

Exhibit 8

From: [Karen Walter](#)
To: [Nicole Gaudette](#)
Subject: Headrick project, CAO19-014& 1905-249, Notice of Application for Critical Area Determination
Date: Monday, August 26, 2019 4:05:06 PM
Attachments: [WDFW Fish culvert barrier map for 8222 SE 62nd Street.pdf](#)

Nicole,

We have reviewed the available information for the Headrick project at 8822 SE 62nd Street, Mercer Island and offer the following comments:

The Critical Areas Report is incomplete with respect to stream typing. The report notes that WADNR data was used to determine “fish presence determinations” consistent with the water typing rules set forth in WAC 222-16-030. This statement is inaccurate. WAC 222-16-030 is not in effect yet. The readers are directed to the interim rule in effect under WAC 222-16-031 which includes determinations for streams with potential fish use (Type 3) under 2.b.i. This section states:

*i) Waters having any of the following characteristics are presumed to have fish use:
(A) Stream segments having a defined channel of 2 feet or greater within the bankfull width in Western Washington; or 3 feet or greater in width in Eastern Washington; and having a gradient of 16 percent or less;*

The WDNR maps are tool to make this determination initially; however, in the areas outside of commercial forest production districts, the maps were not developed with field data. Therefore, anyone using the WAC and maps needs to actually collect stream data to demonstrate if the physical criteria from above are met for presumed fish use. Part of this determination means determining if there are any natural barriers downstream. We are unaware of any such barriers but the City may data otherwise.

If there are no known natural barriers, then stream data for bankfull width and streambed gradient needs to be collected by measuring 6-10 random samples on site and compare against the physical criteria. If it is met, the Stream is a Type 3/Type F fish bearing water based on presumed use.

The lack of fish presence may be a result of existing artificial barriers downstream. In this case, there are known fish passage culvert/pipe barriers per WDFW which was not identified or discussed in the CAR. See attached figure and

<https://geodataservices.wdfw.wa.gov/hp/fishpassage/index.html>

See also the assessments for two downstream culverts at

http://apps.wdfw.wa.gov/fishpassagephotos/Reports/920837_Report.pdf

http://apps.wdfw.wa.gov/fishpassagephotos/Reports/920826_Report.pdf

From a review of the site plan map showing the locations of the surveyed OHWM, it appears that the stream meets the criteria for bankfull width (i.e. >+2 feet). The streambed gradient is unknown at this time. More data is needed to establish the streams classification.

We appreciate the opportunity to review this proposal and look forward to City’s responses to these concerns. Again, additional stream data is needed to correctly establish the stream classification.

Thank you,
Karen Walter
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