and wait for police to be dispatched from West Lewis County considering the permanent closure of the Sheriff substation in Packwood.

PIC has also included a provision in this management agreement where it wholly indemnifies Lewis County. It includes language that says PIC will hold Lewis County harmless for damages of personal or bodily injury, including death, of any person regardless of whether injury is due to the negligence of the Packwood Improvement Club.

This agreement far exceeds "keeping an eye out" and tremendously burdens PIC with on-going financial obligation and legal liability. As the party responsible for this degree of liability, I believe PIC should be required to secure this agreement with a performance bond in addition to a substantial insurance policy.

If the PIC is determined to be ill-suited for the management of the parking lot development, Lewis County should create a thorough management plan for which it is solely responsible and demonstrate that it has funds available in the budget for an addition to the Lewis County Park System.

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Please see the attached appendices providing additional information

- Appendix B: List of Specific Issues with SEPA Application