

**EXHIBIT "6"**  
*SRSC Comment Letter*

**From:** [Nora Kammer](#)  
**To:** [Brad Johnson](#)  
**Subject:** Development proposal on P23887 and P23886 (mitigation on P23657, P120644)  
**Date:** Monday, February 13, 2023 4:03:35 PM

---

{ **Caution:** *This email originates outside of the City of Burlington* } >

Brad,

Thank you for the opportunity to review the proposal for the Markwood East Phase II proposal, located in Burlington at the intersection of Goldenrod and Stevens Road. The site is located across Steven Road from Gages Slough.

Nearly the entire proposed project will take place within the buffer (300 feet on a Type II wetland with high intensity use) of the wetland for Gages Slough.

I believe that the proposed arrangement where City of Burlington has offered City-owned land along Gages Slough to serve as the mitigation site for the development has a lot of promise for a win-win for this development and the people in Burlington. However, there are a few concerns that I would like to express and discuss further before the details of the arrangement are finalized.

Under BMC 14.15.185.1, this buffer width "assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, then buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided." Since the buffer is already degraded, and the site itself is devoid of vegetation, then a larger-than-typical buffer should be considered for protection of water quality and quantity and habitat structure within Gages Slough. I encourage the City to consider a buffer greater than 300-feet considering the existing poor condition of the buffer in order to compensate for the expected benefits of an intact existing buffer.

I am concerned that the area proposed for mitigation is already a mitigation site. Mitigation sites must not credit multiple disparate land use actions.

In the "Final Update for Gages Slough Wetlands Study Technical Report", dated February 21, 2007 and submitted to the City of Burlington. In their description of Assessment Unit 11, on PDF page 20 of the 27 page report, the assessment states that "Wetland mitigation plant installations occur in the vicinity of the Goldenrod bridge." In my own review of airphotos in the vicinity of the Goldenrod bridge at Gages slough, a triangular wedge of wetland appears to be fenced off and vegetation grows at a trajectory distinct from those areas outside of what appears to be a fenceline or other demarcation through the years (review 2007-2015 in Google Earth). Please provide information to me regarding the above-referenced wetland mitigation plans. The timing suggests that it may have been associated with the replacement of the Goldenrod bridge itself (which was in design/permitting in 2002), but that is just a guess of what may have triggered mitigation planting at the site. With limited information, it appears that the project at hand is proposing wetland enhancement within the same footprint of past wetland mitigation, resulting in no actual offset of

impacts to buffers and wetlands.

This current wetland mitigation proposal area should not coincide or overlap with any pre-existing wetland mitigation area.

The proposed compensatory mitigation plan proposes enhancement at a 1:1 ratio, and offers a list of trees (vine maple, cedar, spruce, willow, dogwood) and shrubby (snowberry, hazelnut, serviceberry, bitter cherry, oceanspray) species within the enhancement area. Plants would be installed along with invasive species control. I am concerned that the areas labeled "Buffer Enhancement 27,623 SF" is located largely within the Right-of-way, where long-term protection of vegetation is not possible due to the allowable maintenance within the ROW. This is evidenced by recent tree limbing along Goldenrod Rd to maintain this corridor appropriately for traffic and utilities. More importantly, this area is already vegetated in maturing woody native vegetation. Planting and underplanting would provide no ecologic lift over what is already on site and the expected trajectory it is anticipated to follow.

An alternate location that currently is unvegetated or vegetated in undesirable species should be proposed for this mitigation area. I propose all of the 27,623 SF + 34,439 SF (62,062 SF) wetland mitigation area be utilized to compensate for the wetland buffer along Gages Slough, and work outside of any established woody vegetation, and certainly outside of any existing mitigation site where credit for wetland enhancements have already been issued. I have provided an example of a preferable buffer enhancement in the attached Screenshot .jpg.

Additionally, any mitigation directly within wetlands should consider the role of emergent vegetation (which the current plan does not include) which would be expected within many wetlands of this type and location, but requires unique site preparation, installation, and maintenance that has not been identified in this plan. Buffer plantings can be woody and shrubby species, but consideration for the management of beavers should be included in the plan, as they can both affect the success of plantings (browse) and aggravate flooding issues which can lead to active intervention and/or maintenance of beaver activities within further impacts.

I am concerned that there is no permanent recognition or protection of the mitigation area on City of Burlington property proposed. Any mitigation area, on City property or otherwise, should be recorded. As described in BMC 14.15.160, the impact to wetlands and their buffers through this project shall be identified and designated in a Protected Critical Area by the development director, which shall be recorded with the County auditor. The applicant is responsible for the fees associated with this requirement. I would like to ensure that the language of the PCA protects the wetland function of the site in perpetuity, and restricts development of the site for other uses, even those compatible with open space designations, such as parks and playfields. The mitigation area is designated as a buffer for wetland function, and the mathematics of mitigation do not work unless that protection is assured in perpetuity. The PCA should be marked (signs, marker, fence) in the field and sufficiently notify the public and restrict incompatible uses.

I am concerned that the proposed Maintenance and Monitoring in the Critical Areas report is insufficient, and may leave the liability for maintenance on the City of Burlington. Currently, the plan

proposes an As-Built Report and semi-annual reports for the first two years, and annual reports through year 5.

I recommend that the period of monitoring be required for 10 years, as is allowed and recommended in BMC 14.15.220.L. The *minimum* period is five years. BMC indicates that “if a scrub-shrub or forested community is proposed, monitoring may be required for 10 years or more,” noting that if the mitigation goals are not obtained within the initial five year period, the applicant (not the City) remains responsible for restoration of the natural resource values and functions until the mitigation goals agreed to in the mitigation plan are achieved. This recommendation to extend the monitoring period is supported by best available science and the vegetative community proposed, would protect the City (for allowing the mitigation on their property) from any additional mitigation should the success be less than satisfactory after five years, and assures the successful achievement of the mitigation goals by the applicant and sufficiently compensating for the impact of the action.

Additionally, we are concerned about an error in the critical areas assessment, which indicated that half of the parcel is within a SFHA labeled Zone A. Our review of the online NFIP FIRM maps and our own GIS data layers indicate that the entire parcel is located within a Zone A SFHA.

I would be happy to discuss any of these issues with you and would be happy to meet onsite to discuss potential mitigation footprints on City property. Please feel free to get in touch.

Nora Kammer  
Environmental Protection Ecologist  
Skagit River System Cooperative  
MAILING: PO Box 368, La Conner, WA 98257  
PHYSICAL: 11426 Moorage Way, La Conner, WA 98257  
Phone: 360.391.8472  
Fax: 360.466.4047  
SRSC's offices are open Monday through Thursday