

## TECHNICAL MEMORANDUM



Date: September 25, 2017  
To: Lindsey Ozbolt, City of Sammamish  
Cc: David Pyle, City of Sammamish  
From: Nell Lund, PWS, Senior Ecologist  
Project Number: 161005.24  
Project Name: East Lake Sammamish Trail, Segment 2B – Environmental Review

### **Subject: East Lake Sammamish Trail, Segment 2B – Supplemental Review Summary**

#### **Background**

This technical memorandum is a supplement to the *East Lake Sammamish Trail Segment B - Environmental Peer Review* (The Watershed Co. March 2017)(Peer Review). The following applicant-submitted documents were comprehensively reviewed for that report:

- *Critical Areas Study, East Lake Sammamish Master Plan Trail, South Sammamish Segment B.* (Parametrix October 2016)
- *East Lake Sammamish Master Plan Trail, South Sammamish Segment B, SE 33<sup>rd</sup> Street to Inglewood Hill Road, King County, Washington. Plan Set - Preliminary 60% Review Submittal, Not for Construction. 135 Sheets. (60% ELST Plan Set)*(Parametrix, September 2016)
- *NEPA/SEPA Final Environmental Impact Statement Volumes I, II and III, East Lake Sammamish Master Plan Trail.* (Parametrix, Environ Corp., Paragon Research Associates, ESA Adolfson, HWA GeoSciences, Inc. April 2010)(FEIS)

The County revised and resubmitted documents to the City. For efficiency, City Planner, Lindsey Ozbolt, and I met on August 7, 2017 to review and discuss the revisions specific to our peer review recommendations provided in my March 2017 report. The following comment responses and project resubmittal documents were shared by the City. This memo is not a comprehensive review of the last submittal.

- *Introduction to King County Comment Responses to The Watershed Company (TWC) Environmental Peer Review Report, Dated March 2017, by Parametrix*

- *TWC Peer Review Report, dated March 2017 with Comments Delineated in Section 4, by Parametrix*
- *East Lake Sammamish Trail Segment 2B SSDP2016-00415, Responses to Comment in letter from TWC to the City of Sammamish, dated March 22, 2017, by Parametrix, dated July 2017*
- *TWC Table 1 from the March 2017 Peer Review Report with King County Responses*
- *Mitigation Sequencing Compliance Narrative, East Lake Sammamish Trail South Sammamish Segment B, by Parametrix, dated July 2017*
- *No Net Loss of Shoreline Ecological Functions, East Lake Sammamish Trail South Sammamish Segment B, by Parametrix, dated July 2017 (No Net Loss letter)*
- *Critical Areas Study-Revised, East Lake Sammamish Master Plan Trail, South Sammamish Segment B. (Parametrix July 2017)(Revised CAS)\**

The purpose of this memo is to highlight peer review comments on King County's proposed mitigation for this segment of the trail project. Our previous review found the proposed mitigation did not adequately address 1) mitigation sequencing, 2) maintaining or improving critical area functions and values, and 3) no-net-loss of functions within shoreline jurisdiction. As detailed below, with recommended modifications, the provided Critical Areas documentation would address our original peer review comments.

## **Mitigation Review**

### **Mitigation Sequencing**

Mitigation sequencing requires applicants to first avoid impacts to critical areas, then minimize unavoidable impacts, and lastly provide compensatory mitigation. The Mitigation Sequencing Compliance Narrative Section 5 of the Revised CAS (Parametrix July 2017) details the County's mitigation approach. Two avoidance and minimization measures identified in the project FEIS are not employed. Boardwalks or bridges are not utilized and the trail width is not reduced or "necked-down" at any point along the 3.5 mile length. While it is correct that the 18-foot trail width is the narrowest design considered in the FEIS, that doesn't appear to prohibit the County from considering a less impactful trail width option. Narrowed widths would be needed only for segments crossing critical areas; the full trail width could be resumed along unencumbered areas. SMC 21A.50.135 requires a demonstration of critical area impact avoidance. The County cites a technical memorandum by Toole Design Group and American

Association of State Highway and Transportation Officials (AASHTO) guidance to support their 18-foot trail width design.

The Washington State Department of Ecology guidance document, *Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance*, Ecology Publication # 06-06-011a, Section 3.5.1 describes the mitigation sequencing protocol in detail. The avoidance and minimization steps are defined as:

*“(1) Avoiding the impact altogether by not taking a certain action or parts of an action;*

*(2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;”*

#### Critical Area Functions and Values

Proposed mitigation is summarized in Section 5.3.1 of the Revised CAS. In terms of mitigation ratios, the proposed mitigation areas meet requirements in City Code; those ratios are consistent with State and federal guidance. Since wetland creation within the linear corridor cannot be adequately buffered, the County now proposes to replace all direct wetland impacts, totaling 0.22-acre, off-site with mitigation bank credits. The submitted documents do not indicate which specific in-lieu site within the MRP will be utilized for the 0.22-acre impacts. The project FEIS notes that the trail project is within the service area of the King County Mitigation Reserves Program (MRP) and an in-lieu fee site is located near the headwaters of Laughing Jacobs Creek. Laughing Jacobs Creek and the proposed trail improvement are within the East Lake Sammamish sub-basin.

The remainder of proposed mitigation is on-site within the linear corridor. The highly utilized linear corridor is constrained. However, on-site wetlands and streams do provide water quality, hydrologic, and habitat functions that can be improved. The proposed mitigation was spread out over 26 locations along the linear trail corridor, that number was reduced to 18 in County’s July 2017 submittal. The County’s consultant acknowledges that small mitigation sites are generally more challenging to successfully establish. The County states that these challenges can be overcome by utilizing their ongoing trail maintenance program and providing a segment-specific ELST Vegetation Management Plan update. As stated in the County-provided Mitigation Sequencing Compliance Narrative, on-site mitigation has been successfully implemented in other trail segments where on-site mitigation was preferred by the permitting jurisdiction.

### Shoreline Jurisdiction, No-Net-Loss

A portion of the 3.5 mile trail segment is within shoreline jurisdiction. This submittal includes a No Net Loss of Shoreline Ecological Functions summary letter, prepared by Parametrix. Specific shoreline processes and functions as detailed in the Washington Administrative Code (WAC 173-26-201) are reviewed relative to proposed trail improvements. Per the County's No Net Loss letter, "The amounts of wetland buffer enhancement and addition and shoreline setback areas in the shoreline jurisdiction will exceed the combined area of impacts to these resources at a ratio of 1.1:1." Trail improvements are proposed within the 50-foot shoreline setback approximately between Stations 328 to 335 and 340 to 344. Proposed enhancement planting within the 50-foot shoreline setback is limited to a narrow strip between Stations 339 and 342. Additional planting is proposed adjacent to the shoreline setback, within the 200-foot Shoreline Zone, in several locations along the trail segment. Existing land uses constrain planting opportunities within the shoreline setback. I generally concur with the presented analysis and conclusions.

However, more detail is necessary to ensure tree losses within shoreline jurisdiction are fully addressed. The Mitigation Sequencing Compliance Narrative states approximately 100 significant trees will be removed from the shoreline jurisdiction area. Since the Critical Area Landscape Plans (Revised CAS, Appendix E) are preliminary and don't include a detailed planting plan, it is unclear how many replacement trees will be planted within the Shoreline Zone.

## Recommendations

To fully address the City's critical area mitigation requirements to maintain critical area functions and values and shoreline management requirements to maintain no net loss of shoreline ecological functions, the following information and analysis are requested.

- Review and consider the mitigation sequencing discussion above as the City weighs critical area guidance against other safety and design considerations including AASHTO guidance.
- To provide the greatest benefit, off-site mitigation should be in the same basin as feasible. The County should work with the King County MRP to identify an in-lieu site that is most beneficial on a landscape scale. For example, if an in-lieu site is available within the East Lake Sammamish Basin, where the impacts will occur, it should be given priority.
- To ensure critical area functions and values are maintained through the proposed on-site mitigation, in addition to standard mitigation monitoring and maintenance requirements, the city should:

- Review the County's trail maintenance program to ensure it won't routinely impact proposed mitigation sites through native plant clearing, pruning, gravel placement or other measures.
- Require the County to make segment-specific updates to the ELST Vegetation Management Plan and review it for completeness.
- Due to project size and complexity, a planner or on-call consultant should carry out a review of annual mitigation monitoring reports to verify compliance with project goals and performance standards.
- To demonstrate consistency with the City's shoreline regulations, require the final mitigation planting plan to clearly document significant tree replacements within the shoreline zone.