

Debbie Beadle

From: Evan Maxim
Sent: Friday, July 06, 2012 9:34 AM
To: Debbie Beadle
Subject: FW: ECA question - stream definition

Public comment

EXHIBIT NO. 163.

*Evan Maxim
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City of Sammamish
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From: Reid Brockway [<mailto:waterat@comcast.net>]
Sent: Thursday, July 05, 2012 10:24 PM
To: Evan Maxim
Subject: Re: ECA question - stream definition

Evan,

Thanks for continuing to take my ECA recommendations seriously. I truly appreciate it.

Your are correct that the definition of "stream" in WAC 173-22-030 is not the applicable to my comment, item 2-12. As Kamuron pointed out to me, that definition, which includes the 20cfs constraint, is within a parent section 173-22 dealing with shorelines of the state, of which Sammamish has none when it comes to streams. That limited context is something I failed to recognize going into that meeting with Kamuron and Susan.

It appears you do understand the intent of my comment, at least in essence. I expanded on that item in my testimony to the 5/3 PC, as you are probably aware. If so, pardon the redundancy, but here is what I stated in that testimony: Definition of "Streams" – "Streams" are defined in 21A.15.1240, but that definition does not take into account flow rate. As a consequence, even a small, seasonal trickle will restrict the use of 300+ feet of property if it connects to Lake Sammamish and so could conceivably have salmonids in it. Even if no salmonids, a trickle burdens a minimum of 100+ feet of property (Type Ns buffer). There needs to be a finer determination – or scaling – of the protection required for watercourses based on the actual environmental value they represent. A sizable salmon bearing stream like Ebright Creek and a small drainage charged by rainstorms are vastly different in their environmental values, yet they are currently treated the same if they discharge into Lake Sammamish, as most watercourses on the western slope of the plateau do.

I recommend that the consultant be asked to supply science on urban settings that addresses the relative environmental value of watercourses for different flow rates (including intermittent flow), and the extent that buffering should be scaled on that basis. Then criteria should be added to our code that take flow rate into account and achieve a balance between environmental and human concerns in this regard.

As for your second question, I would suggest that the summary statement be expanded slightly to reflect my intent that not just the definition be more discriminating, but also that the protection required be scaled based on the environmental value of a watercourse. I offer the following suggestion for a rewording:

Revise the definition of streams to include appropriate criteria (e.g. flows, etc.) and revise the code for stream buffers to scale the protection required according to the environmental value of a watercourse, as reflected in such criteria.

A final thought... Implied in what you say below is the suggestion that perhaps the issue is a binary one of stream / not a stream, and that there is some threshold above which protection is required and below which nothing is required. That

was not my intent, and I doubt that we (or the consultant) could come up with BAS supporting something that simplistic. But a scheme that distinguishes streams that actually do support a significant salmonid population from ones that do not, but that may still have value as habitat, and that distinguishes the latter from seeps and storm runoff channels and such that offer negligible environmental value, is what is needed in my opinion.

Thanks for considering this.

Reid

On 7/5/2012 8:44 AM, Evan Maxim wrote:

Good Morning Mr. Brockway,

As part of the preparation for the Planning Commission meeting on July 12, 2012, I have been asked to prepare a list of the code amendments that the Planning Commission has recommended advancing. On that list is item 2-12, which originally was summarized as: *"Re-define streams as only those features described in WAC 173-22-030."* I understand that after discussing this further with Kamuron and Susan, you agree that WAC 173-22-030 is not the applicable state regulation in this case.

Reviewing your comment letter #73 from 4/20/2012 (and PC testimony of 4/19), I understand that the point of this particular concern / comment, is that the city is regulating watercourse features as "streams" that may not have sufficient flow to actually be a stream. Consequently, I have revised my summary statement of item 2-12 to read: *"Revise the definition of streams to include appropriate criteria (e.g. flows, etc.) (public comment #73)"*

Two questions: 1) Am I understanding the intent of your comment correctly?; 2) Is the revision to the summary statement consistent with the intent of your comment?

Regards,

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