



600 University Street, Suite 3600
Seattle, Washington 98101
main 206.624.0900
fax 206 386 7500
www.stoel.com

April 13, 2011

HUNTER FERGUSON
Direct (206) 386-7514
hoferguosn@stoel.com

VIA ELECTRONIC FILING

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

ENTERED
Office of Proceedings

APR 13 2011

Part of
Public Record

Re: GNP Rly, Inc. Petition for Exemption, STB Finance Docket No. 35407;

229264

GNP Rly, Inc. Petition to Vacate NITU or Abandonment, STB Docket Nos. AB-6
(Sub. No. 463X) and AB-6 (Sub. No. 465X)

Dear Ms. Brown:

229265

229266

In its comments on GNP Railway Inc.'s petitions to reinstate rail service on the Redmond Spur, the City of Redmond, Washington noted that it plans to construct a 48 inch diameter stormwater trunk line in the summer of 2011 within and along the north edge of the rail corridor that runs through downtown Redmond.¹ The trunk line will collect untreated stormwater and deliver it to a newly constructed treatment facility, for ultimate discharge into the Sammamish River. The stormwater trunk line will run alongside the railroad tracks and has been designed and engineered to allow for future rail use, but construction of trunk line will require the removal of approximately 1.1 miles of track and ties between MP 7.3 and 6.2.

This project will retrofit large portions of Redmond's water treatment system to provide flow control and water quality treatment in accordance with Redmond's National Pollutant Discharge Elimination Standards (NPDES) and local stormwater requirements.² It will also

¹ See The City of Redmond's Comments in Opposition to GNP Railway Petitions for Exemption and to Vacate Notices of Interim Trail Use at 15, 18 (filed Nov. 9, 2010).

² See Washington Department of Ecology, Phase II Western Washington Municipal Stormwater Permit at 7-8 (last updated June 2009), <http://www.ecy.wa.gov/programs/wq/stormwater/municipal/phaseIIww/wwphiipermitt.html> (Attachment 1); City of Redmond Regional Stormwater Facilities Plan at 3 (Feb. 5, 2010), <http://www.redmond.gov/common/pages/UserFile.aspx?fileId=15129> (Attachment 2).



Cynthia Brown

April 13, 2011

Page 2

protect endangered Chinook salmon that inhabit the River.³ Construction will be financed through a Stormwater Retrofit and LID Grant from the Washington State Department of Ecology.⁴ This project has been delayed for more than a year, and to ensure that it will meet water quality standards, Redmond plans to commence construction soon. On May 4, 2011, Redmond will advertise for bids. Construction is estimated to begin on July 1.

The affected segment of the Redmond Spur is a railbanked corridor,⁵ and Redmond owns the real property comprising the right of way. In light of these conditions, Redmond does not seek or require any additional authorization from the Board to salvage the track and ties on the affected segment of the right of way. Redmond is mindful, however, of the requirement in 16 U.S.C. 1247(d) that railbanked rights of way be preserved for future rail use. Given the pendency of GNP's petitions to reinstate rail service and vacate the Board's decision authorizing interim trail use of the corridor,⁶ Redmond hereby confirms that the stormwater trunk line has been designed to allow reactivation of rail service on the Redmond Spur consistent with the governing statutes and regulations.

Very truly yours,

Hunter Ferguson
Counsel for City of Redmond, Washington

cc: Parties of Record

³ See Final Lake Washington/Cedar Sammamish Watershed (WRIA 8) Chinook Salmon Conservation Plan, vol. I, ch. 4 at 7, 23–24 (July 2005), http://www.govlink.org/watersheds/8/planning/chinook-plan/volumeI/06_Chapter_4_Conservation_Strategy.pdf (Attachment 3).

⁴ Letter of January 25, 2011 from Kelly Susewind, Washington Department of Ecology, to Jon C. Spangler, Redmond Public Works (Attachment 4).

⁵ Notice of Consummation of Trail Use Agreement in *BNSF Railway Company – Abandonment Exemption – in King County, WA*, STB Docket No. AB-6 (Sub Nos. 463X, 464X and 465X) (STB filed March 8, 2010).

⁶ Decision and Notice of Interim Trail Use or Abandonment, *BNSF Railway Company – Abandonment Exemption – in King County, WA*, STB Docket No. AB-6 (Sub No. 463X) (STB served October 27, 2008).

**Case Title: GNP RLY, INC.--ACQUISITION AND OPERATION
EXEMPTION--REDMOND SPUR AND WOODINVILLE SUBDIVISION
Docket No. 35407 and
STB Docket Nos. AB-6 (Sub No. 463X and Sub No. 465X)
CERTIFICATE OF SERVICE**

<u>Filed By</u>	<u>Address</u>	<u>Email</u>	<u>Filed For</u>
1. Matthew Cohen	Stoel Rives Lip 600 University Street, Suite 3600 Seattle, WA 98101 Tel: 206-386-7569 Fax: 206-386-7500	Mcohen@Stoel.Com	City Of Redmond WA
2. Hunter Ferguson	Stoel Rives Lip 600 University Street, Suite 3600 Seattle, WA 98101 Tel: 206-386-7514	Hoferguson@Stoel.Com	
3. Charles A. Spitulnik W. Eric Pilsk Allison I. Fultz	Kaplan Kirsch & Rockwell Lip 1001 Connecticut Avenue, Nw. Suite 800 Washington, DC 20036 Tel: (202) 955-5600	cspitulnik@kaplankirsch.com epilsk@kaplankirsch.com afultz@kaplankirsch.com	King County, WA
4. Pete Ramels, Andrew Marcuse	Office of the Prosecuting Attorney Civil Division W400 King County Courthouse 516 Third Avenue Seattle, WA 98104 Tel:	pete.ramels@kingcounty.gov andrew.marcuse@kingcounty.gov	King County
5. John D. Heffner James H. M. Savage	Law Offices 1750 K Street, N.W., Suite 350 Washington, DC 20006 Tel: 202-296-3333 Fax: 202-296-3939	j.heffner@verizon.net jsavagelaw@aol.com	Gnp Rly Inc.
6. Denis Law	City Of Renton 1055 S Grady Way Renton, WA 98057 Tel: 425-430-6500	by U. S. Mail	City Of Renton
7. Lawrence J. Warren	City of Renton PO Box 626 Renton, WA 98057 Tel: 425-430-6480	lwarren@rentonwa.gov	City of Renton
8. Isabel Safora Anne DeKoster	Port Of Seattle P. O. Box 1209 Seattle, WA 98111	safora.i@portseattle.org dekoster.a@portseattle.org	Port Of Seattle
9. Kevin Sheys	K&L Gates LLP 1601 K Street NW Washington, DC 20006 Tel: 202-778-9855 Fax: 202-778-9100	kevin.sheys@klgates.com	Port Of Seattle
10 Steve Sarkozy	City Of Bellevue P.O. Box 90012 Bellevue, WA 98009 Tel:	by U. S. Mail	City Of Bellevue
11 Kurt Triplett	City Of Kirkland 125 5Th Ave Kirkland, WA 98033 Tel:	by U. S. Mail	City Of Kirkland

12 David T. Raiston, Jr.	Foley & Lardner LLP 3000 K Street, N.W., Suite 500 Washington, DC 20007-5143 Tel: (202) 672-5300 Fax: (202) 672-5399	Draiston@Foley.Com	Central Puget Sound Regional Transit Authority
13 Davit T. Rankin Kristy D. Clark	BNSF Railway PO Box 961039 Forth Worth, TX 76131-2828	david.rankin@bnsf.com kristv.clark@bnsf.com	BNSF
14 Karl Morell	Ball Janik LLP 1455 F Street NW, Suite 225 Washington, DC 2005 Tel: 202-638-3307 Fax: 202-783-6947	kmorell@billp.com	BNSF Railway Co
15 Jordan Wagner	401 S. Jackson St. Seattle, WA 98104	jordan.wagner@soundtransit.org	Sound Transit
16 Andrea C. Ferster	Rails-To-Rails Trails Conservancy 2121 Ward Court, N.W., 5th Floor Washington, DC 20037	afferster@railstotrails.org	Rails-To-Rails Trails Conservancy
17 Jean M. Cerar	Issaquah Valley Trolley PO Box 695 Issaquah, WA 98027	info@issaquahhistory.org	Issaquah Valley Trolley
18 Mike Bates	Woodinville Lumber, Inc. 15900 Woodinville-Redmond Road NE Woodinville, WA 98072 Tel: 425-488-1818 Fax: 425-488-7409	by U. S. Mail	Woodinville Lumber, Inc.
19 Kathy Cox	Marketing Philharmonic 218 Main Street #668 Kirkland, WA 98033 Tel: 425-822-3925	by U. S. Mail	Marketing Philharmonic
20 Don Davis	Master Builders Association of King & Snohomish Counties 335 - 116th Avenue SE Bellevue, WA 98004 Tel: 425-451-7920 Fax: 425-646-5985	by U. S. Mail	Master Builders Association of King & Snohomish Counties
21 Dean Kattler	Waste Management of Washington, Inc. 13225 NE 126th Place Kirkland, WA 98034 Tel: 425-823-6164 Fax: 425-814-7866	by U. S. Mail	Waste Management, Inc.
22 Ernest F. Wilson	17509 NE 38th Court Redmond, WA 98052 Tel: 425-869-8899	ewilson@spiretech.com	Ernest F. Wilson
23 Paul Zimmer	Eastside Rail Now PO Box 3524 Bellevue, WA 98009 Tel: 425-646-8517	pzimmer@eastsiderailnow.org	Eastside Rail Now

I certify that I have sent to the parties of record as set forth above & obtained from the STB website, via email/pdf and/or via U. S. Mail the following: (1) Cover letter of Wednesday, April 13, 2011, from Hunter Ferguson to Cynthia T. Brown.


Teresa Bitseff, Legal Secretary
STOEL RIVES LLP

Dated: Wednesday, April 13, 2011

ATTACHMENT 1

Issuance Date: January 17, 2007
Effective Date: February 16, 2007
Expiration Date: February 15, 2012
Modification Date: June 17, 2009

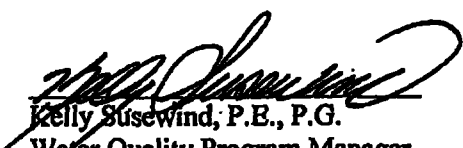
**WESTERN WASHINGTON PHASE II MUNICIPAL STORMWATER
PERMIT**

**National Pollutant Discharge Elimination System and
State Waste Discharge General Permit for Discharges
from Small Municipal Separate Storm Sewers
in Western Washington**

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
OLYMPIA, WASHINGTON 98504-7600**

**In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.**

Until this permit expires, is modified, or revoked, permittees that have properly obtained coverage under this permit are authorized to discharge to waters of the state in accordance with the special and general conditions which follow.


Kelly Susewind, P.E., P.G.
Water Quality Program Manager
Department of Ecology

Western Washington Phase II Municipal Stormwater Permit

- C. This Permit does not relieve entities that cause illicit discharges, including spills, of oil or hazardous substances, from responsibilities and liabilities under state and federal laws and regulations pertaining to those discharges.
- D. Discharges from municipal separate storm sewers constructed after the effective date of this permit shall receive all applicable state and local permits and use authorizations, including compliance with Chapter 43.21C RCW (the State Environmental Policy Act).
- E. This Permit does not authorize discharges of stormwater to waters within Indian Reservations except where authority has been specifically delegated to Ecology by the U.S. Environmental Protection Agency. The exclusion of such discharges from this Permit does not waive any rights the State may have with respect to the regulation of the discharges.

S3. RESPONSIBILITIES OF PERMITTEES

- A. Each Permittee covered under this Permit is responsible for compliance with the terms of this Permit for the regulated small MS4s that they own or operate. Compliance with (1) or (2) below is required as applicable to each permittee, whether the permittee has applied for coverage as a permittee, co-permittee, or secondary permittee.
 - 1. All city, town and county permittees are required to comply with all conditions of this Permit, including any appendices referenced therein, except for Special Condition S6 *Stormwater Management Program for Secondary Permittees*.
 - 2. All secondary permittees are required to comply with all conditions of this Permit, including any appendices referenced therein, except for Special Conditions S8.C. *Monitoring and S5 Stormwater Management Program for Cities, Towns and Counties*.
- B. Permittees may rely on another entity to satisfy one or more of the requirements of this Permit. Permittees that are relying on another entity to satisfy one or more of their permit obligations remain responsible for permit compliance if the other entity fails to implement permit conditions. Permittees may rely on another entity provided all the requirements of 40 CFR 122.35(a) are satisfied, including but not limited to:
 - 1. The other entity, in fact, implements the Permit requirements.
 - 2. The other entity agrees to take on responsibility for implementation of the Permit requirement(s) as indicated on the NOI.

S4. COMPLIANCE WITH STANDARDS

- A. In accordance with RCW 90.48.520, the discharge of toxicants to waters of the state of Washington which would violate any water quality standard, including toxicant standards, sediment criteria, and dilution zone criteria is prohibited. The required response to such discharges is defined in section S4.F., below.
- B. This Permit does not authorize a discharge which would be a violation of Washington State Surface Water Quality Standards (Chapter 173-201A WAC), Ground Water Quality Standards (Chapter 173-200 WAC), Sediment Management Standards (Chapter 173-204 WAC), or human health-based criteria in the national Toxics Rule (Federal Register, Vol.

Western Washington Phase II Municipal Stormwater Permit

57, NO. 246, Dec. 22, 1992, pages 60848-60923). The required response to such discharges is defined in section S4.F., below.

- C. The Permittee shall reduce the discharge of pollutants to the maximum extent practicable (MEP).
- D. The Permittee shall use all known, available, and reasonable methods of prevention, control and treatment (AKART) to prevent and control pollution of waters of the state of Washington.
- E. In order to meet the goals of the Clean Water Act, and comply with S4.A., S4.B., S4.C., and S4.D. each Permittee shall comply with all of the applicable requirements of this Permit as identified in S3 Responsibilities of Permittees.
- F. A Permittee remains in compliance with S4. despite any discharges prohibited by S4.A. or S4.B., when the Permittee undertakes the following response toward long-term water quality improvement:
 - 1. A Permittee shall notify Ecology in writing within 30 days of becoming aware, based on credible site-specific information, that a discharge from the municipal separate storm sewer owned or operated by the Permittee is causing or contributing to a known or likely violation of Water Quality Standards in the receiving water. Written notification provided under this subsection shall, at a minimum, identify the source of the site-specific information, describe the nature and extent of the known or likely violation in the receiving water, and explain the reasons why the MS4 discharge is believed to be causing or contributing to the problem. For ongoing or continuing violations, a single written notification to Ecology will fulfill this requirement.
 - 2. In the event that Ecology determines, based on a notification provided under S4.F.1. or through any other means, that a discharge from a municipal separate storm sewer owned or operated by the Permittee is causing or contributing to a violation of Water Quality Standards in a receiving water, Ecology will notify the Permittee in writing that an adaptive management response outlined in S4.F.3. below is required, unless Ecology also determines that (a) the violation of Water Quality Standards is already being addressed by a Total Maximum Daily Load or other enforceable water quality cleanup plan; or (b) Ecology concludes the violation will be eliminated through implementation of other permit requirements.
 - 3. Adaptive Management Response
 - a. Within 60 days of receiving a notification under S4.F.2., or by an alternative date established by Ecology, the Permittee shall review its Stormwater Management Program and submit a report to Ecology. The report shall include:
 - i. A description of the operational and/or structural BMPs that are currently being implemented to prevent or reduce any pollutants that are causing or contributing to the violation of Water Quality Standards, including a qualitative assessment of the effectiveness of each BMP.

ATTACHMENT 2

**City of Redmond
Regional Facilities Plan
February 5, 2010**

Redmond's Regional Stormwater Facilities Plan is presented within this document. Specifically, this document describes:

- Goals and objectives of the Plan;
- Regulatory drivers related to the Plan;
- Ongoing communications with Ecology about this Plan;
- Redmond's Plan – administration and implementation and how goals, objectives, and regulatory requirements are met; and
- Request for approval of the Plan and individual regional facilities.

Goals and Objectives

Redmond's goal is to coordinate development of the City's urban centers with stormwater management improvements that provide water quality benefits for receiving waters on an accelerated schedule while taking advantage of economies of scale to reduce capital construction and long term operation and maintenance cost.

To meet this goal, the City has four main objectives:

1. Reduce impacts to receiving water bodies from stormwater.
 2. Expedite the loading reduction of stormwater entrained pollutants beyond the development/redevelopment standards established in the NPDES Phase II Municipal Stormwater Permit.
 3. Promote development/redevelopment in the City's urban centers to meet the goals and intent of the Washington State Growth Management Act.
 4. Protect the City's shallow unconfined drinking water aquifer from potential stormwater related impacts.
-

These objectives can be met through construction of regional stormwater facilities that address minimum requirements for flow control and runoff treatment in large City owned facilities. Regional facilities will be designed to provide an equivalent or higher level of receiving water protection than would be achieved by applying runoff treatment and flow control at the site scale to development/redevelopment projects.

Regulatory Drivers

Redmond is significantly built-out, particularly within its two urban centers where the City's regional facilities plan is focused. According to the NPDES Phase II Municipal Stormwater Permit, development of a parcel that currently has 35% or more impervious area is redevelopment. Within the downtown urban center, excluding single family and park properties, more than 85% of future development will occur as redevelopment. Within the Overlake urban center, 100% of future development will occur as redevelopment.

Currently, there is little to no flow control or runoff treatment built into the City's existing stormwater infrastructure. Most of the City was built prior to 1996 when Redmond adopted the 1992 Washington Department of Ecology Stormwater Management

**City of Redmond
Regional Facilities Plan
February 5, 2010**

Table 2: Permit Requirements, Ecology Manual Guidance, and Redmond's Plan	
Ecology Requirements (Permit) and Guidance (Manual)	Redmond's Plan:
"... certain requirements may be tailored to local circumstances through the use of basin plans or <u>other similar water quality and quantity planning efforts</u> . Such local requirements shall provide equal protection of receiving waters and equal levels of pollutant control." (Permit: S5.C.4.a.I)	... is a regional facilities plan.
"Treatment and flow control requirements may be achieved through construction of regional facilities." (Manual: Vol. I, Page 2-11)	
New development and redevelopment sites greater than 1 acre must be regulated to control runoff. (Permit: S5.C.4)	... regulates runoff from sites that create 5,000 SF or more impervious.
For redevelopment projects, Ecology allows for flow control and runoff treatment "requirements to be met for an equivalent (flow and pollution characteristics) area within the same site. For public roads' projects, the equivalent area does not have to be within the project limits, but must drain to the same receiving water." (Permit: Appendix 1, 3.3)	... defines the "site" as the whole tributary subbasin that drains to the regional facility(ies), allowing fee-in-lieu and treatment of equivalent areas within the "site".
Ecology allows fee-in lieu programs for redevelopment projects. (Manual: Vol. I, Page 2-14)	
For new development projects, Ecology requires that regional facilities are operational prior to the new development. (Manual: Vol. I, Page 2-11)	... allows project sites with less than 35% existing impervious (new development) to participate in the regional facilities plan if the City has built a regional project for that site's area.
The City "may exempt ... redevelopment projects from compliance with Minimum Requirements for treatment, flow control, and wetlands protection as applied to the replaced impervious surfaces if [the City] has adopted a plan and a schedule that fulfills those requirements in regional facilities." (Permit: Appendix 1, Section 3.4)	... allows project sites with more than 35% existing impervious (redevelopment) to participate in the regional facilities program if the City has a project included in the six-year CIP list.

ATTACHMENT 3

**FINAL
LAKE WASHINGTON/CEDAR/SAMMAMISH WATERSHED
(WRIA 8) CHINOOK SALMON CONSERVATION PLAN**

VOLUME I

July 2005

CHAPTER 4: CHINOOK CONSERVATION STRATEGY FOR WRIA 8

Viable Salmonid Population Guidance for WRIA 8

The Puget Sound Technical Review Team (PSTRT, 2001) has identified two independent populations of Chinook in WRIA 8: the Cedar River and Sammamish River Chinook. The Sammamish River population includes North Lake Washington and Issaquah sub-populations. In their determination of population structure, the PSTRT notes that it is unclear whether the tributaries draining into the north end of Lake Washington historically supported an independent Chinook population. However, the PSTRT has also identified two factors indicating that this area has the potential to support independent Chinook populations. First, the PSTRT states that the Sammamish River drainage (including Issaquah Creek and the North Lake Washington Tributaries) is larger than the smallest watershed containing an independent population in their analysis of Puget Sound Chinook populations. Second, a recent analysis of spawner capacity developed for the PSTRT by NOAA Fisheries (NOAA Fisheries 2003) indicates that the Bear/Cottage system, the lower portion of North Creek, and Issaquah Creek have a high probability of supporting Chinook spawning, while Swamp Creek, Little Bear Creek, Carey and Holder Creeks, and the upper portion of North Creek have a moderate probability of supporting Chinook spawning. *

While two populations are identified in WRIA 8 by the PSTRT, recent genetic information available at the time the Conservation Strategy was developed indicated that there may be enough difference between the North Lake Washington Chinook and fish returning to the Issaquah Creek Hatchery to consider them separate from one another (Marshall 2000). In addition there are other differences such as run timing (e.g., the North Lake Washington Chinook run starts earlier than Issaquah Hatchery returns, peaks at approximately the same time, and tails off over a longer period) that may reflect genetic differences between North Lake Washington and Issaquah Chinook that should be maintained.

After much discussion, the WRIA 8 Technical Committee decided to take a precautionary approach and plan for three populations: the Cedar River population, the North Lake Washington population, and the Issaquah population. The Technical Committee recognizes that the Issaquah and North Lake Washington populations are closely linked, with the Issaquah Hatchery population influencing the North Lake Washington population. The W8TC based their decision to plan for three populations on the desire to adopt a conservative approach to WRIA 8 Chinook populations in light of uncertainties about population structure, and the potential that unique genetic characteristics necessary for the long-term viability of the Issaquah and North Lake Washington populations, if lost, may not be recovered. By identifying three populations, the WRIA placed priority on protecting all Chinook within the watershed, as well as any local adaptations that these fish possess. This approach supports the continued survival of offspring of naturally spawning Issaquah Hatchery Chinook strays which would be protected under the Endangered Species Act. In addition, the three population approach errs on the side of caution to maintain future opportunities for conservation in the Issaquah sub-area. Finally, this approach confers ancillary benefits on other species such as coho, and supports the widest level of stakeholder participation, all of which are consistent with the Steering Committee's stated goals and objectives. Throughout this document, three populations will be discussed, consistent with the direction that WRIA 8 chose to take with Chinook recovery. The reader should note that the use of the term 'population' as it relates to Chinook throughout this document reflects the WRIA 8 Technical Committee's precautionary approach, and that the term is therefore NOT synonymous with the PSTRT's use of the term.

The discussions surrounding WRIA 8 population structure are continuing as new information materializes. In 2003, returning adult hatchery Chinook were adipose-clipped for the first time. Stray rates in that year indicated that there were more hatchery-origin fish on the spawning

Conservation Strategy for the North Lake Washington (NLW) Chinook Population

The Bear Creek subarea covers approximately 32,100 acres or 50 square miles. The subarea is located in southern Snohomish County and northern King County and is composed of three main lowland stream tributaries: Bear Creek, Cottage Lake Creek, and Evans Creek. Bear Creek empties into the Sammamish River in the City of Redmond. Both Bear Creek and Cottage Lake Creek provide excellent spawning and rearing habitat for chinook, coho, sockeye, and kokanee salmon and steelhead trout.

Little Bear Creek is currently the least developed of the three main lowland tributaries to the Sammamish River (the other two are North and Swamp Creeks), and it has the least degraded habitat. As of 2001, between 25% and 40% of the North and Swamp Creek subareas were covered with impervious surface, and these sub-areas are located almost entirely within the urban growth area (2% of North Creek is outside the UGA). Little Bear Creek supports runs of chinook, sockeye, kokanee, and coho salmon. The basin encompasses a drainage area of approximately 15 square miles, begins in Snohomish County, flows southward into King County, and empties into the Sammamish River. Approximately 80 percent of the Little Bear Creek subarea is located within Snohomish County. Anadromous salmon and trout access almost all of this system, though there are some significant passage barriers to adults at low-flow periods and to juveniles during high flows.

Results of Technical Analyses

VSP Status and Relative Risk for North Lake Washington Chinook

For the WRIA 8 North Lake Washington Chinook population, the assessment of the VSP population parameters can be summarized as follows:

- **Productivity:** Reduced by habitat degradation. Currently, Chinook productivity is focused in the Bear Creek system (majority is in the Cottage Lake Creek tributary, followed by the Bear Creek mainstem).
- **Diversity:** Historically, it is likely that the variability in diversity within this population was low due to similar environmental regimes in the tributary sub-basins connected to the Sammamish River. It is likely that there were at least two different life-history trajectories for juvenile rearing: an early fry-migrant trajectory and a later smolt-migrant trajectory. The smolt-migrant life history is dominant in years of low flow and high flows. Hatchery strays are assumed to contribute to the natural spawning population. According to the Hatchery Science Review Group (HSRG, 2004), hatchery contribution rates higher than 1-5 percent would result in a high risk to naturally spawning Chinook from a Segregated Hatchery Program. However, it should be noted that the Co-Managers, in response to the HSRG's recommendations, have recommended that the Issaquah Creek Hatchery Program should be switched from a Segregated to an Integrated Hatchery Program (Lakey, 2004). If an integrated hatchery program is pursued, hatchery contribution rates to natural spawning could be as high as 30 percent with a low risk to the naturally spawning population.
- **Spatial Structure:** The spatial distribution among the core and satellite areas has narrowed considerably compared to historic conditions. Approximately 90% of the population currently resides in Bear Creek; historically it is likely that the NLW Chinook population was distributed fairly evenly among Bear, North, and Little

Chapter 4: Chinook Conservation Strategy for WRIA 8

Bear Creeks. The historic contribution of Kelsey Creek and other Lake Washington tributaries used by the population is unknown.

Abundance: As shown in Chapter 3, the population abundance is at a very low level, driven primarily by reductions in habitat productivity and contraction of the spatial distribution. Hatchery strays are assumed to contribute to the current observed abundance. Consistently low abundance suggests that the North Lake Washington population is at risk from depensatory (Allee) effects, and therefore at risk of extinction.

At this time none of the four VSP attributes is sufficient to support viability of the population. Rehabilitation of all population attributes will be necessary to rehabilitate the population. The Technical Committee summarizes the relative risk posed to each of the four population attributes as follows:

- Productivity: High
- Diversity: Moderate to High depending on the level of hatchery contribution to total spawners (contribution rates higher than 1-5% would result in high risk to the population)
- Spatial Structure: High
- Abundance: High

The Technical Committee suggests the following hypotheses based on this assessment of population attributes and relative risk:

- All population attributes require rehabilitation if the NLW Chinook population is to be viable.
- Of the four population attributes, the greatest extinction risk comes from ~~reduction in habitat productivity and the severe contraction of the population distribution.~~
- Efforts to restore habitat productivity should include the Sammamish River and Lake Washington as well as the North Lake Washington tributaries.
- Hatchery influences pose a significant risk to the genetic diversity of the population.

*

Watershed Evaluation Framework for North Lake Washington

Following the assessment of Chinook salmon population attributes, the Technical Committee stratified subareas within each of the three WRIA 8 Chinook populations based on the degree of fish use and the level of watershed function. Using Chinook salmon demographic information to assess the relative abundance within subareas and the frequency that Chinook uses subareas, the NLW subareas can be organized as follows:

- Core areas of high Chinook abundance and frequent use – Upper Bear (Reaches 8-14), Lower Bear (Reaches 1-7), and Cottage Lake Creek (Reaches 1-5).
- Satellite areas of moderate Chinook abundance and moderately frequent use – Evans (Reaches 1-7), Upper North, Lower North, Upper Swamp, Lower Swamp, Little Bear (Reaches 1-12), and Kelsey Creeks
- Migratory areas – Sammamish River, Lakes Washington and Union, Ship Canal, Nearshore and Estuary.

ATTACHMENT 4



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

For Washington Relay Service • Persons with a speech disability can call 877-833-6341

January 25, 2011

Mr. Jon C. Spangler, P.E.
Natural Resource Manager
Redmond Public Works
PO Box 97010
15670 NE 85th Street MS: 2NPW
Redmond, Wa 98073-9710

**Re: State Fiscal Year 2011 Stormwater Retrofit and Low Impact Development
Competitive Grant Program
SW11061, Redmond Way Stormwater Treatment Facility**

Dear Mr. Spangler:

I am pleased to inform you that an amount up to \$1,000,000 from the Fiscal Year 2011 (FY2011) Stormwater Retrofit and LID (SWRLID) Competitive Grant Program has been offered for your above-referenced project. The FY 2011 SWRLID Final Offer and Applicant List identifies funding for projects from FY 2011 SWRLID Competitive Grant Program. The funding list document is included with this letter and can be viewed or downloaded from the following Web link:

<http://www.ecy.wa.gov/programs/wq/funding/FundingPrograms/OtherFundingPrograms/StWa12/FY12StWa.html>

The final amount awarded for your project will be based on negotiations between you and the Department of Ecology (Ecology) regarding the project scope of work, budget, technical considerations, reasonableness of costs, and eligibility determinations.

To ensure that funds were identified for the highest priority stormwater projects statewide, Ecology's regional stormwater specialists evaluated and scored the project proposals. Numeric scores were compiled and the statewide priority list for stormwater retrofit and low-impact development projects was developed. A record of rating points assigned and evaluation comments are available upon request by contacting Brian Brada at 360-407-6787, or brian.brada@ecy.wa.gov.

Ecology is committed to negotiating and signing a funding agreement by **June 30, 2011**. To meet this timeline and ensure timely use of limited state funds, it is essential that negotiations and funding agreement development begin as soon as possible.



Jon C. Spangler, P.E.
January 25, 2011
Page 2

Ecology will be assigning a Grant and Loan Project Management Team for your project. Patricia Brommer, Ecology's Stormwater Program Coordinator, will contact you soon to schedule a negotiation date for your project. If you are not contacted by February 15, 2011, please contact Patricia Brommer directly at 360-407-6216, or patricia.brommer@ecy.wa.gov.

Based on your application the following conditions apply and will be addressed as part of your agreement negotiations. Other conditions may also be identified as applicable during project negotiations.

- Grant recipients awarded funding through the FY 2011 SWRLID Program are required to match the grant with cash or through interlocal contributions. Other than interlocal contributions, in-kind contributions will not be allowed. Interlocal expenditures must be based upon an interlocal agreement consistent with Chapter 39.34 RCW Interlocal Cooperation Act.
- Ecology staff noted that there were elements of your project that are not or may not be grant eligible. These items include the pilot technologies listed in the application and may result in reduced funding. These items will be further addressed during project negotiation and agreement development.

If you have any questions or concerns, please contact Patricia Brommer at 360-407-6216 or patricia.brommer@ecy.wa.gov.

We appreciate your commitment to improving Washington's water quality and look forward to working with you to complete this high priority stormwater project.

Sincerely,



Kelly Susewind, P.E., P.G.
Water Quality Program Manager

KS:PLB:mb

cc: Keith B. MacDonald PhD., Redmond Public Works
Patricia Brommer, Ecology