



State of Washington
Department of Fish and Wildlife
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August 28, 2010

Harriet Beale
Municipal Stormwater Planner
Water Quality Program
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

RE: Washington Department of Ecology August 2010 Proposed Requirements and Timelines to Update Development Codes to Incorporate Low Impact Development

Dear Ms. Beale:

Thank you for the opportunity to comment on the August 2010 proposed requirements and timelines to update local development codes to incorporate low impact development (LID) under phase I and II storm water general NPDES permits. The Washington Department of Fish and Wildlife (WDFW) has reviewed this proposal and offers the following comments for your consideration.

WDFW appreciates the fine work that Ecology and its stakeholder advisory committees have performed determining viable approaches to integrate LID into local development codes. In general, we like the performance standard approach, whereby jurisdictions are allowed to choose techniques and code revisions that best fit their community, to minimize impervious surfaces and achieve on-site storm water infiltration.

We also like Ecology's proposed requirements for a basin-scale analysis of anticipated hydrological effects from local UGA expansions or urban density increases. Such an analysis would presumably be more detailed and site-specific than what is currently performed under SEPA, and will provide much-needed context for decision-making on mitigation for urban expansion. WDFW believes that the technical guidance for this hydrologic analysis that Ecology anticipates providing will be critical to determining effective local mitigation measures.

However, given the State's desire to promote local decision-making that is consistent with the goals of the Growth Management Act, WDFW questions whether the addition of new density to urban areas is necessarily the best trigger for a basin-scale hydrologic analysis. At a regional scale under LID, adding density to our existing urban cores is

preferable to urban growth area expansions. It would be helpful to find a way to embed this preference in Ecology's requirements in order to foster better local decision-making that favors adding density over expanding UGAs.

With regard to Ecology's outline of proposed site- and subdivision-scale technical requirements, WDFW is concerned that only certain LID techniques will be applied at larger development sites, exempting smaller developments and limiting the list of acceptable techniques. We suggest that through broadening the technical requirements jurisdictions could be afforded greater flexibility while improving resource protection for downstream receiving waters.

WDFW believes that the proposed LID technical requirements need to give greater emphasis to the protection of on-site sensitive resources before initiating a discussion of LID technical design specifications. LID is as much about protecting and incorporating native vegetation and soils into development designs, as it is about new technologies like pervious pavement. Particularly in rural and lower density residential areas, there is a strong need to incentivize retention of native vegetation and soils as a low-cost method to prevent storm water runoff.

Ecology's list of commonly accepted LID practices for western Washington is too short, limited to bioretention, below-pavement infiltration, and green roofs. Water catchment and reuse is excluded but this is one the oldest of LID techniques, and it is a particularly important approach for sites on soils with low infiltration rates. Please include water catchment and reuse as an option for jurisdictions in future revisions to the LID development requirements.

There should also be greater consideration for saving and amending on-site soils. Few local development codes require that native soils be protected and stockpiled for re-use, yet this is a proven and relatively low-cost technique. Topsoil and compost amendments in infiltration-limited soils, when combined with deep tillage offer additional tools to improve on-site storm water infiltration. These techniques should be included in the list of available LID techniques.

We liked Ecology's matching of appropriate LID techniques with new development based on development size, urban vs. rural setting, and infiltration rates. However, WDFW is concerned with the minimum size thresholds triggering LID requirements. New development with less than 2,000 sq ft impervious area or less than 7,000 sq ft disturbance would not be required to implement LID. This approach would exempt a large proportion of residential sites, and encourage segmented site review and development to avoid new LID requirements. Please consider broadening the application of new LID requirements to all new projects regardless of size.

Finally, WDFW believes that additional guidance and resources are needed from Ecology for the competing needs analysis to ensure that "local community values and vision" cannot be used to forestall local adoption of LID techniques. To boost local acceptance,

there is a strong need for more education and marketing on the diverse benefits of LID. We need to do more to promote rain gardens and green roofs as design amenities, and to speak less of them as mandatory requirements. Both rain gardens and green roofs have important secondary benefits as habitats to welcome wildlife back into the built environment.

Thank you again for your work to promote low impact development. If you have any questions or wish to talk more about our perspective, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Labbe". The signature is fluid and cursive, with the first name "Ted" being larger and more prominent than the last name "Labbe".

Ted Labbe, Biologist
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CC: Katie Knight, WDFW PHS/GMA/SMA Coordinator
Dave Howe, WDFW Region 5 Habitat Program Manager
Jeff Breckel and Marlies Wierenga, Lower Columbia Fish Recovery Board
Kevin Gray, Ron Wierenga, & Rod Swanson, Clark County Dept. of Environmental Services