City of Arlington CAO & SMP Wetland Comments

Arlington SMP, January 2011 Draft

Citation	Comment	Response
§ 3.2.6.D, p. 26	While it may be desirable to define how long OHWM determinations are valid, the two years listed in this section is not consistent with the OHWM definition in the SMA "…as it may naturally change thereafter, or as it may change thereafter in accordance with permits…" (see RCW 90.58.030(2)(b). For permit applications, a current OHWM field determination should be included with the permit application. If site conditions change (e.g., flooding or major storms) during the permit approval process or prior to construction, the OHWM should be re-verified. For consistency with state and federal standards, we recommend considering wetland delineations to be valid for five years.	OHWM determination language changed to reflect comment. See in-text edits. Wetlands delineations validity changed to five years to reflect comment. See in-text edits.
§ 4.2.2.A Mitigation sequencing, p. 34	Item 7 in list is not consistent with mitigation sequencing used by agencies or with WAC 173-26-201(2)(e)(i). We recommend deleting Item 7.	Item 7 deleted.
§ 4.2.2.D Mitigation required for impacts, p. 34	"Mitigation shall be required for all projects within shoreline jurisdiction, including those waterward of the OHWM <u>and within intact shoreline buffers</u>…Mitigation ratios are specifically established in Appendix B, Critical Areas Regulations, for impacts to wetlands and wetland buffers" (what about mitigation for impacts to FWHAs and stream buffers?). "All other mitigation must be designed to result in no net loss of ecological functions to the extent feasible." We recommend the language in this section be less conditional to ensure that ecological functions are protected.	Added underlined text. Edits from BW address other comments. See in-text edits.
§ 4.2.2.E (NOW § 4.2.2.F) Location of mitigation, p. 35	We recommend stating an agency preference for using a watershed approach in selecting mitigation sites and referencing *Selecting Wetland Mitigation Sites Using a Watershed Approach* (*Western Washington*) (Publication #09-06-32)..	Agency preference included in revised regulation. See in-text edits.
§ 4.5.2.C Mitigation required, p. 43	When required, mitigation plans shall be prepared…" (would be helpful to clarify when mitigation plans are required). "…including a five-year monitoring plan". We recommend revising to state "monitoring will be required for a minimum of five years for herbaceous plantings and 10 years for shrubs and trees". Mitigation plans shall describe actions that will ensure no net loss of ecological functions, <u>including measurable performance standards.</u> ~~to the maximum extent practicable at the site scale.~~	Regarding when mitigation plan required, added new § 4.2.2.E (some of the § 4.5.2.C text went to this new section). Underlined text added. Text with strikethrough deleted. Monitoring requirements may be revised upward pending discussion with Planning Commission. See in-text edits.
§ 4.5.2.C (§ 4.5.2.D) Filling, clearing and grading, p. 44	We recommend including a note that filling, clearing and grading below OHWM or within wetlands requires separate state and federal authorization.	Note added. See in-text edits.

§ 4.5.2.M Site investigation allowed, p. 46	We recommend adding the following text: "In every case, critical area and buffer impacts should be avoided and/or minimized and disturbed areas shall be immediately restored". We also recommend including a note that ground-disturbing activities (filling, clearing, excavation and grading) below OHWM or within wetlands will require separate state and federal authorization.	Underlined text added by BW. Note regarding ground-disturbance added. See in-text edits.
§ 4.5.2.P Trails, p. 47	conform to design guidelines found in Public Access sections of this SMP??	Reference to trail design guidelines removed. Included regulation that trails should be the minimum width necessary. See in-text edits.
§ 4.5.2.Q Shoreline buffer width reduction, pp. 47-49	Unclear of the scientific basis for the proposed buffer reductions and how those reductions will protect ecological function. Allowing up to a 50% reduction in the shoreline buffer (or a 25% reduction in Cat. I and II wetlands) is not consistent with best available science (Items 3 & 4). "…buffer averaging per Appendix B or standard reduced buffer, a reduction in the buffer width not exceeding fifty (50) percent may be approved administratively. The approved reduction may be no more than that necessary to accommodate the allowed use" (Item 4). Allowing up to a 50% reduction and saying the reduction may be no more than that necessary is inconsistent and may be a challenge to implement. Where encroachment into the shoreline buffer is unavoidable, the encroachment should be the minimum necessary and buffer averaging or other mitigation should be provided to offset the encroachment. Item 4 "The City may allow an increase in height above applicable SMP height standards (as allowed by Section 4.4.2(X)(Y) or decrease in property setback standards if those actions will reduce or eliminate the need for the buffer reduction. These modifications of standards may be approved without a Shoreline Conditional Use Permit or Shoreline Variance where…" Item 5.a. "The City shall accept previous actions that meet the provisions established in the setback reduction option chart (don't see chart?) below as satisfying the requirements of this section…" Item 5.c. "… including maintenance of the conditions throughout the life of the development, unless otherwise approved by the City,…"	50% buffer reduction provision removed. Item 4 removed. Item 5.a,, deleted. Reference to chart removed. See in-text edits. For item 5.c., "unless otherwise approved by the City" removed. See in-text edits.
§ 4.5.2.Q Shoreline buffer width reduction, p. 49	Item 6. Ecology and federal agencies recommend that a watershed approach should guide the selection of mitigation sites and we recommend adding language to this section stating that mitigation sites should be selected using the methods in *Selecting Wetland Mitigation Sites Using a Watershed Approach* (Ecology Publication #09-06-032, December 2009). We also recommend adding the following revision: "…or contributions to an Interagency Review Team approved fee in lieu restoration program when established."	Language addressing selection of mitigations sites added and Interagency Review Team approval. See in-text edits.

§ 4.5.2.Q Shoreline buffer width reduction, p. 49	Item 8. "These provisions do not apply to those portions of water-dependent or public access development that require improvements or uses adjacent to the water's edge… Where space is available, the required native vegetation shall be planted in the shoreline setback area that is not being used for waterdependent or public access uses." (consistent use of buffer and setback?)	"Setback" changed to "buffer." See in-text edits.
§ 4.6.1 Policies E. Provide and maintain buffers, p. 50	"…for vegetation management and be consistent with critical areas ordinances and best management practices." We recommend revising this section to say "consistent with the critical areas provisions of this Shoreline Master Program and best…"	Underlined text added. See in-text edits.
§ 4.6.2.B Requirements for new development, pp. 50-51	"…maintained in accordance with the current stormwater management manual in effect at the time, including the use of best management practices. Deviations from these standards may be approved where it can be demonstrated that off-site facilities would provide better treatment,…"	No action taken.
§ 5.1.2 Regulations, p. 53	B. Preference for Water-Oriented Facility Location	No action taken.
§ 5.2.2 Regulations C. Obtain all required permits, p. 55	Projects involving in-water work must obtain all applicable state and federal permits (Projects involving work at or below OHWM must obtain…OR, define In-Water work in Definitions as work at or below [waterward] of OHWM).	Definition of in-water work added. See in-text edits.
5.5 Boating Facilities § 5.5.1 Policies A., p. 57	"When facilitating public access or providing an opportunity for substantial numbers of people to enjoy the shoreline, these uses should be given priority for shoreline location."	No action taken.
§ 5.5.2.A.1 Location standards, p. 57	a. wetlands with emergent vegetation (marsh type areas), or. Wetlands should be protected based on the functions they provide or their rarity and sensitivity to alteration (i.e., bogs). We recommend using the wetland category to identify wetlands that should be protected. Boating facilities in Cat. I or II wetlands should be prohibited; with appropriate mitigation for unavoidable impacts and permitting, boating facilities could be allowed within Cat. III and IV wetlands. From a habitat perspective, a wetland with a diversity of plant communities or a forested wetland would likely be more valuable than an emergent wetland.	Wetland types identified. Modified to include type II wetlands not historically used for navigation. South Slough which is a type II wetland now may be restored in a manner bringing back historic function that may provide for reintroduction of historic use similar to Indians transporting pioneers. See in-text edits.
5.5 Clearing and Grading § 5.7.2. Regulations, p. 62	We recommend revising Item A to include the following language: Clearing and grading within wetlands or below the OHWM requires state and federal authorization prior to beginning work, in addition to City requirements.	Language added. See in-text edits.
§ 5.7.2.G. Alteration of the natural landscape , p. 63	2. Modification of vegetation; 3. Maintenance or restoration of viewsheds?	Regarding 2, a landowner may want to replace on native species with another which would be acceptable. Regarding 3, to support the goal of SMP public access and view being one of those goals an

		approved view corridor may need maintenance from time to time.
§ 5.7.2.H. clearing followed by revegetation, p. 63	Native species should be required for replanting of mitigation areas and cleared areas outside of the improved footprint. Areas planted to lawn or landscaping with non-natives within regulated critical areas or buffers should be considered an impact requiring mitigation.	Native species required. Lawns prohibited with buffer. See in-text edits.
§ 5.7.2.I., p. 63	Clearing and grading within areas classified by the City's Critical Areas Regulations…" Incomplete statement; ("is prohibited; requires approval?)"	Comment addressed by BW edits (prohibited). See in-text edits.
§ 5.8.2.C. Nonwater-Oriented Commercial Uses Limited, p. 63	"except where such use provides a significant public benefit with respect to the Act's objectives, such as providing public access (including viewing, such as a restaurant with viewing deck where allowed)"	Comment addressed by BW edits. See in-text edits.
§ 5.9.1.D. Dredging Policies, p. 65	~~"Disposal of dredged material on shorelands or wetlands within a river's channel migration zone should be discouraged"~~. "Disposal of dredged material on shorelands within a river's channel migration zone or wetlands is prohibited without prior state and federal authorization".	Comment addressed by BW edits. See in-text edits.
§ 5.9.2.A. Siting and design, p. 66	New development shall be sited and designed to avoid ~~or, if that is not possible, to minimize~~ the need for new and maintenance dredging.	Underlined text removed. See in-text edits.
§ 5.9.2.B. Allowed dredging activities, p. 66	We recommend adding the following text to the first ¶ of this section: <u>State and federal authorization is required for dredging waterward of the OHWM or within wetlands prior to beginning work</u>."	Text added. See in-text edits.
§ 5.9.2.E. Circumstances when disposal is allowed, p. 67	We recommend adding a new Item 1 to this section: <u>The applicant shall obtain state and federal authorization for dredging waterward of the OHWM or within wetlands prior to beginning work</u>.	New item 1 added. See in-text edits.
§ 5.9.2.F.2.b. Submittal requirements, p. 68	A habitat survey, critical areas study, <u>report documenting the OHWM field determination</u>, fish and wildlife management plan during dredging operations, and/or mitigation plans.	Similar edit made by BW. See in-text edits.
§ 5.9.2.F.7.f. Submittal requirements, p. 69	Methods of controlling erosion and sedimentation<u>, including a Stormwater Pollution Prevention Plan</u>; and	Underlined text added. See in-text edits.
§ 5.10. Fill, p. 69	"Fill regulations in this section apply to fills in aquatic<u>, wetland</u> and upland environments."	Edit made by BW. See in-text edits.
§ 5.10.1.A. Fill Policies, p. 69	"…with assurance of no net loss of shoreline ecological functions and processes. Enhancement and voluntary restoration of landforms and habitat are encouraged. <u>Compensatory mitigation for unavoidable critical area and buffer impacts is required."</u>	Language similar to underlined included. See in-text edits.
§ 5.10.1.F. Fill Policies, p. 70	"Fill should not be placed over existing forest duff or native plant herb layer in not in the direct footprint of the approved project." [Not sure of section intent and	Edit made by BW. See in-text edits.

	wording]	
§ 5.10.2.B. Fill Regulations, p. 70	"…shall only be permitted in limited instances for the following purposes…: Items C.-G appear to be the purposes referenced in Item B. Recommend renumbering these elements as subsections of 5.10.2.B (i, ii, iii, etc.).	Items renumbered.
§ 5.20.2.A. Shoreline Stabilization Regulations, p. 82	We recommend adding the following language to Item A.: State and federal authorization is required for excavation or filling waterward of the OHWM or within wetlands prior to beginning work.	Language similar to underlined included. See in-text edits.
§ 5.20.2.E.11 General Design Standards, p. 87	"When repair or replacement shoreline stabilization measures intended to improve ecological functions shift the OHWM landward of the premodification location, any buffers from the OHWM or lot area for the purposes of calculating lot coverage shall be measured from the premodification location." We recommend revising this section to state that the proposed shoreline restoration project must be consistent with the provisions of RCW 90.58.580, specifically sub-section (1)(b)(iv): Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under this section;	See in-text edits address suggestion.
§ 5.20.2.H. Submittal Requirements, p. 89	We recommend including a report documenting the OHWM field determination to the submittal requirements in this section.	Report requirement added to subsections 1 and 2.
§ 5.20.2.H.4.c. Submittal Requirements, p. 91	"For projects that include native vegetation, a detailed five-year vegetation maintenance and monitoring program to include the following:… For consistency with state and federal mitigation standards, we recommend requiring a minimum of ten years of monitoring where woody vegetation (forest or shrub communities) is the intended result. These communities take at least eight years after planting to reach 80-percent canopy closure. Having a ten-year monitoring program need not require biologists to collect data and produce a report every year. That could be done in years 1, 2, 3, 5, 7, and 10, for example (revise mitigation schedule in § 5.20.2.H.4.c.(3)).	See in text edits.
§ 5.22.2.B.4. Criteria if Roads or Railroads are Unavoidable, p. 95	"set back from the OHWM to the maximum feasible…or the cost is disproportionate to the cost of the proposal. For the purposes of this Section, disproportionate means the shoreline buffer requirement would add more than 20% to the total project cost." This provision is not consistent with protecting ecological function. What is the scientific basis for determining that buffer requirements should be waived when adding more than 20% to the total project cost?	Provision deleted.
§ 5.22.2.G.3. Parking Facilities, p. 96	"observe critical area and shoreline buffers, mitigating for unavoidable impacts; and…"	Underlined text added. See in text edits.
§ 5.23.2.A.2. Design	"do not alter processes affecting critical area functions including but not limited to:	Very similar edits made. See in text edits.

Considerations, p. 96	important habitat functions, the rate of channel migration, river and wetland hydrology, or shoreline erosion and accretion."	
§ 5.23.2.C.2. Underwater Utilities, p. 97	"the design, installation and operation shall minimize impacts to the wetland, waterway or the resident aquatic ecosystems." We recommending adding a preference for utility installation via horizontal directional drilling (boring) in this section.	Underlined text added. Boring preference added. See in text edits.
§ 6.1.D. Nonconforming Structures, Uses, Lots: Policies, p. 98	"This objective may be addressed in an area wide manner consistent with the SMP cumulative impacts analysis."??	See in-text edits by BW.
§ 6.2.1.D. Nonconforming Structures, Uses, Lots: General Provisions, p. 99	"…or repairs to a nonconforming structure means work that does not exceed eighty percent (50%) of the latest County assessed…"	Chaged to fifty percent (50%). Planning Commission to review.
§ 6.2.6.B. Expansion, p. 100	"Modification of a legally constructed single-family residence in a shoreline or critical area buffer shall be allowed; provided, that no new construction shall be closer to the OWHM or critical area and does not increase the square footage of primary residence to be modified by more than twenty-five percent of the existing square footage."	See in-text edits by BW.
§ 6.2.7.A. Completion of a Building/Structure/Activity, p. 100	Nothing contained in Section 6.6 (don't see a § 6.6). We recommend adding the following language to this section: It is the applicant's responsibility to obtain all necessary state and federal authorizations for work waterward of the OHWM or within wetlands prior to beginning work.	Section entirely deleted by BW. City Attorney to review.
§ 7.14.1 Revision – When Required, p. 114	We recommend adding the following language to this section: It is the applicant's responsibility to contact state and federal agencies for permit revisions to authorizations for work waterward of the OHWM or within wetlands prior to beginning work.	Edit made. See in text edits.
§ 8 Definitions, "BOG" p. 121	We recommend replacing this definition with the following text from *Washington State Wetland Rating System for Western Washington, Revised*, (Ecology Publication # 04-06-025):"Bogs are low nutrient, acidic wetlands that have organic soils. The chemistry of bogs is such that changes to the water regime or water quality of the wetland can easily alter its ecosystem. The plants and animals that grow in bogs are specifically adapted to such conditions and do not tolerate changes well. In addition to being sensitive to disturbance, bogs are not easy to re-create through compensatory mitigation (see *Washington State Wetland Rating System for Western Washington, Revised*)."	Edit made. See in text edits.
§ 8 Definitions, "BUFFER OR SHORELINE BUFFER" p. 121	"The area adjacent to a shoreline providing critical area functions that separates and protects the ~~waterbody~~ critical area from adverse impacts associated with adjacent land uses. It is designed and designated to remain vegetated in an	Edits made to reflect comments. See in text edits.

	undisturbed and natural condition to protect an adjacent ~~aquatic or wetland site~~ critical area from upland impacts.~~, to provide habitat for wildlife, to afford limited public access, and to accommodate certain other specified uses that benefit from a shoreline location~~. The dimensions and allowed uses ~~of~~within the shoreline buffer are established in the Vegetation Conservation section~~s~~ and Appendix B of this SMP."	
§ 8 Definitions, "DEVELOPMENT" p. 123	We recommend adding "clearing" to the list of activities constituting development.	Added. See in text edits.
§ 8 Definitions, "DREDGING" p. 124	Excavation or displacement of the bottom or shoreline of a waterbody or wetland.	Added. See in text edits.
§ 8 Definitions, "ENHANCEMENT" p. 125	Definition is not entirely consistent ("…without degrading other existing ecological functions.") with agency definition of wetland enhancement in *Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance* (*Version 1*) (Ecology Publication #06-06-011a) (hereafter, Mitigation Guidance). Enhancement can result in a decline in functions; planting trees to convert an emergent wetland to a forested wetland may enhance the habitat function but will likely reduce the water quality capacity of the wetland. For consistency with state and federal agencies, we recommend using the mitigation definitions on p. 44 of the Mitigation Guidance (comment also applies to RESTORE definition, SMP p. 137).	Added as ENHANCEMENT, WETLAND. See in text edits.
§ 8 Definitions, "FILL" p. 125	Cites incorrect WAC subsection (WAC 173-26-020(14)), should cite WAC 173-26-020(16)	Citation changed. See in text edits.
§ 8 Definitions, p. 130	We recommend adding a definition for "IN-WATER WORK. Work occurring waterward of the ordinary high water mark". Alternatively, references to in-water work in the SMP could be changed to "work waterward of the ordinary high water mark".	Definition of in-water work added. See in text edits.
§ 8 Definitions, "MAINTENANCE, NORMAL" p. 131	We recommend adding the following language to this definition: "Normal maintenance shall not include an expansion of the footprint or change in materials or bulk density of the legally established condition".	Recommendation added. See in text edits.
§ 8 Definitions, "ORDINARY HIGH WATER MARK (OHWM)" p. 134	Definition is not entirely consistent with definition in RCW 90.58.030(2)(c). We recommend the adding the following underlined text from RCW 90.58.030(2)(c): "permits issued by a local government or the Department of Ecology: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water."	Underlined text added.
§ 8 Definitions, "SHORELINES OF STATEWIDE SIGNIFICANCE" p. 138	Cites incorrect RCW subsection (RCW 90.58.030(2)(e)), should cite RCW 90.58.030(2)(f)	Citation changed. See in text edits.

§ 8 Definitions, "STREAM" p. 141	Last sentence in definition cites incorrect WAC subsection (WAC 173-22-030(15)), should cite WAC 173-22-030(8)(b)	Citation changed.
§ 8 Definitions, "SURFACE WATER" p. 142	Cites incorrect RCW (Chapter 90.44 RCW, Regulation of public groundwaters)?	Citation deleted as not verbatim.
§ 8 Definitions, "SWAMP" p. 142	We recommend deleting this definition and using "wetland" in SMP.	Definition of swamp deleted.
§ 8 Definitions, "UPLAND" p. 143	"Generally described as the dry land area above and landward of the OHWM and wetlands."	Addition made.
§ 8 Definitions, "WETLAND or WETLANDS" p. 145	Definition is not entirely consistent with definition in RCW 90.58.030(2)(h). We recommend replacing with the following text from RCW 90.58.030(2)(h): "means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands."	Text replaced.

Arlington SMP Appendix B, 3/28/11

Bill, can you please retitle this document "Shoreline Environmentally Critical Areas" per DOE's suggestion? Yes

Citation	Comment
SMP.010 Purpose and Intent	Section appears to describe the mitigation sequence but does not include monitoring. Monitoring is not included as a mitigation standard. We recommend rewriting this section and adding "Monitoring" as a 6th element of the mitigation sequence, to be more consistent with the agency and SEPA definitions (see WAC 197-11-768). Added a reference to monitoring as suggested
SMP.100 Definitions "Compensation"	Definition states "In-kind replacement" but also includes "Out-of-kind" in ¶ 3. We recommend revising the definition to: "Compensatory mitigation is the stage of the mitigation sequence where unavoidable impacts to wetland functions are offset by restoring, creating, enhancing, or preserving critical habitat within a specific watershed or geographic area. In-kind shall be provided except in cases where the proposed mitigation would provide significant ecological benefit." In addition, we recommend allowing use of off-site mitigation,

	including certified mitigation banks and approved in-lieu fee sites. Ecology and federal agencies recommend that a watershed approach should guide the selection of mitigation sites (see *Selecting Wetland Mitigation Sites Using a Watershed Approach* (Ecology Publication #09-06-032, December 2009)).Added same language as in SMP
SMP.100 Definitions "Critical Areas"	Definition is not entirely consistent with WAC 173-26-221(2)(a)(ii), or RCW 36.70A.030(5), as specified in RCW 90.58.030.2.f.ii. We recommend revising to include the following: "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.
SMP.100 Definitions "Ditch"	Some ditches may convey stream flow and may include regulated waters of the state. We recommend revising definition to include statement that ditches may be a regulated water if they convey stream flow.
SMP.100 Definitions "Extraordinary Hardship"	Prevention of all reasonable economic use of the parcel due to strict application of this Appendix and/or programs adopted to implement this Appendix.
SMP.100 Definitions "Forested Wetland"	For consistency with the state wetland rating system (*Washington State Wetland Rating System for Western Washington, Revised*, Ecology Publication # 04-06-025) and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (WMVC Supplement), we recommend revising the definition to include the following underlined text: Wetlands with at least thirty percent of the surface area covered by woody vegetation greater than twenty feet in height or ≥ 3-inch diameter at breast height.
SMP.100 Definitions "High Quality Native Wetlands"	We recommend deleting this definition and classifying wetlands based on the categories in the state wetland rating system for Western Washington. Edited, but kept as alternate consideration for local importance.
SMP.100 Definitions "Hydric Soil"	We recommend striking any references to the state delineation manual, which was repealed 3-14-11. Hydric soils definition should include "as defined by the National Technical Committee for Hydric Soils. The presence of hydric soil shall be determined following the methods described in the WMVC Supplement". changed
SMP.100 Definitions "Isolated Wetlands"	We recommend deleting this definition and classifying wetlands based on the categories in the state wetland rating system for Western Washington. Isolated wetlands are regulated as a water of the state and do not have special status under state law (RCW 90.48). changed
SMP.100 Definitions "Land Uses, High Intensity"	For consistency with state and federal mitigation definitions and standards Mitigation Guidance, we recommend the following revision to this definition: "a zone classification allowing more than one dwelling unit per acre..."changed
SMP.100 Definitions "Land Uses, Low Intensity"	Aquatic recreation facilities (SMP.220.2) are not clearly defined (marinas, fuel docks, jet ski race course?) and may not be consistent with a low intensity land use as defined in the Mitigation Guidance. For consistency with state and federal mitigation definitions and standards, we recommend adding a definition for Moderate Intensity Land Uses consistent with Mitigation Guidance Table 8C-3. added
SMP.100 Definitions "Marsh"	We recommend deleting this definition since Emergent Wetland is already defined and is more consistent with current wetland descriptions. deleted
SMP.100 Definitions	We recommend redefining this definition to "Constructed Stormwater Wetland" to clearly identify these areas as a stormwater treatment

"Naturalized Stormwater Wetland"	system and not a regulated natural wetland. changed
SMP.100 Definitions "Palustrine Wetland"	We recommend deleting or revising this definition. Palustrine wetlands are not necessarily isolated from a larger water body. Deleted the reference to isolated
SMP.100 Definitions "Pond"	We recommend revising this definition. Any inland body of water, either naturally or artificially formed or increased, that has a surface area of 1,000 square feet or more, except: These do not include ponds deliberately designed and created from nonwetland sites such as canals, detention facilities, wastewater treatment facilities, farm ponds, ~~temporary construction ponds (of less than three years duration)~~, and landscape amenities. ~~However, naturally occurring ponds may include those artificial ponds intentionally created from dry areas in order to mitigate conversion of ponds, if permitted by a regulatory authority.~~ changed
SMP.100 Definitions "Scrub-shrub Wetlands"	We recommend the following revision to this definition: "A wetland with at least thirty percent of its surface area covered with woody vegetation less than twenty feet in height or ≤ 3-inch diameter at breast height". changed
SMP.100 Definitions "Streams"	We recommend following the water typing system in WAC 222-16-030 (S, F, F-ESA, Np, Ns). Removed thre reference to type 1 - 5
SMP.100 Definitions "Swamp"	We recommend deleting this definition.Deleted
SMP.100 Definitions "Unavoidable and Necessary Impacts"	We recommend revising this definition to simply say "Unavoidable Impacts". changed
SMP.100 Definitions "Wetlands"	Definition is not entirely consistent with that in RCW 90.58.030(2)(h). We recommend striking the last phrase of the last sentence: "…Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands~~, if permitted by a regulatory authority~~. Phrase was removed as suggested
SMP.290 Dedication of Environmentally Critical Area Easements	"…Specifications, and include appropriate permanent fencing and signage unless otherwise determined by the Natural Resources Manager." What are the standards the Natural Resources Manager will use in determining that fencing and signage is not appropriate? For wetland mitigation, Ecology and the U.S. Army Corps typically require fencing and signage of mitigation sites as well as long-term protection through a conservation easement or deed notification. Allowing trails and utility lines within wetland buffers is not consistent with resource protection and we recommend revising the last paragraph of this section. For wetlands, we recommend that trails be limited to the outer 25% of the buffer (see *Wetlands & CAO Updates: Guidance for Small Cities, Western Washington Version* (Ecology Publication No. 10-06-002); hereafter, Small Cities Guidance). References giving for fencing and signage standards, and took guidance from small cities and placed in allowed activities SMP440
SMP.320 Buffer Width Averaging	"In no instance shall the buffer width be reduced by more than 25% of the standard buffer unless specifically identified in other sections of the SMP." Wetland science does not support reducing buffers by more than 25%.changed, but ask PC and Council
SMP.320.a. Reduction in Buffer Width	First ¶ mentions moderate-intensity impacts, but moderate-intensity impacts are not defined. A 100-foot buffer on Category I or II wetlands adjacent to moderate- or high-intensity land use is not consistent with wetland best available science or resource protection. We recommend revising this section to incorporate the buffer standards in *Wetlands & CAO Updates: Guidance for Small Cities, Western Washington Version* (Ecology Publication No. 10-06-002); hereafter, Small Cities Guidance (see tables XX.1 and XX.2). reduction language removed, but ask PC and Council

SMP.320.a. Reduction in Buffer Widths Through an HPP	While we support the concept of an individual Habitat Protection Plan (HPP) the current SMP section does not adequately describe the HPP process relative to resource protection. Does the City currently have resource specialists on staff that are qualified to review and oversee the plans? How much would a landowner be able to reduce the standard buffer with an HPP? More detail on the minimum standards for an HPP need to be provided in this section, including enforceable standards on the amount of buffer reduction, allowed uses and activities that would qualify for the HPP.Reduction language removed, but ask PC and Council
SMP.350 Table SMP1 Measures to Minimize Impacts	Table SMP 1 doesn't address disruption of corridors or connections. We recommend including the last item from Table XX.2 of the Small Cities Guidance to include measures in support of habitat connectivity.Table removed since no reduction allowed
Part IV. FWCAs SMP.410 Determination of Boundary	"In the location of shoreline jurisdiction the adopted Shoreline designation maps establish the boundary." The Shoreline designation maps give an approximate location of critical areas and jurisdictional boundaries. For permitting purposes, we recommend adding a clarifying statement(s) that for projects at or below OHWM and within shoreline setbacks, the OHWM shall be determined by a site-specific investigation using field indicators. Addition made
SMP.430 Allowed Activities (b)	"Activities consistent with the species located there…" What standards will the Community Development Director use in determining that an activity is consistent with a species? Added reference that CD Director "will" consult agencies & tribes and consider based on adopted standards
SMP.430 Allowed Activities (c)	"Within the 50-foot management zone of the buffer required pursuant to §SMP.440…" The definition for the 50-foot management zone should be clarified (and allowed activities). Allowing stormwater management systems, utility easements and other uses approved by the City's Natural Resources Manager within Fish and Wildlife Conservation Areas is not consistent with resource protection and no net-loss of ecological function. Greater emphasis should be placed on avoiding and minimizing impacts to Fish and Wildlife Conservation Areas and their buffers. Added some language for better protection, consult with PC and Council
SMP.430 Allowed Activities (c)1.	1. Stormwater Management systems…that would occur in the no-touch buffer area." Did not see a definition or other reference to the no-touch buffer area. Please clarify.removed reference to no-touch, and described as naturally vegetated
SMP.440 Requirements(a)1	"…management zone, in which vegetation may be managed solely for public health and safety reasons." Vegetation management solely for public health and safety reasons should be defined (e.g., removal of hazard trees that threaten structures or public infrastructure). Dead trees and snags provide important wildlife habitat and should be retained if they are not a risk to structures or infrastructure. Language added
SMP.450 Mitigation	"…the applicant for a land use activity or development permit may consider performing the following actions, listed in order of preference. The "order of preference is unclear", don't know if text has been omitted or if this refers to the subheadings at the end of ¶ (a). Recommend revising i) to include an "Connected to the impacted Fish and Wildlife Conservation Areas hydrologically or via an intact habitat corridor." Language added
Part VII. Streams, Creeks, Rivers, Lakes and Other Surface Water	We recommend including this Part with Part IV. FWCAs consistent with the critical areas definition in WAC 173-26-221 This matches the format of our existing land use code which is not due to be updated for two years. Will still consider depending on available time and complexity.
SMP.710 Determination of Boundary	The determination of the boundary should be based on a site-specific investigation of the ordinary high water mark (OHWM) as defined in the SMA (RCW 90.58.030(2)(b)) using field indicators. We recommend adding the following: "In case of disagreement as to its location, the ultimate decision on the OHWM shall rest with Ecology." Guidance on determining the OHWM on streams can be found in

	Determining the Ordinary High Water Mark on Streams in Washington State (Ecology Publication # 08-06-001). Addition made
SMP.720 Allowed Activities(b)	Allowing bridges and other crossings for public and private rights-of-way within streams, creeks, rivers, lakes and other surface waters may not be consistent with resource protection and no net-loss of ecological function. We recommend significantly revising this section. I added some language in reference to "no other feasible means of access", but don't think we can completely disallow or it may be a taking or WSDOT may want to build a road
SMP.740 Mitigation(a)	In order to avoid significant environmental impacts for those activities not regulated by the Shoreline Master Program and allowed pursuant to §SMP.720 (Streams, Creeks, Rivers, Lakes and Other Surface Water—Allowed Activities), the applicant for a land use or development permit may consider… Not sure what asking for, but made some edits to clarify it is required rather than optional
Part VIII. Wetlands SMP.800 Classification(a)	Strike reference to the wetland rating system for Eastern Washington (Ecology Publication #04-06-015) as it is not applicable in the City of Arlington. "Wetlands identified as having local significance in hydrologic and habitat functions may be rated higher based on importance." For consistency with state and federal permitting, we recommend deleting this sentence.It has been my experience that local biologists and watershed plans have a much greater understanding of the importance of a wetland regardless of the condition to local wildlife and hydrological function. State and Federal one size fit's all regulations have allowed the destruction without local restoration of function as a result of out of basin mitigation banks. We would like to keep this reference.
SMP.800(b) Wetland types	Wetland category definitions are not consistent with those in the *Washington State Wetland Rating System for Western Washington, Revised*, Ecology Publication # 04-06-025) and need to be revised (e.g., bogs are Cat. I wetlands; include rating scores in category definition). Added the rating scores, and removed size limitation to the bog reference.
SMP.810(a) Determination of Boundary	We recommend striking any references to the state delineation manual, which was repealed on 3-14-11 and replacing with the following language: "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 City meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter.". change made
SMP.810(a)(1) Designating, Defining…	Replace reference to state delineation manual with SMA (RCW 90.58.030(2)(h)) and use that wetland definition: "Wetlands" means areas that are inundated or saturated by surface water or groundwater… Strike "stormwater wetlands" from the wetland definition in SMP.810(a)(1).
SMP.810(a)(2) Mapping	It is the actual presence of wetlands on a parcel, as delineated by the requirements of the approved federal wetland delineation manual and applicable regional supplements in accordance with WAC 173-22-035 ~~Washington State Wetlands Identification and Delineation Manual (Ecology 1997)~~, that triggers the requirements of this Title,… The exact location of a wetland's boundary shall be determined through the performance of a field delineation by a qualified wetlands professional, applying the methods in the approved federal wetland delineation manual and applicable regional supplements in accordance with WAC 173-22-035 ~~Washington State Wetlands Identification and Delineation Manual (Ecology 1997) as required by RCW 36.70A.175~~
SMP.820 Allowed Activities	Section should include language about avoiding and minimizing wetland impacts and compensatory mitigation will be required for unavoidable impacts. If the City chooses to exempt impacts to small wetlands, we recommend following the criteria on page A-4, Small Cities Guidance and including a note that state and federal approvals are still required for wetland impacts in addition to City requirements. Additions made

SMP.820 Allowed Activities(c)(2)	Allowing stormwater management facilities in the buffers of Cat. III and IV wetlands is not consistent with protecting ecological function or the current stormwater manual. Stormwater management activities should be allowed only if they do not alter the hydroperiod of the wetland or adversely affect water quality. Category I and II wetlands should never be used for regional detention, and Category III and IV should be used only under certain conditions. At a minimum, stormwater facilities should be limited to dispersion outfalls and bioswales and should be allowed in the outer 25% of the buffer of Category III or IV wetlands only We recommend revising this section to include the standards in the Small Cities Guidance, p. A-11. I suggest keeping the 50-foot management zone, and ability to do stormwater in a type II wetland if the buffer is already in a developed state. It would result in greater function as a vegetated storwmater wetland than pasture, buildings or pavement.
SMP.820 Allowed Activities(c)(3)	"…development having no feasible alternative location when the following conditions have been met: Impacts are the minimum necessary; Buffer impacts are mitigated through buffer averaging. Additions made
SMP.830(a) Buffers	"These buffers have been established to reflect the impact of ~~low and high~~ land use intensity ~~uses~~ on wetland functions and values." Change made
Table SMP-4: Wetland Buffer Widths	The buffer widths in Table SMP-4 are not entirely consistent with best available science. For ease of interpretation and implementation, we recommend following the buffer widths listed in Table XX.1 in conjunction with the conditions listed on the preceding page (pp. A-5 - A-6, Small Cities Guidance).changes made
SMP.840 Mitigation	Should include or reference mitigation sequence, including monitoring to be consistent with the agency and SEPA definitions (see RCW 197-11-768). Elements listed in (a) are for compensating unavoidable impacts. We recommend stating an agency preference for using a watershed approach in selecting mitigation sites and referencing *Selecting Wetland Mitigation Sites Using a Watershed Approach* (*Western Washington*) (Publication #09-06-32). Also, include language about allowing third party mitigation (in-lieu fees, alternative mitigation, banking) and use of the credit-method. See sample text in attached document.Additions made
SMP.840 Mitigation(a)	Mitigation ratios are listed in Table SMP-5 (mislabeled as Table SMP-4), text in SMP.840(a) and (c) reference Table SMP-4. Mitigation ratios in Table SMP-5. Correct, but now table 6 due to earlier request
Table SMP-5 Wetland Replacement Ratios	Replacement Ratios listed in Table SMP-5 are not consistent with best available science and may not adequately replace lost wetland functions. For consistency with state and federal permitting standards, and to ensure adequate resource protection, we recommend replacing Table SMP-5 with the ratios in Mitigation Guidance Table 1a. change made
Monitoring	Appendix B inadvertently omitted mentioning monitoring of wetland mitigation sites. Monitoring is essential to determine whether the mitigation is meeting the targeted goals and to allow for early identification and correction of problems, should they arise. For consistency with state and federal permitting standards, and to ensure adequate resource protection, we recommend adding § SMP.850 Monitoring and including the following language: "Monitoring shall occur for at least five years from the date of plant installation and ten years where woody vegetation (forested or shrub wetlands) is the intended result. These communities take at least eight years after planting to reach 80-percent canopy closure. Having a ten-year monitoring program need not require biologists to collect data and produce a report every year. That could be done in years 1, 2, 3, 5, 7, and 10, for example." Amended to match SMP edits on mitigation