City of Tacoma

Office of the Land Use Administrator
Report And Decision

WETLAND DEVELOPMENT PERMIT APPLICATION OF: FILE NO.: WET 99-00005

Applicant:
William L. Pugh, P.E, Director
City of Tacoma Public Works Dept.
747 Market Street
Room 420
Tacoma, WA 98402

Authorized Agent:
John O'Loughlin
Public Works Dept., Sewer Utility
2201 Portland Avenue
Tacoma, WA 98421-2711

SUMMARY OF REQUEST:
The applicant is requesting a Wetland Development Permit for the restoration of a Type I stream (Swan Creek) and its riparian, and off-channel habitat, and the Type I Haire Wetland to enhance and restore habitat for juvenile salmonids originating in the Puyallup River System. Fish passage impediments will be eliminated and a direct linkage between the downstream Port mitigation area and the upstream watershed will be established. The project will be conducted in two phases. The first phase will involve excavation to increase wetland area and provide additional fish habitat as well as restoration through planting of native species and removal of invasive species. The second phase may include improving an existing connection between the Haire Wetland and Swan Creek for increased water circulation.

LOCATION:
The project site is located at 2700 Pioneer Way East, Tacoma, and partially located within Pierce County.

DECISION:
The Wetland Development Permit is approved subject to special conditions.

NOTE:
Appeal period closes September 7, 1999.
The effective date of approval for this request is September 8, 1999, provided no requests for reconsideration or appeals are timely filed as identified in APPEAL PROCEDURES of this report and decision.

For additional information concerning this land use permit please contact:

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Public Works Department, Building and Land Use Services
747 Market Street, Room 345
Tacoma, WA 98402
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REGULATIONS AND POLICIES THAT APPLY

A. Existing Conditions and Applicable Environmental Regulations and Evaluation:

Pursuant to the State's SEPA Rules (WAC 197-11) and the City's Environmental Code, the Director of Public Works issued a Determination of Environmental Nonsignificance (DNS) for this project on August 17, 1999 (See SEPA File Number SEP99-00038). The determination was based on review of the applicant's Environmental Checklist, a site survey, circulation of the DNS to agencies and departments with jurisdiction and other information on file with the Public Works Department. A copy of the determination and checklist are located in the City of Tacoma Department of Public Works' file.

The Swan Creek restoration project site is located on property bordering both sides of Swan Creek on Pioneer Way near the Puyallup River and the city of Tacoma jurisdictional limits. The property is approximately 12 acres in size and is comprised of four separate parcels owned by the City of Tacoma. The two primary physiographic features of the site area are Swan Creek and the wetland complex which dominates the Haire family parcel.

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13.12.055 Timing of the SEPA process

(2)(a). A proposal exists when the responsible official is presented with an application or has a goal and is actively preparing to make a decision on one or more alternatives means of accomplishing that goal and the environmental effects can be meaningfully evaluated. The fact that proposals may require future City approvals or environmental review shall not preclude current consideration, as long as proposed future activities are specific enough to allow some evaluation of their probable environmental impacts.

B. Applicable policies of the of the City of Tacoma Environmental Policy Plan:

The wetlands and stream corridor section of the Environmental Policy Plan are contained in pages 61 through 67.

Wetlands/Stream Corridors

1. Background

Wetlands generally include small lakes, ponds, streams, wet meadows, shallow or deep marshes, bogs and swamps that are inundated or saturated by surface or ground water at a frequency and duration to support a prevalence of vegetation typically adapted for life in saturated soil conditions.

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Wetlands are productive biological systems and are extremely important to the food chain. They also slow and store floodwaters, reduce shoreline erosion from wind and tidal action and help recharge groundwater supplies. Wetlands function naturally to improve water quality by filtering out sediments, using excess nutrients and breaking down some toxic chemicals. Wetlands are a scenic destination and contribute to a productive commercial and recreational fishery. They also provide important educational and research opportunities.

2. Intent

The City's intent with regard to wetlands, streams, and aquatic habitats is, in the short term, to prevent further net loss of wetlands, stream or aquatic habitat function and acreage and, in the long term, to achieve a measurable gain in wetlands, stream and aquatic habitat function and acreage. It is intended that regulations be developed which will preserve and protect the city's wetlands associated uplands and associated waters and the functions they provide. In addition, to meet the City's long-term goal, the City will review all development actions and ensure that unavoidable losses to habitat are appropriately mitigated, and promote voluntary habitat improvements through a variety of incentives.

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Wetland value is determined by vegetation, physical geography and composition of substrate. While it is recognized that constructed wetlands provide wetlands' function, benefit and value, naturally occurring wetlands are generally judged as superior in functional value because of the their greater biodiversity and are preferred. Therefore, naturally occurring wetlands that have greater functions and values are given a high priority for preservation.

5. Policy

The following policies support and strengthen the City's intent relative to wetlands.

Preservation of Wetlands

a. Strive to preserve and maintain desirable small bodies of water or wetlands such as holding ponds basins, creeks, stream corridors and marshes for open space, flood control, drainage, water quality, aquifer recharge and habitat purposes.

No Net Wetland Loss

b. Ensure that in the short term there is no net loss of wetlands function and acreage and, in the long term, there is a measurable gain of wetlands function and acreage.

C. Applicable Requirements of the *Tacoma Municipal Code (TMC)*:

***Tacoma Municipal Code* Section 13.11, Critical Areas Preservation**

13.11.030 SCOPE AND APPLICABILITY.

A. General: This chapter applies to any activity which would destroy the natural vegetation; result in a significant change in critical habitat, water temperature, physical, or chemical characteristics; or alter natural contours and/or substantially alter existing patterns of tidal, sediment, or storm water flow on any land which meets the classification standards for any critical area defined herein. Such activities include excavation, grading, filling, the removal of vegetation, and the construction, exterior alteration, or enlargement of any building or structure.

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13.11.050 DEFINITIONS

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11. "Endangered species" means a regional plant or animal species which is in danger of extinction throughout all or a significant portion of its range. Such animal species are designated by the Washington Department of wildlife pursuant to WAC 232-12 or United States Fish and Wildlife Service. Such plant species are designated by the Washington Department of Natural Resources, Washington Natural Heritage Program or United States Fish and Wildlife Service.

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40. "Restoration" means improving, enhancing, and reestablishing a once viable and now degraded wetland or stream to a state in which its stability, functions, and values approach its unaltered state.

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44. "Streams" means lands and waters contained within a channel which support hydrophytes and where the substrate is predominantly undrained hydric soils, nonsoil and/or is saturated with water or covered by water each growing season.

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52. Wetlands: Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include small lakes, ponds, streams, swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, farm ponds, and landscape amenities if routinely maintained for those purposes. However, wetlands do include those artificial wetlands intentionally created to mitigate conversion of wetlands.

13.11.140 CLASSIFICATION.

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B. Streams shall be classified type I, II, III, IV and V in accordance with the Washington State water typing system set forth in WAC 222-16-030.

C. Wetlands shall be classified type I, II, III and IV, in accordance with the following criteria from the Washington State Wetlands Rating System for Western Washington developed by the Washington Department of Ecology. The Washington Department of Ecology has developed a methodology for rating wetlands under this rating system. That methodology shall be used in rating wetlands under this chapter. It is contained in Washington Department of Ecology Publication Number 93-74 (August 1993).

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1. Type I wetlands are wetlands categorized as meeting one of the following;

   a. Documented habitat recognized by Federal or State agencies for threatened or endangered species of plant or possibly extinct or extirpated plant, animal or fish;

   b. Documented high-quality Natural Heritage wetland sites or high-quality native wetland communities which qualify as a Natural Heritage wetland site;

   c. Documented habitat of regional (Pacific Coast) or national significance for migratory birds;

   d. Regionally rare native wetland communities; or

   e. Wetlands with irreplaceable ecological functions.

1. Type II wetlands are categorized as meeting one of the following:

   a. Documented habitat for sensitive species of plant, animal or fish recognized by Federal or State agencies;

   b. Wetlands with documented priority habitats or species recognized by State agencies;

   c. Wetlands with significant functions which may not be adequately replicated through creation or restoration; or

   d. Wetlands with significant habitat value greater than or equal to 22 points (freshwater wetlands).

1. Type III wetlands are defined as those wetlands that do not contain features outlined in type I, II, IV.

2. Type IV wetlands are defined as those hydrologically isolated wetlands that do not meet the criteria of a type I or II wetland and are:

   a. Equal to or less than one acre in size, have only one wetland class and have only one dominant plant species (monotypic vegetation); or

   b. Equal to or less that two acres in size, have only one wetland class and a predominance of exotic species.

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13.11.150 REVIEW PROCESS

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B. Wetland/Stream Applications. This chapter allows four types of wetland/stream applications. The Land Use Administrator issues decisions for each type of application consistent with Chapter 13.05. After the appeal period expires, the decision becomes the official permit for each project so a separate permit is not issued. All applications shall be consistent with all remaining sections of this chapter, such as Standards Section 13.11.230. Criteria for each type of wetland/stream application is specified below:

4. Wetland/Stream Development Permit. A Wetland/Stream Development decision will be issued where, in the opinion of the Land Use Administrator, the proposal may result in possible adverse impacts to the wetland or stream, or the applicant cannot meet the minimum buffer requirements as provided in Section 13.11.220. The applicant must:

a. Meet the criteria of one of three tests:

(1) No practicable alternatives, Section 13.11.240, or

(2) An extraordinary hardship, Section 13.11.250, or

(3) Public interest, Section 13.11.260; and

b. Provide mitigation as required in accordance with Section 13.11.260.

13.11.170 Permitted uses/activities.

The uses and activities listed below may be allowed on a site-specific basis, after consideration by the Land Use Administrator, to the extent they are not prohibited by any other ordinance or law. The work shall be conducted using best management practices to ensure that flow, circulation patterns, and chemical and biological

characteristics of the stream or wetland are not impaired. Any unavoidable adverse impact affecting the aquatic environment must be mitigated.

A. Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife;

B. Outdoor passive recreational activities, including fishing, bird watching, walking or hiking trails and nonmotorized boating; or

C. Education and scientific research. (Ord. 25060 § 1; passed Feb. 25, 1992.)

13.11.190 REGULATED USES/ACTIVITIES

Pursuant to the requirements of this chapter, a permit shall be obtained prior to undertaking any of the following activities within a wetland or stream and/or its adjacent associated buffer:

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B. Excavating, dredging or clearing soil, loam, peat, sand, gravel, rock, vegetation, trees or mineral substance;

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D. Any act which results in draining, flooding or disturbing the water level or table;

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F. Destroying or altering vegetation through clearing, harvesting, shading, pruning or planting vegetation that would alter the character of the site; and

G. Any act or use which would destroy natural vegetation; result in significant change in water level, water temperature, physical or chemical characteristics of the wetland or stream; substantially alter existing pattern of tidal flow, obstruct the flow of sediment or alter the natural contours of a site. (Ord. 25060 § 1; passed Feb. 25, 1992.)

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13.11.200 CONDITIONS

A. The Land Use Administrator shall have the authority, in accordance with Chapter 13.05, to attach such conditions to the granting of any permit under this chapter deemed necessary to mitigate adverse impacts and carry out the provisions of this chapter. In addition, such conditions may include, but are not limited to, the following:

1. Limitations on minimum lot size;

2. Provisions for additional vegetative buffer zones depending on the intensity of use or activity;

3. Requirements that structures be elevated on piles, limited in size or located with additional setback requirements;

4. Dedication of utility easements;

5. Modification of waste disposal or water supply facilities;

6. Imposition of easement agreements or deed restrictions concerning future use and subdivision of lands;

7. Limitations of vegetation removal;

8. Setting minimum open space requirements;

9. Erosion control and storm water management measures, including restrictions on fill and other activities in the wetland or stream; and

10. Development of a plan involving the creation or enhancement of a stream corridor or wetland or restoration of a damaged or degraded stream corridor or wetland, to compensate for adverse impacts.

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13.11.220 Buffers

A. General. A buffer zone shall be provided for all uses and activities adjacent to a wetland area or stream corridor to protect the integrity, function, and value of the wetland and stream. Buffers between regulated activities and wetlands or stream corridors are important because they help to stabilize soils, prevent erosion, act as filters for pollutants, enhance wildlife diversity, and support and protect wetland plants and wildlife. A permit may be granted if it has been demonstrated that no adverse impact to a wetland will occur and a minimum buffer width will be provided in accordance with this section. The buffer shall be measured from the upland edge of the wetland or stream and shall consist of an area of natural, enhanced or new native vegetation.

1. Wetlands. Wetland buffer widths shall be established as follows, based on wetland classification:

Type I	200 feet
Type II	100 feet
Type III	50 feet

Type IV 25 feet

2. Streams. Streams with riparian wetland habitats shall have the buffer widths which apply to their wetland classification or the following buffer widths, whichever is more restrictive.

a. Minimum buffer widths based on stream classification and the intensity of use and/or activity are:

(1) Type I streams: As set forth in Chapter 13.10, Shoreline Management, of the Official Code of the City of Tacoma, or the same as type II and III streams below, whichever is greater.

(2) Type II and III streams: A minimum 100-foot buffer.

(3) Type IV streams:

(a) Low impact uses with minimal human or structural activity such as passive recreation shall have a minimum 50-foot buffer.

(b) Higher impact uses with human or structural activity such as active recreation or residential, commercial and industrial uses or buildings shall have a minimum 100-foot buffer.

(4) Type V streams: A minimum 25-foot buffer.

13.11.230 STANDARDS

A. Wetlands.

1. Type I Wetlands. No regulated activities shall be permitted within the wetland boundary or buffer except where the applicant can demonstrate an extraordinary hardship in accordance with Section 13.11.250 hereof. However, those low-intensity uses or activities necessary for public access, educational or research purposes may be allowed within the wetland buffer if it can be demonstrated that there will be no adverse impact on the wetland ecosystem.

B. Stream Corridors.

1. Type I Streams. All proposed alterations of these areas shall be in accordance with Chapter 13.10, Shoreline Management, of the Official Code of the City of Tacoma, and all applicable State and Federal regulations. All proposed alterations in the riparian corridor of a type I stream shall be in accordance with the standards for the specific wetland type.

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5. As part of stream enhancement, restoration or maintenance, the City may allow the removal of debris, sediment, vegetation or other things determined by the Land Use Administrator to be detrimental. In addition, permitted uses or activities as defined in Section 13.11.170 hereof may be permitted within the stream corridor buffer.

6. The Washington Departments of Wildlife and Fisheries have authority over all projects in State waters which impact fish. Construction in State waters is governed by Chapter 75.20 RCW, Construction Projects in State Waters. (Ord. 25060 § 1; passed Feb. 25, 1992.)

13.11.250 Extraordinary Hardship.

An extraordinary hardship exists when the standards of this chapter deny all reasonable economic use of the property. To demonstrate extraordinary hardship, the applicant must demonstrate all of the following:

A. There is no reasonable economic use or value with less impact on the wetland or stream;

B. There are no feasible on-site alternatives to the proposed activity or use (e.g., reduction in density or use intensity, scope or size, change in timing, phasing or implementation, layout revision or other site planning considerations) that would allow reasonable economic use with less adverse impact;

C. The proposed activity or use will be mitigated to the maximum practical extent and result in minimum feasible alteration or impairment of functional characteristics of the site, including contours, vegetation, fish and wildlife habitat, groundwater, surface water and hydrological conditions;

D. The proposed activity or use complies with all local, State, and Federal laws and will not jeopardize the continued existence of endangered, threatened, sensitive or priority habitat or species; and

E. The inability to derive reasonable economic use is not the result of actions by the applicant in segregating or dividing the property in a way that makes the property unable to be developed after the effective date of the ordinance codified in this chapter. (Ord. 25060 § 1; passed Feb. 25, 1992.)

Washington state Wetlands Rating System for Western Washington

In the Washington State Department of Ecology "Washington State DOE "Washington State Wetlands Rating system for Western Washington", second edition, the criteria for Category 1 Wetlands are found on pages 33-39. Criteria 1c: Fish Species states, in part, "The wetland contains documented occurrences of State or Federally listed

Threatened or Endangered fish species, or races of fish, managed by the Washington Department of Wildlife or the Washington Department of Fisheries."

FINDINGS MADE BY ADMINISTRATOR

1. Project Description:

The applicant proposes to restore stream, riparian, and off-channel wetland habitat at the project site that includes areas in the City and Pierce County (See Attachment "B"). The improvements proposed are being provided pursuant to the City's obligations under its agreement with National Resource Damage Assessment (WRDA) Trustees. The project action to be conducted within the City of Tacoma includes the removal of invasive vegetation and replanting of native trees, shrubs and herbaceous plants. The scope of work to be conducted within Pierce County encompasses a broad range of restoration work including excavation, revegetation, invasive plant removal, side channel construction from Swan Creek and water diversion. Project elements include the following and each element described below indicates whether the action will take place within the City, county or both. The portion of the project within Pierce County will be addressed through a separate Pierce County land use action.

i. Restoration of freshwater and open water habitat (2.0 acres) on the former Walter parcel.

Freshwater marsh and open water habitat would be created by excavating approximately eight feet of fill material from the former Walter property that lies within Pierce County (see Attachment "B"). The marsh would be connected via an open water channel to Swan Creek to allow access into the re-established open water/wetland habitat for juvenile salmonids and other aquatic species using Swan Creek. Large trees presently on site would be retained and island habitat would be designed to preserve these trees if biologically appropriate.

In Phase 2, a second channel may also be established connecting the restored wetland area to the Haire Wetland that lies in the City and in Pierce County to provide a flow through system during average or above average water conditions. The excavation work and hydrologic alterations will occur within the County.

ii. Planting newly re-established riparian areas (0.7 acres) with native vegetation.

Riparian planting will be conducted along the outer perimeter of the newly created wetland and along the stream banks to create better diversity and replace noxious invasive vegetation removed by hand during the restoration activities. Drip irrigation may be employed to provide water for the new plantings and soil amendments will be applied. The proposed species to be planted include a variety of native trees, shrubs

and emergent vegetation as listed in Swan Creek Stream Restoration Plan and Wetland Report (Restoration Plan), Table SC-1, page 12. The report is set forth in the Public Works Department File for this matter as Exhibit "A." The planting will take place on parcels located within the City and Pierce County.

iii. Planting hillslopes (3.1 acres) with native coniferous species.

The restoration of the hillside slopes are based upon establishing successional and shade-tolerant species that will in time grow and replace the deciduous species which now dominate the area. The planting plan will address the entire hillside area within the City and portions within Pierce County (See Attachment "B"). The proposed species to be planted include trees, shrubs and herbaceous plants listed in the Restoration Plan, Table SC-2, page 14 (see Exhibit "A").

iv. Evaluation of methodologies to improve 1100 feet of stream habitat throughout the project site, and implementation of recommended stream habitat improvement projects.

The City will evaluate restoration methodologies to restore the stream along two sections of the system. The first area is located within the City of Tacoma, adjacent to the railroad right of way, downstream of the Haire Wetland (see Attachment "B"). The creek flows directly against the railroad embankment and the feasibility of moving this reach of the stream away from tracks was evaluated. Due to constrictions and flow, moving the actual stream channel is not feasible and restoration is now focused on removal of invasive vegetation and replanting.

The second area is the stream channel along the length of the Haire Wetland where beaver dams have been recorded. Numerous beaver dams have been noted that would limit the access of juvenile salmon to areas upstream of the railroad reach, however, site evaluation may determine that the "beaver dams" are actually debris catches. The City of Tacoma will not remove beaver dams, or compromise beaver-placed structures, or limit the activity of beavers within the site. Further evaluation will be conducted concerning the beaver dams.

v. Construction of public access improvements at the project site.

The public access area will be a small bark chipped pathway extending from Pioneer Way to a turn-around point over-looking the re-established wetland on the former Walter parcel (see Attachment "B"). A kiosk with informational signage will be located along this pathway. The entire pathway and kiosk placement will occur within Pierce County.

iv. Provisions for monitoring and maintenance of the restoration project site.

A monitoring and maintenance program will be developed that addresses the restoration activities and may include coordination with the Port to conduct juvenile

salmon habitat utilization studies at the Port restoration area downstream and at the City restoration project site. Additionally, the City will solicit involvement by the Puyallup Tribe of Indians. Monitoring will include the collection of baseline data on site use by avian and mammalian species. Nesting improvements (islands, nest boxes) may be included in the project design within the Haire Wetland.

2. Location and Zoning:

The site is located at 2700 Pioneer Way East, Tacoma. The site is zoned "R-2" One-Family Dwelling District. The site is located in an area designated by the *Generalized Land Use Plan* as suitable for low intensity development.

3. Site and Existing Conditions:

The Swan Creek restoration project site is located on property bordering one or both sides of Swan Creek on Pioneer Way near the Puyallup River and the city of Tacoma jurisdictional limits. The property is approximately 12 acres in size and is comprised of four separate parcels owned by the City of Tacoma. The two primary physiographic features of the site area Swan Creek and the wetland complex that dominates the Haire family parcel.

The specific wetland type for the riparian area and the Haire Wetland has been identified as Type 1 due to the presence of Chinook salmon, a threatened species pursuant to the Endangered Species Act, being found within Swan Creek that runs into the wetland and provides access during high flow.

A Type 1 wetland riparian classification has been indicated due to verbal reports relayed by G. Grette, Pacific International Engineering to Utility Services that juvenile Chinook are found in Clear Creek above the mouth of Swan Creek. Furthermore, although specific assessments have not been completed, the fish passage up to the "beaver dams" appear to be suitable for juvenile fish and no fish limiting factors were identified that would limit juvenile salmonids, including Chinook, from entering these areas. The SEPA environmental checklist also indicates that juvenile salmonids utilize these areas to an unknown extent.

4. Surrounding Area and Uses:

Swan Creek, a Type I Stream, with the Haire Wetland, an adjacent Type I wetland, are bound on the north-northeast side by the Burlington Northern Santa Fe Railroad right-of-way. The project site is bound along its northwest and southern side by Pioneer Way East. The Port of Tacoma Habitat Restoration property is located to the north, between the subject site and River Road. A small commercial tobacco stand is located to the south of the project site, adjacent to Pioneer Way.

5. Site Visit:

The Land Use Administrator viewed the site on August 13, 1999.

6. Notification:

Written notice of the application has been mailed to all owners of property within 400 feet of the site, the neighborhood council and qualified neighborhood groups, and the Puyallup Tribe, allowing for at least 30 days of comment period. Public Notice was posted on the site within seven days of the start of the comment period. Public Comments received for this project indicated no objections to the proposal.

7. Concurrency:

The proposed project meets concurrency requirements.

8. Project Comments and Attachments:

The Pierce County Parks and Recreation Department requested clarification on the intent of the property purchase. The property was purchased for wildlife habitat and open space preservation. However, there was a concern that the property would later be developed into a regional storm drainage pond. Utility Services have stated that the property will not be developed into a storm drainage pond and deed restrictions have been placed on the parcels that are now owned by the City of Tacoma.

Through telephone conversations with Public Works Department staff, Don Nauer of the Washington Department of Fish and Wildlife noted that his agency will need additional information on flow rates and volume to process their Hydraulic Project Approval (HPA) permit and provide final determination on the feasibility of phase 2 which involves an additional connection between the wetland and the stream.

Attachments include:

Attachment "A"	Vicinity Map
Attachment "B"	Site Plan
Attachment "C"	Cross Sectional View
Attachment "D"	Phase 2 Recommended Improvements to the Conceptual Design
Attachment "E"	Comments from Grant Griffin, Pierce County Parks and Recreation
Exhibit "A"	Phase 1 Swan Creek Stream Restoration Project Plan-(see Public Works Department File #WET99-00005)

Responses from other departments and agencies regarding this proposal:

Public Works Department	No Objections
Tacoma Public Utility/Light Division	No Comments
Tacoma Public Utility/Water Division	No Objections
Tacoma Fire Department (Carl Anderson)	No Objections

Tacoma Police Department, Operations Commander	No Response
Human Rights Department	No Response
Planning & Development Services Dept.	No Response
Metropolitan Park District	No Response
Pierce Transit, Attn: John Hubbard	No Response
US West Communications,-Attn: Land Eng. Clerk	No Response
Puget Sound Energy, Attn:-Andy Markos	No Objections
Neighborhood Planning member – Mike Smith	No Response
Washington Dept. Of Ecology Envir. Review Section	No Response
Department of Fish and Wildlife,-Attn: Dave Knutson	No Response
Environmental Protection Agency - Attn: Christina Ngo	No Response
Puget Sound Air Pollution Control Agency	No Response
Tacoma/Pierce County Health Department	No Objections
U.S, Fish and Wildlife Service-Attn: Jeff Krausman	No Response
U.S. Army Corps of Engineers	No Response
The Tahoma Audubon Society-Attn: Thelma Gilmur	No Response
Puyallup Indian Tribe, Land Use Dept. John Lamb	No Response
Eastside Community Citizens Org.-Attn: Paul O. Mack	No Response

9. Applicants' Justification:

The project is regulated by the City of Tacoma Municipal Code Chapter 13.11 (Critical Areas Preservation Ordinance). This chapter allows disturbance of a Type I wetland or buffer if the extraordinary hardship test is met. An extraordinary hardship exists when the standards of this chapter deny all reasonable economic use of the property. To demonstrate extraordinary hardship, the applicant has supplied justification for the action and the following is a summary of the argument provided.

The property has a reasonable value to the City of Tacoma in that it helps satisfy Utility Services obligations under the NRDA requirements. The project will not fill or degrade the wetland, stream, or their buffers and has a decidedly positive impact on the stream and wetland. No other use would have less impact on the wetland and stream and conducting the project elsewhere is not an option because there is no similar site in the City of Tacoma. Planting of vegetation and invasive removal will be done by hand without the use of heavy equipment where practicable. The project will result in greater salmonid and wildlife habitat. The project is overseen and directed by the NRDA trustees that include tribal, state and federal resource agencies. Therefore, all local, State and Federal laws will be observed. No subdivision of property was conducted to evade the extraordinary hardship section of the Critical Areas Preservation Ordinance.

10. Applicable provisions of the *Tacoma Municipal Code (TMC)*:

Under *TMC* Section 13.11.150, a Wetland/Stream Development Permit is issued where, in the opinion of the Land Use Administrator, the proposal may result in possible adverse impacts to the wetland or stream, or the applicant cannot meet the minimum buffer requirements. The project proposal includes various actions conducted within