CONFLUENCE
ENVIRONMENTAL COMPANY

April 22, 2024

Caleb Perkins
Project Manager
RJ Development
401 Central Street SE
Olympia, WA 98501

Re: Response to Comments from Thurston County Wetland Report Review (Project 2023100649)

Dear Caleb:

This letter has been prepared to respond to comments from Heather Tschaekofske, the Thurston County Biologist/Critical Areas Reviewer, regarding the off-site wetland buffer for proposed project 2023100649 on tax parcel 09750029001, located at 2000 24th Avenue NW Olympia, Washington.

There has been some back and forth communications via email between Heather, you, and myself regarding the proposed development and the area identified as the "off-site wetland" in the critical areas report prepared by me (Confluence 2024).

The off-site wetland is approximately 3,191 square feet and is characterized as a palustrine emergent and palustrine unconsolidated bottom wetland (FGDC 2013). Based on site observations and a review of historical aerial imagery, the wetland was likely created as a livestock pond (Netronline 2022). The closest edge of the off-site wetland is approximately 35 feet north of the property boundary. According to the 2014 Wetland Rating System (Hruby 2014), the off-site wetland was conservatively rated as a Category IV wetland, with a water quality score of 7, hydrology score of 4, and a habitat score of 3. Although at the time of this letter the staff report for the project had the following comment under Chapter 24 – Critical Areas Ordinance "Additional information is pending". Although no opinion on the off-site wetland is included in the staff report, I believe Heather concurs with this assessment of the off-site wetland.

Currently, Hearther and I are in disagreement about the assigned wetland buffer for this wetland per Thurston County Code (TCC) 24.30.045, specifically Table 24.30-1. For ease of review, I have included the table as an attachment.

I believe that both Heather and I agree that the off-site wetland meets all of the criteria identified for the 50-foot (ft) water quality buffer (last row of Table 24.30-1). However,

Heather's interpretation of Table 24.30-1 is that the off-site wetland would still have a buffer of 100 ft because it is a Category IV wetland with a habitat score of 3 points. She is relying on the "The Larger of the Buffers for Habitat and Water Quality Applies" note at the top of the table for her determination.

My interpretation of the table is that Category IV wetlands would have a standard 100-ft buffer unless they meet the criteria listed for the 50-ft water quality buffer. While I recognize the note at the top of the table, "The Larger of the Buffers for Habitat and Water Quality Applies," I interpret this statement to apply to wetlands that do not meet all of the criteria for the 50-ft water quality buffer. If the "The Larger of the Buffers for Habitat and Water Quality Applies" statement is applied across all wetlands (even those meeting the criteria for a 50-ft water quality buffer), then a 50-ft buffer could never apply and therefore is meaningless to have in the table.

An allowance for deviations from standard wetland code requirements when wetlands meet certain characteristics is not unique. Several other municipalities across Washington have similar provisions in their codes. Some examples include the following:

- Grays Harbor County Code 18.06.380
- Puyallup Municipal Code 21. 06. 910
- Olympia Municipal Code 18.32.515
- Tumwater Municipal Code 16.28.095
- Aberdeen Municipal Code 14.100.253

The Washington Department of Ecology (Ecology) has provided guidance on wetland buffers in *Wetland Guidance for Critical Areas Ordinance (CAO) Updates for Western and Eastern Washington* (Ecology 2022). Based on Ecology's review of best available science and as summarized in Ecology (2022), recommended buffers for Category IV wetlands range from 40 to 50 ft. Therefore, a 50-ft buffer would provide adequate protection of the wetland.

Additionally, a 50-ft buffer for Category IV wetlands is not unique and, in fact, is a fairly typical standard buffer across westen Washington counties. The following table provides a sample of other counties' buffer requirements. Since Ecology reviews and approves all CAOs, it is clear that Ecology recognizes that a 50-ft buffer is sufficient to protect Category IV wetlands.

Municipality	Code	Category IV Standard Buffer
Whatcom County	16.16.630	25-50 ft
Skagit County	14.24.230	25-50 ft
Snohomish County	30.62A.320	25-50 ft
King	21A.24.325	25-50 ft
Pierce	18E.30.060 & Appendix F	25-50 ft
Lewis	17.38.270	25-50 ft
Mason	8.52.110	25-50 ft
Grays Harbor	18.06.380	40-50 ft

My CV, demonstrating my experience in interpretating critical areas code, is attached. As someone who has spent 30 years interpreting critical area codes from various jurisdictions across Washington and who has prepared critical areas code updates for several jurisdictions, it is apparent to me that the 50-ft water quality buffer for Category IV wetlands with certain characteristics was intended to provide a deviation from the standard 100-ft buffer. The off-site wetland identified in the critical areas report for proposed project 2023100649 (Confluence 2024) meets these characteristics and therefore should qualify for a 50-ft buffer.

Respectfully,

KERRIE McARTHUR, PWS, CERP, FP-C
Managing Senior Biologist
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ATTACHMENTS

Thurston County Code 24.30.045, Table 24.30-1
Kerrie McArthur CV

REFERENCES

Confluence (Confluence Environmental Company). 2024. 2000 24th Avenue NW: Revised critical areas study and mitigation plan. Prepared for RJ Development, Olympia, Washington, by Confluence, Seattle, Washington.

Ecology (Washington Department of Ecology). 2022. Wetland guidance for critical areas ordinance (CAO) updates for western and eastern Washington. Washington Ecology Publication 22-06-014. Available at https://apps.ecology.wa.gov/publications/documents/2206014.pdf (accessed April 19, 2024).

FGDC (Federal Geographic Data Committee). 2013. Classification of wetlands and deepwater habitats of the United States. Second Edition. Wetlands Subcommittee, Federal Data Committee and U.S. Fish and Wildlife Service, Publication FGDC-STD-004-2013, Washington, D.C.

Hruby, T. 2014. Washington State wetland rating system for western Washington, 2014 update. Washington State Department of Ecology, Olympia. Publication # 14-06-029.

Netronline. 2022. Historical aerials. Available at: https://www.historicaerials.com/viewer (accessed on November 9, 2022).

The Larger of the Buffers for Habitat and Water Quality Applies											
BUFFER TO PROTECT HABITAT											
Rating for habitat from the wetland rating form under the Washington State Wetland Rating System for Western Washington, 2014.	3 L,L,L	3* L,L,L	4 M,L,L	5 M,M,L	5 H,L,L	6 M,M,M	6 H,M,L	7 H,M,M	7 H,H,L	8 H,H,M	9 H,H,H
Buffer width for habitat for all wetlands except estuarine wetlands and coastal lagoons	100'	120'	140'	160'	180'	200'	220'	240'	260'	280'	300'
Buffer width with mitigation under 24.30.050 TCC	100'	100'	105'	120'	135'	150'	165'	180'	195'	210'	225'
Buffer width for estuarine wetlands and coastal lagoons	220'										
BUFFER TO MAINTAIN WATER QUALITY											
Wetlands of high conservation value, bogs, and wetlands containing sensitive plant species documented by the DNR Natural Heritage Program	250'										
Wetlands that rate 3 for habitat, score 7 or less for water quality, are less than 10,000 square feet in size and are not a functional part of a mosaic wetland, do not support priority wildlife species, and do not drain to a stream or a Category I or II wetland	50'										

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CONFLUENCE ENVIRONMENTAL COMPANY

KERRIE McARTHUR, PWS, CERP, FP-C

Managing Senior Biologist

Kerrie McArthur has 30 years of wide-ranging experience specializing in wetland delineation, restoration, and mitigation; aquatic and terrestrial habitat evaluation; and environmental planning and permitting. She is an extremely versatile field biologist who has managed hundreds of site assessments, and she is an expert on critical areas code and other environmental regulations. Kerrie has extensive experience reviewing municipal code for critical areas studies, preparing environmental documentation, and conducting providing third-party review of critical areas reports and design plans on behalf of agencies throughout western Washington. Her experience with municipal code updates includes assisting City of Stanwood with a Shoreline Master Plan update to address anticipated land use changes associated with proposed park development; completing best available science updates for the cities of Auburn and Kent; and assisting City of Kenmore with a Shoreline Master Program and critical areas ordinance update focused on compliance with the Growth Management Act and Shoreline Management Act.

REPRESENTATIVE PROJECTS

Critical Area Studies, Various Private Developers, Western Washington. *Managing Senior Biologist.* Kerrie has managed and conducted numerous critical areas studies and provided permitting assistance and mitigation planning for clients throughout Washington. Critical areas studies have included wetland and ordinary high water mark delineations and fish and wildlife habitat assessments (general habitats, floodplain habitats, and habitats for specific protected species). For projects with potential critical areas impacts, Kerrie has evaluated mitigation opportunities, constraints, and feasibility using a watershed approach. Based on project location and impact considerations, mitigation plans have included on-site mitigation, mitigation banks/in lieu fee programs, or combinations of both.

On-Call Critical Area Report Review Services, City of Puyallup, WA. *Managing Senior Biologist.* Kerrie manages an on-call contract to provide peer review of critical area reports associated with development proposals and land use issues. Work includes conducting site visits and reviewing reports for compliance with Puyallup Municipal Code and the Shoreline Master Program and for conformance with local, state, and federal requirements. Kerrie has completed over 50 projects to date.

On-Call Critical Area Report Review Services, City of Sultan, WA. *Managing Senior Biologist*. As a subconsultant to Murraysmith, providing peer review of critical area reports associated with development proposals and land use issues. Work includes conducting site visits; reviewing reports for compliance with Sultan Municipal Code, and for conformance with local, state, and federal requirements; and reporting. Projects have included the Daisy Meadows 70-Lot Subdivision and Wyndham Highlands 3 12-Lot Subdivision projects.

On-Call Critical Area Report Review Services, City of Pacific, WA. *Managing Senior Biologist.* Kerrie manages an on-call contract to provide peer review of critical area

EDUCATION

B.S., Biological Oceanography, Minor in Fisheries, University of Washington, Seattle, WA, 1995

ADDITIONAL TRAINING

Basic Wetland Delineation, Wetland Training Institute, 1997
Working with Critical Areas in Bellevue: Critical Areas Training for Professionals, May 19, 2011
Shoreline Master Program, Washington Department of Ecology, 2006
Eastern Washington Wetland Ratings, Washington Department of Ecology, 2007
Western Washington Wetland Ratings, Washington Department of Ecology, 2005; 2014

CERTIFICATIONS

Professional Wetland Scientist, #2655, Society of Wetland Scientists, 2016 – present
Certified Ecological Restoration Practitioner, #0187, Society for Ecological Restoration, 2018 – present
Certified Fisheries Professional, American Fisheries Society, No. 2841, 2006 – present

EXPERTISE

Biological Assessments/Evaluations
Wetland, Stream, OHWM Delineation
Mitigation Planning, Design, Monitoring
Environmental Permitting/Agency Coordination
Plant, Fish, and Wildlife Surveys
Fish Habitat Assessment
Third party review
Municipal Critical Area Code Updates

reports associated with development proposals and land use issues. Work includes conducting site visits and reviewing reports for compliance with Pacific Municipal Code and the Shoreline Master Program and for conformance with state, and federal requirements.

On-Call Environmental Services, City of Monroe, WA. Kerrie provides on-call planning services for the City of Monroe. Project services include third-party review for compliance of development proposals with critical areas and shorelines regulations and SEPA, environmental permitting and regulatory support, and review and refinement of existing or new regulatory codes and comprehensive plan elements.

On-Call Critical Area Report Review, City of Stanwood, WA. *Senior Biologist*. Kerrie provides third party review of critical area reports associated with development proposals and land use issues. Work includes conducting site visits and reviewing reports for compliance with Stanwood Municipal Code Program and for conformance with state, and federal requirements.

Shoreline Master Plan Update, City of Stanwood Community Development Department, Stanwood, WA. *Senior Biologist.* Kerrie assisted with an update to the City of Stanwood Shoreline Master Plan for the Ovenell property and Hamilton property. The City plans to create parks on these properties and must update the Shoreline Master Plan to address the changed use. Park features may include a pedestrian path/boardwalk with pedestrian bridges, fixed and/or seasonal docks, boat launch, and overlooks. These park features have the potential to impact existing wetlands and streams/river as well as wetland, stream, or shoreline buffers. Work included conducting a site reconnaissance, developing conceptual park designs and associated mitigation concepts that are appropriate to achieve regulatory approvals, developing a summary of Shoreline Master Plan uses and polices that may need to be revised on order to allow such uses, and developing a preliminary cost estimate to construct the park features. The work focused on the 200-foot shoreline zone as measured from the ordinary high-water mark of the Stillaguamish River. The update was approved in 2019.

On-Call Critical Area Report Review Services, City of Kenmore, WA. *Managing Senior Biologist.* Kerrie manages an on-call contract to provide peer review of critical area reports associated with development proposals and land use issues. Work includes conducting site visits and reviewing reports for compliance with Kenmore Municipal Code and the Shoreline Master Program and for conformance with local, state, and federal requirements.

Critical Areas Regulations and Shoreline Master Program Update, City of Kenmore, Kenmore, WA. Kerrie McArthur conducted a gap analysis for City of Kenmore's wetlands, streams, and fish and wildlife habitats of importance. Reviewed existing code and recommended code updates pertaining to critical areas and Shoreline Master Program. Updates included language to clarify code, to comply with best available science, and align wetland and stream classifications with state standards. Work on this project also included a presentation to the City Council.

Critical Areas Ordinance Regulations for Fish and Wildlife Habitat Conservation Areas, City of Kent, Kent, WA. *Project Scientist.* Kerrie helped to develop Critical Areas Ordinance regulations for fish and wildlife habitat conservation areas to comply with Washington's Growth Management Act. Project included review of Best Available Science, evaluation of Kent's classification of water bodies, and recommendations for buffer widths to protect critical-area functions.

Review of Environmental Regulations and Permitting, Best Available Science, City of Auburn, Auburn, WA. *Project Scientist.* Kerrie prepared a white paper that reviewed Best Available Science for wetlands, streams, wildlife habitat, and woodland resources and their associated buffers. The white paper was used by the city in developing their Critical Areas Ordinance to comply with Washington's Growth Management Act.