

- b. Scaled plan sheets:
 - i. Surveyed edges of the existing wetland and buffers, proposed areas of wetland and/or buffer impacts, location of proposed wetland and/or buffer compensation actions;
 - ii. Existing topography, ground-proofed, at two-foot contour intervals in the zone of the proposed compensation actions if any grading activity is proposed to create the compensation area(s). Also existing cross-sections of on-site wetland areas to which impacts are proposed, and cross-section(s) (estimated one-foot intervals) for the proposed areas of wetland or buffer compensation;
 - iii. Surface and subsurface hydrologic conditions including an analysis of existing and proposed hydrologic regimes for enhanced, created, or restored compensatory mitigation areas. Also, illustrations of how data for existing hydrologic conditions were used to determine the estimates of future hydrologic conditions;
 - iv. Conditions expected from the proposed on-site actions including future hydrogeomorphic types, vegetation community types by dominant species (wetland and upland), and future hydrologic regimes;
 - v. Required wetland buffers for existing wetlands and proposed compensation areas. Also, identify any zones where buffer reduction or enlargement beyond the standards identified in this SMP is proposed;
 - vi. A plant schedule for the compensatory area including all species by proposed community type and hydrologic regime, size and type of plant material to be installed, spacing of plants, "typical" clustering patterns, total number of each species by community type, and timing of installation;
 - vii. Performance standards (measurable standards reflective of years post-installation) for upland and wetland communities, monitoring schedule, and maintenance schedule and actions by each biennium.
- e. Compensatory mitigation standards
 - i. Mitigation shall achieve wetland functions equivalent to or greater than those that existed in the wetland prior to mitigation.
 - ii. When possible, mitigation shall be on-site and sufficient to maintain the functions and values of the wetland and buffer areas. If on-site mitigation is not feasible, then the applicant shall demonstrate that the site is the nearest that can reasonably achieve the goals of mitigation with high likelihood of success.
 - 1. Applicants shall demonstrate sufficient scientific expertise, supervisory capability, and financial resources to complete and monitor any proposed or required wetland mitigation project.
 - 2. Mitigation actions that require compensation by restoration of a former wetland, enhancement of a degraded wetland, or creation of new wetlands shall occur in the following order of preference:
 - a. Restoring a former wetland or creating a new wetland on the site of the project;
 - b. Restoring a former wetland or creating a new wetland in the same sub-basin as the project site;
 - c. Creating wetlands from disturbed upland sites outside of the subbasin;
 - d. Enhancing degraded wetlands;
 - e. Preserving high quality wetlands that are under imminent threat.
 - v. The size of a compensatory mitigation project shall be greater than the size of the affected wetland. When impacts to wetlands and wetland critical area buffers are proposed they must be mitigated using a 1:1 ratio.
 - vi. The mitigation ratio may be increased if the administrator identifies that:
 - a. Uncertainty exists as to the probable success of the proposed restoration or creation;
 - b. A significant time period will elapse between impact and replication of wetland functions;
 - c. Proposed mitigation will result in a lower category of wetland or reduced functions relative to the wetland being impacted; or

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This will be difficult for applicants to demonstrate, and the wording is a bit confusing here when there are clear requirements for a qualified professional above in section 5.d.1 on Page 14. It should not be expected that an applicant have such technical expertise, rather, refer to section 5.d.1.

T Number: 2 Author: JSIK461 Subject: Comment on Text Date: 6/19/2014 11:21:38 AM

As stated in the Cumulative Impacts Analysis Recommendations (Watershed Co. 2013); "The City may wish to consider adding a provision in the regulations that allows optional use of the "Credit-Debit" method for determining appropriate mitigation on a very wetland-specific basis, rather than the Category- and area-specific basis identified above. Depending on the particular conditions of the impacted wetland, the required mitigation under the Credit-Debit method may be lesser or greater than the ratios provided above. See <https://fortress.wa.gov/ecy/publications/publications/1106015.pdf> for more information."

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While the provisions generally are well written and thorough, this compensatory mitigation standard does not reflect the most current science on wetland mitigation and, per the Cumulative Impacts Analysis (Watershed Co., 2013) will result in net loss of ecological function. Ratios should be similar to those found in Wetlands in Washington State Volume 2 (cite) or Ecology's Small Cities Guidance (cite) which was the source for many of the wetland provisions in this SMP. Wetland impacts from fill also require authorization from Ecology and possible from the US Army Corps of Engineers. Mitigation ratios presented in the documents cited above were co-developed by Ecology and the Corps, and would be required for an applicant to obtain the needed permits. Revising the SMP to align with federal and state requirements will ensure that applicants have a predictable process to follow when they wish to do a project that will impact wetlands.

- d. The impact was due to an unauthorized action.
- vii. Required compensatory mitigation reports shall be forwarded for review and comment to agencies with expertise or jurisdiction related to the proposal, including, but not limited to:
 - 1. The Washington Department of Ecology.
 - 2. The Washington Department of Fish and Wildlife.
 - 3. The Washington Department of Natural Resources.
 - 4. The U. S. Army Corps of Engineers.
 - 5. The U. S. Fish and Wildlife Service.
- viii. Prior to final plat approval, Certificate of Occupancy, or other final approval on a project, a performance surety agreement acceptable to the City Attorney must be entered into by the property owner and the City. The surety agreement must include the complete costs for the mitigation and monitoring, which may include but is not limited to: the cost of installation, delivery, plant material, soil amendments, permanent irrigation, seed mix, and three monitoring visits and reports by a qualified professional. The Community Development Department must approve the estimate for said improvements. The surety shall be for 150% of the estimated cost.
- f. Subdivisions
 - i. The major or short subdivision of lands that include wetlands is subject to the following:
 - a. Land that is located wholly within a wetland or its buffer may not be subdivided.
 - b. Land that is located partially within a wetland or its buffer may be subdivided provided that an accessible and contiguous portion of each new lot is located outside of the wetland and its buffer and meets minimum lot size requirements.
 - c. Access roads and utilities serving the proposed subdivision may be permitted within the wetland and associated buffers only if the City determines that no other feasible alternative exists and all impacts are mitigated.
 - ii. The administrator may allow greater density of development outside of wetland areas and associated buffers as an incentive, provided:
 - a. A high level of protection for on-site resources is provided and demonstrated in an approved wetland analysis report and compensatory mitigation plan.
 - b. Good and sufficient cause has been shown.
 - c. The overall density of the project does not exceed what would otherwise be allowed.
- g. Signs and fencing of wetlands: During construction, the outer perimeter of the wetland buffer and the clearing limits identified by an approved permit or authorization shall be marked in the field with temporary "clearing limits" fencing in such a way as to ensure that no unauthorized intrusion will occur. The marking is subject to inspection by the Community Development Department prior to commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until permanent signs and fencing, if required, are in place. As a condition of any permit or authorization pursuant to this chapter, the administrator may require permanent signs and/or fencing along the perimeter of a wetland or buffer in order to protect the functions and values of the wetland, or to minimize future impacts or encroachment upon the wetland or buffer.
- h. Wetland buffers
 - i. Buffer widths: wetland buffers must be maintained in accordance with the following tables:

It would be beneficial to applicants to be informed that permits from the Corps and Ecology may be required as well.

Table 6.1: Wetland Buffer Widths

Wetland Category	Standard Buffer Width	Additional buffer width if wetland scores 21-25 habitat points	Additional buffer width if wetland scores 26-29 habitat points	Additional buffer width if wetland scores 30-36 habitat points
Category I or II: Based on total score	75'	Add 15'	Add 45'	Add 75'
Category I or II: Forested	75'	Add 15'	Add 45'	Add 75'
Category I: Natural Heritage Wetlands	190'	NA	NA	NA
Category I or II: Alkali or Vernal Pool	150'	NA	NA	NA
Category III (all)	25'	NA	NA	NA
Category IV (all)	25'	NA	NA	NA

Notes:

1). Additional buffer widths are added to the standard buffer widths. For example, a Category I wetland scoring 32 points for habitat function would require a buffer of 150' (75' + 75').

2). The standard buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform the needed functions, the buffer shall either be planted to create the appropriate plant community, or the buffer shall be widened to ensure that adequate functions of the buffer are provided.

3). The standard buffers have been reduced by 25%, contingent on implementation of the mitigation measures in Table 6.2. If an applicant chooses not to apply the mitigation measures in Table 6.2, then the width of the buffer must be increased to the original width by dividing by 75%. For example, a 75' buffer with the mitigation measures would be a 100' buffer without them, and a 25' buffer with the mitigation measures would be a 33.3' buffer without them.

Table 6.2: Required Measures to Minimize Impacts to Wetlands

(Measures are required, where applicable to a specific proposal)

Disturbance	Required Measures to Minimize Impacts
Lights	* Lighting shall be minimally invasive to wetland areas
Noise	* Locate activity that generates noise away from wetland * If warranted, enhance existing buffer with native vegetation adjacent to noise source * For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic Runoff	* Route all new, untreated runoff away from the wetland while ensuring wetland is not dewatered

 Number: 1 Author: JSIK461 Subject: Comment on Text Date: 6/19/2014 11:24:47 AM

Buffers for Category 3 and 4 wetlands have been reduced arbitrarily from 60' (with additional buffers of 30' and 60') and 40'; to 25' for both categories with no additional area for higher scores. While we recognize that the Cumulative Impacts Recommendations report prepared by Watershed Co made recommendation that Category 3 wetlands should be provided a 25' buffer, we do not agree with the underlying analysis, and the proposed buffers do not reflect the totality of the recommendation. Watershed Co, makes the statement that "...proposed buffers should either be: 1) consistent with existing conditions, or 2) consistent with recommendations of the "most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern" (WAC 173-26-201(2)(a))." this is an incorrect interpretation of the WAC. The analysis of existing conditions is informative and should be considered, but it cannot substitute for the requirement under WAC 173-26-201(2)(a). The analysis performed regarding category 3 wetland buffers presented does not meet the definition under 201(2)(a), having only one, unverified category 3 wetland, along with subjective conclusions about function based on aerial photo interpretation as its' basis. In addition, the proposed wetland buffers do not reflect even that flawed recommendation by allowing the smaller buffer without the required additional buffer width for higher habitat scores or for non SR-R designations. Category 4 wetland buffers should align with the science-based buffer of 40 feet (Small Cities Guidance (cite)).

6-50-020. Policies

1. The adverse impacts of shoreline uses and activities on ecological processes and functions should be mitigated during all phases of development—including but not limited to design, construction, management, and use—to ensure no net loss of shoreline ecological functions.
2. The City should require reasonable setbacks, buffers, and stormwater management systems to ensure no net loss of water quality or shoreline ecological functions.
3. All runoff treatment measures for the purpose of maintaining and/or enhancing water quality should be conducted on-site and before shoreline development affects waters or shoreline ecological functions off-site.

6-50-030. Regulations

1. Solid and liquid wastes, untreated effluents, oil, chemicals, and other hazardous materials shall not be allowed to enter any body of water or to be discharged onto land. Equipment for the transportation, storage, handling, or application of such materials shall be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
2. All shoreline uses and activities shall be located, designed, constructed, managed, and maintained in a manner that minimizes adverse impacts to surrounding land and water uses, is aesthetically compatible with the affected area, and ensure no net loss of water quality or shoreline ecological functions.
3. All shoreline uses and activities, both during construction and for the life of the project, shall utilize best management practices to minimize any increase in surface water runoff and to control, treat, and release surface water runoff so that receiving water quality and shoreline ecological functions are not adversely affected. Such measures may include but are not limited to dikes, catch basins, settling ponds, oil/water separators, grassy swales, interceptor drains, and landscaped buffers. All measures shall be adequately maintained to insure proper functioning over time. The *Stormwater Management Manual for Eastern Washington* (Washington Department of Ecology Publication 04-10-076, or as revised) shall provide the preferred guidance for surface water runoff best management practices.
4. All shoreline uses and activities shall utilize effective erosion control methods during project construction and operation.
5. Land clearing, grading, filling, and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development.
6. All shoreline uses and activities shall be located and designed to minimize or prevent the need for shoreline stabilization measures, flood protection works, filling, or substantial site re-grading.
7. Any dredging or filling activities shall be conducted in such a way as to minimize the effects on water quality from the addition of suspended solids, leaching of contaminants, or disturbances to habitat, and shall be consistent with this master program, including the dredging and filling provisions in Chapter 8, as well as the requirements of applicable regulatory agencies including but not limited to the Washington Department of Fish and Wildlife and the U. S. Army Corps of Engineers.
8. Herbicides and pesticides shall not be applied or allowed to directly enter water bodies or wetlands unless approved for such use by the appropriate agencies.
9. The City shall give preference to biological or mechanical means rather than herbicides for weed control in shoreline jurisdiction. If the situation requires the use of herbicides, they shall be applied only to noxious weeds, with care taken to prevent chemicals from entering water bodies or damaging beneficial shoreline vegetation. The applicant shall specify the methods that will be used to ensure that the use complies with all provisions of this section "Environmental Impacts and Water Quality", including preventing the chemicals from entering adjacent water bodies or wetlands or damaging beneficial shoreline vegetation.
10. All uses and activities shall adhere to all required setbacks and other development standards, and shall maintain all required buffers, in accordance with the provisions of this SMP.
11. Retaining walls for purposes other than shoreline stabilization shall meet the following minimum standards.
 - a. Environment-specific regulations: where allowed, retaining walls for purposes other than shoreline stabilization shall comply with the environment-specific requirements in Chapter 9 of this SMP.



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The Department of Ecology should be added to this list of regulatory agencies that would have permit requirements for dredging and filling.