

Debbie Beadle

From: Evan Maxim
Sent: Monday, July 23, 2012 1:39 PM
To: Debbie Beadle
Cc: Kamuron Gurol
Subject: FW: Some data about ECAs in Sammamish

EXHIBIT NO. 181.

Public comment per Mahbubul's request

*Evan Maxim
Senior Planner
City of Sammamish
425.295.0523*

From: Evan Maxim
Sent: Monday, July 23, 2012 1:38 PM
To: 'Mahbubul Islam'; Kamuron Gurol
Cc: Michael Luxenberg; Kathy Richardson; Debbie Beadle
Subject: RE: Some data about ECAs in Sammamish

Good Afternoon Mahbubul,

I understand that you would like your email below and our response to be part of the public comment.

Once we get past the July 26 meeting, I hope to have a better sense of the workload that the city staff will receive from the Planning Commission and I will begin looking into the items you have listed below as part of the information set for us to put together in August.

At first blush, it appears that you are requesting a significant amount of information; can you give me a sense of what you are trying to get out of the requests? Or is there a prioritization that you would suggest?

Regards,

*Evan Maxim
Senior Planner
City of Sammamish
425.295.0523*

From: Mahbubul Islam [<mailto:Islam.Mahbubul@epamail.epa.gov>]
Sent: Monday, July 23, 2012 11:27 AM
To: Kamuron Gurol; Evan Maxim
Cc: Michael Luxenberg; Kathy Richardson
Subject: Some data about ECAs in Sammamish

Hi Kamuron/Evan,

As the Planning Commission prepares to begin discussion and deliberation on the ECA regulations update, I would find it helpful to have some statistics and administrative information. I presume that our individual and collective

recommendations will require input from areas beyond best available science, such as, administrative ease of implementation. I like to request you to provide the following information before we begin our deliberation. Also, please post my questions and your responses at the Public Comment section for everyone's benefit.

Thanks,

Mahbubul Islam

Data about ECA:

Based on previous Sammamish/King County basin or sub-basin studies, delineations and wetland site studies for development permits, and other public knowledge, what would you estimate be the total number of ECAs (mainly wetlands and streams) in the City jurisdiction?

What would be the average size of a wetland (acres or square feet) in our City?

What category/class of streams and wetlands (S, F, Np, Ns or Category I-IV) predominantly found in our city? An estimate of the percentage of each category would be helpful.

What would be an estimate of total number of isolated wetlands in the City limit?

Data about administration and implementation:

How many wetland study reports were reviewed by the City as part of a development application in the last ten years?

How many wetland studies on an average the City receives a year from the public?

Do we have any wetland biologist on our city staff to review wetland studies?

How long (the number of hours) does the City staff require on an average to review an applicant's wetland study report?

How many times in the past ten year the City had to disagree with an applicant's wetland study report conclusion?

How frequently (i.e., how many times in the past 10 years?) the City uses a third party peer review of an applicant's wetland study report?

How many Reasonable Use Exception (REU) the City has received in the past 10 years?

How many Reasonable Use Exception (REU) the City has disapproved in the past 10 years?

Has there ever been any ECA "takings" lawsuit brought against the city? If so, how many? What were the Court's findings?

City of Sammamish
Proposed Critical Areas Regulations
Washington State DFW, Ecology & CTED Comment Summary & Staff Response
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State Comment Number	State Comment	Staff Response	Staff Recommendation for Code Amendment (if applicable)	City Council Recommendation
WDFW				
State 1	Page 5, Section 21A.50.060.d, Partial exemptions: inserting language requiring revegetation will help improve fish and wildlife habitat areas by allowing more absorption of water runoff and lessening the effect of pollutants on waterbodies.	Staff concurs with this comment.	No further changes identified.	
State 2	Page 5, Section 21A.50.060.1a and b., Partial Exemptions: This subsection contains partial exemptions for additions to existing structures, up to 1000 square feet, as long as the structure does not encroach further into a critical area or buffer. Adding more impervious surfaces could cause additional impacts to fish and wildlife habitat and could encourage homeowners to apply for shoreline stabilization structures if a streambank or other waterbody begins eroding more rapidly due to increased runoff. WDFW recommends that the City require Low Impact Development (LID) to be incorporated for all expansions on existing	Comment acknowledged. These provisions are included to balance practicality and property rights while still providing environmental protections. The Planning Commission considered, but did not recommend, a somewhat smaller (700 sf) partial exemption. The City plans to consider Low Impact Development (LID) standards in 2006.	No further changes identified.	

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	development, especially since new language has also been inserted into this section that allows expansions in documented landslide hazard areas.			
State 3	Page 7, Section 21A.50.070.1d, Exceptions: As written, this subsection will not adequately protect fish and wildlife by allowing regional stormwater management facilities to be built in critical area buffers. The WDFW recommends that this be deleted from the text.	Staff has further reviewed these provisions and determined that Section 21A.50.070.1d can be removed without unnecessarily limiting public agency and utility use of this exception.	Staff suggests that Council delete Section 21A.50.070.1d.	Staff recommendation approved 12/13/05.
State 4	Page 11, Section 21A.50.130, Contents of critical area study: WDFW suggests that language be added in this section that requires project proponents to examine potential cumulative impacts that may occur in, or adjacent to, critical areas containing fish and wildlife due to the newly-proposed development.	Cumulative impacts analysis would require an applicant to speculate on the specific impacts associated with the development of other properties. Staff are concerned that such a study scope for many projects would exceed what is reasonably related to the proposed development. However, these impacts could be evaluated under SEPA as a part of the City's regular updates of the Comprehensive Plan.	No further changes identified.	
State 5	Page 17, Section 21A.50.210.1-4, Building Setbacks: WDFW recommends language be added in this section that states newly-created impervious surfaces should strive to have 100% containment	Comment acknowledged. This issue will be re-examined when the City updates its Surface Water Design Manual and develops Low Impact Development (LID) standards in 2006.	No further changes identified.	

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	of runoff through LID requirements.			
State 6	Page 23, Section 21A.50.260.1 and 2, Landslide hazard areas – Development standards and permitted alterations: Language in this section is acceptable provided that the new development does not occur in, or adjacent to, wetlands or fish and wildlife habitat conservation areas (FWHCA).	Other sections of the code provide protections for wetlands and habitat areas.	No further changes identified.	Geologic hazards reviewed 12/13/05. No further changes.
State 7	Page 45, Section 21A.50.325.1., Fish and wildlife habitat conservation areas – Development standards: WDFW recommends that wording in the first sentence be revised to read “...the director shall require a critical areas study...”.	The proposed language gives the director authority to require a study, and also discretion to not require a study when no study is necessary. In some cases, existing information and management recommendations may not necessitate a new study.	No further changes identified.	Fish and wildlife habitat conservation areas reviewed 12/13/05. No further changes.
State 8	Page 45, Section 21A.50.325.3c, Fish and wildlife habitat conservation areas – General requirements: delete “stormwater management facilities” in this section. These facilities should be located outside of critical fish and wildlife habitat areas.	This section is limited to allowing low impact uses, such as grass-lined swales, as long as the low impact use is consistent with the purpose and function of the habitat conservation area and does not detract from its integrity.	No further changes identified.	Fish and wildlife habitat conservation areas reviewed 12/13/05. No further changes.
State 9	Page 45, Section 21A.50.325.3, Fish and wildlife habitat conservation areas – Development standards: Alternatives analysis	Language is included to address this concern. Section 21A.50.135 requires applicants to document consideration of the sequential measures to first	No further changes identified.	Fish and wildlife habitat conservation areas reviewed 12/13/05. No further changes.

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	<p>should be required prior to allowing development to occur in critical area buffers. WDFW recommends that this paragraph add a sentence that states “ Prior to approval of building utilities, or accessory structures in buffers along waterbodies, an alternatives analysis must be conducted to ensure all possible alternatives have been examined and that no viable alternative exists. This evaluation must be documented in a written report and provided to respective governmental agencies with jurisdictional authority to ensure all alternatives have been examined. If it is determined that no alternative sites are feasible to build at, the impacts must be fully mitigated.”</p>	<p>avoid, then to minimize, and lastly to mitigate unavoidable and minimized impacts to critical areas and associated buffers. For private development, requiring an applicant to consider off-site alternatives would be problematic and impractical. For public development, when a PAUE is required, a review of reasonable alternatives is already required by Section 21A.50.070.</p>		
State 10	<p>Page 49, Section 21A.50.330.1a and b, Streams – Development standards: WDFW has concerns in this subsection regarding the allowable reduction in buffers on public roadways that transect streams and in instances where a buffer has been previously established. The language, as written, would allow buffer</p>	<p>Following the City’s receipt of the WDFW comment letter, this section was discussed verbally with WDFW and explained in more detail. Review of the Best Available Science references listed on the City’s website and presented in the Technical Advisory Committee/Citizen Advisory Committee process, indicates that the proposed buffer requirements are</p>	<p>No further changes identified.</p>	<p>Streams reviewed 12/13/05. No further changes.</p>

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	<p>reductions of up to 50%. The resulting buffer width would be considerably less than those recommended by WDFW in its publication titled "Management Recommendations for Washington's Priority Habitats: Riparian." This document is based on a synthesis of scientific literature, and it represents WDFW's view of "best available science" regarding an important component in the protection of riparian areas across Washington State. The City of Sammamish has not provided any scientific analysis or support that demonstrates the proposed buffers and buffer reductions will adequately protect the functions and values of riparian areas.</p>	<p>consistent with science. A similar provision was adopted by King County in their recent critical areas regulations update also based on a review of Best Available Science.</p>		
State 11	<p>Page 50, Section 21A.50.330.6, Buffer reduction: this section provides several scenarios where buffer reduction will be acceptable provided best management practices (BMPs) are implemented. For example, up to 10% buffer reduction will be acceptable if impervious surfaces are reduced by at least 50%. Up to 20% of the</p>	<p>This section states that any reduction must, "...result in equal or greater protection of the stream functions..." in order to ensure that functions are protected.</p>	<p>No further changes identified.</p>	<p>Wetlands and streams reviewed 12/13/05. No further changes.</p>

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	buffer may be reduced if bioengineered bank stabilization is installed. WDFW is unsure how these numbers were derived. If there is highly valuable fish and wildlife habitat in a particular area where the buffer is proposed to be reduced, these enhancements may not be sufficient, depending upon the type of and intensity of development proposed.			
State 12	Page 52, Section 21A.50.340, Streams – Permitted alterations: WDFW recommends that this sentence contain language that states alternative analysis must be required prior to allowing development in FWHCAs. In addition, all references to allowing regional stormwater management facilities to be built in FWHCA should be deleted.	Subsection (4) requires review of reasonable alternatives. In some instances, it may be necessary to locate stormwater facilities in FWHCA to address erosion and slope stability issues.	No further changes identified.	Streams reviewed 12/13/05. No further changes.
State 13	Page 52, Section 21A.50.340.10, Streams – Permitted alterations: This subsection should contain language that states soft-bank shoreline stabilization is preferred over hardened structures.	Staff agrees.	Staff suggests Council consider revising 21A.50.340 as follows: (10) A stream channel may be stabilized if: (a) Movement of the stream channel threatens existing residential or commercial	Staff recommendation approved 12/13/05.

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			<p>structures, public facilities or improvements, unique natural resources or the only existing access to property; and</p> <p>(b) The stabilization is done in compliance with the requirements of SMC 21A.50.230 through 21A.50.230; and</p> <p>(c) <u>Soft-bank stabilization techniques are utilized unless the applicant demonstrates that soft-bank techniques are not a reasonable alternative due to site-specific soil, geologic and/or hydrologic conditions.</u></p>	
Ecology				
State 14	<p>•21A.50.070(1)(d)(ii) Stormwater management facilities constructed within a forested buffer of a wetland can significantly reduce the function of that buffer including the protection it affords the wetland. In addition to the restrictions already provided, Ecology recommends restricting the placement of stormwater facilities in wetland buffers to the outer 25% of non-forested buffers around Category III or IV</p>	<p>Staff has further reviewed these provisions and determined that Section 21A.50.070.1d can be removed without unnecessarily limiting public agency and utility use of this exception.</p>	<p>Staff suggests that Council delete Section 21A.50.070.1d.</p>	<p>Staff recommendation approved 12/13/05.</p>

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	wetlands.			
State 15	•21A.50.145(7) Ecology recommends a minimum of 10 years of monitoring where woody vegetation is part of the mitigation plan.	This section already requires the monitoring period to be for a period “necessary to establish that performance standards have been met” and allows the director the option of requiring periods longer than 5 years. Since mitigation may, in some cases, be relatively minor, staff recommends retaining the 5 year standard period.	No further changes identified.	Wetlands and streams reviewed 12/13/05. No further changes.
State 16	•21A.50.290(1) Ecology recommends that the city include provisions to increase the buffers on Category III wetlands with moderate habitat scores.	The Department of Ecology’s volumes I and II on wetlands are very helpful and informative. Our review of this and other Best Available Science documentation shows support for the City of Sammamish’s proposed buffer protection approach considering: <ul style="list-style-type: none"> • The city already has light and noise restrictions (in other development regulations) and also regulates stormwater runoff to avoid impacts wetlands and other critical areas through our adopted stormwater manual. • City code has, and is proposed to retain, “wetland management overlay areas” that further regulate development in areas near important Class 1 wetlands. • New regulations protecting ground 	No further changes identified.	Wetlands reviewed 12/13/05. No further changes.

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		water quality and recharge are proposed.		
State 17	21A.50.290(1)(b) would continue to apply previously established wetland buffers even where new development is proposed, as long as the previous buffer width is at least 50% of the buffer width required in the updated CAR. The buffer widths previously required by the City or the County in many cases do not provide adequate protection for the functions of wetlands, based on Ecology's review of the scientific literature...this provision could allow degradation of wetland resources. This provision should only apply to re-development of existing structures.	This proposed section would apply previously established buffers to new development as long as the previous buffer width is at least 50% of the buffer width required in the updated Critical Areas regulations. If a buffer has been previously established, it has been established as part of a past development review process. Any "new" development is therefore likely to be a modification of an existing use. Applying significantly increased buffers to an existing use where a buffer is already established could be practically challenging, legally problematic, and may not have sufficient benefits. Additionally, reduced buffer distances where there is existing development is supported in DOE BAS II 8D.2.4.2.	No further changes identified.	Wetlands reviewed 12/13/05. No further changes.
State 18	•21A.50.290(5)(c) and 21A.50.290(7) We recommend that buffers be reduced to no less than 75% of the standard buffer width at any location, in order to protect the functions of both the buffer and the wetland.	Assuming this comment was intended to apply to 21A.50.290(6)(c) and 21A.50.290(8), please note that the proposed code allows buffer reduction through use of these provisions only when it will "result in equal or greater protection" and when specific mitigation factors are applied, thereby	No further changes identified.	Wetlands reviewed 12/13/05. No further changes.

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		tying buffer reduction with improved functionality. Buffer reduction is allowed only in increments in accordance with the degree of mitigation and so developments may not achieve a full 50% reduction.		
State 19	•21A.50.290(7)(f) This language appears to allow buffer width reduction for restoration of an off-site area. ... buffers only provide functions for the wetlands they surround. Loss of buffer functions can only compensate for loss of buffer functions when the restored buffer is on the same wetland.	<p>After review of the staff prepared state comment review table, Councilmember Huckabay responded to staff via email with a comment regarding state comment #19 supporting an amendment to the language in 290 (8) to read 'Buffers may be reducedof the wetland functions of the on-site wetlands protected by the buffer'.</p> <p>Council could amend the language as described (see next column) or could remove item (f) from 21A.50.290(8) regarding wetland buffers and item (g) from 21A.50.330(6) regarding stream buffers . These sections are intended to allow potential on-site buffer reduction credit when no on-site restoration opportunities are present and when off-site restoration could provide greater ecological benefit typically because on-site buffers do not require restoration.</p>	<p>Draft language edits provided by staff to implement Councilmember Huckabay's suggestion:</p> <p>21A.50.290(8) (f) Restoration of <u>on-site buffer and wetland areas or restoration of off-site buffer and wetland areas within the same sub-basin of the impacted wetland</u> if no on-site area is possible: (i) Up to ten percent (10%) reduction in standard buffer width if restoration area is at a 2:1 ratio or greater; or (ii) Up to twenty percent (20%) reduction in standard buffer width if restoration area is at a 4:1 ratio or greater.</p> <p>And similarly for stream buffers...</p>	

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			21A.50.330(6) (g) Restoration of <u>on-site buffer and habitat areas</u> or <u>restoration of off-site buffer and habitat areas within the same sub-basin of the impacted stream</u> if no on-site area is possible: (i) Up to ten percent (10%) reduction in standard buffer width if restoration area is at a 2:1 ratio or greater; or (ii) Up to twenty percent (20%) reduction in standard buffer width if restoration area is at a 4:1 or greater.	
State 20	<p>•21A.50.310(6)(a) The mitigation ratios proposed in the draft regulations may not be adequate to prevent the loss of wetland function. We encourage you to consider adopting the ratios recommended in Table 8C-11 of Wetlands in Washington State— Volume 2: Guidance for Protecting and Managing Wetlands. These recommendations take into account both the type of wetland and the type of mitigation being proposed. King County and Redmond</p>	<p>The proposed mitigation ratios are a significant increase from the current requirement (which are just 1:1 or 2:1). Also, enhancement must now be double the replacement ratios and include at least 1:1 replacement of area. As the City has nine Category I wetlands within, or partially within, City boundaries, the 6:1 mitigation ratio could significantly restrict the City’s ability to accommodate its share of new growth. Our understanding of DOE’s guidance on this topic is that BAS suggests that wetland mitigation has historically had a high rate of</p>	<p>No further changes identified.</p>	<p>Wetlands reviewed 12/13/05. No further changes.</p>

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	<p>recently adopted similar ratios, and this approach is consistent with what the state and federal agencies require for mitigation. By adopting the recommended ratios, the City will help streamline the approval process for applicants.</p> <p>If the City wants to adopt simplified ratios, we recommend the following:</p> <p>Category I: 6:1 Category II: 3:1 Category III: 2:1 Category IV: 1.5:1</p>	<p>failure and that some wetland systems are difficult to replace and so mitigation ratios need to be high enough to compensate for these issues. The City of Sammamish is addressing these issues as follows:</p> <p>1) As noted above, mitigation ratios are proposed to be significantly increased beyond existing ratios and a minimum 1:1 replacement ratio would be required;</p> <p>2) Section 21A.50.310 (6)(b) allows for an increased mitigation replacement ratio to be required in some circumstances when needed ensure mitigation success;</p> <p>3) Section 21A.50.310 includes significant clarifications and requirements for mitigation to ensure that mitigation plans are prepared, implemented, and monitored appropriately to ensure mitigation success; and</p> <p>4) The City now has internal staff with wetland expertise available to review proposed mitigation plans and to follow up on mitigation implementation and monitoring.</p>		
CTED				

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State 21	Section 21A.50.060(1)(b), under Partial Exemptions, allows an expansion to the footprint of an existing single-family residence of up to 1000 square feet in a critical area or its buffer. The ordinance has been improved by specifying that this limit also applies to associated impervious surfaces. However, we understand your first draft previously proposed a lower limit of 700 square feet. Even with a lower limit and its applicability to all impervious surfaces, this exemption is still not consistent with many sources of science, and may reduce the functions and values of critical areas. We encourage you to consider retaining the proposed limit of 700 square feet or lower, and consider the use of techniques to reduce impacts to critical areas, such as low impact development techniques to infiltrate stormwater, and design specifications such as managing lighting.	Comment acknowledged. These provisions are included to balance practicality and property rights while still providing environmental protections. The Planning Commission considered, but did not recommend, a somewhat smaller (700 sf) partial exemption. The City plans to consider Low Impact Development (LID) standards in 2006.	No further changes identified.	
State 22	Section 21A.50.070(1)(d) allows a public agency and utility exemption to allow the use of Type S or F streams and Class 1 and 2	Staff has further reviewed these provisions and determined that Section 21A.50.070.1d can be removed without unnecessarily limiting public	Staff suggests that Council delete Section 21A.50.070.1d.	Staff recommendation approved 12/13/05.

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	<p>wetlands or their buffers for regional stormwater management facilities where there is a “clear showing that the facility will protect public health and safety or repair damaged natural resources.” We are concerned that using these high value critical areas for stormwater management will pose significant risks to their functions and values. We recommend that this section be removed from the ordinance, and that the existing language in section 21A.070.050 be used to site needed utilities.</p>	<p>agency and utility use of this exception.</p>		

Debbie Beadle

From: Evan Maxim
Sent: Wednesday, July 25, 2012 10:34 AM
To: Debbie Beadle
Subject: FW: ECA update - Follow up questions re: DOE 5/1/2012 public comments
Attachments: Small wetlands exemption response..docx

EXHIBIT NO. 182.

Follow Up Flag: Follow up
Flag Status: Flagged

Public Comment

*Evan Maxim
Senior Planner
City of Sammamish
425.295.0523*

From: Bunten, Donna (ECY) [<mailto:DBUN461@ECY.WA.GOV>]
Sent: Wednesday, July 25, 2012 10:11 AM
To: Evan Maxim
Cc: Kathy Curry; Kamuron Gurol; Susan Cezar; Carl de Simas; Debbie Beadle; McGraner, Patrick (ECY)
Subject: RE: ECA update - Follow up questions re: DOE 5/1/2012 public comments

Hello, Evan,

Attached is a written response to the Planning Commissioners' questions. Please let us know if you have additional questions.

Donna J. Bunten
CAO Review Coordinator
Dept. of Ecology
PO Box 47600
Olympia, WA 98504-46700
(360) 407-7172
donna.bunten@ecy.wa.gov

From: Evan Maxim [<mailto:emaxim@ci.sammamish.wa.us>]
Sent: Monday, July 23, 2012 3:46 PM
To: McGraner, Patrick (ECY); Bunten, Donna (ECY)
Cc: Kathy Curry; Kamuron Gurol; Susan Cezar; Carl de Simas; Debbie Beadle
Subject: ECA update - Follow up questions re: DOE 5/1/2012 public comments

Hello,

One of our Planning Commissioners had some follow up questions to your public comment letter; I am hoping you would be willing to provide a written response.

1. It appears that the text under recommended regulatory approach for small wetlands is an excerpt of the Ecology's staff working paper on this subject. The excerpt includes approaches for wetlands between 0 and 4,000 square feet. Yet, in the final outcome of the draft language that survived and appeared in the Ecology's officially published technical guidance document, "Wetlands and CAO Updates: Guidance for Small Cities, Western Washington Version (1st revision July 2011, publication no. 10-06-002)" only includes an exemption for isolated wetlands less than 1000 square feet that meet some

additional criteria. Doesn't Ecology's final suggestion to limit the size based exemption go up to only 1000 square feet?

2. Mr. McGraner's attached excerpt has texts such as "End of Draft Regulatory Language." Has there been a final version of the Regulatory Language that we should rely on for our ECA Update?

3. Is Sammamish, a city with population of nearly 50,000, which has extensive ECA regulations from the inception with many well studied basin and sub-basins, fall into the criteria of "small cities" for which this guidance is intended for?

Regards,

*Evan Maxim
Senior Planner
City of Sammamish
425.295.0523*

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

1. It appears that the text under recommended regulatory approach for small wetlands is an excerpt of the Ecology's staff working paper on this subject. The excerpt includes approaches for wetlands between 0 and 4,000 square feet. Yet, in the final outcome of the draft language that survived and appeared in the Ecology's officially published technical guidance document, "Wetlands and CAO Updates: Guidance for Small Cities, Western Washington Version (1st revision July 2011, publication no. 10-06-002)" only includes an exemption for isolated wetlands less than 1000 square feet that meet some additional criteria. Doesn't Ecology's final suggestion to limit the size based exemption go up to only 1000 square feet?

Ecology's preference would be to use the language in the Small Cities Guidance document. Ecology staff emphasizes that it is not possible to conclude from size alone what functions and values a particular wetland is providing. Sections 5.3.3 and 5.3.4 of *Wetlands in Washington State, Volume 1: A Synthesis of the Science* (Ecology Publication #05-06-006, March 2005) emphasize that small wetlands and isolated wetlands provide many important functions. Many of these small and/or isolated wetlands are biologically unique systems that are critically important to amphibians. The loss of small wetlands results in increased fragmentation of habitat and greater distances between wetland patches (See Chapter 4 of Volume 1). This can have a significant effect on the ability of a landscape to support viable populations of wetland-dependent wildlife, including amphibians.

However, we recognize that many jurisdictions desire to place size thresholds on wetlands that are to be regulated, in order to focus staff time and attention on the most important natural resources. In order to assist jurisdictions in addressing this administrative need, while minimizing the impact on wetland functions, Ecology developed the 0-4,000 sf exemption language. When we were asked to produce a simplified version of our two-volume guidance documents that also included a sample CAO wetlands chapter, we further refined that language into what appears in the Small Cities Guidance. This is a strategy for exempting small wetlands that incorporates appropriate science-based criteria.

Also as a reminder, the proposed exemptions are from wetland buffer provisions and implicitly from the avoidance criterion but still require the impacts to be fully mitigated.

2. Mr. McGraner's attached excerpt has texts such as "End of Draft Regulatory Language." Has there been a final version of the Regulatory Language that we should rely on for our ECA Update?

There has not been any final version of the drafted language. Again, it is Ecology's preference to follow the official guidance in the Small Cities Guidance document.

3. Is Sammamish, a city with population of nearly 50,000, which has extensive ECA regulations from the inception with many well studied basin and sub-basins, fall into the criteria of "small cities" for which this guidance is intended for?

The Small Cities Guidance was written for the benefit of small jurisdictions that often lack the staffing and the in-house expertise to make determinations on technical issues related to wetlands regulations. However, this document was written with full consideration of current best available science and there is no reason why a jurisdiction of any size cannot use this document.