



Marysville Hearing Examiner

August 11, 2011

7:00 p.m.

Marysville City Hall

CALL TO ORDER

Hearing Examiner Ron McConnell opened the hearing at 7:00 p.m. and noted this was a meeting at the request of the Tulalip Tribes. He added that there were 125 exhibits entered up to this point and that these exhibits would be discussed at tonight's hearing. The hearing would be continued until September 8, 2011. That meeting would be to hear an appeal from Mr. John Mack. Two additional Exhibits were entered into record, which were submitted at the beginning of the meeting by Mr. Mack.

ATTENDANCE

The following staff was noted as being present:

Hearing Examiner Ron McConnell, Planning Manager-Land Use Cheryl Dungan, Public Works Director Kevin Nielsen, Program Engineer – Surface Water Supervisor Kari Chennault, and Recording Secretary Amy Hess

PUBLIC HEARING

1. **PA10013 – Qwuloolt Estuary Restoration Project** – request approval of a Conditional Shoreline Substantial Development permit to allow the final phase of construction for the Qwuloolt Dike Breach/Restoration Project.

Applicant: The Tulalip Tribes of WA
Kurt Nelson
7515 Totem Beach Road
Tulalip, WA 98271

Location: North of Ebey Slough, south and west of Sunnyside Blvd,
east of 47th Ave NE

Applicant Comment:

Kurt Nelson of the Tulalip Tribes introduced the staff that he had present with him tonight. He began an overview of the proposed Conditional Shoreline Substantial Development permit. Mr. Nelson gave a Power Point presentation of the project. The presentation touched on the intent of the project as well as the boundaries and proposed levee breaches and channels.

Hearing Examiner McConnell notified Mr. Nelson that his presentation would be entered into the record as Exhibit 130.

Erick Stockdale, Dept. of Ecology 3190 160th Ave SE Bellevue WA 98008

Mr. Stockdale discussed that he had been working on this project for about 14 years. He noted that there had been a large amount of planning, property acquisition as well as strong relationships

formed. He described some of the history behind the project. Mr. Stockdale stated that this was a keystone project, not only for the City, but for the entire watershed. He was in unequivocal support of this project. Lastly, this project was part of the approved Shoreline Master Program. He felt that this was a very meaningful restoration project and added that it was noted of national significance.

Josh Fitzpatrick, Army Corps Seattle District, 4735 East Marginal Way S. Seattle WA 98106

Mr. Fitzpatrick noted that the Seattle District of the Corps had been working on the project for about 10 years. Washington DC had identified the Puget Sound Region as one of ten nationally significant waterways of the United States; and this project is one of the top 2 or 3 estuary restoration projects in the district. He was very supportive of the project and would love to see it move forward.

Tim Walls, Snohomish Basin Salmon Recovery Forum C/O Sno Co. 3000 Rockefeller Ave. MS-607 Everett WA 98201

Mr. Walls gave some background of the Forum and who it was made up of which included individuals and businesses from the entire basin. He noted that the Qwuloolt Estuary Restoration was a critical project to advancing salmon recovery in the basin.

Dan Christofferson 5016 61st Street NE Marysville WA 98270

Mr. Christofferson stated that he was a lifetime resident of Snohomish County. He noted that approximately 5 acres of his property was in the flood plain and felt that there was no better use for that land than what was being proposed. He is also a Dyking Commissioner for Dyke District 3; the proposed dyke construction standards far exceed what is currently in place. He felt that the new dyke would be a huge benefit for all involved. The future of the Dyke district was also discussed by Mr. Christofferson.

He is also the Business Manager and Secretary Treasurer of Labors Local 292 of Everett which is a construction craft local. He stated that in Snohomish County, the unemployment rate of his members has been as high as 35-40%. This is a construction project that presents an opportunity to put local citizens back to work in a time when the need is very high.

Mr. Christofferson also noted that he loves to fish. By removing the floodgates, he felt that the fish habitat would be improved, making it easier for the fish to get upstream to spawning grounds. He would like to see trails established in the area; noting that it would be a huge benefit to the community as a whole.

Public Comment:

Jeff Davidson 4930 60th Ave Marysville WA 98270

Mr. Davidson noted that he is an avid sportsman, but also a homeowner that has grave concerns that have not been addressed. He was worried about the increase in rodent population and felt that there needed to be a proactive approach, not a reactive approach. He was also concerned about drainage and wanted to know if that had been addressed. Mr. Davidson wanted to know who he would go to if his property values tank or his home becomes unlivable due to this project. He didn't feel that this issue had been addressed.

Sherleen Yanez 5528 61st St. NE Marysville WA 98270

Ms. Yanez noted that the Corps had been to her house showing her what would be going on with the project. She was excited about the prospect of the project, specifically the Chinook restoration. She noted that the Orca population could benefit from an increase in the Chinook salmon population.

Chris Lundberg 5015 60th Ave NE Marysville WA 98270

Mr. Lundberg was concerned about possible added traffic to his neighborhood. He wanted to know who was going to cover possible needs that could arise from an increase in traffic. He had some

questions about how Allen Creek would be used for drainage; how would this water be treated. He also suggested updated information on the website.

John Mack 15316 77th Ave NE Arlington WA 98223

Mr. Mack requested that Hearing Examiner McConnell read his letter to the other neighbors and citizens present at the hearing. The letter overviewed Mr. Mack's concerns about information that had been with-held from him and that his signature was obtained by deception.

APPLICANT RESPONSE:

Mr. Nelson responded that the average high tide on the site was 9 feet, not 13 feet as the letter from Mr. Mack had stated in his letter. He noted that the hydro static head would not be high enough to create the perceived problems of Mr. Mack. He addressed the soil types on the site and noted that those would prevent salt water from infiltrating Mr. Mack's property. The amount of infiltration through the levee onto Mr. Mack's property would be very low.

Zac Corum Army Corps Seattle District, 4735 East Marginal Way S. Seattle WA 98106

Mr. Corum responded to the concerns about ground water and stated that they had looked at it in several ways. There would be a very small volume of water that would seep through the levee. The amount of rainwater would out-weigh the seepage by approximately 200 times. Their estimates noted that if brackish water were to mix with the stormwater pond, the salinity would be well under the threshold for being classified as fresh water. Based in this, they were not greatly concerned about this issue.

Mr. Corum also responded as to how Allen Creek would handle run-off. The new levee would incorporate a large stormwater facility which would capture the runoff and store it for treatment. The grasses in the pond would passively treat the water before being released in controlled releases.

John Mack 15316 77th Ave NE Arlington WA 98223

Mr. Mack questioned Mr. Corum's estimates and if he could guarantee that there would be no salt water infiltration onto his property. Mr. Corum responded that he did not say there would be no seepage, but that they had used their best available judgments as engineers.

Steve Winter, ESA Consultants 5309 Shilshol Ave NW Suite 200 Seattle 98107

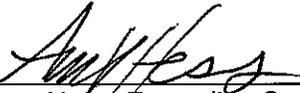
Mr. Winter responded to the drainage concerns on the South East corner of the site. He noted that this was currently in the design phase and that the majority of the catch basins are above the 100 year flood plain. There were four areas that would need modification to allow the tide to flow out, but not back in.

Staff Comment:

Ms. Dungan entered into the record Staff's Recommendations and the ten conditions approval was subject to. All properties proposed for flooding would be required to be under ownership of the tribes or easements would be required to be obtained prior to levee breach. If easements could not be obtained, that portion of the trail would be removed from the project. She overviewed the conditions that would have to be met for the restoration portion of the project. Annual monitoring requirements were discussed by Ms. Dungan. Pre, during, and post dyke construction measures would be required. Pre and post evaluation construction reports would be required in response to potential damage caused by heavy truck traffic resulting from the amount of dirt that would need to be moved in construction of the proposed levee.

ADJOURNMENT:

Mr. McConnell continued the hearing until September 8, 2011 when the appeal portion would be addressed. Hearing was adjourned at 8:01 p.m.



Amy Hess, Recording Secretary