

## ATTACHMENT C – Correspondences from the Department of Ecology to Staff

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From: Bunten, Donna (ECY) [mailto:DBUN461@ECY.WA.GOV]

Sent: Tuesday, August 19, 2014 2:51 PM

Subject: **Updating your CAO wetland buffer tables**

Greetings,

You are receiving this email because:

- Your CAO adopted wetland buffer tables that use habitat scores to determine the buffer width, AND
- Your CAO adopted the 2004 rating system *as revised*, AND
- Your buffer tables appear to be slightly different from the recommendations in Appendix 8-C of *Wetlands in Washington State, Volume 2: Managing and Protecting Wetlands* (Publication # 05-06-008, April 2005).

As many of you know, Ecology is updating the Washington state wetland rating systems for eastern and western Washington. One of the changes associated with the updates are that the scale of scores changed to better reflect the scientific accuracy of the tools. As a result, the range of scores for individual functions, including habitat, have also changed. For example, the updated rating systems produce a smaller range of habitat scores: 3-9 rather than  $\leq 19-36$ .

Due to the implications of these changes for CAOs, we have decided to make the 2014 updates effective on January 1, 2015. Since your CAO contains the “as revised” language, you will be using the new habitat scores as of the first of the year.

Because your CAO assigns buffers based on groupings of habitat scores that differ from those in Appendix 8-C, we will need to work together to revise your buffer tables. We are working on some recommendations that I will be able to share with you individually by mid-September.

In the meantime, below are some tables that convert the 2004 category and function scores into the 2014 scores. Please call or email me if you have any questions about this email or why I am contacting you. *If you are not the best contact for this information, please forward this email to your associates with a copy to me so I can update my list.*

For more information on the 2014 updates to the wetland rating systems go to:  
<http://www.ecy.wa.gov/programs/sea/wetlands/ratingsystems/2014updates.html>.

### Tables for converting category scores

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

2004	Eastern WA	2014
$\geq 70$	Category I	22-27
51-69	Category II	19-21
30-50	Category III	16-18
<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
$\leq 19$	Low	3-4

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

#### **Donna J. Bunten**

CAO Coordinator  
 Shorelands and Environmental Assistance Program  
 Department of Ecology  
 PO Box 47600  
 Olympia, WA 98504  
 360-407-7172

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**From:** Bunten, Donna (ECY) [mailto:DBUN461@ECY.WA.GOV]  
**Sent:** Thursday, October 16, 2014 3:53 PM  
**To:** Sarah Fox; Robert Maul  
**Cc:** Schroeder, Rebecca (ECY)  
**Subject:** CAO Update

Hi, Sarah,

Here are my edits regarding the rating system update and the delineation manual. I'm also mentioning the banking and ILF language, even though it might be out of the scope of this particular action. We want to make sure that jurisdictions have the tools in place to use mitigation options. Your CAO does already allow banking and the cumulative effects fund; I'm just wondering if you need to add some more specifics. See the language below.

Let me know if you have questions about the buffer table. We tried to “shrink” your habitat point buckets into the new smaller buckets created by the rating system update. There may be some confusion about the large Category III buffers. In the past we assumed it was not possible for a Category III wetland to score high for habitat, and so the largest buffers we recommended for Category III’s were 75-110-150 (low-moderate-high land-use intensity).

However, it is conceivable that a Category III wetland could score 8-9 habitat points, although it’s not very likely. That high habitat function would need to be protected with wider buffers, as are the Category I and II wetlands with 8-9 points in your table, not the 75-110-150 as implied by the “27 or greater” in that row in your existing CAO.

So we are recommending that you either add rows for 8 and 9 as shown in our recommended table, or delete them and don’t add “or greater” after the 7 score. If a high-habitat Category III wetland were to be discovered in Camas, we recommend you contact us so that we can work together to determine the appropriate buffer.

Cowlitz County just submitted their CAO amendments under an “expedited review”, so it looks like Commerce is allowing that option.

#### Wetland Mitigation Banks.

1. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:
  - a. The bank is certified under state rules;
  - b. The Administrator determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
  - c. The proposed use of credits is consistent with the terms and conditions of the certified bank instrument.
2. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the certified bank instrument.
3. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the certified bank instrument. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.

#### In-Lieu Fee.

To aid in the implementation of off-site mitigation, the City may develop an in-lieu fee program. This program shall be developed and approved through a public process and be consistent with federal rules, state policy on in-lieu fee mitigation, and state water quality regulations. An approved in-lieu-fee program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the in-lieu program sponsor, a governmental or non-profit natural resource management entity. Credits from an approved in-lieu-fee program may be used when paragraphs 1-6 below apply:

1. The approval authority determines that it would provide environmentally appropriate compensation for the proposed impacts.
2. The mitigation will occur on a site identified using the site selection and prioritization process in the approved in-lieu-fee program instrument.

3. The proposed use of credits is consistent with the terms and conditions of the approved in-lieu-fee program instrument.
4. Land acquisition and initial physical and biological improvements of the mitigation site must be completed within three years of the credit sale.
5. Projects using in-lieu-fee credits shall have debits associated with the proposed impacts calculated by the applicant's qualified wetland scientist using the method consistent with the credit assessment method specified in the approved instrument for the in-lieu-fee program.
6. Credits from an approved in-lieu-fee program may be used to compensate for impacts located within the service area specified in the approved in-lieu-fee instrument.

**Donna J. Bunten**  
*CAO Coordinator*  
*Shorelands and Environmental Assistance Program*  
*Department of Ecology*  
*PO Box 47600*  
*Olympia, WA 98504*  
*360-407-7172*

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**From:** Sarah Fox [<mailto:SFox@cityofcamas.us>]  
**Sent:** Wednesday, November 12, 2014 12:36 PM  
**To:** Bunten, Donna (ECY)  
**Subject:** **Estuarine wetlands in the CAO Update**

Donna,  
I am finally getting a chance to review the red-lines. I was wondering about the addition of the word "estuarine" wetlands to page 21 under wetland rating categories? Could you define this term, since I thought that it was associated with the coast? I wouldn't imagine that our city would have any within that category. Would you suggest that we omit (b)(i) altogether?

Thank you,  
Sarah

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**From:** Bunten, Donna (ECY)  
**Sent:** Wednesday, November 12, 2014 1:06 PM  
**To:** Sarah Fox; Schroeder, Rebecca (ECY)  
**Subject:** **RE: Estuarine wetlands in the CAO Update**

Hi, Sarah,  
Here is the definition of "estuarine" from the rating system. I know that a lot of jurisdictions omit from their category definitions the types of wetlands that definitely don't occur within their boundaries (e.g., interdunal). Then again, there's no down side to including them if you're not sure, except for extra lines of text. If you think there's a possibility of ever discovering such a wetland in Camas or its UGA, I'd go

ahead and include the text. I'm cc-ing Rebecca Schroeder, who is more familiar with the actual physical circumstances in Camas. Rebecca, do you have any thoughts on this?

I've also pasted in below the category definitions in their entirety.

### SC 1.0 Estuarine wetlands

**SC 1.1** Estuarine wetlands are vegetated, Tidal Fringe, wetlands where the concentration of salt in the water is greater than 0.5 parts per thousand. Estuarine wetlands of any size within National Wildlife Refuges, National Parks, National Estuary Reserves, Natural Area Preserves, State Parks, or Educational, Environmental or Scientific Reserves designated under WAC 332-30-151 are rated a Category I.

**SC 1.2** Estuarine wetlands in which the salt marsh vegetation extends over more than 1 ac, and **that meet at least two of the following three criteria** are rated a Category I.

☐ The wetland is relatively undisturbed. This means it has no ditching, filling, cultivation, or grazing, and the vegetation has less than 10% cover of non-native plant species. **NOTE:** If non-native *Spartina* species cover more than 10% of the wetland, then the wetland can be given a dual rating (I/II). The area of *Spartina* would be rated a Category II, while the relatively undisturbed upper marsh with native species would be a Category I. Do not, however, exclude the area of *Spartina* in determining the size threshold of 1 ac.

☐ At least ¾ of the landward edge of the wetland has a 100-ft buffer of ungrazed pasture, shrub, forest, or relatively undisturbed freshwater wetland. A relatively undisturbed dike with vegetation that is not cut or grazed annually can count as an undisturbed buffer.

☐ The vegetated areas of the wetland have at least two of the following structural features: tidal channels, depressions with open water, or contiguous freshwater wetlands.

Any estuarine wetland that does not meet the criteria above for a Category I is a Category II wetland.

**NOTE:** Eelgrass beds do not fall within the definition of vegetated wetlands used in the rating system. They are an important aquatic resource but they do not fall within the purview of this rating system.

**Category I.** Category I wetlands are: (1) relatively undisturbed estuarine wetlands larger than 1 acre; (2) wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR; (3) bogs; (4) mature and old-growth forested wetlands larger than 1 acre; (5) wetlands in coastal lagoons; (6) interdunal wetlands that score 8 or 9 habitat points and are larger than 1 acre; and (7) wetlands that perform many functions well (scoring 23 points or more). These wetlands: (1) represent unique or rare wetland types; (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (4) provide a high level of functions.

**Category II.** Category II wetlands are: (1) estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre; (2) interdunal wetlands larger than 1 acre or those found in a mosaic of wetlands; or (3) wetlands with a moderately high level of functions (scoring between 20 and 22 points).

**Category III.** Category III wetlands are: (1) wetlands with a moderate level of functions (scoring between 16 and 19 points); (2) can often be adequately replaced with a well-planned mitigation project; and (3) interdunal wetlands between 0.1 and 1 acre. Wetlands scoring between 16 and 19 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

**Category IV.** Category IV wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

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**From:** Schroeder, Rebecca (ECY)  
**Sent:** Wednesday, November 12, 2014 3:53 PM  
**To:** Sarah Fox  
**Cc:** Bunten, Donna (ECY)  
**Subject:** **RE: CAO Update**

I've checked around here and gotten a consensus that the salt wedge doesn't go up that far, so you are fine not to address estuarine wetlands in your CAO.

*Rebecca Schroeder*

Wetlands/Shorelands Specialist  
Shorelands and Environmental Assistance Program  
**WA Department of Ecology | Southwest Regional Office | 360-407-7273**  
300 Desmond Drive SE, Lacey, WA 98503 | PO Box 47775 Olympia, WA 98504-7775

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**From:** Sarah Fox [<mailto:SFox@cityofcamas.us>]  
**Sent:** Wednesday, November 12, 2014 2:19 PM  
**To:** Schroeder, Rebecca (ECY); Bunten, Donna (ECY)  
**Cc:** Robert Maul  
**Subject:** RE: CAO Update

I am not the subject matter expert by any stretch. For what it is worth, within my nine years in Camas, I have not read any information in any report that mentioned salt water or wedges in our area. Would that mean that we do not need to include references to estuarine?  
-Sarah

**From:** Bunten, Donna (ECY)  
**Sent:** Thursday, November 13, 2014 12:36 PM  
**To:** Schroeder, Rebecca (ECY); Sarah Fox  
**Subject:** RE: CAO Update

Hi, Sarah,

I also asked around and uncovered an additional question. I have not encountered this situation before but wanted to mention it.

In a more general sense, because you are requiring the use of the rating system, it doesn't really matter whether or not you include the category definitions in your CAO. If a rating determined that a particular wetland is estuarine, that would be the case whether or not you defined it in your CAO. The bigger question would be whether your CAO would protect an estuarine wetland if one were found, because your buffer table doesn't include wetlands with special characteristics (estuarine, forested, bogs, wetlands of high conservation value). So while it is unlikely that there are any of these in Camas, is there a mechanism in your CAO that would allow you to determine the appropriate buffer to use, since these wetlands are not specifically called out in your buffer table? While these wetlands would still be scored for functions, plugging the resulting habitat scores into your buffer tables wouldn't necessarily provide adequate protection according to our guidance in Volume 2, Appendix 8C  
<http://www.ecy.wa.gov/programs/sea/wetlands/pdf/2014Appendix8C.pdf> .

As you said, this probably isn't a real issue, nor does it specifically need to be addressed in this CAO amendment. However, it might be a good idea for you and Rebecca to have an understanding about how such a circumstance would be handled IF it ever came up. I wasn't sure whether the language in 16.53.040.B.4.a would allow the city to apply a larger buffer if needed.

**Donna J. Bunten**  
CAO Coordinator  
Shorelands and Environmental Assistance Program  
Department of Ecology  
PO Box 47600  
Olympia, WA 98504  
360-407-7172

**From:** Schroeder, Rebecca (ECY) [mailto:rebs461@ECY.WA.GOV]  
**Sent:** Friday, November 14, 2014 8:18 AM  
**To:** Bunten, Donna (ECY); Sarah Fox  
**Subject:** RE: CAO Update

Donna, thanks for this additional information. It makes a lot of sense to have language in place in the CAO that would address protection for wetland types that are not thought to exist in a particular area. In this case, however, I am assured that the salt water doesn't go anywhere near Camas, and therefore there is no possibility that there would be an estuarine wetland in that jurisdiction. We're talking many tens of miles, so we're safe in this instance not to address estuarine wetlands.

*Rebecca Schroeder*  
Wetlands/Shorelands Specialist, Shorelands and Environmental Assistance Program  
WA Department of Ecology | Southwest Regional Office | 360-407-7273