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**From:** David Swindale  
**Sent:** Thursday, March 17, 2016 3:04:33 PM  
**To:** Ballash, Heather (COM)  
**Cc:** Gary Cooper; Jack Ecklund  
**Subject:** Draft Guidance - Building Cities in the Rain  
**Importance:** Normal

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In 2014 the City needed to replace an old failing culvert on Crystal Creek. The creek which is in daylight at the location where the failed culvert needed to be replaced runs through an suburban setting with landscaped yards and driveway culverts and well and other road culverts and a stormwater pond downstream. There is no known threatened or endangered species utilizing the creek and use by other species is suspect due to blockages, marginal water quality and low flows. During summer months the creek dries out.

Despite the condition of the creek initial review by WDFW required a bank full width + box culvert with up and down stream channel modifications and mitigations warranted for fish passage. The result would have been cost prohibitive as private lands would need to be condemned in order to complete the project as required. The only alternative would be to await a catastrophic failure of the roadway and make emergency repairs. Following months of negotiations, the City was able to successfully transfer the mitigation requirements to the Leach Creek (a chum and Coho bearing creek), where the City removed two derelict metal bridges which were falling into the creek, recorded an 18 acre conservation easement, removed 50 cubic yards of garbage and removed an acre of Knotweed and replanted with native vegetation.

The proposed guidance should make allowances for transfers of mitigation like this example. In instances where common sense indicates that building for fish passage does not make sense because of stream conditions, jurisdictions should be able to compensate by providing mitigation where it does make sense by providing for salmon recovery and habitat improvement.

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