

September 21, 2015

Mr. Scott Smith
City of Mill Creek
15728 Main Street
Mill Creek, WA 98012

**RE: CRITICAL AREAS CODE COMPLIANCE, 35TH AVENUE SE
RECONSTRUCTION PROJECT, CITY OF MILL CREEK, WASHINGTON**

Dear Mr. Smith:

Shannon & Wilson, Inc. (Shannon & Wilson) was contracted by KPFF on behalf of the City of Mill Creek to provide environmental documentation and permit support for the 35th Avenue SE Reconstruction project. The project is located between SE 141st Street and SE 144th Street in Mill Creek, Washington, in the SW ¼ of Section 33, Township 28N, Range 5E of the Willamette Meridian.

CODE COMPLIANCE ANALYSIS

Consistent with the requirements in Mill Creek Municipal Code (MCMC) 18.06, on-site critical areas (Wetland A and Penny Creek) were identified and described in a Wetland and Stream Delineation Report (Shannon & Wilson, June 2014). The proposed project and potential impacts on critical areas were described in a Biological Assessment (Shannon & Wilson, September 2015) and a State Environmental Policy Act Checklist (Shannon & Wilson, September 2015).

The proposed project followed the mitigation sequencing requirements as outlined below:

Avoid and Minimize: Except for the placement of two storm drain outfalls, all grading and excavation will be outside of Wetland A and Penny Creek and will comply with a comprehensive plan for control of construction-related erosion and sedimentation. Impacts to the stream and wetland have been limited by minimizing the extent of intrusion of the two new lines into the wetland, and keeping the installation disturbance footprint as small as possible. The project construction will occur outside of the low-flow channel of Penny Creek, and will be isolated to two small areas in Wetland A adjacent to improved road embankments. The dispersal

pipes will be laid by hand in the wetland along the toe of the embankment, and will require only hand-held cutting or mowing equipment to allow placement on the ground surface. The flow dispersal pipes will reduce stormwater velocity to minimize erosion at the discharge locations. In addition, the stormwater will be treated prior to discharge into the site wetlands; no treatment of the current stormwater runoff into Wetland A is provided. Finally, the proposed 24-inch-diameter culvert will be located above the ordinary high water mark of Penny Creek to provide additional conveyance capacity during rain events. The project would not change base or peak flows of Penny Creek.

Rectify: After application of avoidance and minimization measures, the permanent impacts to Wetland A/Penny Creek are minor (87 square feet). All temporarily or permanently altered areas, other than exposed rock, will be revegetated with a native erosion seed mix and willow stakes. As mentioned above, the project will treat stormwater from a pollution-generating source (35th Avenue SE roadway) that is currently untreated. Further, raising the roadway will eliminate the over-road flooding with associated direct capture of road surface pollutants. This is considered an overall positive effect to the water quality of Wetland A and Penny Creek.

An additional project benefit is a roadway design that will facilitate future replacement of the Penny Creek culverts under 35th Avenue SE, thereby allowing better fish passage through the project area in the future.

Application of the first three steps of the mitigation sequence yields a proposed project that does not result in a net loss of biologic functions and values, and should improve critical area conditions. Accordingly, additional compensation measures for insignificant impacts are not necessary or required per MCMC 18.06.920, -.960, and -.1080.

CLOSURE

The findings and conclusions documented in this letter have been prepared for specific application to this project, and have been developed in a manner consistent with that level of care and skill normally exercised by members of the environmental science profession currently practicing under similar conditions in the area, and in accordance with the terms and conditions set forth in our agreement. The conclusions and recommendations presented in this letter are professional opinions based on interpretation of information currently available to us, and are made within the operational scope, budget, and schedule constraints of this project. No warranty, express or implied, is made.

Mr. Scott Smith
City of Mill Creek
September 21, 2015
Page 3 of 3

If you have any questions, please contact me at (206) 695-6685.

Sincerely,

SHANNON & WILSON, INC.



Amy J. Summe
Senior Biologist/Permit Specialist

AJS:KLW/ajs