



## Public Works Department

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May 2, 2022

Brian Abbot Fish Barrier Removal Board  
Natural Resources Building  
PO Box 40917  
Olympia, WA 98504-0917  
*Submitted via PRISM for Grant Application 21-1427R*

**Subject: Application 21-1427 Restoration  
George Davis Creek Fish Passage Construction**

To Whom It May Concern:

This letter presents changes impacting conditions of the George Davis Creek Fish Passage Project being pursued by the City of Sammamish. Since the project's 2018 start, the overall scope of the proposal has remained relatively constant. However, the path toward completion has undergone several noteworthy changes. An outline of this four-year progression should benefit consideration of the current grant application.

In response to the project changes, the City of Sammamish is (a) excluding final design work from our existing grant agreement, and (b) requesting that any grant obtained through the current application cycle cover the final design as well as construction activity.

### PROJECT BACKGROUND

#### *Planning Effort*

Sammamish initiated the project in 2018 by contracting with PBS Engineering and Environmental (PBS) to complete an alternatives analysis. PBS considered several design options before suggesting four alternatives covering a range of scope and cost. PBS and staff identified a preferred alternative and presented a recommendation to the City Council. The Council selected an alternative that involved the following elements:

- Purchase of a lakefront property to construct a stream channel to daylight George Davis Creek to Lake Sammamish.
- Relocating the lowest reach of the stream course to the newly constructed stream on the purchased property. This eliminates existing barriers to fish passage where the stream now runs through an open channel, a flume beneath a house, and storm drain culvert.
- Replace culverts that represent fish passage barriers at three locations including East Lake Sammamish Shore Lane, East Lake Sammamish regional trail, and East Lake Sammamish Parkway.
- Reconstructing 325 feet of the stream channel upstream of the East Lake Sammamish Parkway culvert.

- Removing an existing dam structure upstream of the East Lake Sammamish Parkway culvert that is a barrier to fish passage.
- Remove the sedimentation pond and high-flow bypass pipe system that diverts stream water during high flows at East Lake Sammamish Parkway and discharges it roughly 500 feet north of the main or low-flow channel discharge to the lake.

### ***Design Effort***

Following Council direction, the City entered into a formal agreement with PBS on July 7, 2019 to conduct design services for the project as described above. At that time, PBS and City staff anticipated construction would occur in 2021. The City applied for and received a planning grant (19-1632 P) from the Brian Abbot Fish Passage Removal Board (FBRB) for design services. The grant was intended to cover 85% of eligible design costs up to \$722,350.

Concurrent with this, staff sought to purchase the private lakefront property central to the stream relocation. The property sale closed on March 2, 2020.

### ***Stream Acquisition***

This project depends on moving the stream from its current low-flow alignment beneath the existing home, to the planned fish-passable channel on the City-owned parcel. Consequently, staff began efforts to obtain George Davis Creek from the owners of the house built over the stream as soon as the property purchase was concluded.

Absent a formal water right, the City Attorney advised staff that the homeowners' claims to the stream represent a property right. The legal framework associated with this designation required staff to negotiate with the homeowners in much the same way one would for real estate or other personal property. The constraints imposed on the negotiation process ultimately prevented the parties from reaching an agreement and prompted the City to pursue condemnation of the stream. This process is still underway.

## **PROJECT CHANGES**

This process – negotiation, mediation, condemnation – has added nearly two years to the overall project timeline. During this period, several significant project details evolved and required additional services from PBS. Some of these include:

- King County took over design of one of the culverts to serve as mitigation for impacts associated with their regional trail construction project. This eliminated the East Lake Sammamish Shore Lane culvert from the original scope of the City project.
- Continued advancement in stream restoration design and the imposition of those requirements on the project by Muckleshoot Tribe.
- Greater emphasis on limiting utility impacts and a constructability review.
- City's desire to limit traffic disruptions altered certain construction approaches and triggered redesign work.

- Need to assess design changes and concessions sought by the adjacent property owners considered through the negotiations for the stream.
- Additional structural assessment and design not originally included in the scope.

These impacts prompted PBS to complete several iterations of the preliminary (60% complete) design. As a result, most of the current grant funds have been exhausted without advancing beyond the preliminary design stage. The City recognizes it may seek additional funds to cover the final design through either (a) the existing grant, or (b) including those costs with the construction grant being sought through the current application.

Discussions with FBRB and RCO staff prompted the City to pursue funding for final design under a restoration grant through the 2023-2025 application process that will be applied toward both final design and a share of construction costs.

Sammamish remains committed to the project and grateful to WDFW and RCO for the guidance and financial support that has been provided. The success of the George Davis Creek Fish Passage Project and stormwater improvements depend on continued support and guidance. Thank you for your consideration and assistance with this important project.

Sincerely,



Stephanie Sullivan, PE  
Senior Engineer - Stormwater