

From: [EFSEC \(EFSEC\)](#)
To: [EFSEC mi Comments](#)
Subject: FW: Skagit County Comments
Date: Friday, January 10, 2025 3:40:36 PM
Attachments: [image001.png](#)
[Goldeneye Energy Storage Project Comments.pdf](#)

From: Jack Moore <jrmoore@co.skagit.wa.us>
Sent: Friday, January 10, 2025 3:40:12 PM (UTC-08:00) Pacific Time (US & Canada)
To: EFSEC (EFSEC) <efsec@efsec.wa.gov>
Subject: Skagit County Comments

External Email

Skagit County strongly disagrees with the land use determination criteria used and the conclusion that this development is “consistent and in compliance with local land use provisions”. This determination can only be made after analyzing the criteria as outlined in Skagit County’s Special Use Permit process wherein the proponent must demonstrate there is no other possible location outside of Natural Resource Lands the facility could be located.

Please see additional comments regarding environmental impacts attached. Skagit County must process and issue a floodplain development permit as directed by FEMA and there are significant concerns regarding potential/probable impacts to Endangered Species.



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Skagit County

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Goldeneye Energy Storage Project – Comments

Attachment J Critical Areas Report

- 1) Page 10, 3.4.2 Incorrectly states that *The project site does not contain any critical aquifer recharge areas and groundwater levels reflect the water surface elevation of Hansen Creek, with infiltration within project site contributing to some extent though not significantly. Therefore, the proposed project is not subject to the restrictions further outlined in the SCC nor is the project required to provide an aquifer recharge areas site assessment in accordance with SCC 14.24.330.*

Skagit County generally requires a hydrogeological report and well search for large grading projects on industrial and commercial sites. In this case it is important to understand how the directional drilling for the gen-tie line could affect groundwater flow, and risks to groundwater from potential spills, fires, or other accidents.

The report incorrectly states that the area is not a critical aquifer recharge area – All areas outside Category I aquifer recharge areas are designated at Category II aquifer recharge areas by SCC 14.24.310

- 2) Page 10 – The report references the SCC 14,24.350(1)(a)(i) (flow sensitive basins), which has been supplanted by the Skagit Instream Flow Rule Area.
- 3) Page 11 - *Seismic Hazard Area: ...However, the site is identified as moderately to highly susceptible to liquefaction due to seismic activity based on Skagit County's Liquefaction Susceptibility Map. To address this, seismic design will adhere to procedures outlined in the 2018 International Building Code (IBC). According to the IBC, structures on Site Class E sites, as per ASCE 7-16, must be designed to withstand earthquake motions. Anticipated liquefaction settlements within the project site are expected to be within acceptable limits (up to 4 inches). As a result, ground improvement techniques for liquefaction mitigation are not anticipated to be necessary for site development.*
- 4) Page 12, 3.4.4 Fish and Wildlife Habitat Conservation Areas – The report does not clearly identify Hanson Creek as a Type S stream with a 200-foot protect buffer.
- 5) Page 12 - The report states that 1.18 acres of wetlands will be filled and mitigated offsite. How will offsite mitigation compensate for flood storage within the subject floodplain?

- 6) Page 12 – The report states that directional drilling avoids impacts to Hanson Creek and surrounding wetlands and buffers. However, very little detail is provided as to how temporary impacts will be avoided or mitigated, nor is there any analysis as to how directional drilling could affect the connection between groundwater and surface water and potentially affect the hydrology of the stream, wetlands, or aquifer.
- 7) Page 12-13 – The report states that the access road would impact the buffer of an offsite wetland but does not provide compensatory mitigation. Skagit County would typically require mitigation for this impact whether or not the applicants claim that *the placement of the road within the off-site wetland buffer will not adversely affect the functions and values of the wetland and creek beyond current development pressures.*
- 8) Page 13 - 4.2 Frequently Flooded Areas – The report does not clearly identify the requirement for a Habitat Impact Assessment.
- 9) Page 13-14 – The report states that the access road will impact 0.17 acres of stream buffer, referencing SCC 14.24.540(5)(a), which allows roads in HCA buffers with certain conditions. However, this road is not shown on the civil plans, nor is it demonstrated that the road needs to be placed in the stream buffer, which is also in SMP jurisdiction.
- 10) Page 14 – Wetland impact mitigation will be through wetland banking. Wetland buffer impacts would be through buffer averaging, but no mitigation is proposed – it is not clear whether the proposed buffer averaging is consistent with the Skagit County CAO.
- 11) Page 15 – 1.31 acres of HCA buffer enhancement is proposed in location where existing buildings will be removed. The buffer enhancement is shown on a planting plan but no analysis of how the plan provides ecological functions is provided.

Attachment B: Civil Engineering Drawings

- 1) The civil plans do not show Wetlands H & I, located in the path of the gen-tie line.
- 2) The civil plans do not show an access road within the stream buffer or within the buffer of an offsite wetland as described Attachment J Critical Areas Report.

Attachment L: Phase I Environmental Site Assessment

- 1) Page 1 – The report incorrectly states that *the subject property has never been developed for residential or commercial purposes. However, residential features associated with the western-adjointing property, including a septic leach field and fencing, are located on the subject property.*

The existing residential development is on the subject parcel P40030.

- 2) Page 2 – Figure 1 – The subject property on the map is only part of the proposed project area as shown on the civil plans.
- 3) Page 3 – The report states that petroleum contaminated soils have been found on the PSE site on the other side of Hanson Creek and could be found on the subject site. Could directional drilling potential impact the migration potential of soil contaminants?
- 4) Page 7 – Some information on wells within 1 mile is provided. It is not clear whether this is intended to meet the well report requirements typically required.

Shallow groundwater is expected to be 7-13 feet below ground surface with a likely gradient toward Hansen Creek. How will groundwater be protected in the event of a spill or other incident?

- 5) Page 14 – The report states that the subject parcel is 8.5 acres, but Skagit County records show the parcel as 14.14 acres. Also, the tie-gen path does not appear to be included in this report. Again, it appears that this analysis does not cover the entire project site.
- 6) Pages 14 & 15 – The report identifies low points with standing water in the field but does not identify those areas as regulated wetlands in accordance with the critical areas report.
- 7) Page 21 – The report states that contaminated groundwater from the Harris property to the northwest will likely reach the subject parcel but does not describe the risk to the project associated with this project.
- 8) Page 23 - *Based on the findings of this Phase I ESA, Dudek recommends investigation of the subsurface conditions on the subject property to evaluate potential impacts due to the identified REC and VEC.*

Will investigation of subsurface conditions be forthcoming?

Attachment H Land Use Consistency Review

- 1) Page 6, 3.4 Incorrectly states that no development is proposed within Shoreline jurisdiction. Any actions within 200 feet of the ordinary high water mark of Hanson Creek are within shoreline jurisdiction. Based on the proposal, a portion of the access road and the gen-tie would occur in shoreline jurisdiction.
- 2) Page 26, 4.7 Stormwater Management – No mention of Source Control measures for the developed state are described, as required by stormwater minimum requirement #3.

Attachment N: Fire Protection Plan

- 1) Page 5 (Pdf page) – The report lists fire department stations in proximity to the project but does not describe their capacity to respond to an incident at the proposed project.

Attachment G Geotechnical Studies

- 1) Page 28-29 – The report recommends pervious pavement but not describe risks to groundwater created by pervious pavement in the event of an incident.

Attachment Q Joint Aquatic Resources Permit Application

- 1) 7i -The report states that 68,000 cubic yards of fill will be imported but does not mention how this could affect flood storage.
- 2) 8c – States that no direct impacts to Hansen Creek or it's buffer will occur, which conflicts with statements in the CA report that the access road will partially impact the stream buffer.

Attachment K Flood Study

- 1) PDF Page 20 – The plan incorrectly shows a 150-foot buffer for Hanson Creek – It should be 200 feet.

General

There does not appear to be a spill response or spill prevention plan included in the documents.