Exhibit B36

DRAFT

ACTION MEMORANDUM

for

TIME-CRITICAL REMOVAL OF FISH PASSAGE BARRIERS AT PERRINVILLE CREEK

City of Edmonds WA

October 13, 2023

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for

TIME-CRITICAL REMOVAL OF FISH PASSAGE BARRIERS AT PERRINVILLE CREEK

FOREWORD

This action memorandum for the Removal of the fish passage barriers has been identified by the State of Washington, the Tribes, The city of Edmonds WA, and BNSF as critical need to restore the fish habitat on the creek and to improve the drainage system necessary for the health of the creek and to prevent as much as possible the flooding of private properties in the area, the removal of the barriers will also result in better management of the storm drain system by minimizing the level of maintenance and reducing the risk to operational crews that respond during hazardous conditions.

APPROVED:

City of Edmonds Date
Public Works Director

SECTION 1.0 STATEMENT OF

PURPOSE AND BASIS

This Action Memorandum is for a Time-Critical Removal Action of Fish passage barriers at the Perrinville creek in the city of Edmonds WA.

The state of Washington Fish and Wildlife and Tribes have identified the barriers on the creek as an impediment to support fish and wildlife and require the removal. Over the years with increased development the City of Edmonds implemented a number of storm drainage improvements to improve flood prevention in the area, however these improvement have been rendered insufficient and pose a significant hazard to operational crews when the creek is flowing at high capacity, one of the most recent changes in an attempt to prevent water from entering neighboring properties included the full diversion of the creek into the diversion structure. The city currently holds an HPA to maintain the structure, the HPA expires in February of 2024,. However, to obtain a new HPA the State of Washington Fish and Wildlife department requires that the water is restored to the creek bed and is connected to the sound.

Currently the creek past the diversion structure is silted up and with minimum water overflows onto the yard of the private property, therefore putting the water on the surface without other mitigation measures will likely result in some flooding of lawns possibly close to structures.

SECTION 2.0

LOCATION AND DESCRIPTION OF SITE

The Perrinville creek is located mostly within the City of Edmonds, in the Snohomish County with the tributary watershed extending into the city of Lynnwood, the tree fish passage barriers of concern are located between Talbot Road and the Sound (BNSF tracks) approximately at 8219 and 8229 Talbot Rd. Figures 1 and 2, at the end of this document, illustrate the location of the barriers.

SECTION 3.0

DESCRIPTION OF EXISTING SITE BARRIERS

1. BNSF Culvert, the 32” culvert is undersized, historically when the creek flowed freely it would create a lake behind the railroad track, the culvert is not a fish passage friendly structure, although there is anecdotal sightings of fish in the creek the structure will need to be removed to fully support improved fish habitat and storm drain capacity.

2. City of Edmonds Storm Water System. A diversion structure was installed to minimize the high flows and prevent flooding in the adjacent properties. The diversion structure consists of two concrete boxes with a weir. This structure has not performed as expected. The amount of debris and sediment during high storm events overwhelms it and requires significant effort to clear. Ther has been instances when the crews can’t keep up with it and flooded of the yards in the neighborhood has happened.

3. City of Edmonds Talbot Rd culvert. The culvert under Talbot Road is not a fish passage friendly structure and has two problems that prevent fish passage and adequate storm water flows, (one) it is undersized and during high storm events acts as a chocking point creating a lake behind Talbot road and overflowing into the road, and (two) it has an elevation change that prevents fish from able to navigate up stream. This structure also presents a hazardous condition for storm drainage maintenance, it clogs easily and requires significant work to clear.

SECTION 4.0

CURRENT RISK EXPOSURE

The current structures are undersized to carry the high storm flows and this causes excess debris and sediment built up both at the Talbot Rd culvert and at the diversion structure that require significant work by the storm drain operations crew to maintain and to clear. The treat of flooding to adjacent properties is elevated by the reduced creek capacity due to sediment and undersized culverts.

4.1 Risk Assessment

Access – Ideally the maintenance is performed when there is no or low flows on the creek, this however is not always preventing the clogging of the structures and requires response after hours or under hazardous conditions.

Activity – Current work plans include storm drain prep work before the rainy season and daily inspection during any rain event. Crews will evaluate the environment and if they consider it safe will work to remove any debris or sediments to prevent flooding of the adjacent properties.

In addition, to prevent work under hazardous conditions the COE will consider working with property owners to investigate possible alternatives to protect the properties during high rain events.

SECTION 5.0

PREVIOUS ACTIONS TO REMOVE BARRIERS

To date, no action on removal of the barriers has been implemented, the only action has been efforts by the City of Edmonds to improve the storm drain performance of the system to prevent flooding.

SECTION 6.0

PROPOSED ACTIONS

The City of Edmonds in partnership with the State, Tribes, BNSF and the adjacent property owners will:

Continue to fund the design efforts and seek any available grants for the construction. Continue to maintain the diversion structure as conditions permit to minimize flooding of adjacent properties.

Description	**Lead**	**Expected Completion Date**
Complete design	COE	
Renew HPA	COE	
Seek grants for construction	Tribe	
Complete Construction of BNSF structure	Tribe/BNSF	
Complete Construction of new creek alignment	COE/Tribe	
Complete Construction of modifications to Diversion Structure	COE	
Complete Construction of Talbot Road structure	COE	

As a fallback position if the BNSF structure is not completed in the next 24 months, and to return the creek to the surface the construction of the channel will be completed with modifications to the diversion structure to minimize backup at the BNSF culvert.

FIGURES

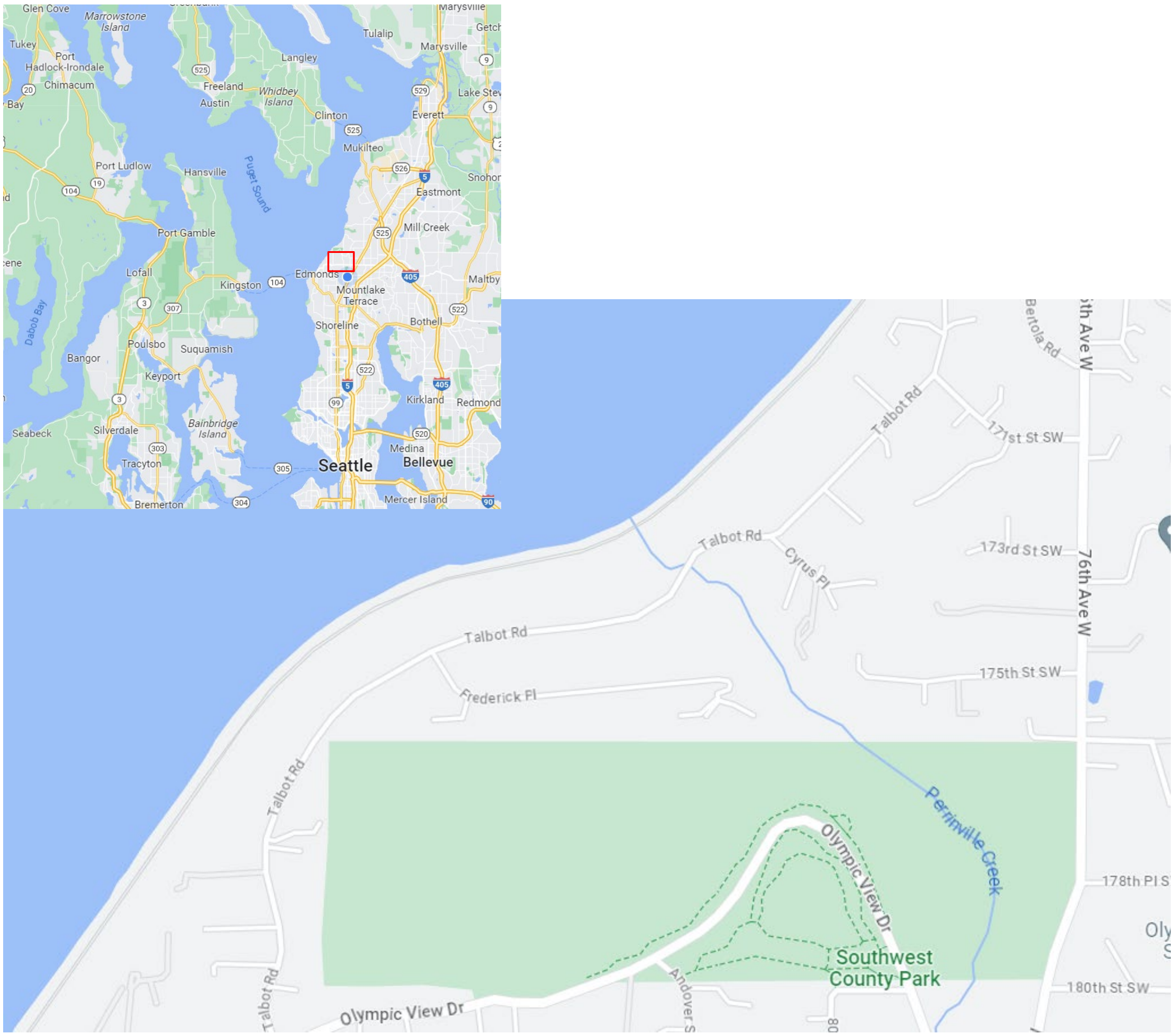

FIGURE 1. LOCATION OF PERRIVILLE CREEK

FIGURE 2. LOCATION OF THE TREE BARRIERS

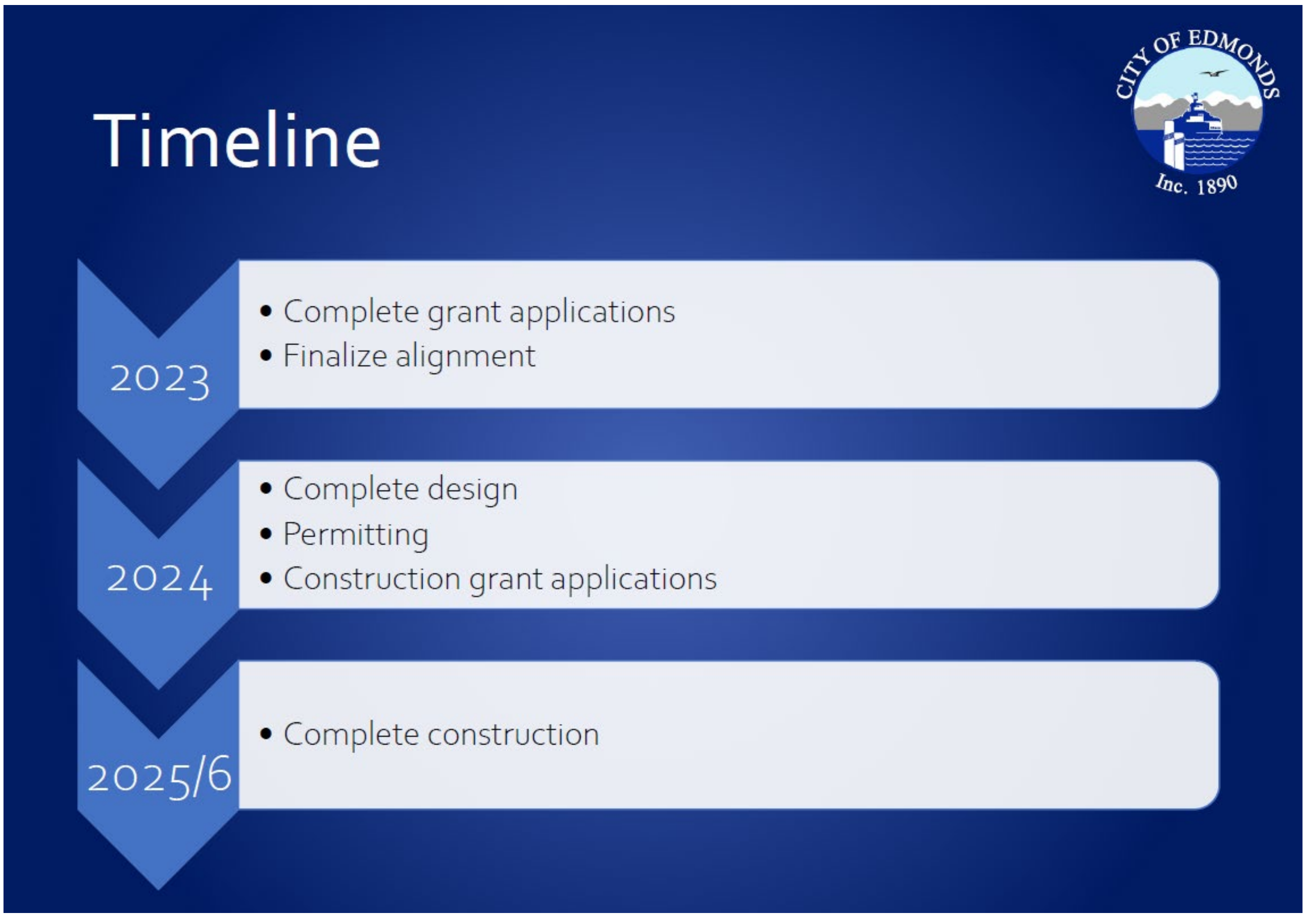

FIGURE 4. PROPOSED TIMELINE

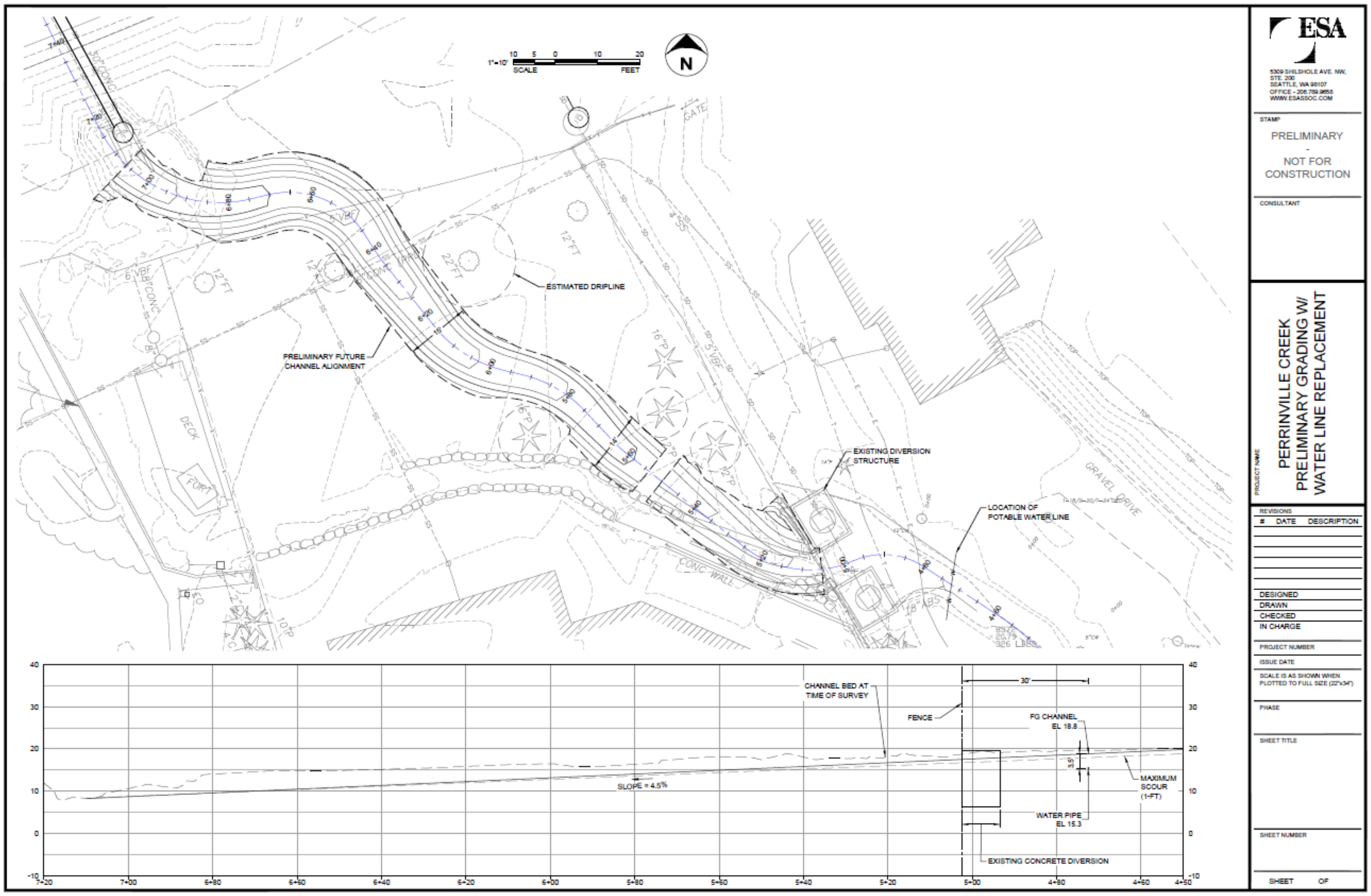

FIGURE 4. PROPOSED NEW CREEK ALIGNMENT

FIGURE 5. PHOTOGRAPH OF DIVERSION STRUCTURE

FIGURE 6. PHOTOGRAPH OF BNSF CULVERT

FIGURE 7. PHOTOGRAPH OF TALBOT RD. CULVERT