



TECHNICAL MEMORANDUM

Prepared by: Grette Associates, a division of Farallon Consulting, L.L.C. April 1, 2024
2709 Jahn Avenue NW, Suite H-5
Gig Harbor, WA 98335

Prepared for: City of Medina
Attention: Rebecca Bennett
PO Box 144 – 501 Evergreen Point Rd.
Medina, WA 98039

File No.: 3362-001-004

Re: 226 Overlake Drive East – P-24-005: No Net Loss Third-Party Review

1 INTRODUCTION

The City of Medina (City) has contracted with Grette Associates, a division of Farallon Consulting, L.L.C., to assist in the review of the Ecological No Net Loss Assessment Report (the “Report”; dated January 2024) prepared by Northwest Environmental Consulting, L.L.C.

The Report was prepared in support of the proposed project to install two epoxy coated mooring pile adjacent to the existing dock (Project) located at 226 Overlake Drive East (King County parcel 3835503173) in the City of Medina. Please note that the Report inconsistently states the mooring pile size is either 8-inches or 12-inches in diameter. For the purpose of this review, 12-inche pile were considered.

Given the location, with respect to critical areas, this Project is regulated under Subtitle 16.6 (Shoreline Master Program [SMP]) of the current version of the Medina Municipal Code (MMC).

This third-party review of the Report is based solely on information obtained from online sources; no on-site assessment was conducted.

2 REVIEW METHODS

2.1 Site Visit

In lieu of an on-site assessment, Grette Associates utilized available online information to verify the environmental conditions summarized in the Report, and to identify all potential wetlands, streams, and fish and wildlife habitat conservation areas (FWHCAs) as defined in the Medina SMP that may be present within and adjacent to the subject property. The sources of information reviewed included:

- U.S. Fish and Wildlife Service’s National Wetlands Inventory (NWI) Database;
- Washington Department of Fish and Wildlife’s (WDFW) Priority Habitats and Species (PHS) Database;
- The Washington Department of Natural Resources’ (WDNR) Forest Practice Application Database; and,

- WDFW's SalmonScape Database.

2.2 Document Review

A Grette Associates qualified professional conducted a thorough review of the Report submitted to the City. The review focused on verifying the accuracy of the descriptions within the document and compliance with the current version of the Medina SMP (Subtitle 16.6 of the MMC).

In addition to being subject to state and federal requirements, the Project must comply with the SMP's no net loss requirements defined in MMC 16.66.010, including mitigation sequencing, and the critical area requirements defined in MMC 16.67.050, which includes identifying all critical areas within 200 feet of a proposed project. As noted above, this review is based solely on the online information reviewed by Grette Associates.

3 REVIEW RESULTS

Based on queried information, it appears that Lake Washington is the only critical area (i.e., wetlands, streams, and FWHCAs) on or within 200 feet of the subject property. Per MMC 16.67.080, Lake Washington is classified as a FWHCA; therefore, an applicant must submit a critical areas report meeting the requirements defined in MMC 16.67.050. The Report does not include additional information to address the critical areas reporting requirements; however, MMC 16.67.050 does allow for the director to require less information to adequately address the critical areas within a proposed project area. In Grette Associates professional opinion, given that Lake Washington is the only critical area within 200 feet of the Project, the Report contains sufficient information to document all critical areas within 200 feet.

Per MMC 16.66.010, any proposed project subject to regulation under the SMP is required to prepare an analysis to demonstrate that no net loss of existing shoreline ecological functions will occur as a result of a project. This analysis includes, but is not limited to, the following:

- A description of existing conditions of the affected shoreline;
- Demonstration of mitigation sequencing (MMC 16.66.020);
- An impact analysis; and,
- Proposed mitigation.

The Report provides an accurate description of the existing conditions and habitats along the portion of Lake Washington within the subject property as well as includes a sufficient analysis of potential impacts that may occur as a result of the Project. The Report also includes a description of best management practices (BMPs) that will be implemented during construction. Lastly, the Report concludes that impacts from the Project will likely be limited to temporary impacts during construction and will not have an adverse impact to salmonids. While Grette Associates concurs with this conclusion, the Report lacks demonstration of mitigation sequencing as required in the no net loss analysis requirements defined in MCC 16.66.010.

According to the Report, the Project is intended to support existing boat moorage associated with the subject property but will not introduce additional boating beyond what currently exists at the residence. The subject property contains an existing two-slip private dock that provides boat moorage which suggest the existing dock is sufficient to maintain current moorage availability. The Report does not include any rationale (i.e., mitigation sequencing) to demonstrate avoidance is not feasible.

To ensure no net loss of shoreline ecological function, the property owner proposes to utilize an in-lieu fee program in response to federal permit requirements as well as planting two native trees and three native shrubs. The Report does not include a summary of any post-project monitoring to ensure survival of the native species and thus no net loss of function; however, according to the included figure set (Sheet 6.0) the Project will perform a post-project inspection and complete a 5-year monitoring effort for compliance with federal permit requirements. Per MMC 16.66.020, monitoring is required to be completed for any mitigation action and, per MMC 16.67.040, a monitoring program shall meet the minimum performance standards and monitoring period defined in said section of code. The proposed monitoring program meets the minimum requirements defined in MMC 16.67.040. As such, the post-project inspection report and monitoring reports should also be provided to the City for compliance with the no net loss requirements defined in Chapter 16.66 of the MMC.

In Grette Associates' professional opinion, the no net loss standards defined in Medina's SMP are largely being met; however, the Report should be revised to include mitigation sequencing to demonstrate that all reasonable efforts to avoid impacts have been considered and that the proposed mooring pile are necessary.

4 SUMMARY AND RECOMMENDATIONS

In summary, Grette Associates largely concurs with the Report's determination that the Project will not result in a net loss of existing shoreline ecological functions. However, as noted above, Grette Associates recommends that the Report be revised to include mitigation sequencing per MMC 16.66.020, and that the City requires the applicant to submit copies of the monitoring reports as outlined in the provided sheet set (Sheet 6.0) for compliance with the no net loss requirements defined in Chapter 16.66 of the MMC.

Pending review, once these recommendations have been sufficiently addressed in the Report it is Grette Associates' opinion that the submitted document would provide sufficient information to adequately address no net loss and critical areas. This determination requires approval from the director per MMC 16.66.010 and MCC 16.67.050.

The review of the Report was conducted using the best available scientific information and methodologies and the best professional judgment of Grette Associates staff biologists. Final acceptance and approval of the Report is at the discretion of City staff.

If you have any questions regarding this review, please contact me at (253) 573-9300, or by email at chadw@gretteassociates.com.

Regards,



Chad Wallin, PWS
Biologist
Grette Associates, a division of Farallon Consulting L.L.C.