



## Advanced Concepts in Environmental Regulatory Assistance

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### TECHNICAL MEMORANDUM

**Client:**  
Prakish Modi  
14317 NE 186th Place  
Woodinville, WA 98072

**DATE:** February 16, 2015  
**PROJECT:** Wetland and Stream  
Assessment Report and Buffer  
Reduction Plan  
**PROJECT #:** 130.001

**SUBJECT:** Response to Comments from Sno-King Watershed Council letter dated 2/4/2015

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This Technical Memorandum is a response to Comment 1 from Sno-King Watershed Council dated February 4, 2015. Comment 2 is unrelated to work performed by ACERA. Comment 3 is irrelevant as no work is proposed within any waterbodies that contain anadromous fish, i.e Little Bear Creek or within the proposed buffers of Little Bear Creek.

Comment 1 disputes the classification of Wetland A. The Sno-King Watershed Council believes it to be Class I. The author of the letter is an Engineer, not a Wetland Scientist, and is therefore not qualified to provide expert scientific analysis of the wetland classification.

ACERA has classified Wetland A as Class III (WMC 21.24.320) based on the “Best Available Science”.

The Growth Management Act directs Cities and Counties to use the “Best Available Science”(BAS) in regards to managing and protecting Critical Areas:

*WMC 21.06.052 Best available science. Best available science: current scientific information used in the process to designate, protect, or restore critical areas that is derived from a valid scientific process as defined by WAC 375-195-900 through 375-195-925.*

*WMC 21.24.130 Contents of critical area special study.*

*(1) The critical area special study shall be in the form of a written report and shall contain the following, as applicable:*

*(a) Using the best available science, identification and characterization of all sensitive areas on or encompassing the development proposal site;*

In this case, the BAS for classifying wetlands is: *Ecology’s Washington State Wetlands Rating System for Western Washington*. Under this system, Wetland A is rated Category IV, the lowest possible category. Wetland A was rated low for water quality function (8), low for hydrologic function (2), and low for habitat function (13). The WMC Class III designation is the closest equivalent to the rating of Category IV.

In addition, *Ecology’s Washington State Wetlands Rating System for Western Washington*, provides a Hydrogeomorphic Classification. Wetland A is Classified as a “Slope” wetland, not a “Riverine” wetland as the dominant hydrological input is from ground water seepage that flows through the wetland and then down into Little Bear Creek. Wetland A is situated on a terrace above Little Bear Creek and is not regularly influenced by overbank flooding.



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Comments from the Sno-King Watershed Council state that the “plain meaning” of proximal should be used. In this case, the *Geologic* definition is used as this is a scientific analysis of the stream and wetland classification. Although this wetland is adjacent to Little Bear Creek, it is neither proximal (in the center of the creek); nor is it hydrologically influenced by Little Bear Creek. Wetland A therefore does not meet the requirements of a Class 1 Wetland. Wetland A does not provide any hydrologic functions such as flood attenuation or habitat functions such as fish rearing habitat for Little Bear Creek. Little Bear Creek was at flood stage during the site visit and was well below the elevation of Wetland A.

Designating Wetland A as Class I would require a 150’ buffer. This would require 1.62 acres of buffer to protect a 0.041 acre wetland. This does not make ecological or common sense.

In addition, Wetland A appears to be artificially created and may be an excavated borrow pit or a rudimentary stormwater pond related to the development of the adjacent property, north of the Site. No historical data on this feature is available at this time.

If you have any questions regarding this technical memorandum please contact me at (360) 292-9639.

Sincerely,  
ACERA LLC

A handwritten signature in blue ink is written over a circular professional seal. The seal is for the Sno-King Watershed Council (SWC) and Professional Wetland Scientist (PWS). It contains the name 'MICHAEL J. LAYES' and the number '2157'. The seal also includes the text 'SNO-KING WATERSHED COUNCIL' and 'PROFESSIONAL WETLAND SCIENTIST'.

Mike Layes  
Professional Wetland Scientist