

September 19, 2008

Robert Wyman, AICP
RTW Associates
1752 NW Market Street, # 419
Seattle, WA 98107

Re: **May Valley Park Property - Wetland Delineation Study, TWC Ref# 080703**

Dear Mr. Wyman,

On April 18, 1991 personnel from The Watershed Company conducted a wetland and stream delineation study at the 54-acre May Valley Park property adjacent to SR-900 in Renton, Washington (parcels 022305-9011, and -9097). To assess current site conditions, Ecologist Nell Lund and I followed up with a wetland and stream reconnaissance study on July 23, 2008. We followed this reconnaissance study with a delineation study on September 15, 2008. This letter summarizes the findings of this study and details applicable federal, state, and local regulations. The following attachments are included:

- Wetland Delineation Drawing
- Wetland Determination Data Forms
- Wetland Rating Form

Methods

Records from our prior 1991 study and public-domain information on the subject property were reviewed for this delineation study. These sources include King County's GIS mapping website (iMAP), U.S. Fish and Wildlife Service's National Wetland Inventory Maps, and USDA Natural Resources Conservation Service's Soil Survey Maps.

The subject property was evaluated for wetlands using methodology from the *Washington State Wetlands Identification and Delineation Manual* (Manual) (Washington Department of Ecology [Ecology] 1997) and the *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region* (Regional Supplement) (US Army Corps of Engineers [Corps] April 2008). Wetland boundaries were determined on the basis of an examination of vegetation, soils, and hydrology. Areas meeting the criteria set forth in the Manual and Regional Supplement were determined to be wetland. Soil, vegetation, and hydrologic parameters were sampled at several locations on the property to make the determination. We recorded data at four of these locations. Data points on-site are marked with yellow- and black-striped flags.

Wetlands were classified using *Western Washington Wetland Rating System* (Ecology, Aug 2004, version 2). Field observations and aerial photos from King County's GIS mapping website (iMAP) were used to rate wetlands found on the subject site. Wetland A is marked with 11 pink- and black-striped flags. A Trimble™ Global Positioning System (GPS) was used to locate the wetland flags.

Findings

The subject property is located in the May Creek basin of the Cedar-Sammamish Water Resource Inventory Area (WRIA-8; SW¼ S2, T23N, R5E). The property is located outside the Urban Growth Boundary (UGB). The site is a forested park surrounded by residential homes, horse pastures, and high traffic roads. One small wetland, Wetland A, is located near the middle of the park. This wetland was identified in our April 1991 delineation study. The previously identified drainage ditch adjacent to Wetland A was not located, and no streams were found in the park. One small marginal area was found near SR-900, adjacent to a segment of the maintained ditch along SR-900 which exhibits wetland characteristics. This ditch was not flagged.

Wetland A is a scrub-shrub and emergent depressional wetland located near the center of May Valley Park. It is approximately 920 square feet in size. Vegetation dominating the wetland includes salmonberry, vine maple, lady fern and skunk cabbage with some red elderberry and sword fern present. One large black cottonwood is located near the northwestern edge of the wetland. Soil in the root zone consists of black (10YR2/1) sandy clay loam with no redoximorphic features (RMFs) and very dark gray (10YR3/1) clay with no RMFs. Vegetation immediately surrounding the wetland includes big-leaf maple, red alder, salmonberry and sword fern. Though no surface water, saturation, or water table was observed within the sampled depth of 14 inches at the time of our visits in July and September of 2008, the geomorphic position and a shallow aquitard (clay layer) are indicative of wetland hydrology. Some water-stained leaves were also observed.

Non-wetland areas comprise the remainder of the site. Vegetation found in these areas includes a mature Douglas-fir and big-leaf maple canopy with an understory of sword fern, Pacific dewberry, stinging nettle, Dewey's sedge, and catchweed bedstraw. Some patches of devil's club, red huckleberry, evergreen blackberry, and Oregon grape are present. Deciduous areas characterized by red alder, vine maple, bleeding heart, lady fern and sword fern are also located in patches throughout the site. Soils in non-wetland areas consist of a thick (two-inch) duff layer on top of dark yellowish brown (10YR4/4) sandy gravelly loam with no RMFs. Soils in these areas were not saturated within the sampled depth of 16 inches at the time of our visit.

The roadside right-of-way along SR-900 contains a shallow ditch which receives runoff from SR-900. This ditch does not have a surface connection to Wetland A. Vegetation within the ditch includes reed canarygrass, giant horsetail, lady fern, and cattail. The ditch had recently been mowed at the time of our visit. Soils within the ditch were a mucky clay loam with a high organic content. A segment of the ditch adjacent to 151st was ponded with approximately six to 16 inches of water at the time of our visit. No water was observed in other areas of the ditch adjacent to the subject property. This human-created feature was carved out of upland areas, but

appears to have developed wetland characteristics over time. In addition, a small area which exhibits hydrophytic vegetation and hydric soils was identified adjacent to the ditch (DP-3). Wetland hydrology was not observed in this area.

Some steep slopes are present in the northern and eastern portions of the site. These may be regulated as critical areas by King County. A geotechnical engineer may need to perform a geotechnical study in order to determine percent slope on the site. A geotechnical report performed by Rittenhouse-Zeman & Associates was carried out in November of 1990.

Local Regulations

In King County, wetlands are regulated under the King County Code (KCC), Chapter 21A.24 – Critical Areas. Wetland buffers are determined based on the wetland category associated with the wetland. Buffer widths also vary depending on the intensity of planned land use, whether the subject property is within or outside the UGB, and on the wetland habitat score on the Ecology rating form. For the purposes of determining buffers, land use impacts are categorized as low, medium, or high (KCC 21A.24.325(B)2). Active recreation use on a site regardless of zoning is considered high impact.

Wetland A scored 24 points for water quality function, eight points for hydrologic function, and 11 points for habitat function on the Ecology rating form. Its overall score totals 43 points, classifying it as a Category III wetland. Category III wetlands in King County outside the UGB adjacent to high impact land uses require an 80-foot buffer.

King County also requires a 15-foot building setback, beyond the limits of sensitive area buffers. Parking, landscaping, and other non-structure land uses are permitted in the building setback (KCC 21A.24.200).

KCC requires that an applicant adjust proposed site plans to avoid and/or minimize impacts to critical areas and their respective buffers. King County may allow modification of wetland buffers subject to provisions set forth in KCC 21A.24.325. The County may allow wetland buffer width averaging provided the applicant demonstrates that buffer functions will be maintained, the buffer is contiguous, and the total buffer area is not reduced.

The applicant must demonstrate that the proposed plan includes attempts to avoid and minimize impacts to critical areas (KCC 21A.24.125). Any unavoidable wetland impacts must be mitigated through replacement or enhancement, or a combination of these two. Mitigation must maintain or improve wetland functions in accordance with the no net loss principle. For a Category III wetland in King County, the required replacement ratio is 2:1 and the enhancement ratio is 8:1 (KCC 21A.24.340.B.2). Required replacements ratios for a combination of wetland replacement and enhancement are 1:1 creation and 2:1 enhancement. Enhancement may involve removing invasive plant species and/or planting native vegetation. Replacement may involve creating or restoring wetlands on a disturbed upland area.

According to KCC 21A.06.1391, the definition of a wetland, “does not include an artificial feature made from a non-wetland area, which may include... a surface water conveyance for drainage or irrigation”. King County would not regulate the roadside ditch as a wetland, and

would therefore not apply a regulatory buffer to this feature. The regulatory status of the small marginal area associated with the ditch described above could be determined as part of a detailed wetland delineation study if impacts are proposed in this area.

State and Federal Regulations

Wetlands are also regulated by the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act. Any filling of Waters of the United States, including wetlands (except isolated wetlands), would require notification and permits from the Corps. The Corps may consider Wetland A isolated. However, the Corps makes that determination through a jurisdictional review process. Federally permitted actions that could affect endangered species (i.e. salmon or bull trout) may also require a biological assessment study and consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service. Application for Corps permits may also require an individual 401 Water Quality Certification and Coastal Zone Management Consistency determination from Ecology.

To maintain the physical, chemical, and biologic integrity of waters of the United States in accordance with the Clean Water Act, the Corps has a new review process for ditches and ditch wetlands. Based on recent court cases, it has been determined that some ditches that meet wetland criteria, even if excavated from uplands, may still be regulated by the Corps under Section 404 of the Clean Water Act as a water of the United States. If ditches will be impacted by the proposed project, it is advised that the Corps be consulted to determine if they are jurisdictional.

In general, neither the Corps nor Ecology regulates buffers, unless direct impacts to wetlands are proposed.

Please note that the findings of this letter, including wetland classification and resulting buffer width determinations, are subject to the verification and agreement of local, state and/or federal regulatory authorities.

Please call if you have any questions or if we can provide you with any additional information.

Sincerely,



Meagan McManus
Ecologist

Enclosures