

Jenny Ngo

From: Peace, Angie D (DFW) <Angela.Peace@dfw.wa.gov>
Sent: Thursday, April 28, 2016 4:42 PM
To: Agnes Kowacz; Karen Walter; Jenny Ngo
Cc: Anderson, Paul S. (ECY)
Subject: RE: Modi Reasonable Use Permit, SEP14023/CAE 14001, Mitigated Determination of Non-Significance- follow-up comments

Hi Karen, Agnes, and Jenny,

If there are impacts to state watercourses, including Little Bear Creek and any associated tributaries with defined bed and bank or associated wetlands (which from your emails it sounds like there will be impacts), a Hydraulic Project Approval (HPA) will be required for these impacts, including storm water outfalls, which affect flow and fish life.

All impacts to fish life as listed above require mitigation sequencing as Karen has pointed out.

Paul, if you set up a site visit, I would love to join you and whomever else may attend so that I can ascertain the need for an HPA and provide technical guidance for avoiding, minimizing, and mitigating any impacts to fish life that may be expected to result from the project.

Please include this comment in your project file.

Thank you, and have a good evening.

Angie

Angie Peace

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From: Agnes Kowacz [mailto:agnesk@ci.woodinville.wa.us]
Sent: Thursday, April 28, 2016 4:27 PM
To: Karen Walter; Jenny Ngo
Cc: Peace, Angie D (DFW); Anderson, Paul S. (ECY)
Subject: RE: Modi Reasonable Use Permit, SEP14023/CAE 14001, Mitigated Determination of Non-Significance- follow-up comments

Hi Karen-

Thanks for talking with Jenny and I last week and your comments below. As you mentioned as a part of your email earlier today, a delineation of the western boundary of the wetland is still needed. The items such as the mitigation plantings, and monitoring information is in the old Acera report that needs to be pulled out to still apply. I contacted the applicant about providing an accurate delineation prior to the hearing, stating that this is critical in order to have a successful hearing. Mr. Modi replied stating that he would like to move forward with the hearing as is. I have scheduled the hearing for May 19 at 7pm. I wanted to make sure that you were aware of this. The staff report will reflect all the information provided to us including all omissions thus far. Thanks,

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From: Karen Walter [<mailto:KWalter@muckleshoot.nsn.us>]
Sent: Thursday, April 28, 2016 12:00 PM
To: Agnes Kowacz <agnesk@ci.woodinville.wa.us>; Jenny Ngo <JennyN@ci.woodinville.wa.us>
Cc: Peace, Angie D (DFW) <Angela.Peace@dfw.wa.gov>; paul.s.anderson@ecy.wa.gov
Subject: Modi Reasonable Use Permit, SEP14023/CAE 14001, Mitigated Determination of Non-Significance- follow-up comments

Agnes and Jenny,

Thank you again for the chance to coordinate and discuss concerns with the Modi Reasonable Use Project referenced above. As you know, previously we reviewed the Modi Reasonable Use project which proposed a 3-lot short plat on parcel 062210060 and provided comments on December 9, 2014; October 19, 2015; and April 18, 2016. In our comments, we raised concerns about how the proposal was not meeting mitigation sequencing (starting with avoidance); incomplete potential project impacts; and inadequate mitigation for impacts that were described. Since our comments, the project has been modified to now be only 1 single family residence on the parcel. The proposed single family residence as shown on the site plan (date) will still have impacts to Little Bear Creek and its associated wetland (Wetland A) because the project cannot avoid filling in the otherwise regulated stream buffer and discharging stormwater.

From the updated project information we received on April 19, 2016, we offer the following additional comments to this project:

1. The extent of existing onsite water resources needs further evaluation. As noted in Cooke Scientific Services February 2016 report regarding the western extent of Wetland A, there are drainages on site that were contributing flow to Wetland A and Little Bear Creek. The nature and extent of these drainages should be evaluated further. For example, if these are natural springs, then they should be protected as part of this project because they are hydrology source for both Wetland A and Little Bear Creek and likely a source of cool water that helps support salmon.

If these drainages are strictly stormwater from adjacent roadways and developments, then they need to be managed such that they are not adversely affecting Wetland A and/or Little Bear Creek.

Since these drainages were not even identified, let alone assessed, in the original Stream and Wetland Assessment Report and Buffer Reduction Plan (Acera LLC 2014), they have not been adequately assessed. Ms. Cooke's work merely identified their existence as part of her assessment of the western boundary of Wetland A. More work is needed to address these issues.

There also appears to be outstanding issues associated with Cooke's assessment of the Wetland A boundary as her survey was done in January before the vegetation growing season had started, which means the vegetation indicators could not be accurately assessed. The City's Critical Areas Determination Decision (June 1, 2015) in item 12 specifically requires a dual wetland rating to be used including the wetland rating system prescribed by the Washington Department of Ecology. This rating system was used and provided with the Acera 2014 report; however, since that work was completed, the accuracy of the wetland boundary was questioned and a new delineation has not been completed. To further complicate matters, WDOE released an update to their wetland

rating systems effective January 1, 2015 (see <http://www.ecy.wa.gov/programs/sea/wetlands/ratingsystems/>). The City had Otak review the Acera 2014 report and they determined that both the delineation and the rating of Wetland A were incorrect. Otak rated the Wetland much higher (Category 1 vs. 3 under Woodinville's code; and a Category III vs. IV under Ecology's system). Otak did not fully delineate the wetland but noted deficiencies with it based on their field review.

Based on all of this information, we strongly recommend that Wetland A be re-delineated and rated using WDOE's updated systems to comply with the City's Critical Areas Determination Decision and for the Mitigated Determination of Non-Significance for the project.

2. Another concern is the lack of mapping for the Little Bear Creek floodplain. The Acera 2014 report did not note the existence of the floodplain or shorelines. Both were determined to exist on site by Otak staff after they visited the site and described as such within the City's Critical Areas Determination Document. The March 2, 2016 version of the site plan does not show the floodplain and may incorrectly show the extent of the wetland because it has not been delineated on the western side. Both the wetland and floodplain are at risk of unidentified impacts occurring without mitigation because of these errors and omissions.

Ironically, the current site plan shows an area labeled as "buildable area" in the southwestern area of the site which outside of where the house is going and may not be correct depending on the extent of the floodplain and any natural channel migration of Little Bear Creek that may occur on this property.

3. In summary, the project needs additional information regarding the Wetland A boundary and the location of the floodplain throughout the project site. With this information, a new site plan is needed that shows the location of the proposed house against the location of the floodplain; the correct boundaries of Wetland A and its regulated buffer; the drainages if they are natural; and the extent of the full regulated stream buffer for Little Bear Creek (150 feet). With this information, then the extent of site clearing/filling, etc. needed to build the single family residence should be determined in detail on a new site plan with notations to show where and what critical areas will be impacted by how much, along with the proposed mitigation areas that show where, what and how these project impacts will be mitigated. If there is not sufficient room to fully mitigate for project impacts on site, then the applicant should do as much mitigation as possible on site and provide the remaining mitigation needs offsite.
4. Since the previous mitigation proposal included planting on site and will likely be proposed again based on the modified project, the applicant should provide a detailed mitigation and monitoring plan to ensure that the mitigation plants survive and are not ultimately overrun by the existing Himalayan blackberry and knotweed- two species that are very difficult to eradicate without effort.

We appreciate the opportunity to review this proposal and look forward to the City's responses. Please let me know if you have any questions.

Thank you,
Karen Walter
Watersheds and Land Use Team Leader

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