



Memo

To: Steve Langdon, Planning Manager

From: Mara McGrath, Senior Ecologist

Date: February 1, 2017

Subject: Summary of Major Critical Area Edits to Chapters 17.10 and 17.12 LMC

Major edits and revisions to Chapters 17.10, *Critical Areas*, and Chapter 17.12, *Standards for Preparing Critical Area Reports and Mitigation Plans*, are identified below by LMC number and subheading name:

Chapter 17.10 Critical Areas

17.10.050 Definitions

- Updated and added definitions to match the current CAO guidance from Ecology, federal rule on compensatory mitigation, WACs, and RCWs.
- Edited definition of fish and wildlife habitat conservation areas to clarify that certain water-based artificial features or constructs are excluded from being considered part of these areas per Senate Bill 5292 (2012).
- Provided more specificity on what constitutes a “qualified expert” in each critical area expertise. The geotechnical engineering consultant from Earth Engineers advised removing “geologist” from the list of qualified experts for geologically hazardous areas and replacing with “geotechnical engineer” and “engineering geologist,” as both of these professionals are licensed by the State and are more qualified to assess geological hazards.

17.10.070 Exemptions

- Consolidated all the exempt maintenance activities so that they are grouped under a single subheading.
- Added “enhancement of wetland or its buffer” as an exemption¹.
- Added “stormwater management facilities” using Low Impact Design (LID) as an exemption¹. This exemption has specific criteria so not to impact functions of wetland.

17.10.100 Critical Area Inventory Maps

- Updated map and data sources with current references.

17.10.110 Wetlands

- Updated the wetland categories to be consistent with Ecology’s 2014 wetland rating update. The current wetland rating system has substantially different scoring from the previous version and

¹ This language was recommended in Ecology’s July 2016 *Wetland Guidance for CAO Updates: Western Washington Version*. Publication No. 16-06-001.

wetland rating scores now range from 9 to 27 points (previously, the rating scores ranged from less than 30 to 70 points). This substantially affects the habitat scoring, which is used to determine buffer widths.

- Updated wetland buffer widths on Tables 17.10.110-1, -2, and -3 because Ecology's 2014 wetland rating update altered the habitat scores. The maximum buffer widths for those wetlands with the highest habitat scores are consistent with the SMP. Ecology's guidance was used to determine the buffer widths for wetlands with medium and low habitat scores, where there are gaps in the SMP's buffer designations (because the SMP is based on the previous wetland rating system).
- Added a mitigation sequencing section. Applicants must demonstrate avoidance and minimization for wetland impacts, as required by the federal rule on compensatory mitigation.
- Added language from Ecology's CAO guidance for "approaches to mitigation" and "location of compensatory mitigation" as these sections were lacking.

17.10.120 Fish and Wildlife Habitat Conservation Areas

- Omitted water typing conversion table. Type S, F, Np, and Ns stream types are now widely recognized and understood.
- Added a section to allow for the functional separation of buffers from fish and wildlife habitat conservation areas if pre-existing, legally established structure, impervious surface, or vertical separation.

17.10.130 Frequently Flooded Areas

- Updated to reflect date of current FEMA FIRM maps (December 16, 2015).

17.10.140 Geologically Hazardous Areas

- Added a "designation" subsection, which introduces the 5 types of geological hazards addressed in the section.
- Edited and clarified the reporting requirements for geologically hazardous areas as recommended by Earth Engineers. The reports are now designated as a more limited study, called a "geotechnical reconnaissance" and a more detailed study, called a "geotechnical investigation."

17.10.150 Critical Aquifer Recharge Areas

- Moved the aquifer impact assessment reporting requirement to Chapter 17.12, to be grouped with the standards for preparing reports.

~~17.10.160 Mitigation Plan Performance Standards~~

- Moved the mitigation plan performance standards to Chapter 17.12, to be grouped with the standards for preparing reports.

~~17.10.170 Strategic Plan for Protecting Aquatic Habitat~~

- Deleted section as it no longer applies.

Chapter 17.12 Standards for Preparing Critical Area Reports and Mitigation Plans

17.12.010 Critical Areas Reports

- Added the general critical area report requirements, to avoid having duplicate information in each subsequent section.

17.12.020 Critical Areas Reports: Wetlands and Wetland Mitigation Plan

- Renamed this section and added clarifying language for the different types of critical area reports for wetlands. (The reports are designated as a limited study called a “wetland determination” versus a more detailed study called a “wetland delineation.”)
- Added details on critical area report requirements for wetlands, per Ecology’s CAO guidance.
- Added the wetland mitigation plan section from Chapter 17.10 and edited per Ecology’s CAO guidance.
- Added that reports, plans, and field investigations must be conducted by a qualified expert.

17.12.030 Critical Area Reports: Species and Habitats and Habitat Management Plans

- Renamed this section and added requirements species and habitat critical area report contents, as this was not specified.
- Edited the requirements for habitat management plans. A project description, summary of impacts, permits required, and mitigation sequencing were added to the existing requirements for habitat management plans.
- Added that reports, plans, and field investigations must be conducted by a qualified expert.

17.12.040 Geotechnical Reconnaissance Reports and Geotechnical Investigation Reports

- Renamed this section and added text to explain the difference between a geotechnical reconnaissance report and a geotechnical investigation report, as advised by Earth Engineers.
- Edited qualified expert requirements to be consistent with Earth Engineers’ recommendation.

17.12.050 Erosion Hazard Assessments

- No major change.

17.12.060 Aquifer Impact Assessments and Hydrogeologic Site Evaluations

- Renamed this section and added the aquifer impact assessment requirements that were previously in Chapter 17.10.
- Added that reports, plans, and field investigations must be conducted by a qualified expert.

Edits Common to both Chapters

- Updated critical area references to the most current data and map sources.
- Global editing to improve organization, eliminate repeated information, and consolidate repeated sections, e.g. “relationship to other regulations/other regulatory agencies” in Chapter 17.10 was in three separate sections and has been combined into a single section.
- Housekeeping tasks to improve formatting and resolve inconsistencies.