

GMHB EXHIBIT 264



State of Washington

Department of Fish and Wildlife, Region 4

Region 4 information: 16018 Mill Creek Blvd, Mill Creek, WA 98012 | phone: (425)-775-1311

May 20, 2024

Ryan Harriman, Planning Manager
City Hall 9611 SE 36th St
Mercer Island, WA 98040
ryan.harriman@mercerisland.gov

RE: WDFW comments regarding Mercer Island's Comprehensive Plan draft language

Dear Mr. Harriman,

On behalf of the Washington Department of Fish and Wildlife (WDFW), thank you for the opportunity to formally comment on Mercer Island's draft Comprehensive Plan language as part of the current periodic update. Within the State of Washington's land use decision-making framework, WDFW's role is that of technical advisor with respect to the habitat needs of fish and wildlife and the likely implications of various land use decisions on those resources over time. We provide these comments and recommendations in keeping with our legislative mandate to preserve, protect, and perpetuate fish and wildlife and their habitats for the benefit of future generations – a mission we can only accomplish in partnership with local jurisdictions. We may decide to submit additional comments to you in the future.

Table 1. Recommended changes to proposed Comprehensive Plan language.

Policy Number	Policy Language (with WDFW suggestions in red)	WDFW Comment
Land Use		
GOAL 2 Suggested Policy Page 15	For all new development, require parks and open space retention or creation to promote connected, healthy, and climate-resilient communities locally and regionally.	Open spaces can act as climate-resilient assets that can serve as community spaces. All development within dense or populated areas should strive for open space retention and creation for the benefit of people and the environment. Additionally, parks and open spaces are often some of the only areas within highly built environments for wildlife habitat to persist. It is important to not only plan for these spaces, but plan for the connection and linkage of these spaces to provide multi-benefit options, such as recreational trail opportunities as well as habitat corridor linkages. For

		<p>information on implementing wildlife habitat attributes in all public spaces, see WDFW’s Habitat at Home resource as well as WDFW’s Landscape Planning for Washington’s Wildlife for further resources, especially “Chapter 6: Implementation through Comprehensive Plans, Development Regulations, and Incentive Programs,” page 6-1.</p> <p>Some additional resources include the Trust for Public Lands, the NRPA Safe Routes to Parks Action Framework (which provides professionals with a “how-to” guide to implement Safe Routes to Parks strategies), and the Sustainable Development Code website.</p>
GOAL 3 Page 15	Have a mixture of building types, styles and ages that reflects the evolution of the Town Center over time, with human-scaled buildings, varied height, ‘green’ buildings, setbacks and step-backs and attractive facades.	<p>We suggest this goal also include the intent for climate resiliency in building design. We suggest working towards sustainable development code that decreases building utility use and cost while simultaneously increasing the capacity for climate resiliency. For resources, see how the city of Boston is identifying priority blocks that could yield the greatest benefits to residents in pursuit of a “cool” roof goal. Similarly, "green" roofs covered with sedum, native flowers, and other low-maintenance vegetation help insulate buildings from solar heat and provide pollinator habitat. Such rooftops help reduce building cooling costs and heat-related illnesses and deaths. See also the Sustainable Development Code website for specific resources on removing code barriers, creating incentives, and filling regulatory gaps in pursuit of green building goals. The Georgetown Climate Center’s Green Infrastructure Toolkit provides funding models and approaches from U.S. municipalities, including Los Angeles County’s Safe Clean Water Program and Boulder, Colorado’s Greenways Program. Additionally, it is mandatory that schools are built to meet green building standards, and with the help of Washington Sustainable Schools Protocol: Criteria for High-Performance Schools, additional public or private infrastructure can be modeled after this example. See the LEED rating system for further resources aimed at all building types.</p>
Goal 8 Suggested Policy Page 18	Town Center streets should provide for safe and convenient pedestrian access and movement, with consideration for future climate-related heat	It is important to frame pedestrian access in a climate-related hazard context, especially in denser city center areas where exacerbated heat island effect may be present.

	conditions, planning for ample street trees for cooling purposes.	
12.2 Page 19	Encourage the provision of on-site public open space in private developments. This can include incentives, allowing development agreements, and payment of a calculated amount of money as an alternative to dedication of land. In addition, encourage aggregation of smaller open spaces between parcels to create a more substantial open space.	See resources related to comments for Goal 2 page 15 above.
GOAL 13 Page 21	Town Center buildings should meet a high standard of energy efficiency and sustainable construction practices as well as exhibiting other innovative green features, above and beyond what is required by the existing Construction Code.	See resources related to comments for GOAL 3 Page 15 above for policy ideas, as this goal currently has no policies.
15.6. B Page 23	<p>Encourage the retention of landscaped areas and the retention and planting of trees</p> <p>Require protection of significant trees and avoid unnecessary disturbance of vegetation during all phases of development and require mitigation as needed, including replacement for trees removed during development. Measure progress towards City tree canopy goals by implementing a formal tree canopy plan.</p>	<p>We suggest changing the language of this policy to better reflect the importance of tree and vegetation retention. Additionally, we suggest Mercer Island develop a formal tree canopy management plan, informed by your Urban Tree Canopy Assessment 2018, in order to track current conditions and benchmark progress towards tree canopy goals. This plan should also measure how well the City’s tree-related ordinances are functioning in retaining trees on the landscape. It may not be enough to rely on ordinances if there is not a system in place to track cumulative impacts over time.</p> <p>Some examples of tree management plans include the City of Tacoma, the City of Snoqualmie, the City of Redmond, and the City of Renton. The Puget Sound Urban Tree Canopy and Stormwater Management Handbook provides additional guidance.</p>

<p>18.6 Page 25</p>	<p>Encourage, and require in some circumstances, low impact development approaches for managing stormwater and protecting water quality and habitat.</p>	<p>We recommend requiring LID standards within municipal code for all developments, especially near waterways. As noted in the Lake Washington/Cedar/Sammamish Watershed (WRIA 8) Chinook Salmon Conservation Plan 10-year Update, Mercer Island’s shorelines are labeled as ‘Tier 1’ areas. This report states, “Tier 1 areas are the highest priority habitats for protection/restoration, and include primary spawning areas, as well as migratory and rearing corridors.”</p> <p>This underscores Mercer Island’s unique geographic location and distinctive obligation to preserve, rehabilitate, and re-establish salmon habitat. Additionally, utilizing LID techniques can help Mercer Island address Federal Policy Priorities, such as, “Chemicals from decaying tires, specifically 6PPD-quinone affect coho, Chinook, sockeye and steelhead. In particular, coho have been shown to be most sensitive and succumb to “urban runoff mortality syndrome” within hours of exposure. Federal funding is needed to support local governments in implementing critical stormwater retrofit projects to capture and treat toxic runoff.”</p> <p>Resources for LID include King County’s Regional Stormwater Action Goals (which includes Planning Stormwater Parks), the Sustainable Development Code website and the VISION 2050 Planning Resources Guidance on Integrating Stormwater Solutions into Comprehensive Plans.</p>
<p>18.7 Page 25</p>	<p>Services and programs provided by the City with regards to land use should encourage residents to minimize their own personal carbon footprint, especially with respect to energy consumption and waste reduction. The City shall also develop and maintain a fund to build green infrastructure projects.</p>	<p>See resources for this in comments to GOAL 3 Page 15 above.</p>
<p>GOAL 19</p>	<p>Protect and enhance habitat for native plants and animals</p>	<p>The importance of ecosystem monetary value cannot be overstated. Protecting and restoring natural assets and</p>

<p>Page 26</p>	<p>for their intrinsic value and for the benefit of human health, the ecosystem services they provide, and aesthetics. Regulatory, educational, incentive-based, programmatic, and other methods should be used to achieve this goal, as appropriate.</p>	<p>the services they provide is often more cost-effective than engineered solutions. For example, restored wetlands and floodplains can prevent flooding and reduce the need for other types of flood-control infrastructure. Implementation of this policy could include comparing lifetime cost-effectiveness of nature-based versus engineered options for climate response to help identify cost-effective adaptation options. This can help build capacity and support for the adoption of response strategies that help protect and restore ecosystem function and services at risk from climate change.</p> <p>For resources, see FEMA’s guide Building Community Resilience with Nature-based Solutions, as well as software to track these resources from Natural Capital Project. Additionally, see Kitsap County’s approach to this through their Kitsap Natural Resource Asset Management Project.</p>
<p>19.3 Page 26</p>	<p>Evaluate and enhance the quality of habitat to support the sustenance of native plants and animals with the appropriate balance of ground, mid-level, and tree canopy that provides cover, forage, nectar, nest sites, and other essential needs. In addition to parks and open spaces, preserve and enhance habitat in conjunction with residential, institutional, and commercial development and in road rights-of-way, prioritizing connection between these spaces for habitat corridor linkages and recreational trail linkages.</p>	<p>Outlined in Mercer Island’s PROS Plan 2022 is the need for trail connections. This plan’s community survey #2 asked, “What do you think are the most needed improvements to the current City of Mercer Island parks system?” 44.2% of respondents chose “Connect gaps in the trail system to create a complete trail network,” which was the highest selected response. 30.8% of respondents chose, “Expand maintenance and restoration of open space and natural areas.” Further in this survey, the second highest item selected as “very important” to residents was “Open space and natural areas,” second to “Walking / jogging trails.” Ranked highest priority for use of acquired land was, “Acquire land to preserve habitat and open space areas that can include walking / jogging trails.” Connecting open spaces, parks, and trails provides a unique, multi-benefit path towards addressing habitat connectivity and recreational needs specific to Mercer Island.</p>
<p>19.6 Page 26</p>	<p>Important wildlife habitats including forest, watercourses, wetlands, riparian areas, and shorelines should be connected via intentional infrastructure planning and natural area linkages, including walking</p>	<p>Riparian areas “are disproportionately important, relative to area, for aquatic species (e.g., salmon) and terrestrial wildlife,” as stated in WDFW’s Riparian Ecosystems, Volume 2: Management Recommendations and supported by WDFW’s BAS. As highlighted within these documents is the need for large tree retention along riparian and shoreline areas. In the context of</p>

	paths along forested road rights-of-way.	<p>Mercer Island, emphasis should be placed on retaining large trees along the shoreline of Lake Washington.</p> <p>For planning infrastructure with connectivity in mind, please see The Washington Wildlife Habitat Connectivity Working Group, WSDOT's Reducing the risk of wildlife collisions website as well as Wildlife Habitat Connectivity Consideration in Fish Barrier Removal Projects, Montana Fish, Wildlife, and Parks' How to Build Fence with Wildlife in Mind, and WDFW's website.</p>
19.7 Page 26	View preservation actions should be balanced with the efforts-requirement to preserve the community's natural vegetation and tree cover along shorelines . [Relocated Policy 20.3]	We suggest strictly defining view preservation actions. As noted in the comment above, large trees are a crucial component of healthy shorelines. No net loss of habitat function can occur. Please review municipal code to ensure cumulative impacts are not resulting in a net loss.
19.8 Page 26	Community tree canopy goals should be adopted and implemented to protect human health and the natural environment and to promote aesthetics. Encourage the conversion of grass to forest and native vegetation. Promote the preservation of snags (dead trees) for forage and nesting by wildlife.	We recommend Mercer Island create a formal tree canopy management plan. See comments in response to 15.6. B Page 23 above.
19.10 Page 27	Support conservation on private property on Mercer Island through the use of conservation tools and programs including, but not limited to, the King County Public Benefit Rating System and Transfer of Development Rights programs.	We suggest the encouragement of homeowner and landlord involvement in WDFW's Habitat at Home program , with the intent to incentivize community involvement and recognition of wildlife habitat creation in small (and large) spaces. Neighbors may recognize an adjacent property with a Habitat at Home sign and be compelled to participate.
GOAL 28 Adapt to and mitigate local climate change impacts	Identify and implement strategies to increase the resilience of the shoreline environment climate-related hazards, while also protecting shoreline ecological	We recommend consideration for climate-related hazards when planning for shoreline access into the future. For assessing future conditions, see Climate Mapping for a Resilient Washington , as well as FEMA's Resilience Analysis and Planning Tool (RAPT) for resources in visualizing these hazard areas. For further

<p>Suggested Policy Page 31</p>	<p>functions, allowing water dependent uses, and providing public access. Establish regulations that require the location of new lots and structure outside of hazards areas. Address appropriate efforts to protect ecological values and functions, accommodate recreational opportunities, and retreat or redevelop flood-prone structures in floodplain and shoreline areas.</p>	<p>context, FEMA’s Flood Insurance Rate Map (FIRM) modeling does not take climate change projections into consideration. We suggest Mercer Island supplement FIRM maps with best available science that incorporates climate change. For example, King County regulations place ‘Flood Protection Elevations’ three feet above base flood elevation for development within flood-prone areas.</p>
<p>Housing</p>		
<p>Goal 1 – Overall Housing Strategies Page 8</p>	<p>Organize and site housing and multi-family residential buildings to create usable and connected open spaces.</p>	<p>Outlined in Mercer Island’s PROS Plan 2022 is the need for trail connections. This plan’s community survey #2 asked, “What do you think are the most needed improvements to the current City of Mercer Island parks system?” 44.2% of respondents chose “Connect gaps in the trail system to create a complete trail network,” which was the highest selected response.</p> <p>With this in mind, we suggest incorporating the adjacent policy, emphasizing the necessity to not only preserve and safeguard these open spaces but also ensure their connectivity. We propose that, along with designating open space percentages based on development type, site plans should demonstrate active efforts to connect these open spaces with others in the surrounding area.</p>
<p>Goal 1 – Overall Housing Strategies Page 8</p>	<p>Adopt sustainable and climate-informed design guidelines for new development.</p>	<p>See comments and resources in relation to GOAL 28 page 31 above.</p>
<p>Goal 1 – Overall Housing Strategies Page 8</p>	<p>Encourage the development of a variety of housing typologies to suit the needs of various potential residents while also encouraging, and in some cases requiring, techniques such as Low Impact Design (LID) standards.</p>	<p>As discussed previously, LID is exceedingly important for development to consider, as all boundaries within Mercer Island lead directly into Tier 1 priority habitat areas for chinook salmon recovery.</p>

Capital Facilities		
<p>1.12 Page 31</p>	<p>The City will adopt a Hazard Mitigation Plan. This Plan will be updated periodically and shall guide City efforts to maintain reliability of key infrastructure and address vulnerabilities and potential impacts associated with natural hazards and projected climate-related conditions.</p>	<p>Protecting essential public facilities and the services they provide from climate impacts helps ensure community resilience. It is vital to site these facilities outside of areas that will be impacted by climate-related stressors for the entire operational lifespan of the facility. We suggest updating zoning to allow essential or hazardous uses only in low-risk areas and assess risk when new facilities are proposed.</p>
<p>GOAL 1 Suggested Policy Page 32</p>	<p>Collaborate with WSDOT, King County, and neighboring jurisdictions to plan and prioritize public and private culvert upgrades to ensure fish passage barrier removal, adequate projected stormwater passage, and continued climate-related adaptations to handle water passage into the future.</p>	<p>It is important to plan and prioritize culvert upgrades to ensure not only fish passage benefits, but adequate projected stormwater passage. We suggest this element (and future amendments to the City of Mercer Island’s Capital Improvement Plan) include this goal and incorporate a prioritization list, especially in areas where terrestrial species connectivity can be restored simultaneously (i.e., replacing culverts with wider bridges). Current fish passage barrier locations can be found on WDFW’s website.</p> <p>Further resources include WDFW’s “Incorporating Climate Change into the Design of Water Crossing Structures: Final Project Report,” as well as WSDOT’s “Wildlife Habitat Connectivity Consideration in Fish Barrier Removal Projects.”</p> <p>Combining stormwater maintenance (or any maintenance) with multi-benefit goals (such as climate change resiliency or salmon recovery) opens up these projects for diverse funding opportunities (such as the Department of Commerce Salmon Recovery through Local Planning Grant, due June 3rd).</p>
<p>GOAL 1 Suggested Policy Page 32</p>	<p>Ensure that any future maintenance and repairs to conveyances of mixed stormwater/natural waters will not negatively impact fish life, fish passage, or aquatic habitat. Additionally, the City shall consult with WDFW as needed to correctly identify specific areas and needs for the protection and</p>	<p>We suggest the addition of the adjacent policy in order to track progress towards goals relating to water quality, especially as it related to aquatic habitats and species. This would also help Mercer Island address GMA requirements such as, “cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries,” outlined in RCW 36.70A.172.</p>

	preservation of aquatic habitats. The correct best management practices will also be employed.	
POLICIES FOR SITING PUBLIC FACILITIES AND ESSENTIAL PUBLIC FACILITIES Page 35	Consider future climate conditions during siting and design of capital facilities, including changes to temperature, rainfall, and sea level, to help ensure they function as intended over their planned life cycle.	See comments above in relation to 1.12 page 31.
Shoreline Master Program element		
Goal (unspecified in document) Page 5	Increase and enhance public access to and along the Mercer Island Shoreline where appropriate and consistent with public interest, provided public safety, private property rights, and in alignment with no net loss principles unique or fragile areas are not adversely affected.	We recommend specifying no net loss principles, as outlined in WAC 365-196-830 .
(4) Page 5	In new developments on the shoreline, the water's edge should be kept free of buildings. Additionally, new development shall be prohibited from constructing shoreline stabilization that employs hard armoring techniques.	WAC 173-26-231 states, "(A) New development should be located and designed to avoid the need for future shoreline stabilization to the extent feasible. Subdivision of land must be regulated to assure that the lots created will not require shoreline stabilization in order for reasonable development to occur using geotechnical analysis of the site and shoreline characteristics..." This sentiment is exceedingly important for Mercer Island, as your unique geographic location places shorelines on all sides. Increased hard armoring is detrimental to salmonid recovery. We suggest Mercer Island establish a database that tracks hard armoring along your shorelines in order to monitor cumulative impacts and assess no net loss goals overtime.
1. (a) Page 6	Aquatic habitats, particularly spawning grounds, should be protected, improved and, if feasible, increased.	All aquatic habitats within the vicinity of Mercer Island are important in providing support for salmonid success. The importance of Mercer Island's role in salmon recovery cannot be overstated. Included in the Lake Washington/Cedar/Sammamish Watershed (WRIA 8) Chinook Salmon Conservation Plan (2005) are

		<p>recommendations for specific restoration areas within Mercer Island, which includes, “Restoration efforts should begin with lake segments at the southern end of the lake...along the southern shore of Mercer Island and in Union Bay at the entrance to the Ship Canal.”</p> <p>In Chapter 10 page 4-6 of this report, a comprehensive list of policies and action items is given, specifically for South Lake Washington, including the recommendation, “Use WRIA 8 science foundation and Conservation Strategy as one of many “best available science” resources during CAO and SMP revisions. Increase riparian/shoreline buffers to extent practicable.”</p> <p>This chapter also outlines priority actions along the shoreline of Mercer Island, such as, “Explore daylighting and restoration of creek mouth in Clarke Beach Park,” “Explore options to restore small creek mouths on west and east side of Mercer Island,” and, “Explore shoreline restoration at Groveland Park.”</p> <p>This underscores Mercer Island’s unique geographic location and distinctive obligation to preserve, rehabilitate, and re-establish salmon habitat.</p>
1. (c) Page 6	<p>Critical area maps shall be routinely updated to reflect the most up-to-date information s have been mapped. Access and use should be restricted if necessary for the conservation of these areas. The type and degree of development to be allowed should be based upon such factors as: slope, soils, vegetation, geology and hydrology.</p>	<p>Best available science should be used when creating and updating critical area documents, as per Chapter 365-195 WAC.</p>
2. Page 6	<p>Existing and future activities on Lake Washington and its shoreline should be designed to minimize avoid adverse effects on the natural systems.</p>	<p>We suggest the use of mitigation sequencing (WAC 197-11-768) in this policy, which first states to “avoid.” Avoidance is key, as mitigation for impacts can be costly, hard to maintain, and often do not meet no net loss standards (WAC 365-196-830).</p>
3. (d) Page 6	<p>The destruction of natural watercourses feeding into</p>	<p>All natural waterways support aquatic habitats and species and provide vital ecosystem services. It is imperative to protect these critical areas.</p>

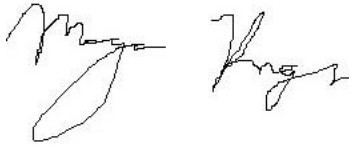
	Lake Washington should be discouraged prohibited .	
Policy (not specified in document) Page 8	Foster habitat and natural system enhancement projects that are consistent with the City's Shoreline Restoration Plan and whose primary purpose is restoration of the natural character and ecological functions of the shoreline.	See our recommendation in response to 1. (a) Page 6 above in specifying the need to consult WRIA specific salmon recovery plans, which outline specific sites for restoration consideration.
(2) Page 10	In single-family developments within the shoreline, the water's edge should be kept free of buildings and hard armoring .	See comments in relation to (4) Page 5 above.
Transportation		
7.9 Page 8	Coordinate with local and regional emergency services to develop priority transportation corridors and develop coordinated strategies to protect and recover from disaster and plan for future climate-related conditions .	We suggest highlighting the importance of taking future conditions into consideration as it relates to the development of transportation corridors.
11.2 Page 9	Maintain the current minimum parking requirements of three off-street spaces for single family residences, but may consider future code amendments that allow for the reduction of one of the spaces provided that the quality of the environment and the single family neighborhood is maintained.	<p>We suggest instating parking 'maximums' instead of minimums. For example, we recommend the policy:</p> <p>"Eliminate parking minimum requirements and establish parking maximums."</p> <p>This policy, which could be implemented in a development code, could help reduce impervious surfaces that exacerbate stormwater runoff and the urban heat island effect. This policy also could encourage active-transportation (walking, biking, riding transit) alternatives to driving automobiles; this reduces emissions, improves community health, and supports other co-benefits.</p> <p>Does the city currently have a way to track total impervious surface area and cumulative impacts?</p>

12.2 Page 10	Implement the Pedestrian and Bicycle Facilities Plan to meet existing and anticipated needs for nonmotorized transportation. This Plan should be coordinated with habitat connectivity and other transportation planning efforts and periodically updated.	See resources in comments related to 19.3 Page 26 and GOAL 2 Suggested Policy Page 15.
Utilities		
2.7 Page 4	Aggressively promote and support water conservation on Mercer Island and shall participate in regional water conservation activities.	Refer to resources in relation to our response to GOAL 3 Page 15 above.
3.4 Page 6	Actively work with regional and adjoining local jurisdictions to manage, regulate and maintain the regional sewer system, keeping future climate-related hazards in mind.	It is important to plan for sewer infrastructure that will be resistant to future flooding and climate-related conditions.
4.7 Page 9	Encourage and promote development that creates the least disruption of the natural water cycle, returning as much precipitation to groundwater as possible in order to extend the flow of seasonal streams into the dry season and to contribute cooling ground water to surface water features, thereby contributing to healthy fish and wildlife habitat.	We greatly appreciate the inclusion of this policy.

Thank you for taking time to consider our recommendations to better reflect the best available science for fish and wildlife habitat and ecosystems. We value the relationship we have with your jurisdiction and the opportunity to work collaboratively with you throughout this periodic update cycle. If you have any questions or need our technical assistance or resources at any

time during this process, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Morgan Krueger". The signature is written in a cursive style with a large, sweeping initial "M".

Morgan Krueger
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CC:

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