



May 1, 2019

Job No. 1359-001-007

Ms. Kim Claussen, Program Manager III  
King County DLS  
35030 SE Douglas Street, Ste #210  
Snoqualmie, WA 98065

**RE: PLAT18-0007 Gunshy Manor, Proposed Preliminary Plat  
Response to City of Redmond Comments**

Dear Ms. Claussen:

This letter is written on behalf of The Estate of Barbara J Nelson and the WCN GST Non-Exempt Marital Trust #2 to provide King County with a detailed response to the City of Redmond comments submitted to King County regarding the Nelson Estate's property and the Gunshy Manor Proposed Preliminary Plat.

**Introduction:**

The streams and wetlands on the property are agricultural drainage ditches and pastures that have been continuously used for agricultural purposes since the 1950's. Hydrology for these farm ditches is supported by surface and groundwater from an existing network of field drain tiles and seasonal high groundwater levels. Hydrology levels in and along Evans Creek have not been altered as a result of work performed on the Nelson property.

Most concerns appear to be related to reconditioning the pastures on the property, which typically occurs every 5+ years (King County Code Enforcement Cases E09G0202 and ENFR14-0512). The County found these activities to be allowed agricultural practices and the enforcement cases were dismissed. The gravel that Mr. Nelson placed on his farm roads in 2014 was resolved, without any admission of liability, through a settlement agreement with EPA and Ecology. The gravel was lawfully removed to the satisfaction of the EPA and the Washington State Department of Ecology.

**Responses to Mr. Robert Odle, City of Redmond, Comments Dated July 25, 2016**

On July 25, 2016, Mr. Robert Odle from the City of Redmond provided comments and questions related to permit file GRDE14-0143. Specifically, the City's concerns are in relation to alleged unauthorized fill within protected critical areas on the Nelson property, with the request for more information about the violations and the work proposed.

On August 7, 2014, King County Department of Permitting and Environmental Review (DPER) issued a Code Violation under case #ENFR14-0512, for work performed on the Nelson property in violation of King County Code. This work involved the change of surface material of existing internal farm roads and the creation of new internal farm roads within critical areas and buffers.

In a series of six permits and approvals between four different jurisdictions and agencies, restoration and mitigation work was proposed that addressed the alleged code violations. All proposed work was carefully reviewed to meet standards and codes through a variety of studies, reports, maps and plans prepared and submitted to the agencies.

On April 14, 2017, DPER issued a Mitigated Determination of Non-Significance for restoration work proposed through GRDE14-0143. The work proposed consisted of "approximately 954 cubic yards of material be exported/removed (farm roads be narrowed to approximately 8 feet in width) with approximately 437 cubic yards of replacement material (top soil) to be imported" with "areas be reseeded where roadway width reduced." On April 27, 2017, DPER issued an approved grading permit for this work.

On July 17, 2017, the Washington Department of Fish and Wildlife (WDFW) issued a Hydraulic Project Approval for the realignment of the segment of South Farm Ditch (aka Farm Ditch 1) to restore a previous meander (file #2017-4-473+01).

On July 28, 2017, without admitting liability, the applicant entered into an Amended Administrative Order of Consent (AAOC) with the EPA (CWA-10-2017-0152) and an Agreed Administrative Order with the Washington State Department of Ecology. The work proposed with these Orders and the first HPA required an additional grading permit through DPER. This work included meandering of a segment of a farm ditch on the subject property (Farm Ditch 1), removal of four catch basins, and installation of a railcar bridge to replace an existing culvert that crossed beneath a farm road at a point along the South Farm Ditch. The culvert replacement work was conducted to enhance fish passage.

On August 22, 2017, KC DPER issued an Addendum to the original MDNS that addressed work proposed with GRDE17-0043, also included in the AAOC. The following day, DPER issued this second grading permit approval.

On September 5, 2017, WDFW issued a second HPA (2017-4-652+01) for the proposal to replace the existing culvert with a 9-foot-wide by 24-foot-long steel railcar bridge.

On July 2, 2018, the U.S. Army Corps of Engineers issued a Corps of Engineers Nationwide 32 permit (NWP) to implement the portion of the AAOC work that involved the meandering and restoration of a 211-foot-long segment of the South Farm Ditch, and the backfilling of a 180-linear-foot segment of an altered channel (file #NWS-2016-632).

The proposed restoration work associated with the two King County grading permits , the two Hydraulic Project Approvals from WDFW, the EPA AAOC and the Corps' NWP was completed on August 10, 2018. Mitigation planting on parts of the western area of the Nelson property near Evans Creek, required as part of the AAOC and Ecology Agreed Order, was completed in October 2018.

A five-year monitoring period of the mitigation planting is now in process, with replacement plants installed as needed pursuant to the terms of the AAOC and Agreed Order. Talasaea Consultants, Inc. is providing completion and performance reports for the restoration work performed under the AAOC and Agreed Order.

Each jurisdiction and agency associated with the required permits and approvals of the restoration work have files available to the public upon request.

**Response to Ms. Cathy Beam, City of Redmond, Comments Dated July 24, 2018**

Ms. Cathy Beam's email dated July 24, 2018 requested a status update on the comments and questions provided by Mr. Robert Odle in 2016, which we address through the information provided above.

Ms. Beam's additional comments regarding the proposed Gunshy Manor Preliminary Plat are included in *italics*, with ESM's response in **bold**:

1. *The submittal notes that a LOMR will be filed with FEMA. It is not clear whether the LOMR is to finalize issues from the previous unauthorized work in the floodplain, or if it would be for proposed work associated with this proposed plat. This should be clarified for the FEMA submittal and any impacts to the floodplain caused by this project should be mitigated.*

A LOMR is not proposed with this project. The area in question near the existing FEMA floodplain is no longer included in the preliminary plat proposal and has been separated from this project as part of BLAD18-0056. The property owner of the newly modified parcel #082506-9012 may submit a LOMA through FEMA; however, the LOMA would not be as a result of fill located within critical areas or buffers.

2. *Any culvert or bridge crossings of the two on-site streams should meet current standards for fish passage and flow capacity. Existing culverts should be replaced if necessary.*

The existing Martin Creek crossing on parcel #082506-9013 will be abandoned and will become part of the stream buffer. Two existing bridge structures over Martin Creek on parcel #082506-9067 will be removed and replaced with a single bridge, capable of handling the anticipated traffic. The decks of the existing bridges across Martin Creek will be removed; however, the footings will remain so as to provide as little disturbance to the creek as possible. The new bridge will meet current standards for fish passage and flow capacity. The existing culvert within the NE Union Hill Road right-of-way will not be modified with this project.

Thank you for providing us with the opportunity to provide this response to you. If you or the City of Redmond staff have any further questions, please don't hesitate to contact me at (253) 838-6113.

Sincerely,

ESM CONSULTING ENGINEERS, LLC



ERIC G. LaBRIE, A.I.C.P.  
President

Enclosures: None.

cc: Buff Nelson, representative of The Estate of Barbara J. Nelson and of the WCN GST Non-Exempt Marital Trust #2

David Halinen, Halinen Law