SECTION 200: WETLANDS

16.20.200 Applicability.

Wetlands located outside of the city's shoreline jurisdiction are regulated by the provisions of this chapter. Wetlands located within the city's shoreline jurisdiction are regulated by the city's shoreline master program.

16.20.205 Purpose.

This article applies to all regulated uses within, or adjacent to, areas designated as wetlands, as categorized in Section 16.20.215. Under the conditions of this article, the city may deny development purposes that would ~~irreparable~~ **irreparably** impact regulated wetlands. The intent of this article is to:

A. Achieve no net loss of wetland acreage, functions and values. Mitigation measures, as conditions of permits, must have a reasonable expectation of success;
B. Plan wetland uses and activities in a manner that allows property holders to benefit from wetland property ownership wherever allowable under the conditions of this article and chapter; and
C. Preserve natural flood control, stormwater storage and drainage or stream flow patterns.

16.20.210 Wetland categories.

Per RCW 36.70A.030(21), wetlands are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adopted for life in saturation soil conditions. Wetlands generally include swamps, estuaries, marshes, bogs and similar areas. **Per WAC 173-22-035, for regulatory purposes, wetlands shall be delineated in accordance with the approved federal wetland delineation manual and applicable regional supplements, adopted by the U.S. Army Corp of Engineers.**[9] ~~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.~~

The city of Poulsbo uses the Department of Ecology's *Washington State Wetland Rating System for Western Washington,* ***2014 Update*** **(Ecology Publication #14-06-029)** ~~2004~~ or as amended hereafter, to categorize wetlands for the purposes of establishing wetland buffer widths, wetland uses and replacement rations for wetlands. This system consists of four wetland categories generally designated as in Section 16.20.**215.** ~~115~~.

16.20.215 Regulated and Non-regulated wetland classification.[10]

A. Regulated Wetlands.

[9] In accordance with WAC 173-22-035, wetlands in Washington are to be delineated using the current approved federal manual and supplements.
[10] *Per Washington State Wetland Rating System for Western Washington: 2014 Update* (Washington State Department of Ecology Publication#14-06-29.)

1. Category I Wetlands. Category I wetlands are those that: (a) represent **a** unique or rare wetland type~~s~~; or (b) are more sensitive to disturbance than most wetlands; or (c) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (d) provide a high level of function. Category I wetlands include **relatively undisturbed** estuarine wetlands larger than one acre, **wetlands with a high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR,** bogs, mature and old-growth **forested** wetlands ~~over~~ **larger than** one acre, wetlands in coastal lagoons, **interdunal wetland that score 8 or 9 habitat points and are larger than one acre,** and wetlands that perform many functions very well as demonstrated by a score of **23-27 total points.** ~~over seventy points using the DOE rating system.~~

2. Category II Wetlands. Category II wetlands are difficult, though not impossible, to replace, and provide a **moderately** high level of function**s**. Category II wetlands include estuarine wetlands smaller than one acre or disturbed and larger than one acre, **interdunal wetlands greater than one acre or is a mosaic of interdunal wetland that is one acre or larger**, and wetlands that perform functions well as demonstrated by a score of **20-22**. ~~fifty-one to sixty-nine points using the DOE rating system.~~

3. Category III Wetlands. Category III wetlands are wetlands with a moderate level of function as demonstrated by a score of 16-19 points**, and interdunal wetlands between 0.1 and 1 acre.** ~~thirty to fifty points using the DOE rating system~~.

4. Category IV Wetlands. Category IV wetlands have the lowest level**s** of function**s** as demonstrated by a score of **9-15 points and are often heavily disturbed**. ~~less than thirty points on the DOE rating system and are often heavily disturbed.~~

5. Wetlands intentionally created from non-wetland areas to mitigate conversion of other wetlands.

B. Non-regulated Wetlands **(RCW 36.70A.030(21)).**[11]

1. Created Wetlands. Wetlands created intentionally from a non-wetland site that were not required to be constructed as mitigation for adverse wetland impacts. These may include, but are not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment **facilities** ~~ponds~~, farm ponds not contiguous, as defined in this chapter, and landscape amenities.

2. Recent Road Construction-Related Wetlands. Wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. The applicant shall bear the burden of proving that the wetland meets these criteria.

16.20.220 Application requirements.

A. Application Procedures for New Development. Any new development **on a parcel or parcels** containing a regulated wetland or its buffer, or **within 300 feet of a wetland or its buffer,** ~~proposed within the largest potential wetland buffer width~~, shall provide the special reports listed

[11] Clarifying that non-regulated wetlands are as defined by RCW, and not a local definition.

below, as required by the department, prior to any development authorization by the department:

1. **Wetland assessment report (Section 16.20.725), if wetlands or buffers are within 300 feet but outside of the parcel or parcels and no buffer impacts, reductions, or setback intrusions are proposed;**[12]
2. Wetland delineation report (Section 16.20.725) **if wetland or buffers occur within the parcel or parcels**;
3. Wetland mitigation report (Section 16.20.725), **if wetland or buffer impacts are anticipated or if the director requires buffer enhancement;** and,
4. Erosion and sedimentation control measures as required by Poulsbo Municipal Code construction and development standards contained in Chapter 12.02.

The director may require additional reports or information to further identify potential impacts to any part of the environment.

16.20.225 Determination of wetland boundaries.

A. **Wetland delineation shall be conducted and results reviewed according to the requirements of the U.S. Army Corps of Engineers federal wetland delineation manual and applicable regional supplements**[13]**.** The applicant shall be responsible for hiring a ~~certified~~ wetlands specialist to determine the wetland boundary through a field survey. This specialist shall stake or flag the wetland boundary. For all new development, and as required by the director, this line shall be surveyed by a professional land surveyor licensed in the state of Washington or recorded using a differential global positioning system. In the event that a global positioning system is used, wetland boundary information, **including position accuracies,** [14]; shall be provided to the city in an electronic data format acceptable to the city. The regulated wetland boundary and regulated buffer shall be identified on all grading, landscaping, site, utility or other development plans submitted in support of the project.

B. Where the applicant has provided a delineation of a wetland boundary, the director **shall** [15]~~may~~ require **peer-reviewed verification of the wetland boundary by a specialist**[16] ~~verify the wetland boundary~~ at the cost of the applicant, and may require that adjustments to the boundary be made by a wetlands specialist. **If a consensus cannot be reached between the applicant and the City of Poulsbo with respect to the location of the wetland boundary, the City may request assistance from the Department of Ecology.** [17];

16.20.230 Wetland and Buffer Development standards.

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[12] New type of wetland report, determining if wetlands are near but outside of the subject site, and no impacts are proposed.
[13] In accordance with WAC 173-22-035, wetlands in Washington are to be delineated using the current approved federal manual and supplements.
[14] Important for verifying the accuracy of dGPS points. Some dGPS units are not very accurate under or near a tree canopy for example, and can result in points that are only accurate to within 10-12 feet or more. This is not adequate in most cases.
[15] Section 16.20.710 requires all special reports submitted be peer reviewed.
[16] Clarification; see also 16.20.725.
[17] Identifying ability to request technical assistance from DOE.

For the purpose of this chapter, a regulated wetland and its buffer is a critical area.

A. Buffers. Buffers shall remain as undisturbed **native** ~~natural~~ vegetation areas **for the purpose of protecting the integrity, function, and value of wetland resources.** ~~except where the buffer can be enhanced to improve its functional values~~. Any buffer enhancement **proposed shall be through an approved Buffer Enhancement Plan.** ~~and/or limited view clearing activity must be reviewed and approved by the director~~. **No uses or activities shall be allowed within the buffer unless as otherwise allowed or permitted by this section. If the buffer has previously been disturbed, the director may require the disturbed buffer area be revegetated pursuant to an approved Buffer Enhancement Plan (see also Section 16.20.7725.D).** [18] No refuse, **including but not limited to household trash, yard waste and commercial/industrial refuse**, shall be placed in the buffer.

B. **Impact of Land Use.**[19] **Different land use intensities can result in high, moderate, or low levels of impact to adjacent wetlands and buffers. Types of land uses are categorized into impact levels as shown on the following table.**

Table 16.20.230.A Types of Land Uses

Level of Impact from Land Use	Types of Land Uses Based on Common Use Categories
High	**Residential uses (greater than one unit per acre); schools; churches; public facilities, public/private services and government administrative uses (excluding parks, rights-of-way and utilities); lodging uses; personal, professional, product and automotive services; health care services; commercial and sales uses; animal clinics and kennels; marine-related uses; industrial uses; restaurant uses; museum, club and recreation hall uses; high-intensity parks, outdoor and indoor recreation (golf courses, ballfields, tennis clubs, swimming pools, etc.); conversion to high-intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling and raising and maintaining animals, etc.); hobby farms.**
Moderate	**Residential uses (less than one unit per acre); moderate-intensity parks and outdoor recreation (parks with biking, jogging, etc.); conversion to moderate-intensity agriculture (orchards, hay fields, etc.) and paved trails; building of logging roads; utility corridor or right-of-way shared by several utilities and including access/maintenance road.**
Low	**Forestry (cutting of trees only); low-intensity parks and open space (hiking, bird-watching, preservation of natural resources, etc.) and unpaved trails; utility corridor without a maintenance road and little or no vegetation management.**

C. Buffer Widths. All regulated wetlands shall be surrounded by a buffer as follows, **based upon Appendix 8-C, Section 8C.2.3 of *Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands (*Ecology Publication #05-06-008*).***

[18] Clarification/recommended by Grette Associates
[19] Per Appendix 8-C, Table 8C-3 of *Wetlands in Washington State – Volume 2. (Ecology Publication #05-06-008).*

Table 16.20.230.B— Wetland Buffer Width Standards[20] ~~Wetland Development Standards~~

Wetland Category and Characteristics	Buffer Width Standards	Other Measures Recommended for Protection	~~Other Development Standards~~
Category I			~~See subsections E, F, G and H of this section relating to buffer reduction, averaging, decreased buffer provisions and increased buffer provisions.~~
Wetlands with a High Conservation Value ~~Natural heritage wetlands~~ **Low Impact Use** **Moderate Impact Use** **High Impact Use**	 **125 feet** **190 feet** 250 feet	**No additional surface discharges to wetland or its tributaries** **No septic systems within 300 feet of wetland** **Restore degraded parts of buffer**	
Bog **Low Impact Use** **Moderate Impact Use** **High Impact Use**	 **125 feet** **190 feet** 250 feet	**No additional surface discharges to wetland or its tributaries** **Restore degraded parts of buffer**	
Forested	**Buffer to be based on score for habitat functions or water quality functions**	**If forested wetland scores high for habitat, need to maintain connections to other habitat area** **Restore degraded parts of buffer**	
Estuarine **Low Impact Use** **Moderate Impact Use** **High Impact Use**	 **100 feet** **150 feet** 200 feet	**No recommendations at this time**	
Coastal lagoon **Low Impact Use** **Moderate Impact Use** **High Impact Use**	 **100 feet** **150 feet** 200 feet	**No recommendations at this time**	
Habitat score from **8-9** ~~29 to 36~~ points **Low Impact Use** **Moderate Impact Use** **High Impact Use**	 **150 feet** **225 feet** 300 feet	**Maintain connections to other habitat areas** **Restore degraded parts of buffer**	
Interdunal with habitat score 8-9 points **Low Impact Use** **Moderate Impact Use**	 **150 feet** **225 feet**	**Maintain connections to other habitat areas** **Restore degraded parts of buffer**	

[20] Per Appendix 8-C, Section 8C.2.3 of *Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands (*Ecology Publication #05-06-008).

Wetland Category and Characteristics	Buffer Width Standards	Other Measures Recommended for Protection	~~Other Development Standards~~
High Impact Use	**300 feet**		
Habitat score from **5-7** ~~20 to 28~~ points **Low Impact Use** **Moderate Impact Use** **High Impact Use**	 **75 feet** **110 feet** 150 feet	**No recommendations at this time**	
Score for water quality 8-9 points and habitat score of 5 or less points **Low Impact Use** **Moderate Impact Use** **High Impact Use**	 **50 feet** **75 feet** **100 feet**	**No additional surface discharges of untreated runoff**	
Category I wetlands not meeting any of the criteria ~~above with a habitat score less than 20 points~~ **Low Impact Use** **Moderate Impact Use** **High Impact Use**	 **50 feet** **75 feet** 100 feet	**No recommendations at this time**	
Category II			
Estuarine **Low Impact Use** **Moderate Impact Use** **High Impact Use**	 **75 feet** **110 feet** 150 feet	**Maintain connections to other habitat areas**	
Interdunal **Low Impact Use** **Moderate Impact Use** **High Impact Use**	 **75 feet** **110 feet** **150 feet**	**No recommendations at this time**	
Habitat score from **8-9** ~~29 to 36~~ points **Low Impact Use** **Moderate Impact Use** **High Impact Use**	 **150 feet** **225 feet** 300 feet	**Maintain connections to other habitat areas**	
Habitat score from **5-7** ~~20 to 28~~ points **Low Impact Use** **Moderate Impact Use**	 **75 feet** **110 feet** 150 feet	**No recommendations at this time**	

Wetland Category and Characteristics	Buffer Width Standards	Other Measures Recommended for Protection	~~Other Development Standards~~
High Impact Use			
Score for water quality 8-9 points; habitat score less than 5 points Low Impact Use Moderate Impact Use High Impact Use	 50 feet 75 feet 100 feet	No additional surface discharges of untreated runoff	
Category II wetlands not meeting any of the criteria above ~~with a habitat score less than 20 points~~ Low Impact Use Moderate Impact Use High Impact Use	 50 feet 75 feet 100 feet	No recommendations at this time	
Category III			
Habitat score from 8-9 ~~20 to 28~~ points, use Category II buffers with habitat score 8-9 points			
~~Category III wetlands not meeting any of the criteria above with a~~ Habitat score 5-7 points ~~less than 20 points~~ Low Impact Use Moderate Impact Use High Impact Use	 75 ~~80~~ feet 110 feet 150 feet	No recommendations at this time	
Habitat score 3-4 points Low Impact Use Moderate Impact Use High Impact Use	 40 feet 60 feet 80 feet	No recommendations at this time	
Category IV			
Habitat score for all 3 functions is less than 16 points. Low Impact Use	 25 feet	No recommendations at this time	

Wetland Category and Characteristics	Buffer Width Standards	Other Measures Recommended for Protection	~~Other Development Standards~~
Moderate Impact Use **High Impact Use**	**40 feet** 50 feet		
~~Small Isolated Wetlands~~[21]			-
~~Wetlands less than or equal to 1,000 square feet; provided, that the wetland is not associated with a riparian corridor or is not part of a wetland mosaic, or does not contain habitat identified as essential for local populations of priority species identified by the Washington State Department of Fish and Wildlife.~~			~~No required buffer, except as needed to protect wetland functions. Wetland may be impacted; provided, that mitigation is provided to assure no net loss of critical area function. Wetland delineation and mitigation reports required. Mitigation may be provided on- or off-site, provided mitigation must occur within the same watershed.~~

D. Buffer Measurement. All buffers shall be measured on a horizontal plane from the regulated wetland edge as marked in the field by the wetlands specialist.

~~D.~~ [22] ~~Special Conditions for Reduction in Buffer Width. Buffers for Category IV wetlands and Category I, II, or III wetlands that score less than twenty points for habitat may be reduced by twenty-five percent if all of the determined mitigation measures or alternate mitigation measures, as applicable and as approved by the director, are applied to address the types of disturbances listed in Table 16.20.230B.~~

[21] Isolated wetlands are to be determine by the Army Corp of Engineers.
[22] Buffer reductions provisions are in Section 16.20.230.G.

~~**Table 16.20.230B—Examples of Measures to Minimize Impacts to Wetlands from Different Types of Activities**~~

~~**Examples of Disturbances**~~	~~**Activities and Uses that Cause Disturbances**~~	~~**Examples of Measures to Minimize Impacts**~~
~~Lights~~	~~Parking lots, warehouses, commercial, manufacturing, residential areas~~	~~Direct lights away from wetland.~~
~~Noise~~	~~Manufacturing, commercial, residential areas~~	~~Locate activity that generates noise away from wetland.~~
~~Toxic runoff*~~	~~Parking lots, roads, manufacturing, commercial, residential areas, landscaping~~	~~Route all new untreated runoff away from wetland while ensuring wetland is not dewatered.~~ ~~Establish covenants limiting use of pesticides within 150 feet of wetland.~~ ~~Apply integrated pest management.~~
~~Stormwater runoff~~	~~Parking lots, roads, manufacturing, residential areas, commercial, landscaping~~	~~Retrofit stormwater detention and treatment for roads and existing adjacent development.~~ ~~Prevent channelized flow from lawns that directly enter the buffer.~~
~~Change in water regime~~	~~Impermeable surfaces, lawns, clearing and grading~~	~~Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns.~~
~~Pets and human disturbance~~	~~Residential areas~~	~~Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract.~~
~~Dust~~	~~Clearing and grading~~	~~Use best management practices to control dust.~~
~~*These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present.~~		

E. Buffer Width Averaging.[23] **The widths of buffers may be averaged if this will improve the protection of wetland functions, or if it is the only way to allow for reasonable use of a parcel. Averaging may not be used in conjunction with any of the other provisions for reductions of buffers in Section 16.20.230.F.**

1. Averaging to improve wetland protection may be permitted when all of the following conditions are met:

a. The wetland has significant differences in characteristics that affect its habitat functions, such as wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower-rated area.

[23] Per Appendix 8-C, Section 8C.2.6 of *Wetlands in Washington State – Volume 2. (Ecology Publication #05-06-008).*

b. The buffer is increased adjacent to the higher-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less sensitive portion.
c. The total area of buffer after averaging is equal to the area required without averaging.
d. The buffer at its narrowest point is never less than ¾ of the required width.

2. Averaging to allow reasonable use of a parcel may be permitted when all of the following are met:
a. There are no feasible alternatives to the site design that could be accomplished without buffer averaging.
b. The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a report from a qualified wetland professional.
c. The total buffer area after averaging is equal to the area required without averaging.
d. The buffer at its narrowest point is never less than ¾ of the required width.

~~Buffer widths for Category I, II and III wetlands may be modified by the director for a development proposal by averaging buffer widths. The director may allow wetland buffer averaging where all of the following can be demonstrated through a wetland report:~~

~~1. That the wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;~~
~~2. All of the mitigation measures included in Table 16.20.230B are applied. Alternate mitigation measures, as approved by the director, may be applied to address the types of disturbances described in Table 16.20.230B;~~
~~3. That the total area contained within the buffer after averaging is not less than that contained within the buffer prior to averaging;~~
~~4. The buffer width has not been reduced by more than twenty-five percent of the required buffer width at any point; and~~
~~5. Width averaging will not reduce the functions and values of the wetland.~~

F. Decreasing Buffer Widths.[24] **Per Section 8C.2.4.1 of Appendix 8-C, Wetlands in Washington State – Volume 2, wetland buffer widths required for "high" intensity land uses can be reduced to those required for "moderate" intensity land uses, and those required for "moderate" intensity land uses (See Table 16.20.230.A and .B) can be reduced to those required for "low" intensity land, under the following conditions:**

1. **For wetlands that score moderate or high for habitat (5-9 points for the habitat score), the width of the buffer can be reduced if both of the following criteria are met:**
   a. **A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife. "Relatively undisturbed" and "vegetated corridor" are defined in the Western Washington Wetland Rating System. Priority Habitats within the City may include:**

[24] Per Appendix 8-C, Section 8C.2.4.1 of *Wetlands in Washington State – Volume 2. (Ecology Publication #05-06-008).*

i. **Wetlands;**
ii. **Riparian zones;**
iii. **Cliffs;**
iv. **Estuary/estuary-like;**
v. **Marine/estuarine shorelines;**
vi. **Urban natural open space.**

The corridor must be protected for the entire distance between the wetland and the Priority Habitat by some type of legal protection, such as a conservation easement.

b. **Measures to minimize the impacts of different land uses on wetlands, such as the examples in Table 16.20.230.C are applied.**

2. **For wetlands that score less than 5 points for habitat, the buffer width can be reduced by applying measures to minimize the impacts of the proposed land uses, such as the examples in Table 16.20.230.C.**

Table 16.20.230.C—Examples of Measures to Minimize Impacts to Wetlands from Different Types of Activities

Examples of Disturbances	Activities and Uses that Cause Disturbances	Examples of Measures to Minimize Impacts
Lights	Parking lots, warehouses, commercial, manufacturing, residential areas	Direct lights away from wetland.
Noise	Manufacturing, commercial, residential areas	Locate activity that generates noise away from wetland.
Toxic runoff*	Parking lots, roads, manufacturing, commercial, residential areas, landscaping	Route all new untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of pesticides within 150 feet of wetland. Apply integrated pest management.
Stormwater runoff	Parking lots, roads, manufacturing, residential areas, commercial, landscaping	Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized flow from lawns that directly enter the buffer.
Change in water regime	Impermeable surfaces, lawns, clearing and grading	Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns.
Pets and human disturbance	Residential areas	Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract.
Dust	Clearing and grading	Use best management practices to control dust.
****These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present.***		

3. **Decision Criteria. Prior to approval, a buffer reduction proposal shall meet all of the decisional criteria listed below.**

   a. It will provide an overall improvement in water quality protection for the wetland; and
   b. It will not adversely affect fish or wildlife species and will provide an overall enhancement to fish and wildlife habitat; and
   c. It will provide a net improvement in drainage and/or storm water detention capabilities; and
   d. All exposed areas are stabilized with native vegetation, as appropriate; and
   e. It will not lead to unstable earth conditions or create an erosion hazard; and
   f. It will not be materially detrimental to any other property or the city as a whole.

4. **Buffer Enhancement Plan[25]. As part of the buffer reduction request, the applicant shall submit a buffer enhancement plan prepared by a wetland specialist. The report shall assess the habitat, water quality, storm water detention, ground water recharge, shoreline protection, and erosion protection functions of the buffer; assess the effects of the proposed modification on those functions; and address the six criteria in subsection 16.20.230.F.3. The buffer enhancement plan shall also provide the following.**
   a. **A map detailing the specific area of enhancement that shows the elevation contours of the site;**
   b. **A planting plan that uses native plant species indigenous to this region including groundcover, shrubs and trees;**
   c. **Provisions for monitoring and maintenance over the monitoring period as required under PMC 16.20.725.**

~~The director may decrease the buffer widths for Category I, II and III wetlands where all of the following can be demonstrated through a wetland report:~~

~~1. Wetland buffer width averaging as set forth in this chapter is unfeasible. Decreasing wetland buffer widths cannot be used in conjunction with wetland buffer averaging;~~
~~2. All of the mitigation measures included in Table 16.20.230B are applied. Alternate mitigation measures, as approved by the director, may be applied to address the types of disturbances described in Table 16.20.230B;~~
~~3. The project application includes, as applicable, a wetland report or habitat management plan using native vegetation and other mitigations as appropriate for the proposed project which substantiates that an enhanced buffer will improve the functional attributes of the buffer to provide additional protection for functions and values. The following actions shall be considered in combination with a buffer reduction:~~
   ~~a. Infiltration of stormwater where soils permit;~~
   ~~b. Retention of existing native or equivalent vegetation or revegetation on other portions of the site in order to offset habitat loss from buffer reduction; and~~
   ~~c. Fencing and signage of the buffer edge.~~
~~4. Under no circumstances shall required buffer widths be reduced by more than twenty-five percent.~~

[25] Recommended by Grette Associates.

G. Increasing Buffer Widths.[26] The director may increase buffer zone widths for a development project on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values**, per Section 8C.2.5 of Appendix 8-C, Wetlands in Washington State, Volume 2**. This determination shall be made only when the director demonstrates any one of the following through appropriate documentation:

1. The wetland site has known locations of endangered or threatened species, **the width of the buffer should be increased to provide adequate protection for the species based on the requirements in Section 8C.2.5.3, as revised, of the Wetlands in Washington State, Volume 2;** ~~for which a habitat management plan indicates a larger buffer is necessary to protect habitat values for such species;~~

2. The adjacent land is susceptible to severe erosion and erosion control measures alone will not effectively prevent adverse wetland impacts; and

3. The adjacent land on the development proposal site has minimal vegetative cover or slopes greater than thirty percent.

H. Building or Impervious Surface Setback**s** ~~Lines~~. A building or impervious surface setback ~~line~~ of fifteen feet is required from the edge of any wetland buffer. Minor structural or impervious surface intrusions into the areas of the setback, such as **but not limited to** fire escapes, open/uncovered porches, landing places, outside walkways, outside stairways, **retaining walls, fences** and patios, may be permitted if the department determines **upon review of an analysis of buffer functions submitted by the applicant,** that such intrusions will not adversely impact the wetland. The setback shall be identified on a site plan.

I. Signs and Fencing of Wetlands. This subsection applies to those wetlands and their buffers that are within three hundred feet of regulated development activities:

1. Wetland buffers shall be temporarily fenced or otherwise suitably marked, as required by the director, between the area where the construction activity occurs and the buffer. Fences shall be made of a durable protective barrier and shall be highly visible. Silt fences and plastic construction fences may be used to prevent encroachment on wetlands or their buffers by construction. Temporary fencing shall be removed after the site work has been completed and the site is fully stabilized per city approval.

2. The director may require that permanent signs and/or fencing be placed on the common boundary between a wetland buffer and the adjacent land. Such signs will identify the wetland buffer **and may be required to contain other information related to wetland protection**. The director may approve an alternative method of wetland and buffer identification if it provides adequate protection to the wetland and buffer.

16.20.235 Additional development standards.

In addition to meeting the development standards in Section 16.20.230, the regulated uses identified below shall also comply with the standards of this section and other applicable state, federal and local ordinances.

[26] Per Appendix 8-C, Section 8C.2.5 of *Wetlands in Washington State – Volume 2. (Ecology Publication #05-06-008).*

A. Docks. Construction of a dock, pier, moorage, float or launch facility may be permitted subject to criteria in the city's shoreline master program.

B. Forest Practice, Class IV General, and Conversion Option Harvest Plans (COHPs). All timber harvesting and associated development activity, such as construction of roads, shall comply with the provisions of this chapter, including the maintenance of buffers around regulated wetlands.

C. Agricultural Restrictions. In all development proposals which would permit introduction **or expansion** of agricultural uses, damage to ~~Category I, II and III~~ regulated wetlands shall be avoided. These restrictions shall not apply to those regulated wetlands defined as grazed wet meadows, regardless of their classification, only where grazing has occurred within the last five years. Wetlands shall be protected by installation of fencing located not closer than the outer buffer edge.

D. Road/Street Repair and Construction. Public road or street repair, maintenance, expansion or construction may be allowed in wetlands or wetland buffers subject to the following development standards:

1. No other reasonable or practicable alternative exists and the road or street crossing serves multiple properties wherever possible;
2. Publicly owned or maintained road or street crossings provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.;
3. The road or street repair and construction are the minimum necessary to provide safe roads and streets; and
4. Mitigation shall be performed in accordance **with this Chapter** and specific project mitigation plan requirements.

E. Surface Water Management. Surface water discharges from stormwater facilities or structures may be allowed in wetland buffers when they are in accordance with the city's stormwater management ordinance. The discharge shall not significantly increase or decrease the rate of flow and/or hydro-period, nor decrease the water quality of the wetland. Pre-treatment of surface water discharge through biofiltration or other best management practices (BMPs) shall be required. **The applicant shall submit a wetland hydrology monitoring plan prepared by a wetland specialist. The plan shall provide an analysis to demonstrate the baseline hydrologic conditions within the wetland, provide monitoring methods, provide a monitoring program to evaluate the hydrologic conditions post construction, and provide a reporting schedule for submitting monitoring reports to the City.**[27]

F. Low Impact Development (LID). LID activities may be allowed within the buffer of Category III or IV wetlands only; provided, that:

1. The Category III or IV wetland has a habitat score of 3-4 points; and no other location is feasible; and

2. There will be "no net loss" of functions and values of the wetland, and the location of such facilities will not degrade the functions or values of the wetland; and

[27] Monitoring report requirement recommended by Grette Associates.

3. The wetland does not contain a breeding population of any native amphibian species; and

4. The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, 5 of Chart 4 and questions 2, 3, 4 of Chart 5 in the "Guide for Selecting Mitigation Sites Using a Watershed Approach (http://www.ecy.wa.gov/biblio/0906032.html); or the wetland is part of a priority restoration plan that achieves restoration goals identified in a Shoreline Master Program or other local or regional watershed plan; and

5. The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing; and

6. All regulations regarding storm water and wetland management are followed, including but not limited to local and state wetland and storm water codes, manuals and permits.

A site-specific characterization through a ~~special~~ wetland report is required to determine if an LID Best Management Practices (BMP) is feasible for a project site and all of the criteria above are met. The special wetland report shall be prepared consistent with Section 16.20.7**2**~~0~~5 and will be verified through peer-review.

G. Trails and Trail-Related Facilities. Construction of public trails and trail-related facilities, such as benches and viewing platforms, may be allowed in wetlands or wetland buffers pursuant to the following guidelines:

1. Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed areas.

2. Trails and related facilities shall be planned to minimize removal of trees, soil disturbance and existing hydrological characteristics, shrubs, snags and important wildlife habitat.

3. Viewing platforms and benches, and access to them, shall be designed and located to minimize disturbances of wildlife habitat and/or critical characteristics of the affected wetland.

4. Trails and related facilities shall generally be located outside required buffers. Where trails are permitted within buffers, they should be located on the outer portion of the buffer and as far as possible from the wetland edge, except where wetland crossings or viewing areas have been approved.

5. Trails shall generally be limited to pedestrian use unless other more intensive uses, such as bike or horse trails, have been specifically allowed and mitigation has been provided. Trail width shall not exceed five feet unless there is a demonstrated need, subject to review and approval by the director. Trails shall be constructed with pervious materials unless otherwise approved by the director.

6. Mitigation may be required to replace native vegetation removed for trail construction or enhance remaining areas of degraded buffer.

H. Utilities in Wetlands or Wetland Buffers.

1. The utility development authorized in Section 16.20.120 shall be allowed, subject to best management practices in wetlands and wetland buffers.

2. Construction of new utilities outside the road right-of-way or existing utility corridors or easements may be permitted in wetlands or wetland buffers, only when no reasonable alternative location is available and the utility corridor or easement meets the requirements for installation, replacement or vegetation and maintenance outlined below, and as required in the filing and approval of applicable permits and special reports (**Section 700** ~~Article VII~~ of this chapter) required by this chapter.

3. Sanitary Sewer or On-Site Sewage Utility. Construction of sanitary sewer lines or on-site sewage systems may be permitted in regulated wetland buffers only when: (a) the applicant demonstrates it is necessary to meet state and/or local health code minimum design standards (not requiring a variance for either horizontal setback or vertical separation), and/or (b) there are no other practicable or reasonable alternatives available and construction meets the requirements of this section. Joint use of the sanitary sewer utility easement by other utilities may be allowed.

4. New utility corridors or easements shall not be allowed when the regulated wetland or buffer has known locations of federal- or state-listed endangered, threatened or sensitive species, heron rookeries or nesting sites of raptors which are listed as state candidate or state monitor, except in those circumstances where an approved habitat management plan indicates that the utility corridor or easement will not significantly impact the wetland or wetland buffer.

5. New utility corridor or easement construction and maintenance shall protect the regulated wetland and buffer environment by utilizing the following methods:
   a. New utility corridors or easements shall be aligned when possible to avoid cutting trees greater than twelve inches in diameter at breast height (four and one-half feet), measured on the uphill side.
   b. New utility corridors or easements shall be revegetated with appropriate native vegetation at pre-construction densities or greater, immediately upon completion of construction, or as soon thereafter as possible, if due to seasonal growing constraints. The utility shall ensure that such vegetation survives.
   c. Any additional utility corridor or easement access for maintenance shall be provided as much as possible at specific points, rather than by parallel roads. If parallel roads are necessary, they shall be of a minimum width but no greater than fifteen feet; and shall be contiguous to the location of the utility corridor on the side away from the wetland. Mitigation will be required for any additional access through restoration of vegetation in disturbed areas.
   d. The director may require other additional mitigation measures.

6. Utility corridor maintenance shall include the following measures to protect the regulated wetland and buffer environment:
   a. Where feasible, painting of utility equipment such as power towers shall not be sprayed or sandblasted, nor should lead-based paints be used.

b. No pesticides, herbicides or fertilizers may be used in wetland areas or their buffers except those approved by the EPA and the Department of Ecology. Where approved, herbicides must be applied by a licensed applicator in accordance with the safe application practices on the label.

16.20.240 Wetland Alterations[28] ~~mitigation requirements~~.

A. Mitigation **Sequencing**. All regulated development activities proposed to impact wetlands or buffers shall be mitigated according to this title subject to the following **sequential** order **(WAC 197-11-768)**. **The applicant shall demonstrate to the satisfaction of the review authority that each step of this sequence has been adequately addressed prior to approving or permitting impacts to wetlands under this chapter.**

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
3. ~~Using one of the following mitigation types, listed in order of preference: a.~~ Rectifying the impact by **repairing** ~~reestablishing~~, rehabilitating, or restoring the affected environment;
4. **Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action**;
5. ~~b.~~ Compensating for the impact by replacing, **enhancing** or providing substitute resources or environments;

~~c. Compensating for the impact by improving the environmental processes that support wetland systems and functions;~~

6. Monitoring the impact ~~and compensation~~ and taking appropriate corrective measures; or

7. Mitigating for individual actions may include a combination of the above measures.

~~Combining any of the above measures to mitigate for individual actions.~~

B. Mitigation for Regulated Activities in Wetland Buffers. A specific mitigation plan is required and the requirements are provided in Section 16.20.725. **Appropriate implementation and timing of the mitigation plan shall be included as conditions of approval of the underlying land use permit**.[29] ~~Approval signified by a notarized memorandum of agreement signed by the applicant and department director or designee, and recorded with the Kitsap County auditor. The agreement shall refer to all requirements for the mitigation project.~~

C. Mitigation for Regulated Activities in Wetlands. Compensatory mitigation shall be required for regulated activities that result in the loss of wetland acreage **or in the reduction of wetland functions or habitat values.** A specific mitigation plan is required and the requirements are provided in Section 16.20.725.

1. A compensatory mitigation plan shall be completed. The applicant shall submit a detailed mitigation plan for compensatory mitigation to the department.
2. The detailed mitigation plan shall be prepared, signed, and dated by the wetlands specialist to indicate that the plan is in accordance with specifications as determined by the wetlands specialist. A signed original mitigation plan shall be submitted to the department.
3. Approval of the detailed mitigation plan shall be signified through **conditions of approval of the underlying land use permit and requiring appropriate implementation and timing of the**

[28] Amendments to be consistent with sequencing requirements in WAC 197-11-768.
[29] Amendment to provide administrative clarification.

mitigation plan.[30] ~~by a notarized memorandum of agreement signed by the applicant and department director or designee, and recorded with the Kitsap County auditor. The agreement shall refer to all requirements for the mitigation project.~~

4. The mitigation project shall be completed according to a schedule agreed upon between the department and the applicant as included in the wetland mitigation plan **and conditions of approval.**[31]

5. Wetland mitigation shall occur according to the approved wetland mitigation plan and shall be consistent with provisions of this chapter and title.

6. A wetlands specialist shall be on site during construction and plant installation phases of all mitigation projects.

7. On completion of construction for the wetland mitigation project, the wetlands specialist shall submit an as-built report to the department for review and approval.

D. Wetland Replacement Ratios.

1. The ratios presented here are based on the type of compensatory mitigation proposed (restoration, **creation**/establishment, or enhancement). These types of compensatory mitigation **listed in order of preference,** [32]are defined as follows:

a. Restoration. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into:

i. Reestablishment. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Activities could include removing fill material, plugging ditches, or breaking drain tiles.-Reestablishment results in a gain in wetland acres **and functions**.

ii. Rehabilitation. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres.

b. **Creation/**Establishment (~~Creation~~). The manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species. Establishment results in a gain in wetland acres.

c. Enhancement. The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, floodwater retention or wildlife habitat. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these. Enhancement results in a change in some

[30] Amendment to provide administrative clarification.
[31] Amendment to provide administrative clarification.
[32] Per *Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance* (Ecology Publication #06-06-011a

wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres.

d. Preservation.[33] The removal of a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This term includes the purchase of land or easements, repairing water control structures or fences, or structural protection. Preservation does not result in a gain of wetland acres (but may result in a gain in functions over the long term). Replacement rations for preservation will be determined on a case-by-case basis, depending on the quality of the wetlands being lost or degraded and the quality of the wetlands being preserved.

2. The following ratios appearing below in Table 16.20.240, Wetland Mitigation Replacement Ratios, **as found in *Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance* (Ecology Publication #06-06-011a).** ~~as well as consideration of the factors listed in this section~~, **These ratios** shall be used to determine the appropriate amounts of restored, established, or enhanced wetland that will be required to replace impacted wetlands. The first number specifies the amount of wetland area requiring restoration, establishment, or enhancement and the second number specifies the amount of wetland area altered.

Table 16.20.240—Wetland Mitigation Replacement Ratios[34]

Wetland Category	Reestablishment or Creation	Rehabilitation Only	Reestablishment or Creation (R/C) and Rehabilitation (RH)	~~1:1~~ Reestablishment or Creation (R/C) and Enhancement (E)	Enhancement Only
All Category IV	1.5:1	3:1	**1:1 R/C and 1:1 RH**	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	**1:1 R/C and 2:1 RH**	1:1 R/C and **4** ~~2~~:1 E	8:1
Category II estuarine	Case-by-case	4:1 rehabilitation of an estuarine wetland	**Case-by-case**	Case-by-case	Case-by-case
Category II Interdunal	**2:1**	**4:1**	**1:1 R/C and 2:1 RH**	**Not considered an option***	**Not considered an option***

[33] Per *Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance* (Ecology Publication #06-06-011a.

[34] Per *Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance* (Ecology Publication #06-06-011a and per Appendix 8-C, Table 8C-11 of *Wetlands in Washington State – Volume 2.* (Ecology Publication #05-06-008).

Table 16.20.240—Wetland Mitigation Replacement Ratios[34]

Wetland Category	Reestablishment or Creation	Rehabilitation Only	Reestablishment or Creation (R/C) and Rehabilitation (RH)	~~1:1~~ Reestablishment or Creation (R/C) and Enhancement (E)	Enhancement Only
	Compensation has to be interdunal wetland	**Compensation has to be interdunal wetland**	**Compensation has to be interdunal wetland**		
All other Category II	3:1	**6** ~~8~~:1	**1:1 R/C and 4:1 RH**	1:1 R/C and **8** ~~4~~:1 E	12:1
Category I forested	6:1	12:1	**1:1 R/C and 10:1 RH**	1:1 R/C and **20** ~~10~~:1 E	24:1
Category I **based on score for functions** ~~other~~	4:1	8:1	**1:1 R/C and 6:1 RH**	1:1 R/C and **12** ~~6~~:1 E	16:1
Category I natural heritage site	**Not considered possible**** ~~Prohibited~~	6:1 rehabilitation of a natural heritage site	**Not considered possible****	**R/C** Not considered possible**	Case-by-case
Category I Coastal Lagoon	**Not considered possible****	**6:1 rehabilitation of a coastal lagoon**	**Not considered****	**Not considered possible****	**Case-by-case**
Category I bog	**Not considered possible***** ~~Prohibited~~	6:1 rehabilitation of a bog	**Not considered possible*****	Not considered possible	Case-by-case
Category I estuarine	Case-by-case ~~Prohibited~~	6:1 rehabilitation of an estuarine wetland	**Case-by-case**	Case-by-case	Case-by-case

**** Due to the dynamic nature of interdunal systems, enhancement is not considered an ecologically appropriate action.***
***** Natural Heritage sites, coastal lagoons, and bogs are considered irreplaceable wetlands because they perform some special functions than cannot be replaced through compensatory mitigation.***

Impacts to such wetland would therefore result in a net loss of some functions no matter what kind of compensation is proposed.

3. The director may increase or decrease the ratios based on one or more of the following:
   a. Replacement ratios may be increased under the following circumstances:
      i. Uncertainty exists as to the probable success of the proposed restoration or creation;
      ii. A significant period of time will elapse between impact and establishment of wetland functions at the mitigation site;
      iii. Proposed compensation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or
      iv. The impact was an unauthorized impact.
   b. Replacement ratios may be decreased under the following circumstances:
      i. Documentation by **a wetland specialist demonstrates** ~~the applicant provides more certainty~~ that the proposed compensation actions **have a very high likelihood of success based on prior experience.** ~~will be successful~~. For example, demonstrated prior success with similar compensation actions as those proposed, and/or extensive hydrologic data to support the proposed water regime;
      ii. Documentation by **a qualified wetland specialist** ~~the applicant~~ demonstrates that the proposed compensation actions will provide functions and values that are significantly greater than the wetland being impacted; or
      iii. The proposed mitigation actions are conducted in advance of the impact and are shown to be successful.
   c. **Compensatory mitigation should not result in the creation, restoration or enhancement of an atypical wetland. An atypical wetland is defined as a wetland whose design does not match the type of wetland that would be found in the geomorphic setting of the proposed site (i.e. the water source(s) and hydroperiod proposed for the mitigation site are not typical for the geomorphic setting). Any designs that provide exaggerated morphology (such as excavating a permanently inundated pond in a seasonally saturated or inundated wetland) or require a berm or engineered structures to hold back water would be considered atypical.**[35]

E. ~~Off-Site~~ Compensatory Mitigation[36]. **Unless it is demonstrated that a higher level or ecological functioning would result from an alternative approach, compensatory mitigation for ecological functions shall be in-kind and either on-site, or within the same stream reach, sub-basin, or drift cell (if estuarine wetlands are impacted). Compensatory mitigation actions shall be conducted within the same sub-drainage basin and on the site of the alteration except when all of the following apply:**

1. **There are no reasonable on-site or in sub-drainage basin opportunities (e.g. onsite options would require elimination of high-functioning upland habitat), or onsite and in sub-drainage basin opportunities do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts; and**

[35] Amendment per DOE *Wetlands in Washington State – Volume 2*, Appendix 8-C.
[36] Amendment from DOE Guidance on Offsite Mitigation, "Critical Areas Ordinance Code Example of Offsite Mitigation Language" March 2009.

2. **Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and**
3. **Off-site locations shall be in the same sub-drainage basin unless;**
    a. **Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the City or Kitsap County and strongly justify location of mitigation at another site; or**
    b. **Credits from a state-certified wetland mitigation bank are used as compensation and the use of credits is consistent with the terms of the bank's certification.**
    c. **Fees are paid to an approved in-lieu-fee program to compensate for the impacts.**

~~1. Consideration for determining whether off-site mitigation is preferable includes, but is not limited to:~~

~~a. On-site conditions do not favor successful establishment of the required vegetation type, or lack the proper soil conditions, or hydrology;~~

~~b. On-site compensation would result in an aquatic habitat that is isolated from other natural habitats or severely impaired by the effects of the adjacent development;~~

~~c. Off-site location is crucial to one or more species that are threatened, endangered, or otherwise of concern, and the on-site location is not;~~

~~d. Off-site location is crucial to larger ecosystem functions, such as providing corridors between habitats, and the on-site location is not; and~~

~~e. Off-site compensation has a greater likelihood of success or will provide greater functional benefits.~~

~~2. When determining whether off-site mitigation is preferable, the value of the site-specific wetland functions at the project site, such as flood control, nutrient retention, sediment filtering, and rare or unique habitats or species, should be fully considered.~~

~~3. When conditions do not favor on-site compensation, off-site compensatory mitigation should be located as close to the impact site as possible, at least within the same watershed, while still replacing lost functions.~~

F. **Advance Mitigation[37]. Compensatory mitigation in advance of proposed impacts may be allowed on a case-by-case basis where the applicant demonstrates consistency with approved state and/or federal advance mitigation programs and policies. Approval of an advance mitigation plan is not a guarantee of future project approval or authorization.**

G. Monitoring Requirements. The City of Poulsbo shall require monitoring reports on an annual basis for a minimum of five years and up to ten years, or until the director determines that the mitigation project has **met the performance standards[38] specified in the wetland mitigation plan.** ~~achieved success~~. The wetland mitigation plan shall provide specific ~~criteria~~ **performance standards** for monitoring the mitigation project. ~~Criteria~~ **The performance standards** shall be project-specific and use best available science to aid the director in evaluating whether or not the project has achieved success.

[37] Per *Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation*, Ecology Publication #12-06-015.
[38] Use of performance standards is required by updated Best Available Science, and this term is used in all current wetland mitigation and monitoring guidance.