July 17, 2018

Kimberly Claussen
Project Manager
King County Department of Permitting and Environmental Review
35030 SE Douglas St., Ste. 210
Snoqualmie, WA 98065-9266
Kimberly.claussen@kingcounty.gov

Re: Comments on Permit Application #: PLAT18-0007; Project Name: Gunshy Manor; Parcel No.:082506-9012, all (082506) 9013, 9067, 9102, 9103, 9104, 9105; Project Location: on the east side of 196th Ave. NE (aka Red Brick Road); Applicant: The Estate of Barbara J. Nelson

Dear Ms. Claussen:

We, concerned citizens of King County, including neighbors to the proposed Gunshy Manor Project, submit these comments in response to the notice of application for Permit Application #: PLAT18-0007, submitted by the Estate of Barbara J. Nelson. As the attached declarations and documents demonstrate, the community has a reasonable factual basis to believe that an extensive, unpermitted landfill containing hundreds-of-thousands of cubic yards of demolition debris and hazardous substances was created on the Gunshy Manor property under the cover of darkness from approximately February 1957 through the 1980s, and that the landfill is located under and/or adjacent to the areas that are currently being considered for a residential development where dozens of families would live, children would play and backyard gardens would be planted.[1] The community is concerned that there may be ongoing releases and threatened releases of hazardous substances from the property that have continued since 1957, and that have contaminated and may continue to contaminate the soil, groundwater, surface water and tributaries, both on and off of the property. It appears that at least one well used for drinking water located near Gunshy Manor – 7702 196th Avenue NE – may be contaminated. That resident has used bottled water for approximately one year, and there is reasonable basis to be concerned that a plume of contamination may exist in the aquifer. At least one additional home in this community that is downstream of the property also relies on well water as their

[1] See Exhibit A, Declaration of (b) (6) ; Exhibit B, Declaration of (b) (6) ; Exhibit C, Letter from William C. Nelson, dated May 10, 1984; and Exhibit D, Letter from Col. Hintz to William C. Nelson, dated April 27, 1984 (documenting dumping into wetlands "in violation of Federal law").

source of drinking water, and there may be others. The potential public health effects of ignoring the community's concerns, failing to determine whether the property contains hundreds-of-thousands of cubic yards of demolition debris and hazardous substances that may be leaching into the environment, failing to investigate whether the soil, surface water and ground water is contaminated and poses an ongoing threat to human health and the environment, and allowing a residential development to be constructed above and/or adjacent to potentially hundreds-of-thousands of cubic yards of buried hazardous substances could be catastrophic.

As you are aware, the recent federal Clean Water Act enforcement action against William C. Nelson and the estate of Barbara J. Nelson regarding this property[2] demonstrates that the King County Department of Permitting and Environmental Review ("DPER") has a dismal history of ignoring citizen concerns and neglecting its regulatory duty regarding both this applicant and property unless the citizens elevate their concerns to the state and federal government.[3] We urge DPER to consider carefully and investigate these concerns, request that the applicant withdraw the permit application or unilaterally suspend the application if the application is not withdrawn, and formally request that the Washington State Department of Ecology ("Ecology") and the United States Environmental Protection Agency ("EPA") (collectively "the Agencies") require the potentially liable parties to investigate these concerns and ultimately to cleanup any contamination that may be discovered pursuant to the Agencies' authority under the Washington State Model Toxics Control Act ("MTCA"), RCW 70.105D, and the Comprehensive

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[2] See USEPA Docket No. CWA-10-2016-0087, 0088 (2016).

[3] See Exhibit E, Letter from Sustainable Redmond to Dow Constantine and Kathy Lambert, dated September 25, 2014 ("The public record indicates that the county has received multiple complaints for several years regarding this activity. Until recently, these complaints have resulted in investigations that were closed with no violations found, despite eye witness testimonials, photographs, and direct on-site inspection. During this time many tons of fill have been dumped into the federally protected wetlands, and new roads and drainage ditches have been built in the sensitive areas around them, in clear violation of the law. Imagery of this, activity is available on Google Earth and in satellite imagery contained in King County's own data bases. Until recently the county has done nothing to prevent this activity which also contributes to increased flood risks in near-by properties as surrounding hydrology is affected. … Sustainable Redmond would appreciate an explanation from the county for why multiple inspections of the site during the past five years have found no evidence of wrongdoing. However, when the last formal complaint was received by your office several months ago, copying state and federal officials, suddenly a set of violations were discovered, as if they had happened the day before (please refer to ENFR 14-0512).")

Environmental, Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. §§ 9601–9675. We also request that DPER fully cooperate with and assist the Agencies and take any additional action available under county authority.

According to long-time residents of 196th Avenue NE, Redmond, also known as the historic Red Brick Road, who have ties to the Gunshy Manor property, including one individual who is almost 80 years old, demolition debris from apartment buildings and gas stations were dumped on the property at various times over the course of approximately three decades, from approximately 1957 through the 1980s.

One declarant, (b) (6) [redacted], recalled that the area that is believed to have been used for the disposal was apparently referred to as the "Dump Field" by prior employees of the property and others. She recalls that when race horses were bred and raised on the property in the 1980s, the ranch manager, (b) (6) [redacted], would not allow pregnant mares or foals to graze on the field for fear they would be harmed by chemicals or debris. She also recalled that Mrs. Nelson gave her a mare that had been bred about eight times but had only one live birth. She further noted that the ranch manager and his wife lived on the property and drank the water for many years and that (b) (6) [redacted][4]

Another declarant, (b) (6) [redacted], stated that "the Gunshy Manor property in the mid 1980's was the final destination for 100,000's of cubic yards of construction fill" that was "trucked in at night on large belly dumper tractor trailers and those trucks were dumping their construction debris on the valley floor of Gunshy Manor." He recalled that the "Gunshy Manor valley floor was up to 12' higher after that construction debris was done." He also remembered neighbor (b) (6) [redacted] who worked for Barbara Nelson at Gunshy Manor. A letter from William C. Nelson to the federal government dated May 10, 1984, corroborates that material from various sources started to be dumped on the property in February 1957 and continued for years.[5] Those sources would also be potentially liable parties. See CERCLA, 42 U.S.C. § 9607(a) (defining

[4] See Exhibit A, Declaration of (b) (6) [redacted].
[5] See Exhibit B, Declaration of (b) (6) [redacted] and Exhibit C, Letter from William C. Nelson, dated May 10, 1984

liable parties to include owners and operators, past owners and operators, arrangers and transporters); MTCA, RCW 70.105D.040 (similarly defining potentially liable parties).

The recollections of these long-time residents, the written statements by William C. Nelson to a federal regulator in 1984 and the multiple federal enforcement actions on this property for dumping into wetlands create a compelling factual basis for concern that there may be historical, ongoing and future releases and threatened releases of hazardous substances on and from the property that may pose a serious threat to human health and the environment, and merit a full investigation and, if necessary, a comprehensive cleanup led by DPER, Ecology and EPA before any development is considered, let alone authorized.

As you are aware, commercial buildings, gas stations and other structures that would have been demolished between 1957 and the 1980s and are believed to have been dumped on the property are likely to contain high levels of hazardous materials, including polychlorinated biphenyls ("PCBs"), heavy metals such as mercury and lead, asbestos, volatile organic compounds and polycyclic aromatic hydrocarbons (PAHs), among other chemicals. For example, potential sources of PCBs in buildings from that era include caulking used around windows, door frames, building joints, masonry columns and other masonry building materials. Caulk that was used between 1950 and 1979 may contain as much as 40 percent PCBs (orders of magnitude above the 50 parts per million criteria in the federal Toxic Substances Control Act) and would have been used inside and on the exterior of buildings, as well as in surrounding surfaces. PCBs have also been used in paints, mastics and other adhesives, fireproofing materials, and in the manufacture of ceiling tiles and acoustic boards, among other products. PCBs are also present in many fluorescent light ballasts manufactured before 1979. Significantly, PCBs bind with organic material and leach into and contaminate adjoining wood and masonry in such structures, as well as any soil in which they are buried.

PCBs are a group of man-made organic chemicals consisting of carbon, hydrogen, and chlorine atoms. They were manufactured in the United States from 1929 until their manufacture was banned in 1979. They do not readily break down and may remain in the environment for very long periods of time. They can travel long distances in the air and via suspended solids in water and be deposited in areas far from where they were originally released. PCBs

bioaccumulate, meaning that they accumulate in fat reservoirs of people and animals where they tend to remain for long periods of time, typically for life. The fact that they can reach concentrations that may be orders of magnitude higher than in water, sediment, or soil, a process known as biomagnification, is of great concern. Significantly, PCBs have been demonstrated to cause a wide variety of adverse health effects, including cancer. Serious non-cancer health effects include adverse effects on the immune system, reproductive system, nervous system, endocrine system and other organs.

Other contaminants that would be expected in demolition debris from that era, such as mercury, lead, asbestos, and volatile organic compounds, among others, also pose similar serious cancer and non-cancer health risks. There is concern that if demolished gas stations were dumped and buried on the property, PAHs (a class of chemicals that occur naturally in coal, crude oil, and gasoline) may have also been released into the environment. PAHs are also considered to be cancer-causing chemicals. Given the hydrology of the valley floor – corroborated by the 1984 federal Clean Water Act enforcement action against William C. Nelson by the United States Army Corps of Engineers for dumping thousands of cubic yards into wetlands (Ref. 071-OYB-4-009379-C) and the 2016 federal Clean Water Act enforcement action for more recent dumping – the community is particularly concerned about the possibility of contamination migrating into offsite surface water, ground water and soil. The community is also concerned about potential human health and environmental risks to future residents of a new development (e.g., vapor intrusion into new homes), as well as current residents. The community requests that DPER, Ecology and EPA help before, as (b) (6) states in her declaration, "something really bad happens."

In addition, the community is very concerned that the proposed development poses another serious public safety risk. It appears that all or many of the proposed homes would be built in an area that King County has determined to be a landslide hazard area. King County describes the proposed development area as "subject to severe landslide risk identified in the Sensitive Area Ordinance.[6] It appears that three existing properties are in the same hazard area

[6] See http://kingcounty.gov/environmental/waterandland/flooding/flood-control-zone-district/localhazard-mitigation -plan-update/hazard-maps.aspx#landslide.

at the top of the dangerous slope. As long-time Red Brick Road resident (b) (6) recalls, there have been landslides along this slope over the years, including in the area of the proposed development, and one landslide that broke through a door and inundated a family room.[7] To our knowledge, the slope and supporting soil in the proposed development area have never been disturbed in the way would be required for the construction of the proposed development. The disruption from the development, combined with the known combination of steep slopes, impermeable soils, groundwater seepage and historic landslides may be a recipe for disaster for the new homes and the existing homes on the ridge above as well as the existing homes below the ridge. There are other serious concerns such as adverse impacts to critical habitat, tributaries used by salmon on and near the properties, the adjacent Evans Creek Nature Preserve, downstream City of Redmond parks, impacts to the Red Brick Road (a registered historical landmark already neglected by the county) and traffic, which has increased dramatically in volume and speed.

Accordingly, we request that DPER ask the applicant to withdraw the permit application and unilaterally suspend the application if it is not withdrawn. We further request that DPER formally request that Ecology and EPA immediately take action under their MTCA and CERCLA authority to require the estate and any other potentially liable parties to (1) complete a remedial investigation to determine whether hazardous materials were dumped on the property and the nature and extent of any contamination wherever it has come to rest if such material was dumped, (2) if contamination exists, conduct a feasibility study to determine cleanup options, (3) complete a comprehensive cleanup of all soil and water resources that have been impacted and (4) assess natural resource damages. We further request that DPER fully cooperate with and assist the Agencies in this regard. To the extent the Agencies determine that any drinking wells have been contaminated, DPER and the Agencies should require the potentially liable parties to provide temporary bottled water to any affected residents that rely on well water for drinking water and to connect those residents to the municipal water supply as soon as possible. Additional measures such as taking Rule 27 depositions to perpetuate the testimony of older persons with knowledge and potentially filing a *lis pendens* should be considered.

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[7] See Exhibit F, Declaration of (b) (6).

Respectfully submitted,

/s/ Members of the Community – see attached signature pages

cc: Dow Constantine, King County
Maia Bellon, Washington State Department of Ecology
Robert Warren, Washington State Department of Ecology
James Woolford, United States Environmental Protection Agency
Chris Hladick, United States Environmental Protection Agency, Region 10
Sheryl Bilbrey, United States Environmental Protection Agency, Region 10
Edward Kowalski, United States Environmental Protection Agency, Region 10
Matthew Bennett, United States Army Corps of Engineers
The Honorable Maria Cantwell
The Honorable Patty Murray

kcexec@kingcounty.gov
hladick.christopher@epa.gov
Bilbrey.sheryl@Epamail.epa.gov
Kowalski.edward@Epamail.epa.gov
Woolford.james@Epa.gov
maia.bellon@ecy.wa.gov
bob.warren@ecy.wa.gov
matthew.j.bennett@usace.army.mil.

Public Comments reject KC DPER PLAT18-0007

Name	Name
Address	Address
Signature	Signature

1 (b) (6) [redacted]
REDMOND, WA 98053
(b) (6) [redacted]

2 (b) (6) [redacted]
REDMOND, WA 98053
(b) (6) [redacted]

3 (b) (6) [redacted]
Redmond, WA 98053
(b) (6) [redacted]

4 (b) (6) [redacted]
Redmond, WA 98053
(b) (6) [redacted]

5 (b) (6) [redacted]

6 Redmond, WA 98053

7 (b) (6) [redacted]
Redmond, WA 98053

8 (b) (6) [redacted]
Redmond, WA 98053
(b) (6) [redacted]

9 (b) (6) [redacted]
Bellevue, WA 98005

10 (b) (6) [redacted]
Redmond, WA 98053

11 (b) (6) [redacted]
Redmond, WA 98053
(b) (6) [redacted]

12 (b) (6) [redacted]
Redmond WA 98053

13 (b) (6) [redacted]
REDMOND, WA
(b) (6) [redacted]

14 (b) (6) [redacted]
REDMOND WA 98053
(b) (6) [redacted]

Name	Name
Address	Address
Signature	Signature

1 (b) (6) [redacted]
Redmond WA 98053

(b) (6) [redacted]

2 (b) (6) [redacted]
DUVALL, WA 98019

3 (b) (6) [redacted]
Redmond, WA 98053

4 (b) (6) [redacted]
Redmond WA 98053

5 (b) (6) [redacted]
Redmond, WA 98053

6 (b) (6) [redacted]
Redmond WA 98053

7 (b) (6) [redacted]
REDMOND WA 98053

8 (b) (6) [redacted]
Redmond WA 98053

(b) (6) [redacted]

9 (b) (6) [redacted]
REDMOND WA 98053

10 (b) (6) [redacted]
Redmond, WA 98053

11 (b) (6) [redacted]
Redmond WA 98053

12 (b) (6) [redacted]
REDMOND, WA 98053

13 (b) (6) [redacted]
Port Hadlock, WA, 98339

14 (b) (6) [redacted]
Redmond, WA 98053

(b) (6) [redacted]

Public Comments reject KC DPER PLAT18-0007

Name	Name
Address	Address
Signature	Signature

1 (b) (6) [redacted]
Redmond WA 98053
(b) (6) [redacted]

2 (b) (6) [redacted]
REDMOND WA 98053
(b) (6) [redacted]

3 (b) (6) [redacted]
SAMMAMISH, WA 98074
(b) (6) [redacted]

4 (b) (6) [redacted]
SAMMAMISH, WA 98074
(b) (6) [redacted]

5 (b) (6) [redacted]
Redmond WA 98052
(b) (6) [redacted]

6 (b) (6) [redacted]
Redmond WA 98052
(b) (6) [redacted]

7 (b) (6) [redacted]
Redmond, WA 98052
(b) (6) [redacted]

8 (b) (6) [redacted]
Seattle WA 98136
(b) (6) [redacted]

9 (b) (6) [redacted]
Redmond, WA 98053
(b) (6) [redacted]

10 (b) (6) [redacted]
Redmond WA 98053
(b) (6) [redacted]

11 (b) (6) [redacted]
Redmond WA 98053
(b) (6) [redacted]

12 (b) (6) [redacted]
Redmond, WA 98053
(b) (6) [redacted]

13

14

Name	Name
Address	Address
Signature	Signature

1 (b) (6) [redacted]

Redmond, WA 98053

8

2 (b) (6) [redacted]

REDMOND, WA 98053

9

3 (b) (6) [redacted]

Redmond WA 98053

4 (b) (6) [redacted]

REDMOND, WA, 98053

5 (b) (6) [redacted]

Redmond, WA 98053

12

6 (b) (6) [redacted]

Redmond WA 98053

13

7

14

Public Comments reject KC DPER PLAT18-0007

	Name		Name
	Address		Address
	Signature		Signature
1	(b) (6) [redacted] Sammamish	8	
2	(b) (6) [redacted] SAMMAMISH, WA 98074	9	
3	(b) (6) [redacted] Redmond, WA 98053	10	
4	(b) (6) [redacted] Redmond WA 98053	11	
5	(b) (6) [redacted] (b) (6) [redacted] Redmond WA 98053	12	
6		13	
7		14	

Exhibit A

I declare and state as follows:

I make this declaration based upon personal knowledge of which I am competent to testify. (b) (6) [redacted], also known as 196th Ave NE. In the eighties, I met a girl named (b) (6) [redacted] about my age riding her horse down the bricks so I introduced myself. She was working as a ranch hand down the street at Gunshy Manor. They raised trained and bred racehorses. I was thrilled I met someone to ride with, and I got to see first hand the ranch that was so beautiful down the street. I was a frequent visitor and became acquainted with the ranch manager and also Mrs. Nelson. She gave me a mare named Clever Issue she was done with that I had for many years. (b) [redacted] the ranch manager became my horseshoer and came to my home every 6 weeks for years. There was a huge flat field at Gunshy right at the center of the place and where the new proposed development has homes that went unused for ever. I knew they were always moving horses around to manage the pastures, and the addition of that pasture to the mix would be of help. I was told by (b) [redacted] that they called it the "Dump field" it was filled with gas stations and apartment buildings from before and during his time on Gunshy Manor and he had been working for Barbara Nelson since the mid 1960's and he would not allow babies or pregnant mares on that land for fear they would be harmed by chemicals or debris. It was around 1988 they pointed out a toilet rising to the surface, I remember (b) [redacted] saying "that's a leg breaker there" as he pointed to the toilet. The owner Bill Nelson, it was rumored in the neighborhood had been caught filling the wetland down there with debris. I knew he had been doing it, it was common knowledge. I thought it was terrible then but since both Nesons are gone now, they wanted to make the property more saleable. They have been turned in multiple times and King County has been weak and ineffective at taking control of the situation.

So here we are some 30 years later and I have contacted the county, the Department of Ecology and anybody I could think of.

(b) (6) [redacted] for many years and drank the water that comes from the aquifer that exists in our area. I always worried about the horses on that property, they had a high rate of losing babies. The mare I got from Mrs. Nelson had been bred about eight times and had one live birth. (b) (6) [redacted]. What the elder Nelsons died of I don't know. I am very worried about building on that land and having, the poisons and what ever is trapped in the ground to affect anybody living in the area, not to mention living on top of it. Please, this time listen to the public and do something before something really bad happens.

Sincerely,

(b) (6) [redacted]

7/14/18

Exhibit B

(b) (6) [redacted]

I, [redacted] declare and state as follows:

1. I make this declaration based upon personal knowledge of which I am competent to testify.

2. (b) (6) [redacted] the Brick road also known as 196th Ave NE. (b) (6) [redacted] (b) (6) [redacted] Gunshy Manor on Union Hill Road. Martin Creek ran through part of my land and every fall during the salmon runs I would catch by hand and move spawning salmon past the downstream farms where hog wire held back the salmon from reaching the gravel of Martin Creek that also went through Gunshy Manor. My home address was [redacted] (b) (6) [redacted] in the 1970's and 1980's. I know a lot of Red Brick Road history and activities that involved Gunshy Manor, owned at that time by William & Barbara Nelson. (b) (6) [redacted] on Redmond Way across from the Old Redmond City Hall and Fire Station. I operated this Shell station from about 1962, before President John F Kennedy was assassinated until 1967, before Attorney General Robert F Kennedy was assassinated. I remember (b) (6) [redacted] coming in to the station on (b) (6) [redacted] and listening to the radio news report of JFK's assassination breaking news. After leaving the gas station business prior to 1968 (b) (6) [redacted] at the Redmond Yard alongside Union Hill Road during the 1970's and 1980's.

3. The Gunshy Manor property in the mid 1980's was the final destination for 100,000's of Cubic Yards of construction fill. It was trucked in at night on large belly dumper tractor trailers and those trucks were dumping their construction debris on the valley floor of Gunshy Manor. (b) [redacted] driving truck and I knew of a huge construction project that had an enormous amount of debris and fill to deposit. ~~At that time Paul Taylor was a minority owner of Cadman and I told Paul about this big hauling project and that William Nelson had land that would be cheaper to dump it on than using the Cadman yard, so Paul setup the deal to move the material onto Gunshy Manor and paid Bill Nelson Sr.~~ The Gunshy Manor valley floor was up to 12' higher after that construction debris fill was done. A neighbor on the Red Brick Road named (b) (6) [redacted] worked for Barbara Nelson at Gunshy Manor and he knew those dump trucks were dumping that debris because he lived on the Gunshy Manor property during this time. (b) [redacted] was a good person and helped folks on the Red Brick Road, he was really good at keeping a farm in top shape.

4. There could be hazardous materials buried in that mix of debris. I am aware that in the 1960's there was a new Enco gas station built on the site of the old Texaco station in downtown Redmond. The old Texaco was on land owned by William Nelson of Gunshy Manor. It was on

the corner of Leary Way and Redmond Way and had to be torn down so that the larger and modern Enco service station with new pumps and such could be built. They would have to decommission the buried fuel tanks of the old Texaco since those were old. If there was not room on site for new tanks then the old tanks had to be dug out and disposed.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 8 day of July, 2018.

(b) (6) [redacted]

NAME

Exhibit C

CORROON & BLACK, INC.

2911 Second Avenue
P.O. Box C-34201
Seattle, Washington 98124
206-583-2300 Telex: 32-0215

May 10, 1984

Department of The Army
Seattle District Corps of Engineers
P. O. Box C-3755
Seattle, WA 98124

Attention: Regulatory Functions Branch

Re: 071-OYB-4009379/ William C. Nelson

Gentlemen:

In response to your April 27, 1984 letter and further to my April 30th letter, I attempted to call Mike Bowlus but he is out of the City this week. In response to some of your questions, this work was started in February, 1957. The reason it was started before obtaining a Department of The Army permit is that at that time we had no knowledge that the Department of The Army was involved in any way. It wasn't until earlier this year when we received a call from Mr. Bowlus that we had any idea of any involvement by the Department of The Army.

The property ownership is in the name of William C. and Barbara J. Nelson. There has been no construction. The primary purpose of the fill is to continue the farming operation. A substantial portion of our property is fenced. We are commercial breeders of thoroughbred race horses and Polled Herefords. We have approximately 30 horses and about 70 head of cattle. We employ three full time people. We have farmed this property on a continuous basis. Different people have brought fill to us through the years.

Prior to leaving for Alaska I thought I had an engineer who could draw the sketch you requested. Even though he agreed to do the work, when I returned, he advised me that his other work had priority and was too pressing for him to do our project.

In that I am going to again be away for approximately three weeks, it is my thought to bring the engineer we select directly to Mike Bowlus so that they can work together and you can obtain the information you desire.

Sincerely,

William C. Nelson

William C. Nelson

WCN/rmb

Exhibit D

CERTIFIED MAIL

APR 27 1984

Regulatory Functions Branch

Mr. William Nelson
20031 Northeast 80th
Redmond, Washington 98052

Reference: 071-OYB-4-009379-C
Nelson, William

Dear Mr. Nelson:

A recent inspection of activities along Evans Creek on your property near Redmond, King County, Washington, has disclosed that you have placed fill on wetlands adjacent to waters of the United States without a Department of the Army permit. This work is considered to be in violation of Federal law.

The following laws, extracts enclosed, apply to the unauthorized work:

Clean Water Act.

a. Section 404 prohibits the placement of any fill or dredged material in waters of the United States and adjacent wetlands not authorized by Department of the Army permit.

The term "wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The Corps of Engineers has the responsibility for determining whether a specific wetland area is within Section 404 jurisdiction.

b. Section 309 cites penalties for violation of Section 404.

You are directed to do no further filling on wetlands adjacent to Evans Creek at this site. To assist in the evaluation of this violation, the following information is requested:

a. As-built sketch of the work within Corps jurisdiction.

b. Who did the work? If a contractor, please furnish name, address, and telephone number.

c. Date when the work started.

d. Reasons why the work was started before obtaining a Department of the Army permit.

e. Property ownership at time of construction.

f. Primary purpose of the fill.

g. Practicable alternatives available that would not involve filling of wetlands.

Your sketch should be drawn to scale and include plan, elevation and section views of the work. The location of the fill in relation to your property lines and the original landward limits of the adjacent wetlands should be shown on the plan view. This information must be furnished within 30 days from the date of this letter.

Your comments will be beneficial in resolving this matter. If you have any questions concerning your reply, please contact Mr. Michael Bowlus, telephone (206) 764-3495.

Sincerely,

LTC REA /s/

for Norman C. Hintz
Colonel, Corps of Engineers
District Engineer

Enclosure

CERTIFIED MAIL
No. 907-
RETURN RECEIPT REQUESTED

Exhibit E

Sustainable Redmond

Promoting Sustainability by Education, Advocacy and Community Events
Citizens and Neighbors for a Sustainable Redmond, P.O. Box 2194, Redmond, WA 98073

September 25, 2014

advance copy via email

The Honorable Dow Constantine
King County Executive
King County Chinook Building
401 Fifth Avenue, Suite 800
Seattle, WA 98104

The Honorable Kathy Lambert, District 3
King County Councilmember
King County Courthouse
516 Third Avenue, 12th Floor
Seattle, Washington 98104

Subject: **Opposition to Proposed Gunshy Manor Development along the Red Brick Road**

Sustainable Redmond is a grassroots organization with the mission of being a catalyst for moving Redmond's citizens, businesses, and local government toward sustainability. Therefore, we advocate transparency in City and County development processes, better public notice of development proposals and full community engagement throughout[1].

We wish to bring your attention to a proposed development (Gunshy Manor) on the Red Brick Road, which is a historical landmark in King County. The Red Brick Road (located on 196th Ave NE between SR 202 and NE Union Hill Road) is adjacent to the boundary of the City of Redmond and is an important historic and agricultural valley that preserves more than a mile of paved road from the original Yellowstone Trail, dating from 1913. The road runs through more than 100 acres of intact wetlands, some privately owned and some preserved as the Evans Creek Natural Area. It has come to our attention that King County is in the process of receiving pre-applications for a new development project along the road that will build 25 additional homes on property immediately adjacent to Evans Creek Natural Area.

There are a range of direct, indirect and cumulative environmental impacts which should be addressed in the process of a full SEPA review to include:

WETLAND PROTECTION

Evasion of County Wetland Protection Regulations: The owners of the subject property have been actively filling and channelizing a part of the Evans Creek wetland and building impervious surface roads in the wetland buffer for a number of years, without any permits and without a Farm Management Plan. This activity appears to be an attempt to evade environmental laws by providing County regulators with a fait accompli: land whose hydrological connection to the (now degraded) wetland has been severed, thus justifying proposals to reduce the wetland buffers required by law and enabling more houses to be built.

Violation of County Wetland Protection Regulations: The public record indicates that the county has received multiple complaints for several years regarding this activity. Until recently, these complaints have resulted in investigations that were closed with no violations found, despite eyewitness testimonials, photographs and direct on-site inspection. During this time many tons of fill have been dumped into the federally protected wetlands, and new roads and drainage ditches have been built in the sensitive areas around them, in clear violation of the law. Imagery of this activity is available on Google Earth and in satellite imagery contained in King County's own data bases. Until recently the county has done nothing to prevent this activity which also contributes to increased flood risks in near-by properties as surrounding hydrology is affected.

[1] In this regard, please see the attachment which assesses issues related to public process and transparency.

In conclusion, Sustainable Redmond would like to ensure that any development that occurs in this area is environmentally and socially sustainable. To that end, we ask the County to assure the following:

1) All illegal activity on the Gunshy Manor site must be fully remediated. The degraded wetland areas and their buffers must be restored to their original state.

2) All new development must be performed within the legal guidelines established by the County for all of its citizens, with a transparent public process that includes all interested parties. This includes requiring a full SEPA assessment, as well as effective enforcement by County regulators of the full critical area buffers prescribed by law - including wetland and landslide hazard areas.

3) All new development must respect the established zoning. The County should reject any new proposals involving clustered development along the Red Brick Road.

4) The Certificate of Appropriateness #1318 issued by the King County Landmarks Commission should be revoked. All new development in this area must be reviewed to ensure that it does not add significant traffic to the already over-used Red Brick Road.

Thank you for your attention, and please feel free to contact Sustainable Redmond if there is anything we can do to assist in finding alternative solutions that will benefit all parties involved in this matter. We would like to become parties of record in this proceeding.

Respectfully,

(b) (6)

Sustainable Redmond

Sustainable Redmond

Attachment: Assessment of Public Process and Transparency Regarding Gunshy Manor

Copy by email to:

Rhonda Berry	Chief of Operations, Office of the County Executive
Jeff McMorris	Chief of Staff, Office of Councilmember Kathy Lambert
John F. Starbard	Director, Permitting and Environmental Review, King County
Christie True	Director, Department of Natural Resources & Parks (DNRP)
Bob Burns	Assistant Director, DNRP
Julie Koler	Historic Preservation Officer, DNRP
Randy Sandin	Line Manager, Department of Permitting & Environmental Review (DPER)
Sheryl Lux	Line Manager, Code Enforcement, DPER
Molly Johnson	Managing Engineer, DPER
Jeri Breazeal	Code Enforcement Officer, DPER
Michael Szerlog	Manager, Aquatic Resources, U.S. EPA Region 10
Chan Pongkhamsing	CWA Section 404 Enforcement Coordinator, U.S. EPA Region 10
Jonathan Smith	North King County Regulatory Program Manager, US Army Corps of Engineers
Maia Bellon	Director, Washington State Department of Ecology
Erik Stockdale	Manager, Shorelands & Environmental Assistance, Washington Department of Ecology
Phil Anderson	Director, Washington State Department of Fish & Wildlife
Stewart Reinbold	Assistant Regional Habitat Program Manager, Washington Department of Fish & Wildlife
David Garland	Watershed Unit Supervisor, Water Quality Program, Washington Department of Ecology

Red Brick Road Community Neighbors

instance. Without public notice, community members cannot become parties of record or know to watch meeting agendas (if promulgated) to inform themselves of development actions in their neighborhood. Neither can they seek redress through an appeals process.[4] Further, there is an opaque quality to both the DRC decision process and any agreement between property owners and Landmark Commission that occurs out of the public eye. None of this suggests a local government that is interested in a transparent and accountable process.

4. Lax Enforcement of Federal Statutes reflected in King County Code

Despite a history of neighborhood complaints regarding destruction of federally-protected wetlands and habitat including county-designated sensitive areas over a period of approximately 5 years, the County did not initiate enforcement action until June 26, 2014 – by coincidence exactly a week after the community had expressed their concern in a letter to elected leadership in King County with copies to state and federal authorities. A letter to the property owner confirming violation of multiple King County Code provisions resulting from construction activities in environmentally critical areas and buffers was subsequently sent on August 7, 2014[5] following a July 31, 2014 site visit that included an official from the Environmental Protection Agency. A distinctly disinterested attitude seemed to characterize code enforcement practices until this matter was elevated to elected officials. The prompt County leadership response to documented environmental concerns governed by Federal statute as raised by the Red Brick Road neighborhood is appreciated. Such extraordinary measures should not have been required to ensure regulatory compliance and enforcement actions should have been taken much earlier. Selective enforcement of this nature can easily be interpreted as a sign of favoritism toward certain parties – exactly the opposite of transparent and accountable government.

5. Future Public Engagement in Gunshy Manor Development Process

Opportunities for public comment on development proposals are embedded in arcane bureaucratic processes that communities may not learn about until it is too late for them to have their voices heard, much less acted upon by jurisdictions relied upon to guard the public trust. While public comment only is only sought in specific development situations, the sense of the community should also be honored as staff becomes aware of it and act to provide more transparency rather than less. Promising to notify the community about future opportunities to comment does not atone for perceptions that their views have been ignored in the past. Further, sale of the subject property to a third party can obviate assurances made by the current property owner, however positive they may be. A full and complete dialogue between the Red Brick Road community, County staff and private developers is in the interest of all concerned before decisions on the future of the area are finalized. It is inconceivable that the character of a community distinguished by a historic landmark like the Red Brick Road could be jeopardized in this fashion without a transparent process with full public input and a sense of community consent.

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commission meeting minutes. If the commission grants a certificate of appropriateness, such certificate shall be issued forthwith and the historic preservation officer shall promptly file a copy of such certificate with the director. (Emphasis added.)

[4] *20.62.110 Appeal procedure.*

A. ***Any person aggrieved by a decision of the commission*** *designating or rejecting a nomination for designation of a landmark or issuing or denying a certificate of appropriateness* ***may, within thirty five calendar days of mailing of notice of such designation or rejection of nomination, or of such issuance or denial or approval of a certificate of appropriateness appeal such decision in writing to the council****. The written notice of appeal shall be filed with the historic preservation officer and the clerk of the council and shall be accompanied by a statement setting forth the grounds for the appeal, supporting documents, and argument.*

B. If, after examination of the written appeal and the record, the council determines, that: 1. An error in fact may exist in the record, it shall remand the proceeding to the commission for reconsideration or, if the council determines that: 2. the decision of the commission is based on an error in judgment or conclusion, it may modify or reverse the decision of the commission

[5] Violation Code Enforcement Case ENFR14-0512 reflected in DPER notice letter of August 7, 2014.

Exhibit F

DECLARATION OF SUSAN C. ALFIERI

(b) (6) [redacted] declare and state as follows:

I am of the age of majority and make this declaration from my personal knowledge and am competent to testify to the matters set forth herein.

[redacted] (b) (6) [redacted] Redmond Washington for 34 years. (b) (6) [redacted] of the proposed Gunshy Manner development, referred to as File No: Plat 18-0007-Gunshy Manor.

As a long time resident and member of the Red Brick Road Community I have personal Knowledge of the matters set forth herein on the ridge behind our home and other homes along the base of the ridge and specifically in the area of the proposed development. One such slide occurred on a home site doing damage to the house located there. That particular slide started on the slope to the east of the home on that site and actually broke though French doors and entered the family room. The address of that home was [redacted] (b) (6) [redacted], Redmond WA 98053.

The ridge lays in a north-south direction east of 196th N.E., between it and substantially parallel to the entire length of the Brick Road and the proposed building sites for additional new homes.

I affirm under penalty of perjury under the laws of the State of Washington the foregoing statements contained herein are true and accurate to the best of my ability

(b) (6) [redacted]

Dated this 2nd day of July 2018