

Debbie Beadle

From: Kathy Curry
Sent: Wednesday, April 18, 2012 2:51 PM
To: Evan Maxim
Subject: FW: Small wetlands exemption language
Attachments: Suggested regulatory approach to small wetlands (WWA).doc

Regards,

Kathy Curry, P.W.S.
Senior Environmental Planner & Wetland Biologist

City of Sammamish
Community Development Department
801 228th Avenue SE
Sammamish, WA 98075

Email: kcurry@ci.sammamish.wa.us
Direct Phone #: 425-295-0527

EXHIBIT NO. 67

*"May the footprints we leave behind show that we've walked in kindness toward the earth and every living thing."
~ Author Unknown, Inspired by American Indian Philosophy*



Please don't print this e-mail unless you really need to. Reduce, Reuse, Recycle.

From: Bunten, Donna (ECY) [<mailto:DBUN461@ECY.WA.GOV>]
Sent: Wednesday, April 18, 2012 2:38 PM
To: Kathy Curry
Cc: McGraner, Patrick (ECY)
Subject: Small wetlands exemption language

Hi, Kathy,
(Please let me know when you receive this—I'm not sure I have the correct email address for you.)
Here's a better version of our recommendation with a little more explanation.

In the short term, here's a link to our web page with some discussion on isolated wetlands. I'll talk to Patrick about whether he has some real-life examples of how Ecology gets involved in regulating isolated wetlands.
<http://www.ecy.wa.gov/programs/sea/wetlands/isolated.html>

Donna J. Bunten
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donna.bunten@ecy.wa.gov

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From: Bunten, Donna (ECY) <DBUN461@ECY.WA.GOV>
Sent: Wednesday, April 18, 2012 3:24 PM
To: Kathy Curry
Cc: McGraner, Patrick (ECY); Evan Maxim
Subject: RE: Small wetlands exemption language

EXHIBIT NO. 68.

Thanks, Kathy!

From: Kathy Curry [<mailto:kcurry@ci.sammamish.wa.us>]
Sent: Wednesday, April 18, 2012 2:51 PM
To: Bunten, Donna (ECY)
Subject: RE: Small wetlands exemption language

Thanks Donna. You have the correct email for me. However, please note that Evan Maxim is the primary contact for comments on Sammamish's environmentally critical areas regulatory update process this time around. He will forward comments on to me as needed. Thanks again for providing clarification on Ecology's comments.

Regards,

Kathy Curry, P.W.S.
Senior Environmental Planner & Wetland Biologist

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Please be aware that email communication with Council Members or City staff is a public record and is subject to disclosure upon request.

Debbie Beadle

From: Bunten, Donna (ECY) <DBUN461@ECY.WA.GOV>
Sent: Wednesday, April 18, 2012 12:37 PM
To: Evan Maxim
Cc: McGraner, Patrick (ECY)
Subject: City of Sammamish Draft BAS report

EXHIBIT NO. 69.

Hi, Evan,

Thank you for the chance to review your wetlands BAS report. Here are some informal comments. Patrick McGraner asked that I forward them directly to you since we didn't have time to pull together a formal comment letter in time for your planning commission meeting tomorrow. I'm also including our 2005 comment letter on the City's then-draft CAO, in case it contains any points that are helpful to you. Please call Patrick (425-649-4447) or me (360-407-7172) if you have any questions about these comments.

<< File: Sammamish CAR comments 11-28-05.pdf >>

First, we would like to point out that while it might be helpful to review an "analysis of peer jurisdiction regulations as related to targeted regulatory topic areas," it is important to remember that those regulations do not necessarily reflect the best available science. Each jurisdiction has its own specific circumstances—type of wetland resource, administrative capacity, risk tolerance, overall watershed protection approach—and each jurisdiction has adopted its own wetland regulations in response to those circumstances. In considering the recommended actions, the City should focus on its own unique wetland resources and adopt wetland regulations that are specifically crafted to protect the functions and values of those wetlands.

Second, while this BAS review "focuses on changes in wetland science, regulation, and policy since the City's 2005 Critical Areas Code update," we would like to mention several areas in which the City's existing code was not consistent with the best available science in 2005.

On page 2, the BAS review refers to the "interim" regional supplement. This supplement has been released in its "final" form. See the attached link:

http://www.ecy.wa.gov/programs/sea/wetlands/pdf/WestMt_May2010.pdf

Page 7-8 discusses buffer reduction for LID/BMP measures. While it may be appropriate to allow these reductions when the main wetland function being protected is water quality or storage, most of these measures would not help protect habitat function. We recommend that this application be limited to wetlands that score <19 points for habitat function.

In general, buffer reductions should be limited to 25% of the standard buffer and be tied to reducing the intensity of impacts from the proposed adjacent land use or through buffer averaging. Examples of impact-reducing measures can be found on page A-7, Table XX.2, of Ecology's *Guidance for Small Cities*. Reductions larger than 25% may result in buffers that are too narrow to protect the existing functions.

Also, buffer reductions should never be allowed for degraded buffers. One of the most critical elements of the buffer widths recommended in any of the buffer alternatives presented in our guidance document is the assumption that the buffers are well-vegetated with a relatively intact, native plant community. This guidance explicitly states that, if a buffer area is not well-vegetated then the standard buffer should either be widened or restored with appropriate vegetation (see *Wetlands in Washington State, Volume 2, Appendix 8C.2.5.1*), but not decreased.

Page 10 discusses exempting small wetlands. The City's existing code is currently consistent with our recommended language on exempting small wetlands. We have included Ecology's language below if you wish to consider using it. Alternatively, an abbreviated version can be found in the *Guidance for Small Cities* on page A-3 and -4.

1. Exempt wetlands less than 1,000 sf where it has been shown by applicant that they are not associated with a riparian corridor, they are not part of a wetland mosaic and do not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife.
2. Evaluate the circumstances of wetlands between 1,000 sf and 4,000 sf in size. Ecology recommends the use of the 2004 Wetland Rating System to establish category and evaluate functions. Use the following criteria and local knowledge of natural resources to make an informed decision about whether to exempt wetlands between 1,000 sf and 4,000 sf from the requirement to avoid impacts.
 - a. The requirement to avoid impacts may be dropped for Category III and IV wetlands between 1,000 and 4,000 sf that meet all of the following criteria:
 - Wetland is not associated with a riparian corridor and
 - Wetland is not part of a wetland mosaic and
 - Wetland does not score 20 points or greater for habitat in the 2004 Western Washington Rating System and
 - Wetland does not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife
 - b. Impacts allowed under this provision to these wetlands will be fully mitigated as required in mitigation section.
 - c. All Category I and II Wetlands between 1,000 sf and 4,000 sf should be evaluated with full mitigation sequencing and buffer establishment. Any approved impacts should be adequately compensated by mitigation.
3. Wetlands larger than 4,000 sf will be evaluated using standard procedures for wetland review identified in Section XXX.

We are glad to see that the BAS review emphasizes the new tools available to address compensatory mitigation. We encourage the City to adopt the mitigation ratios in *Wetland Mitigation in Washington State, Part 1*, in order to provide consistency with the federal and state requirements for applicants who must apply for state and federal permits.

On pages 19-20, the review discusses a zoned approach to uses of buffer areas. Ecology recommends that pedestrian trails in wetlands or buffers be limited to permeable surfaces no more than five feet in width. Trails should not be permitted in wetlands except for minor crossings that minimize impact. They should be located only in the outer 25% of a wetland buffer, and should be designed to avoid removal of significant trees. In most cases, wetland buffer widths should be increased to compensate for the loss due to the width of the trail. According to Ecology's senior wetland ecologist, Tom Hruby, the 25% limit is a compromise. The literature is clear that at least 150 feet is required to prevent the disturbance associated with human intrusion from affecting wildlife. So the decision to allow trails should be based on the size of the buffer, habitat function, and the societal need.

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Sent: Wednesday, April 18, 2012 12:39 PM
To: Evan Maxim
Cc: McGraner, Patrick (ECY)
Subject: RE: City of Sammamish Draft BAS report
Attachments: Sammamish CAR comments 11-28-05.pdf

Here's the attachment I forgot to include...

From: Bunten, Donna (ECY)
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Cc: McGraner, Patrick (ECY)
Subject: City of Sammamish Draft BAS report

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