



April 24<sup>th</sup>, 2019

David Pyle  
Deputy Director  
Department of Community Development  
City of Sammamish

Via email to: [dpyle@sammamish.us](mailto:dpyle@sammamish.us)

Re: Upcoming City of Sammamish Shoreline Master Program update

Dear Mr. Pyle,

It is our understanding that the City of Sammamish (City) will soon embark on a periodic review and update of its Shoreline Master Program (SMP). In anticipation of that work, please accept the following comments from the Snoqualmie Indian Tribe (Tribe) Environmental and Natural Resources Department. Thank you for the opportunity to provide comments.

The City's SMP references definitions found elsewhere within City code. For example, the definition of a stream is addressed at Sammamish Municipal Code (SMC) 21A.15.1240 Streams. The City's current classification of streams regarding which streams constitute fish habitat, or Type F waters, does not follow the state definition, and endangers fish habitat within the Shoreline Environment. Unfortunately, this situation is not unique to Sammamish. Due to changes in state law and state recommendations over time, local codes have not always been able to keep up, and state guidance on how local jurisdictions define fish habitat has not always been clear, although there have been some recent efforts to remedy that. We request that the City use its upcoming SMP update as an opportunity to revise its definition of fish habitat and improve how the City protects fish and fish habitat within its jurisdiction.

SMC 21A.15.1240 limits fish habitat to being associated with salmonids, a small subset of the many fish species native to the City of Sammamish. Contrast this with the broader state definition of "fish habitat" at WAC 222-16-030, which "means habitat which is used by any fish at any life stage at any time of the year, including potential habitat likely to be used by fish which could be recovered by restoration or management and includes off-channel habitat." We recommend that the City use the verbiage from WAC 222-16-030 to define Type F waters (fish habitat). Additionally, in 2018, the Washington Department of Commerce (Commerce) published an update to its Growth Management Critical Areas guidance



<https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/critical-areas/>). Chapter 2 in the Commerce guidance also instructs local jurisdictions to refer to WAC 222-16-030 regarding what constitutes fish habitat.

The Tribe would like to note one example of how the City's current inconsistency with state law and state recommendations has resulted in environmental degradation and the loss of opportunity to restore fish habitat. SSDP2018-00482 was a City of Sammamish Shoreline Permit for construction of a dock at a private residence. Within the buffer of this dock lies a stream that flows directly into Lake Sammamish. This stream was previously categorized as not being fish habitat, despite meeting the physical habitat criteria that the state uses (based on Best Available Science) to define fish habitat or Type F waters. The confluence of this stream was long ago anthropogenically altered by the construction of a concrete flume, impassable to fish. Since the stream was not passable to fish when it was assessed, it was classified as not being fish habitat, but if the state code had also been Sammamish code, it would have been identified as potential fish habitat, the stream buffer would have been protected, and the confluence could have been restored, potentially increasing spawning or other habitat for migratory fish like kokanee and other species.

We point out again that while this situation is unfortunately not uncommon, the City can fix this inconsistency with a change to one definition, which would be a minor point of clarification, as opposed to a larger content amendment. We urge the City to use its SMP update as an opportunity to better protect streams, fish, and fish habitat within the Shoreline Environment by updating its stream classification definition at SMC 21A.15.1240 to echo the language in WAC 222-16-030.

Thank you for the opportunity to comment. If you have any questions please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Baerwalde", followed by a long horizontal line extending to the right.

Matt Baerwalde  
Water Quality Manager  
Snoqualmie Indian Tribe  
425-363-2008