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KC DLS/PERMITS

Wetland/Forest Ecologist

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May 1, 2019

Mr. John Priebe  
Raging River Mining, LLC

Re: **Technical Response to King County Memo 9/19/18 – Laura Casey  
Environmental Scientist III: Wetland A Rating, Raging River Quarry  
GRDE15-0004.**

Dear Mr. Priebe:

Per your request this letter is written as a technical response to King County's 9/19/18 Memo and in part the 5/8/18 Memo both from Laura Casey. Due to disagreements and inaccurate statements this letter will seek clarification and provide details to resolve the wetland rating and buffer issues. It is apparent that several details of past response letters have been overlooked or not addressed. Because of a frustrating review process, the previous Technical Response letter is repeated in this letter for clarifications of past comments. Therefore, that response letter - "ADDENDUM - Technical Response for Wetland A Rating, Raging River Quarry (Parcel # 222407-9011): Clearing & Grading Permit # GRDE15-0004 King County, WA (Schulz 7/8/18)" is copied in the body of this letter. Each portion of that letter is followed by new information and comments in the bold and italicized *Current Response* sections.

Additional support for this response includes a site visit conducted on January 29, 2019 with a wetland ecologist colleague who also works in King County. The observations from that site meeting are included in comments under **item 1)** listed on page 2 as part of the 7/8/18 ADDENDUM letter.

**1st paragraph from July 8, 2018 Letter (Schulz):**

Per your request this letter is written as an addendum to the previous technical response letter (Technical Response for the Raging River Quarry (Parcel # 222407-9011): Clearing & Grading Permit # GRDE15-0004 King County, WA 4/10/18, Schulz). The purpose of this letter is to clarify and re-address the rating for Wetland A. The key point is the term "Relatively undisturbed" as used and defined in wetland rating Questions H2.1 and H2.4. The County's first review of the Wetland A rating in 2015 agreed with the answer for H2.4 that states connections between 3 other wetlands within ½ mile are disturbed. The County's recent review memo disagrees with the same rating answer for Question H2.4 (5/8/18 Memo - Laura Casey, Environmental Scientist III- Ecologist). Listed as follows

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are the clarifications and reasons that support the wetland rating answer for question H2.4 as having connections that are disturbed. (7/8/18 ADDENDUM letter)

***Current Response:***

*Regarding the first paragraph of the 7/8/18 Addendum it is acknowledged that new or better information should be used. The presence of wetlands within ½ mile of Wetland A was identified by the County late in the review. The difficulty in this part of the Rating System is verifying wetland area located on private property. Another factor is the age of the County's documentation. The dates of the approximate mapping of wetlands are more than 16 years old and would not meet current standards related to wetland determination methodology. The County likely would not accept this mapping for any current permitting. Figure 1 shows the approximate locations of the off-site wetlands (X-1 and X-2) within ½ mile of Wetland A per the County documentation maps (Attachment A).*

*Also it is not known if the site inspectors that created the approximate wetland maps were trained or experienced wetland delineators.(?) The lots are developed single-family residences with maintenance and other activities that within 16+ years of use appear to have altered wetlands and wetland buffers. The approved and recorded short plat showing the subject lots at 5706 324<sup>th</sup> Pl. SE (Lot 3) and 5610 324<sup>th</sup> Pl. SE (Lot 4) does not coincide with the County documentation maps (Attachment A). This inconsistency is also discussed under the Current Response to item 1) on page 3..*

**item 1) from July 8, 2018 Letter (Schulz)**

The 2004 wetland rating method considers a 330-foot area around a wetland to be wetland buffer. Due to the need for a more detailed description of the 330-foot area and the other wetlands with ½ mile of Wetland A, the Annotated Version for the 2004 rating method was included in the 4/10/18 Technical Response. Also included was a Disturbance Map using an aerial photograph to identify disturbances around Wetland A. Much of the area south of Wetland A is undeveloped forest land. This was confirmed in Question H2.1 as 330 feet of relatively undisturbed area around Wetland A at more than 25% but less than 50%. As previously stated the area north of Wetland A has a disturbed buffer that includes residential development with regular disturbances of automobile traffic, lawn mowing, and pets in the area. The loop road (324<sup>th</sup> Pl. SE) situated next to off-site wetlands and Wetland A serves 18 single-family residences. This County right-of-way should be considered a heavily used gravel road. The memo from Laura Casey does not comment on the presence of regular disturbances or areas of frequent use in between the subject wetlands. (7/8/18 ADDENDUM letter)

***Current Response:***

*The site visit on 1/29/19 observed the driveway at 32415 SE 58<sup>th</sup> St. (Lot 1 on loop road) to be recently paved. The County's 9/19/18 Memo concludes the driveways in question do not constitute fill material even though they cross a stormwater ditch. However, the asphalt that is now present would be considered fill material.*

*The statements from the County's 9/19/18 Memo as copied below are apparently referring to the narrow corridor of trees adjacent to 324<sup>th</sup> Pl. SE (loop road).*

*"The area between the wetlands is forested, not lawn, and is undisturbed other than by the gravel driveways." and "The residences and yards are setback from the wetlands by protective buffers" (Laura Casey 9/19/18).*

*The 1/29/19 site visit also observed that the area adjacent to the loop road and south of the driveway for 5706 324<sup>th</sup> Pl. SE (Lot 3) is disturbed by clearing and is being "parked out". In addition to this area being very narrow it is not undisturbed. Per the 2004 Wetland Rating System – Annotated version, "relatively undisturbed" habitat connections need to be at least 50-feet wide. Due to private property this width was not confirmed during the field visit but the corridor is visible from the loop road and the disturbance is more than just driveways. In addition there appears to be error on the County mapping (Attachment A). There is no wetland on the north side of this driveway next to the loop road as depicted on the map. This area is an elevated bank next to a manmade drainage ditch.*

*Aerial photography shows the yards around the existing homes are maintained lawn. There does not appear to be significant protective buffer area on 32415 SE 58<sup>th</sup> St. (Lot 1 on loop road). This lot has lawn area adjacent to Wetland A and the paved driveway is located near the wetland edge. This lot also has lawn to the top of slope that is the mined quarry face. At this location the width of the lot is a disturbance break in habitat and would not be a "relatively undisturbed" connection to either wetlands X-1 or X-2.*

*The eastern back lot of 5706 324<sup>th</sup> PL SE has also been cleared to the top of slope. The wetland area X-2 on 5610 324<sup>th</sup> Pl SE (Lot 4) as mapped appears to be lawn and borders the cleared area on 5706 located directly south.*

*The County's review memo did not comment on the regular disturbances associated with residential development as listed in item 1). Residential development and the mined quarry are located between Wetland A and potential wetland areas that are off-site.*



**item 2) from July 8, 2018 Letter (Schulz)**

The County memo states "Schulz reports that the gravel driveways between the on-site and off-site wetlands should be considered heavily-used gravel roads". This is either a misstatement or misunderstanding. The 4/10/18 Technical Response (Schulz) states on page 5 - "The habitat connections between Wetland A and the wetlands located to the north have some natural forest cover but are largely disturbed from residential development. There are 3 frequently used gravel driveways between the wetlands". The driveways serve permanent residences. As is stated in the rating method question for H2.4 "connections should NOT be bisected by paved roads, **fill**, fields, pastures, or **other development**". The subject driveways are "fill" material associated with residential development. Residential development is considered to be "other development" whether it is High intensity use (urban density, > 1 unit/acre) or Moderate intensity use (rural density, < 1 unit/acre). High intensity uses and Moderate intensity uses are considered disturbances. (7/8/18 ADDENDUM letter)

**Current Response:**

*The Schulz 7/8/18 Letter stated that the County loop road (324<sup>th</sup> Pl. SE) is a heavily used gravel road within the wetland buffers. The loop road combined with the driveways and residential development add impacts and disturbances to habitat connections. The County road does not bisect the connections between the identified off-site wetlands but should be considered as it is adjacent to Wetland A and located within wetland buffers.*

*As stated in the response for item 1) the asphalt paved driveway at 32415 SE 58<sup>th</sup> St. would be considered fill material. Regardless of the presence of fill material the driveways include the impact of daily usage and activity.*

*The following statement was included in the 4/10/18 Technical Response (Schulz) and copied from the 2004 Wetland Rating System on page 81.*

*"Any heavily used paved or gravel roads, residential areas, lawns, tilled fields, parking lots, or actively grazed pastures within a zone along the edge would disqualify the buffer from being —relatively undisturbed."*

*This refers to the buffer area within 330 feet of the wetland edge and includes "residential areas" and "lawns". This information along with other details that were provided in the 4/10/18 and 7/8/18 Technical Response letters were not addressed or included in the County review memos. The County's review comments regarding "relatively undisturbed" vs. "disturbed" habitats are not supported by maps, data, or any convincing information. It appears that these review comments are just disagreements.*

**item 3) from July 8, 2018 Letter (Schulz)**

Per the request of the Quarry ownership, consultation with the WA Dept. of Ecology has been initiated for clarification. The definition of "Relatively undisturbed" was not substantially changed between the annotated 2004 version of the rating system and 2014 update (6/26/18 Email Communication from Amy Yahnke, Senior Wetlands Ecologist, WADOE). Amy Yahnke referenced page 101 of the 2014 update in her email. Page 101 has a call-out in a gray box that defines the term "Relatively undisturbed". Much of this definition is the same text that was listed in the 2004 Annotated Version and included in the 4/10/18 Technical Response letter (Schulz). There are 4 notes listed in the definition. **Note 4** states "A rarely used path or gravel road can be considered relatively undisturbed if it is used less than once or twice a week. Daily usage of a road or area is considered disturbed". In addition to the other disturbances associated with residential development, daily usage of three driveways separating wetlands and bisecting the connections does not meet Ecology's definition of "Relatively undisturbed". (7/8/18 ADDENDUM letter)

***Current Response:***

***The stated paragraph in the County's 9/19/18 Memo is as follows and needs to be corrected.***

"Gary Schulz conferred with Ecology staff Amy Yahnke, who is quoted stating that a rarely used path or gravel road can be considered relatively undisturbed if it is used less than once or twice a week."

***Attached is the email communications between Gary Schulz and Amy Yahnke dated June 25 & 26, 2018 (Attachment B). There is no quote from Amy other than to confirm the term "relatively undisturbed" was not changed in the current Wetland Rating System, 2014 Update. The driveways and residential areas in question are used more than "rarely" and "once or twice a week".***

***The 2014 Update is considered "Best Available Science". On page 100 of the 2014 Update, 2<sup>nd</sup> paragraph it explains that "high intensity" land uses such as the quarry mine and dense residential development have negative impacts on habitat because of noise, light, toxic runoff, and other disturbances (Sheldon et al., 2005). While the subject residential development adjacent to Wetland A and the off-site wetlands is not dense or high intensity those lots contribute impacts to habitat and the connections. Those impacts are included in the definition of "relatively undisturbed" as listed on page 101 of the 2014 Update. Page 101 of the 2014 Update is included as Attachment C.***



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***Residential development is an impact to habitat connections. The County's 9/19/18 Memo did not specifically discuss or address item 3) related to the daily usage of a road or area as defined by WA Dept. of Ecology.***

**From the July 8, 2018 Letter (Schulz)**

In summary three wetlands have been identified by the County reviewer as being located within ½ mile of Wetland A. The small wetland reported to be located on Parcel # 2224079109 (5610 324<sup>th</sup> Pl. SE) was not surveyed and the presence is questionable. Wetland A and the identified off-site wetlands have disturbed and degraded buffers including gravel roads and other uses associated with residential development. The disturbances from residential development include the presence of pets, frequently used gravel roads and driveways, and related lawn mowing or maintenance activities. The majority of the disturbances are considered daily usage. The existing quarry and 324<sup>th</sup> Pl. SE roadway may not entirely bisect a habitat connection but are physical barriers and do impact the connections between wetlands. Therefore the types of disturbances present between the identified off-site wetlands and Wetland A do not meet the definition of, or qualify as "Relatively undisturbed". (7/8/18 ADDENDUM letter)

Due to County review comments, new and accurate information has been provided to support a rating of Category III for Wetland A. This technical information also supports a Habitat score of 18 points instead on 20 points. The Habitat score of less than 20 points for Wetland A requires a standard wetland buffer of 80 feet. Please feel free to contact me if there are questions.

***Current Response:***

***The ADDENDUM - Technical Response letter for Wetland A Rating (7/18/18 Schulz) was copied and repeated because a number of details from it were not addressed by King County's critical areas review. The assertion by the County that the driveways to residences are not causing a habitat disturbance may be valid if these driveways are rarely used less than once or twice a week. However, the residential lots separating the subject wetlands are not summer or recreation homes. These specific residences have daily usage and the related disturbances associated with any residential development. According to the definition of "relatively undisturbed" it clearly states these areas are "almost completely free of human impacts and activities." The definition includes "Daily usage of a road or area is considered disturbed." In addition the majority of the area separating the wetlands is not undisturbed forest or other native habitat but is comprised of buildings, maintained lawns, the County loop road, and the mined quarry.***

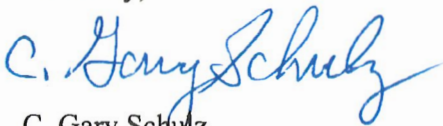
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To summarize the County reviewer has repeatedly changed the wetland rating habitat score in order to raise it to 20 points. The result of this scoring generates a significant change in the standard wetland buffer setback that increases it from 80 feet to 150 feet. Reduction of the standard buffer allowed by code through wetland buffer averaging was proposed several times but not accepted or modified by the County.

Regardless of the potential to use buffer averaging the County reviewer is not considering the full definition of "relatively undisturbed". An area or corridor is not relatively undisturbed if it has regular disturbances. In addition to the one criteria of "residential and urban development" the related regular disturbances observed include "frequently used gravel roads", "mowing" of lawns, and daily use by "pets". Any regular disturbance or daily use associated with residential development would indicate the habitat is disturbed. Using aerial photography and what area is visible from site visits, the areas separating off-site wetlands from Wetland A have more than one regular disturbance associated with the residential developments that are located between these wetlands. Contrary to the County review comments, the subject driveways are frequently used paved and gravel roads. The recent pavement of the driveway for the residential lot bordering the edge of Wetland A adds validity to the argument for frequent and daily use.

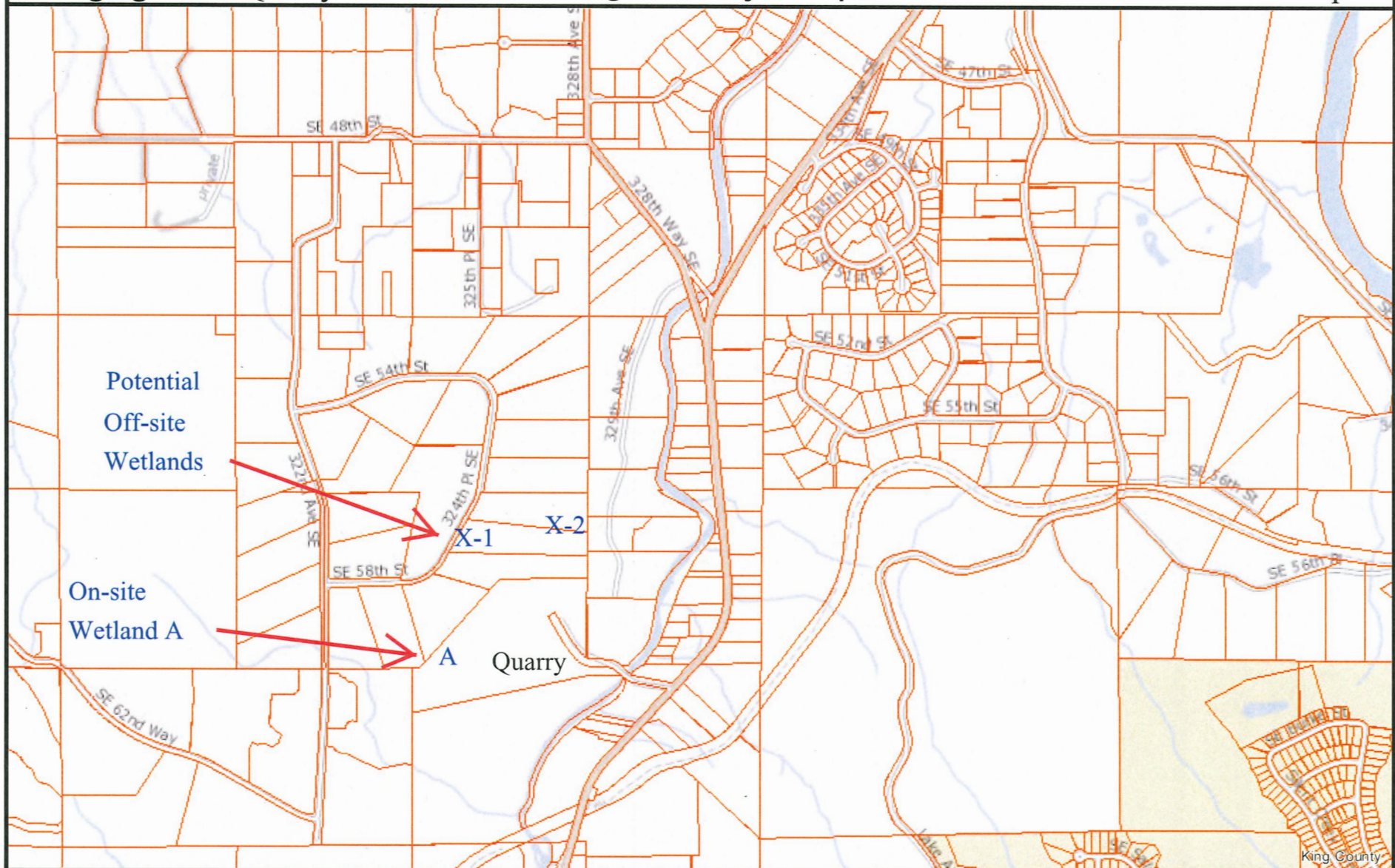
This current response is requesting re-consideration of the Habitat score using all of the technical information that has been provided here and in previous response letters. The two previous letters dated April 10, 2018 (Schulz) and July 8, 2018 (Schulz) are being re-submitted for a more detailed review. This disagreement needs to be resolved based on all the factors that define "relatively undisturbed" habitat versus disturbed habitat connections. Feel free to contact me for discussion or a meeting if needed.

Sincerely,



C. Gary Schulz  
Wetland/Forest Ecologist





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Date: 1/28/2019

Notes:

Figure 1



King County



20020924001678

5706-324th PLSE

Notice 1 - For Use With Non-Surveyed Sensitive Areas

This site plan is a sketch for informational purposes only. The location(s) of the sensitive area(s) and buffer(s) is/are not surveyed. All sensitive area(s) may be subject to further review upon any alteration of the site or its sensitive area(s) or buffer(s).

This site plan for parcel number 222407-9/DB depicts the approximate location(s) of the sensitive area(s) and buffer(s).

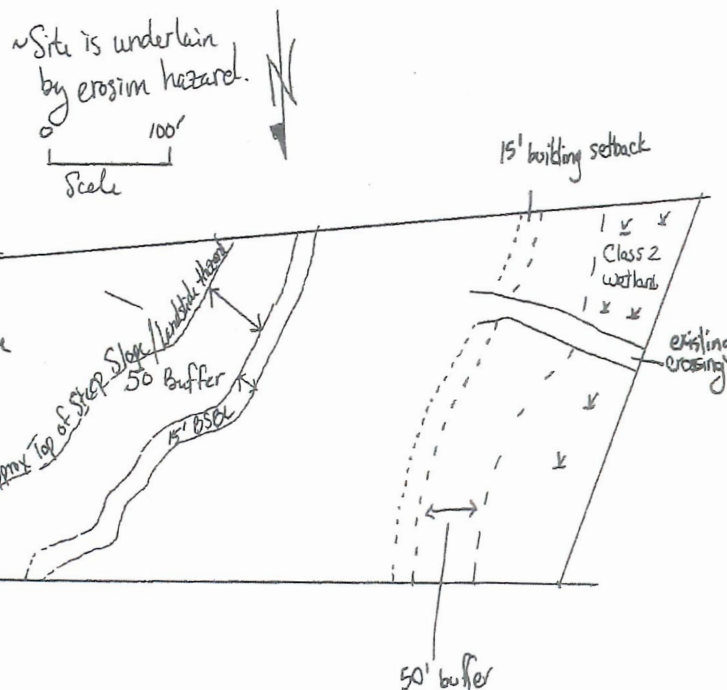
Michelle Macias  
Signature

08/02/02  
Date

SDS II  
Title  
B0261315  
King County Activity Number

Steep Slope/Landslide  
Hazard Area

NOTE: DEVELOPMENT ACTIVITIES (INCLUDING CUTTING OR PRUNING OF NATIVE VEGETATION) ARE RESTRICTED WITHIN SENSITIVE AREAS AND BUFFERS. BUFFERS ARE TYPICALLY TO REMAIN UNALTERED NATIVE VEGETATION. FOR FURTHER INFORMATION, SEE KING COUNTY ZONING CODE 21A.14



Attachment A





Attachment B

RE: Wetland HGM ?

From: Yahnke, Amy (ECY) (ayah461@ECY.WA.GOV)

To: bear4all@yahoo.com

Date: Tuesday, June 26, 2018, 5:20 PM PDT

Hi Gary,

As far as I am aware the definition of relatively undisturbed was not substantially changed between the annotated 2004 version of the rating system and the 2014 update. The 2014 update includes the definition as a call-out in a gray box and incorporates the language and/or concepts from the annotations.

Take care,

Amy

Amy Yahnke | SEA - Wetlands | WA State Dept of Ecology | o: 360-407-6527 | m: 360-688-4263 | [amy.yahnke@ecy.wa.gov](mailto:amy.yahnke@ecy.wa.gov)

**From:** Gary Schulz [<mailto:bear4all@yahoo.com>]  
**Sent:** Monday, June 25, 2018 9:54 AM  
**To:** Yahnke, Amy (ECY) <[ayah461@ECY.WA.GOV](mailto:ayah461@ECY.WA.GOV)>  
**Subject:** Re: Wetland HGM ?

Hi Amy,

Hope you are well. Looks like we last talked 3 years ago. Time keeps marching on. I have a couple questions if you are able to assist with interpretations? The first question is project related. I am a one-person shop so need help on occasion.

It appears to me that the term "relatively undisturbed" is the same in the current rating system as was applied in the 2004 version (page 101 of 2014 version)? It also appears to have some of the same language that was included in the 2004 Annotated Version. Just checking with you and can give you the specific situation when I hear back. Thanks,

Gary Schulz

Wetland/Forest Ecologist

7700 S. Lakeridge Dr.

Seattle, WA 98178

**Relatively undisturbed** is a general term used to describe areas that are almost completely free of human impacts and activities. Relatively undisturbed areas can include uplands, other wetlands, lakes or other bodies of water. It means that the area is free of regular disturbances such as:

- Tilling and cropping
- Residential and urban development
- Grazing
- Paved roads or frequently used gravel roads
- Mowing
- Pets
- Boating and fishing

**NOTE 1:** Areas dominated by aggressive species are not considered disturbed unless you also have other evidence that disturbances are still present. The aggressive species could be a result of some past disturbance that is no longer present.

**NOTE 2:** Logged areas that have been undisturbed for at least 5 years can qualify as relatively undisturbed. This includes hybrid poplar plantations that are more than 5 years old.

**NOTE 3:** Areas that are accessed daily by dogs, either from residential areas or from people walking them, should be treated as disturbed. Dogs and other pets cause stress among the animals using a wetland.

**NOTE 4:** A rarely used path or gravel road can be considered relatively undisturbed if it is used less than once or twice a week. Daily usage of a road or area is considered disturbed.

**NOTE 5:** Lakes, ponds, and other bodies of open water can be considered relatively undisturbed if they are not regularly used for boating or for other water-related activities. Daily usage of the lake by boats would be considered disturbed. A lake can be considered undisturbed if it is used only once or twice a week by non-motorized craft.