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3 **BEFORE THE STATE OF WASHINGTON**
4 **ENERGY FACILITY SITE EVALUATION COUNCIL**

5 In the Matter of Application No. 96-1,

6 **EXHIBIT _____**

7 Olympic Pipe Line Company Cross Cascade
8 Pipeline Project,
9

10 **PREFILED TESTIMONY OF RANDOLPH SLEIGHT¹**

11 **ISSUE: LAND USE/ENVIRONMENTAL IMPACT**
12 **SPONSOR: SNOHOMISH COUNTY**
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25 ¹ Snohomish County hereby reserves the right to adopt by reference the prefiled testimony submitted by other parties
26 to the matter, once the County has had the opportunity to review it.

1 **Q: Please state your name and employment position.**

2 A: My name is Randolph R. Sleight, and I am the Chief Engineering Officer for
3 Snohomish County.

4 **Q: Could you please identify your educational background?**

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6 A: I graduated from the University of Washington in 1975 with a bachelor of science
7 in civil engineering and have taught engineering subjects at Shoreline Community
8 College.

9
10 **Q: What is your role in reviewing the Olympic Pipeline (“OPL”) Project for**
11 **Snohomish County?**

12 A: I was assigned to the Olympic Pipe Line Project (“Project”) in November of 1998.
13 My role has been to review and analyze the land use consistency issues involved
14 with the Project, and to prepare comments related to the Draft Environmental
15 Impact Statement (“DEIS”) for the County and EFSEC.

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17 **Q: What County codes, regulations and ordinances did you review for**
18 **consistency/inconsistency with the OPL application?**

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20 A: I reviewed Titles 13, 17, 18, 21, 24, 27 and 32 of the Snohomish County Code
21 (“SCC”).²
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26 ² The applicable portions of the Snohomish County Code have been attached hereto as Exhibit RS-1.

1 **Q: Based on your review of the OPL Application, could you identify how the**
2 **Project would be consistent or inconsistent with the applicable SCC Titles?**
3 **For example, what did you find when reviewing Title 13 SCC?**

4
5 A: Title 13 SCC regulates roads and bridges within Snohomish County. The Project
6 Application states that the road crossings that will occur involve the following
7 roads and bridge: State Highway 524 (Maltby Road), State Highway 9,
8 Broadway, Highway 522, Echo Lake Road, Welch Road, High Bridge Road, State
9 Highway 203, Broadway Road, High Rock Road, and Kayak Lake Road.³ OPL's
10 map, entitled Map Atlas covering Plates 1-6, also illustrates the roads that the
11 Project will cross in Snohomish County.⁴ Using this map, I noted that the
12 following County right-of-way are missing from the list in the Application: Little
13 Bear Creek Road; 21st Avenue S.E.; 59th Avenue S.E., Trench; 86th Avenue
14 S.E., Trench; W. Bostian Road; Yew Way; 95th Avenue S.E.; 106th Avenue
15 S.E.; W. Lost Lake Road; Ricci Road; 150th Street S.E.; 161st S.E.; 203rd Street
16 S.E.; and Lake Fontal Road, although the majority of these do appear in Table
17 5.2-1 of the Application.
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24 ³ See Olympic Pipe Line Company, Application for Site Certification Agreement, dated February 1996, revised May 1998 (hereinafter "Application") at 5.19.

25 ⁴ The applicable portions of the Map Atlas are attached hereto as Exhibit RS-2. Six other maps, relating to pipeline
26 alignment, subbasins and fish resources, have been reduced and are attached hereto as Exhibit R-3. The original
27 maps will be offered for demonstrative purposes at the adjudicatory hearings.

1 Normally, utilities which are proposed to be placed in the County's right-
2 of-way ("ROW") would require a ROW Use Permit (Chapter 13.10 SCC) and/or a
3 Franchise Agreement (Chapter 13.80 SCC)⁵. These regulations require specific
4 design drawings, indemnification (SCC 13.10.090 SCC), security (SCC
5 13.10.115-.120) and insurance (SCC 13.10.100), in order to use the County's
6 ROW.⁶ Franchise agreements are important, in that they protect the County's
7 property. Under SCC 13.80.010, any person using any County ROW or a County
8 bridge for construction and maintenance of "gas pipes" (such as OPL) must obtain
9 a franchise. OPL plans to cross the Snoqualmie River by placing the pipeline
10 within the utilidor of the newly constructed County-owned High Rock Bridge
11 (County Bridge No. 41).⁷ Before permission to use the bridge can be granted,
12 certain details need to be worked out, such as: (1) inspection procedures for the
13 enclosed portion of the pipe, (2) ventilation of the confined space, (3) lighting of
14 the confined space, and (4) protection of the pipe at the ends of the bridge from
15 vandalism, flood or earthquake damage (this is not an exhaustive list). The
16 County Public Works Department has tentatively concurred with this location and
17 future placement, subject to modifying the franchise which OPL currently has
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⁵ Exhibit RS-1, at 13-28.

⁶ Id. at 13-11, 13-12, 13-13.

⁷ Exhibit RS-1, at 13-28.

1 with the County.⁸ In reviewing the franchise area for the Project, it is noted that
2 the Project does not include the Lake Crest/High Bridge Road in Section 26,
3 Township 27 N, Range 6 E. This location is described on page 2-12 of the Draft
4 EIS. OPL should revise the Application to expand their franchise area to include
5 the above described area.
6

7 Title 13 SCC permits are also issued by the Public Works Department for
8 all "road closures". It appears that the Project would require the temporary
9 closure of High Rock Road, east of SR 203. A road closure permit would require
10 advance notice to the public, County, and emergency service providers prior to the
11 county road being closed. High Bridge Road has no convenient detours; therefore
12 any closure needs to be kept to a minimum.
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15 **Q: What is your analysis of the Application, as applied to Title 17 SCC?**

16 **A:** The Application indicates that the pipeline facilities will be designed to the latest
17 Uniform Building Code standard (or the 1997 UBC). This is consistent with
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21 ⁸ The County concurs with the statement set out in the Draft Environmental Impact Statement for the Cross Cascade
22 Pipeline, dated September 1998:

23 Each landowner along the alignment has the authority to enter into a ROW agreement with OPL. This
24 agreement is a real estate transaction between owners. Federal agencies issuing such ROW agreements
25 would do so through the BLM approval process and under NEPA. State, city or county landowners will
26 make their ownership ROW decisions outside of their permitting authority. EFSEC still retains all state and
27 local permit authority for the project. Private landowners will decide on their own whether to sign
28 agreements. OPL has condemnation authority over private lands but prefers to avoid that process by
29 rerouting or signing an agreement.

30 DEIS, Table 1-1 at 1-15, attached hereto as Exhibit RS-4.

1 Chapter 17.04 SCC,⁹ in that the proposed Thrasher Pump Station (“Thrasher
2 Station”) would normally be required to obtain a building permit to assure that the
3 1997 UBC requirements were met. No further building permits would be
4 required for the pipeline, block valves or cathodic protection system.
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6 Chapter 17.05 SCC would also be applicable to regulate the grading of the
7 proposed Thrasher Station.¹⁰ A grading permit would require the submittal of a
8 vicinity map, grading plan and a geotechnical engineering report, soils
9 engineering report, engineering geology report or liquefaction report (SCC
10 17.05.120)¹¹.
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12 During review of the Project, numerous citizens raised safety issues about
13 the Project, specifically with regard to seismic vulnerability. Accordingly, I
14 reviewed two documents relating to seismic vulnerability in addition to those
15 mentioned in the Application: The FEMA 233 Manual, July 1992, (1) “Earthquake
16 Resistant Construction of Gas and Liquid Fuel Pipeline Systems Serving, or
17 Regulated by the Federal Government”; and (2) Lifeline Earthquake Engineering
18 Seminar, December 2, 1995, Lifeline Earthquake Engineering Group.¹² The latter
19 manual suggests that in areas subject to earthquakes in the Cascadia Subduction
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24 ⁹ Exhibit RS-1, at 17-9.

25 ¹⁰ Exhibit RS-1, at 17-16.

26 ¹¹ Exhibit RS-1, at 17-19.

1 Zone (“CSZ”), future building code changes will encourage modifying portions of
2 the zone boundaries to reflect a seismic zone of 4 for CSZ quake protection.

3 Based on this literature on the subject, and the issues raised by the public, the
4 County has requested OPL to design its facilities to a seismic zone 4. During
5 negotiations, OPL representatives have tentatively agreed to this change. Also, the
6 FEMA 233 Manual outlines the need to minimize these types of facilities within
7 landslide areas that are subject to earthquake.¹³
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10 **Q: What was your analysis of the Project, as applied to the requirements of Title**
11 **18 SCC?**

12 **A:** Title 18 SCC is the County’s Zoning Code. The Project crosses six different
13 zones, under Title 18 SCC: Suburban Agriculture-1 (SA-1); Rural Conservation
14 (RC); General Commercial (GC); Agriculture-10 Acre (A-10); and Forestry. A
15 portion of the route crosses land with a base zoning of SA-1. The project also
16 crosses Echo Falls Golf Course, which was rezoned PRD with specific
17 requirements to allow a golf course to be constructed with a conditional use
18 permit. The Thrasher Station would be located in a Suburban Agriculture-1 Acre
19 Zone. While the pipeline facilities are permitted outright in all county zoning
20 categories, the Thrasher Station would require a Conditional User Permit
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25 ¹² These manuals are provided, in pertinent part, as Exhibit RS-5, and are attached hereto.
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1 (“CUP”).¹⁴ Chapter 18.32 SCC sets out the uses which require a CUP. As the
2 Applicant, OPL would need to prove, among other things, that the impacts created
3 by Thrasher Station (such as noise, safety, compatibility, odor, aesthetics, etc.),
4 would be compatible with the permitted uses in the Residential Agriculture
5 District (SCC 18.32.020).¹⁵ The surrounding neighbors have voiced their
6 concerns to the County Council that the impacts created by the Thrasher Station
7 will be inconsistent with existing uses.
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10 As part of my review of the Project, I have made several visits to the
11 proposed Thrasher Station site. Surrounding land uses are rural residential, with
12 one home located approximately 400 feet to the north, across Maltby Road. Two
13 homes to the west are approximately 200 or more feet from the proposed station.
14 One home to the west, is located on the other side of the Puget Sound Energy
15 right-of-way. The site is not within the County’s Urban Growth Area (“UGA”)
16 boundary, but is designated “Rural” under the County’s Comprehensive Plan.
17 Development has occurred approximately a third to a half mile to the west
18 (Canyon Firs, Canyon Highlands, Red Hawk Estates subdivisions, and several
19 elementary schools). The majority of the schools are located southeasterly of the
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24 ¹³ See generally RS-5.

25 ¹⁴ Exhibit RS-1, at 18-19. The proposed Thrasher Station, located near 212th Street S.E., has been incorrectly
26 identified as being located at Thrashers Corner (page 2-5. Alternatives of DEIS). Thrashers Corner is located to the
27 west at the juncture of SR-527 and Filbert Road. In the text, the street is also mis-identified as 212th Street N.E.

1 proposed pump station. The nearest church to the proposed pump station is the
2 Parkridge Chapel, which is approximately a quarter of a mile to the west, at
3 Maltby (SR 524) and Jewell Road. Title 18 SCC requires that no part of any
4 permitted structure may be within 20 feet of the pipeline, or at the site building
5 location, and that the building setbacks are met to buffer the surrounding
6 neighborhood.
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8 **Q: Could you explain how Title 21 SCC applies to the Project?**

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10 **A:** One of the elements of Title 21 SCC, the County's Shoreline Master Program
11 ("SMP"), is to minimize impacts to shoreline zones. One way to minimize the
12 Project's impacts to the County's shorelines would be for the Applicant to obtain
13 preliminary authorization from the Public Works Department to allow
14 construction of the 14" pipeline to occur in the existing utilidor for the box girder
15 under High Bridge (County Bridge No. 41). This Public Works approval would
16 require full indemnification by OPL for any Model Toxic Control Act Claim, and
17 an insurance provision attached to any stipulated agreement to allow on-going use
18 of the County's property. The provision would need to provide sufficient
19 coverage in the event of a natural disaster or catastrophic failure or leak of the
20 pipeline.
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26 ¹⁵ Exhibit RS-1, at 18-9.

1 **Q: Could you explain how Title 24 SCC applies to the Project?**

2 A: SCC 24.10.030(3)(f)¹⁶ requires utility construction to comply with the applicable
3 requirements of Title 24 SCC. This Project would normally require the submittal
4 of full drainage and erosion control plans (SCC 24.20.040-.045). Because such
5 plans have not been submitted, I cannot fully determine whether the Project is
6 consistent, or inconsistent with Title 24 SCC (although the Best Management
7 Practices (“BMP’s”) may in fact be consistent). However, even without this
8 necessary information, it is apparent that certain aspects of the Project are
9 inconsistent with the title. First, the Applicant’s Project proposes extensive “open
10 cutting” of salmonid streams. Such open cutting does not minimize the impacts to
11 Snohomish County streams. Second, the Project does not provide adequate
12 assurance that erosion will not take place when OPL crosses Peoples Creek
13 (Chapter 24.50 SCC).¹⁷ The proposed crossing area at Peoples Creek is at an
14 identified landslide hazard area. Typically, trench backfill does not stay within
15 the trench at such a steep crossing, and yet that is the BMP proposed by the
16 Applicant. I am also concerned with the Applicant’s method of construction at
17 Peoples Creek. After a phone conversation I had with an OPL representative,
18 Katy Chaney in early December of 1998, I received a faxed response which
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25 ¹⁶ Exhibit RS-1, at 24-4.
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1 articulated OPL's intent to use a crane for the crossing at Peoples Creek.

2 Needless to say, I am greatly concerned about the use of a crane in this steep slope
3 area. Such use of a crane would require temporary shoring at least 20 foot in
4 depth, and construction of a significant access road (for the crane to use). In my
5 experience, the construction of an adequate access road for the crane in this steep
6 slope area, would be incredibly difficult, if not impossible. Also troubling is the
7 fact that the Application does not disclose that an additional access road would be
8 constructed at the Peoples Creek area. Rather, the Application only discloses that
9 an access road to the Thrasher Pump Station would be constructed. The crossing
10 method at Peoples Creek is identified as a flume crossing method at 2.14-25 in
11 Table 2.14-1 of the Application. Bank to bank width is greater than 10'; in winter
12 it is closer to 15', and the bank height is quite steep and tall on the west side.
13 Over 65 feet is steeper than 1:1 or 100% slope. What this means, is that it will be
14 extremely difficult to get a loader or backhoe to the site as described at 2.14-5 to
15 assist in this operation.
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21 Later, at a January 22, 1999 meeting with OPL representatives, Katy
22 Chaney and Gordon Eastling, I received a sketch from Mr. Eastling (a sketch that
23 Ms. Chaney said she had not seen before) which again proposed the construction
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¹⁷ Exhibit RS-1, at 24-22.
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1 of an access road to accommodate the crossing at Peoples Creek. Due to the
2 considerable absence of detail from the sketch, I asked Mr. Eastling to join me on
3 a site visit of the proposed access road and creek crossing. After inspecting the
4 steep slope area in person, I am even more convinced that the alignment proposed
5 by OPL in the vicinity of the BPA powerlines near Peoples Creek is not an
6 appropriate place to cross the creek. Instead, the crossing should occur to the
7 south, on DNR property, where the vertical drop and slopes are not as severe and
8 the ground is more stable. DNR has posted the new location that I feel to be more
9 appropriate for crossing Peoples Creek as a future timber harvest area.
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12 This change in the crossing route at Peoples Creek would address the
13 concern that pipelines are susceptible to large vertical perforation or strains due to
14 large amounts of relative ground motion (i.e. a slide). Locating a pipeline in
15 landslide areas and areas of soil liquefaction would create serious ramifications to
16 the nearby creek (i.e., a landslide could damage the pipeline, thereby resulting in a
17 direct release of oil and gasoline into the creek).
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20 **Q: Could you explain how Title 27 SCC applies to the Project?**

21 **A:** A review of Title 27 SCC demonstrates a significant area in which the Project is
22 inconsistent with the County's code. In floodway and agricultural zoning (AG-
23 10) areas, OPL has proposed to bury the pipeline to a depth of only four feet.
24

25 However, SCC 27.28.010 and 27.32.010 require that any utility transmission lines
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1 transporting hazardous materials (crude and refined petroleum products) must be
2 buried a minimum of six feet in the areas identified by OPL. This requirement
3 assures that the pipeline will be under sufficient sediment at all times, even during
4 periods of deep disking of the prime agricultural soils. This six-foot requirement
5 also applies to the section of the flood fringe area. Also, a four foot cover
6 requirements exists beyond the maximum scour depth of creeks. The reason for
7 the four foot requirement is based on the fact that historically, farmers have
8 maintained these creeks like farm land or as agricultural ditches during low flows,
9 and they clean out silt and sediment that accumulates in the creeks. The County's
10 four foot scour cover requirement provides greater assurance that a farmer will
11 not inadvertently hit the pipeline in the bed of a creek with his/her track hoe
12 (equipment used to clean out accumulated sediment from ditches and creeks).
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14 Table 3.3-7 of the Application correctly identifies the floodplain characteristics of
15 the two waterbodies of T27 concern - Little Bear Creek Zone A and Snoqualmie
16 River Zone A10.

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21 **Q: Could you explain how Title 32 SCC applies to the Project?**

22 **A:** While the Applicant amended their wetland and stream information with an
23 extensive map atlas (pages 1-6 apply to the County), it is apparent that some of
24 the County's Growth Management Act ("GMA") concepts of "avoidance" of
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1 impacts were not seriously considered in all stream crossings by the Applicant in
2 its submittal materials.

3 The County is greatly concerned with OPL's proposal to open-cut
4 salmonid fish bearing streams, especially when it is clear that horizontal
5 directional drilling and jack and bore techniques ("horizontal drilling") are going
6 to be necessary for all state highway crossings. Horizontal drilling would greatly
7 reduce the invasive impacts created by the open-cut method. At least half the
8 stream and wetland impact proposed in the Application could be avoided by
9 horizontal drilling techniques or other micro siting of the alignment to avoid these
10 critical areas.
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14 The construction proposed by the Applicant, in all four of the landslide
15 hazard areas will require additional site specific geotechnical information.
16 Mapping of seeps, geologic contacts, slope instability and factor of safety analysis
17 still needs to be done for these areas.
18

19 Kathy Thornburgh, with the County's Public Works Department, will
20 address impacts to fish related to open cutting of streams and affects of turbidity
21 and water quality degradation on fish species.
22

23 Another area of particular concern arose when OPL's representative Katy
24 Chaney told me that OPL would be unwilling to record a Critical Areas Site Plan
25 ("CASP") for each critical area encountered within Snohomish County (a code
26

1 requirement). A CASP would designate the critical area by recording this
2 information with the County Auditor to disclose the existence of both the critical
3 area and the associated easement/pipeline construction area to future purchasers
4 of the property. By disclosing the critical areas and recording them with the
5 Auditor, the County has found that these areas are better protected from future
6 damage. While OPL's Application allegedly identifies the appropriate mitigation
7 for crossing critical areas, it is lacking in the detail required by the CASP.
8

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10 Under Chapter 32.11 SCC, petroleum pipelines must have a site specific
11 hydrogeological assessment completed. Such an assessment was not fully done
12 by the Applicant. This assessment is necessary for all aquifer recharge areas
13 under Chapter 32.10 SCC. SCC 32.11.050(7) sets out a monitoring program for
14 leak detection outside of the pipeline to monitor background groundwater quality.
15 A sample testing program may include testing via wicks or other sampling
16 techniques, to about two meters in depth into the vadose zone. This is the type of
17 information one would normally find in a report of this type along with
18 groundwater gradient, etc., none of which was present in the material submitted
19 by the Applicant to date. In addition, Snohomish County has a water pollution
20 control ordinance at Chapter 7.53 SCC, which mirrors the state law in most
21 respects (and which OPL should be required to comply with).
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26 **Q: Do any other codes, plans and/or regulations apply to the Project?**

1 A: Yes, the County's Comprehensive Plan, and three of its Subarea Plans would
2 apply to the Project.

3 **Q: Please explain how the County's Comprehensive Plan, and its policies apply**
4 **to the Project.**

5
6 A: The Snohomish County Comprehensive Plan was adopted on June 25, 1994, by
7 Ordinance No. 94-125. Three elements of the Comprehensive Plan have direct
8 application to this Project. First, the Land Use Element contains interrelated land
9 use goals, objectives and policies which form the basis of the County's land use
10 controls. This element focuses on many of the major land use categories, such as
11 urban, rural, natural resources and open space. The Project itself will cross eight
12 different land use designations under the Comprehensive Plan: Urban Low
13 Density Residential; Medium Density Rural Residential-2.3; Urban Reserve;
14 Maltby Urban Growth Area; Riverway Agriculture; Low Density Rural
15 Residential; Commercial Forest-Forest Transition Area; and Commercial Forest.
16 While the construction of a major petroleum transmission pipeline, is not
17 specifically addressed in the Land Use Element, other policies apply.
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22 The Project will cross over lands designated by the County as critical areas
23 and agriculture lands of long-term commercial significance. Objective LU 6.B
24 states that the County should "encourage land use activities and development
25 intensities that protect the character of rural areas, **avoid interference** with
26

1 resource land uses, minimize impacts upon critical areas,”¹⁸ (emphasis
2 added). Goal LU-10 provides for the identification and protection of “open
3 spaces, natural and scenic resources, and shoreline areas.”¹⁹

4
5 The second element applicable to the Project is the Utilities Element,
6 which provides general guidelines and policies regarding the siting of private
7 utility systems. Under Objective UT-5.A, proposed utilities shall, “[u]tilize
8 existing transportation and utility corridors to accommodate necessary
9 transmission system expansion.” Policy UT-5.D.3 states, “[t]he County shall
10 ensure that private utilities are located in compliance with the Shoreline
11 Management Master Program.”²⁰

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14 Finally, the Natural Environment Element has been designed to promote
15 environmental protection and good stewardship practices. Key policies of this
16 element, which apply to the Project are:

17
18 NE Policies:

19 1.B.1 In making land use and development decisions, the best
20 available information on critical areas should be used.

21 1.C.1 Development proposals shall be analyzed under adopted
22 critical area regulations and adopted SEPA policies to ensure
23 they are compatible with the natural environment.

24
25 ¹⁸ The applicable portions of the County’s Comprehensive Plan are attached hereto as Exhibit RS-6.

¹⁹ *Id.* at LU-41.

²⁰ *Id.* at UT-12.

1 1.D.1 In critical areas, development proposals shall be carefully
2 reviewed and appropriately conditioned using development
3 regulations based on the Natural Environment policies to
4 minimize impacts on these areas. Field checks will be used in
all cases to determine development potential.

5 3.D.2 Development proposals should follow these mitigation
6 practices in order of preference: avoid impacts, minimize
7 impacts, repair impacts, reduce impacts over time, or
8 compensate for impacts by replacing wetland or stream
9 functions and acreage, and monitor impacts to ensure the
success of mitigation measures. All mitigation should occur
within the affected watershed where possible.

10 3.D.3 Alternate to bank riprapping, channeling, and dredging should
11 be encouraged when the county can show that the alternatives
12 would have fewer adverse effects on nutrient storage, water
13 quality, wild life habitat, and fisheries.

14 3.D.4 The filling and draining of wetlands shall be discouraged to
15 protect their value as breeding and rearing habitat for a variety
16 of plant and animal life, their water holding capacity, and
17 their role in maintaining groundwater levels and year-round
stream flows.

18 3.D.6 Development along streams, lakes and wetlands should
19 maintain setbacks and natural vegetated buffers that are
20 adequate to maintain normal water temperature, reduce
21 erosion, moderate run-off velocity, allow infiltration of run-
off, and avoid adverse environmental impacts to aquatic
ecosystems.

22 3.D.9 Alternations to aquatic systems should be avoided or
23 minimized to protect their values for conveyance of surface
24 water, habitat for aquatic life, flood attenuation, and
25 protection of life and property.
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1 3.D.11 Structures and improvements in developments should be
2 situated in a manner which protects peat and other hydric soils
3 which are necessary for groundwater storage and maintenance
4 of year-round stream flows and lake levels.

5 5.A.2 Developments shall use site-design approaches that minimize
6 run-off and related flooding including limits on impervious
7 surfaces and grading, and protection of areas of undisturbed
8 vegetation.²¹

9 **Q: Please explain how the County's Subarea Plans apply to the Project.**

10 **A:** The alignment of the Project traverses portions of the North Creek ("NC"),
11 Cathcart-Maltby-Clearview ("CMC"), and Skykomish Valley ("SK") Planning
12 Subareas.²² Like the Comprehensive Plan, the Subarea Plans' elements do not
13 specifically address the construction or operation of a petroleum pipeline.
14 However, the plans contain certain elements that do apply to the Project.

15 All three Subarea Plans encourage consolidation of utility systems within
16 existing rights-of-way and easements.²³ All three Subarea Plans also contain
17 elements addressing natural environment and resource management. Applicable
18 policies include that: (1) development proposals shall be carefully reviewed and
19 appropriately conditioned to minimize adverse impacts to the quality of ground
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24 ²¹ Exhibit RS-6, at NE 2 - NE 13.

25 ²² The applicable portions of the Subarea Plans are attached hereto as Exhibit RS-7.

26 ²³ See Exhibit RS-7; at NC Policy 5.7-11; CMC Policy G 7; SK Policy 5.12

1 and surface waters and wildlife habitat;²⁴ (2) wetlands should be identified and
2 preserved;²⁵ (3) site-design approaches will be used to minimize run-off and
3 related flooding; (4) aquifer and aquifer recharge areas should be given special
4 protection;²⁶ (5) pollution of air, saltwater, rivers, and streams must be
5 prevented;²⁷ and (6) integrity of all water resources should be protected and
6 maintained.²⁸
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9 Significantly, the Project proposes to cross three streams within the CMC
10 Planning area (Anderson Creek, Ricci Creek and an unnamed stream, which we
11 believe the neighborhoods recognize as Elliott Creek). OPL proposes to open cut
12 through these creeks and cross a number of wetlands in this area (including Echo
13 Lake Road Wetland). However, the CMC Subarea Plan reveals that Little Bear
14 Creek “supports runs of Coho, Sockeye and Chinook salmon.”²⁹ The plan also
15 notes that Ricci and Anderson Creeks support Coho salmon and cutthroat trout.³⁰
16
17 The plan also identifies a 200 foot wide corridor as an environmentally sensitive
18 area (“ESA”) along and around all bodies and wetlands in the CMC subarea. The
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20 CMC plan states that “development in the designated ESA can proceed only after
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23 ²⁴ See Exhibit RS-7; at NC Policies 5.4-1 & 12; CMC Policies 12,13.

24 ²⁵ See Exhibit RS-7, at NC Policy 5.4-6 and CMC Policies 13 & 17; SK Policies 2.1 & 2.2.

25 ²⁶ See Exhibit RS-7, at NC Policy 5.4-2.

26 ²⁷ See Exhibit RS-7, at NC at 20.

27 ²⁸ See Exhibit RS-7, at NC Policy 5.5-5.

28 ²⁹ See Exhibit RS-7, CMC at 72-73.

1 the applicant has demonstrated that construction of a project will not have adverse
2 impacts on the stream or lake.”³¹

3 Due to my review of the applicable portions of the SCC, Comprehensive
4 Plan and Subarea Plans, I believe that at the very least, the following issues must
5 be addressed:³² (1) compliance with all applicable SCC provisions, including, but
6 not limited to Titles 21 (Shoreline Master Program), 24 (Drainage), Title 27
7 (Flood Hazards Areas), Chapters 13.10 (ROW Permits), 13.80 (Franchises),
8 17.04 (Uniform Building Code), 17.05 (Grading Requirements), 18.32 (Permitted,
9 Conditional Uses), 32.10 (Critical Areas Regulation) , and 32.11 (Groundwater
10 Protection Regulations) of the SCC.
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14 OPL should also be required to minimize the impacts to streams and
15 wetlands by crossing them by way of horizontal drilling (not open cutting),
16 especially those that have been identified as supporting salmon and trout (Little
17 Bear Creek, Anderson Creek , Ricci Creek and Elliott Creek). All construction
18 must be located outside of critical areas and their buffers.
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21 The proposed centerline for MP 2.3 should be moved to the north side of
22 Bonneville Power Administration corridor for a distance of approximately 2000
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24 ³⁰ See Exhibit RS-7, at CMC at 73.

25 ³¹ Exhibit RS-7, at CMC at 73.

feet (it should not interfere with other existing utilities). Further, with respect to the crossing at Peoples Creek, OPL should change its route to cross land owned by the DNR (after timber harvest of the property).

In all land zoned agriculture that is located in the floodway or floodway fringe area, OPL should trench the pipeline facility at a depth of at least six feet. OPL should be required to file a CASP with the County's Auditor, and gather site-specific hydrogeologic groundwater testing data within all aquifer recharge areas (required by SCC 32.11.050(7)). Without site-specific studies, land use consistency cannot be determined at this time.

OPL should be required to design the Thrasher Station in accordance with the 1997 UBC, and with standards for Seismic Zone 4. OPL must also meet their burden of demonstrating how the CUP for the Thrasher Station is consistent with the neighboring uses. The pipeline facilities must not be located within twenty feet of any permitted structure, and OPL should perform surveying to ensure compliance with this requirement.

All stages of construction should only occur during the hours of 6:00 a.m. to 6:00 p.m. on weekdays (no weekends). Disturbance to wetlands or wetland buffers must be mitigated by replacement of the wetland or buffer within the same

³² The County reserves the right to object to the approval of the entire project, regardless of the conditions that might

1 Water Resource Inventory Area in an amount equal to at least twice the disturbed
2 area, at the highest of any mitigation ratio applied to any wetland or buffer
3 identified in the Application, or through the EFSEC proceeding. Any stream
4 crossing must only occur during dry stream conditions. No new road access
5 (other than the access for Thrasher Station) should be allowed, especially in steep
6 slope areas.
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10 **END OF DIRECT TESTIMONY**
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26 be proposed by EFSEC. This recognizes the fact that the impacts created by the Project may be too intense,
27 damaging and invasive for it to be approved.