

CRITICAL AREAS ORDINANCE UPDATE- Best Available Science Review**Wetlands***State Agency Guidance Documents*

- In 2005, the Washington Department of Ecology (Ecology) provided a two-volume guidance on wetland buffers and mitigation (Sheldon, D., T. Hruby, P. Johnson, K. Harper, A. McMillan, T. Granger, S. Stanley, and E. Stockdale. March 2005. **Wetlands in Washington State- Volume 1: A Synthesis of the Science. Washington State Department of Ecology.** Publication #05-06-006. Olympia, WA. ; Granger, T., T. Hruby, A. McMillan, D. Peters, J. Rubey, D. Sheldon, S. Stanley, E. Stockdale. April 2005. **Wetlands in Washington State- Volume 2: Guidance for Protecting and Managing Wetlands.** Washington State Department of Ecology. Publication #05-06-008 and 2014 modifications. Olympia, WA.). These were published after the County's 2005 CAO update process was nearing completion. Many of the concepts and recommendations appear to have been incorporated, but it should be formally acknowledged as part of the record.
Recommendation: Formally consider the recommendations provided in Volume 2 and 2014 updates (Appendix 8C), as supported by Volume 1. Specifically, the recommended buffer reduction of no more than 25% (currently 50%), and increased enhancement mitigation ratios (Table 19.200.250). Utilize Table 8C-8, *Examples of measures to minimize impacts...*, and the Buffer Alternative 3 approach from Table 8C-4 thru 7. The recommended buffers have not changed since 2005.
- In 2009, the Army Corps of Engineers, Ecology and the Environmental Protection Agency (EPA) published guidance on selecting off-site mitigation sites (**Selecting Wetland Mitigation Sites Using a Watershed Approach.** December 2009, Ecology Publication #09-06-032).
Recommendation: *While the current CAO already allows off-site mitigation through in lieu fee programs, this guidance and the existing Hood Canal In-Lieu Fee program will be referenced for more clarity on the use of such programs.*
- In 2012, Ecology developed an optional credit-debit tool for calculating mitigation functions and values (**Calculating Credits and Debits for Compensatory Mitigation of Western Washington: Final Report.** March 2012, Ecology Publication #10-06-011).
Recommendation: *Its use will be allowed and encouraged.*
- In 2012, Ecology published, guidance on advance permittee-responsible mitigation. (**Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation,** Ecology Publication #12-06-015, Olympia, WA, December 2012). It recommends that mitigation for projects with pre-identified impacts to wetlands may be constructed in advance of the impacts if the mitigation is implemented according to federal rules, state policy on advance mitigation, and state water quality regulations consistent with the guidance document.

Recommendation: *Include advance mitigation and this guidance document as a mitigation option for Wetlands. Its use should be referenced and encouraged.*

- In 2013, Ecology published a review of the science on wetland buffers. However, Ecology will not be providing any revisions to this guidance for the current round of updates. (Hruby, T. **Update on wetland buffers: The state of the science.** October 2103. Washington State Department of Ecology Publication #13-06-11.)

Recommendation: *No changes are recommended.*

- In 2014, the 2004 Wetland Rating System for Western Washington was updated by Ecology (Washington **State Wetland Rating System for Western Washington: 2014 Update.** January 2015. Ecology Publication # 14-06-029). Per 19.200.210(A), Kitsap County uses the 2004 State Rating System, or as amended, to categorize wetlands for the purposes of establishing wetland buffer widths, wetland uses and replacement ratios for wetlands. The amended 2014 changes therefore went into effect immediately at the local level. The update of the rating systems will provide a more accurate rating of the functions and values of a wetland but keeps the same four wetland categories used in the 2005 guidance. For the 2015-2019 CAO update cycle, [Ecology] is not proposing any changes to the buffer widths recommended in the 2005 guidance, however any buffer strategy that uses function scores to determine buffer widths will need to be adjusted to use the new scores in the 2014 update.

The Kitsap CAO will be updated to reflect the changes made to the wetland scoring system as follows:

Table for converting category scores

2004	Western WA Categories	2014
≥70	Category I	23-27
51-69	Category II	20-22
30-50	Category III	16-19
<30	Category IV	9-15

Tables for converting function scores

2004	Final Habitat Score	2014
29-36	High	8-9

20-28	Medium	5-7
≤19	Low	3-4

2004	Final Water Quality Score	2014
24-32	High	8-9

Recommendation: *The Wetland Rating System changes will include modifications to the mosaic wetlands definition, Category definitions, and scoring (see above). As noted above, these changes went into effect immediately in 2014 with the update to the State Rating System. The changes to the CAO are for clarity and consistency.*

- In 2015, Ecology and the Washington State Department of Fish and Wildlife published assessments, intended to assist local governments with land-use planning. (Stanley, S., S. Grigsby, D.B. Booth, D. Hartley, R. Horner, T. Hruby, J. Thomas, P. Bissonnette, R. Fuerstenberg, J. Lee, P. Olson , George Wilhere. 2011. **Puget Sound Characterization. Volume 1: The Water Resources Assessments (Water Flow and Water Quality)**. Washington State Department of Ecology. Publication #11-06-016. Olympia WA.).

Recommendation: *No changes are recommended. This information is useful for planning purposes, but not recommendations are provided regarding actual development standards.*
- A new Ecology guidance document was published in June of 2016 (Bunton, D., Mraz, R., Driscoll, L., Yahnke, A. 2016. **Wetland Guidance for CAO Updates: Western Washington Version**. Washington State Department of Ecology. Publication No. 10-06-001. Olympia WA). This publication replaces *Wetlands and CAO Updates: Guidance for Small Cities (Western Washington Version, Publication No. 10-06-002, as well as the 2011 and 2012 revisions*. While it indicates that the “small cities guidance” has been found potentially applicable to all cities and counties, the guidance assumes an adjacent land use that is high intensity and to consult with Ecology for each jurisdiction.

Recommendation: *The assumption made in this guidance about adjacent land use intensity does not apply to much of Kitsap County. Ecology was therefore consulted, and the 2014 updated Appendix 8C, Buffer Alternative 3 from **Wetlands in Washington State- Volume 2: Guidance for Protecting and Managing Wetlands**. Washington State Department of Ecology. Publication #05-06-008.*

Legislative Changes

- In 2011, Ecology repealed WAC 173-22-080 regarding the wetland delineation manual and replaced it by amending WAC 173-22-035 to line up with the Army Corp wetland delineation manual.

Recommendation: *Include the following language is recommended by Ecology (Formal email, June 2, 2015):*

“Identification of wetlands and delineation of their boundaries pursuant to this Chapter shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the County meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter.”

- As part of the reorganization and clarification effort in 2010, WAC 365-190-080 was split into six sections, one to address critical areas generally and then one for each type of critical area. WAC 365-190-090 was added to address and amend prior regulations on wetlands. This section clarified the wetland rating system and identified additional sources of wetland protection guidance from Ecology for consideration, *“including the management recommendations based on the best available science, mitigation guidance, and provisions addressing the option of using wetland mitigation banks.”*

Recommendation: *Updates will include references to Ecology’s guidance document “Wetland Mitigation in Washington State”, 2006 or as amended. Additions will also be made to clarify the option of using mitigation banks and in-lieu fee programs, as available.*