

EXHIBIT D

From: [Rod Malcom](#)
To: [City of Poulsbo Planning and Economic Development](#)
Subject: RE: [External] 2025 Critical Areas Ordinance Update Phase I - NOA w/ ODNs and Planning Commission Public Hearing
Date: Wednesday, September 10, 2025 4:02:01 PM
Attachments: [image001.png](#)
[image002.png](#)

Good afternoon, below are comments from the Suquamish Tribe in response to the DNS issued for the subject proposal.

The Suquamish Tribe provides the following comments on the DNS for 2025 Critical Areas Ordinance Update Phase I. The City proposed these CAO updates as necessary to maintain consistency with state law and ensure environmental protections are legally defensible and scientifically sound and indicated the current review focuses on required updates such as revised stream buffers and updated definitions. However, the City is putting more trust in some current regulations and guidelines to mitigate impacts than is warranted and the City's goal of No Net Loss will not be met as the condition of some critical areas will decline relative to the baseline of existing conditions.

Typically, when a No Net Loss analysis is conducted it is the direct and indirect impacts to the regulatory buffers (See Tables 1 and 2 for riparian buffers) for wetlands, streams, etc. that are considered in the analysis. If the buffer is 100 feet wide, then impacts occurring outside of this 100 feet are typically not considered an impact. The Best Available Science on riparian buffers was issued by the WDFW in 2020^[1]. Volume Two states on page 4 (bold emphasis added):

“Restoration of riparian ecosystems is critically important because legacy of environmental impacts resulting from the ways land use has affected riparian areas over the past 200 years. In other words, what remains available for protection is not enough to provide the full functions and values Washington’s fish and wildlife need.”

Furthermore, page 11 of the same volume states (bold emphasis added):

“Apply the recommended RMZ delineation steps to all streams, whether or not they are fish-bearing: In 1997, WDFW recommended a lower level of protection for non-fish bearing streams than fish-bearing streams. In reviewing the current science literature for Volume 1, we found no evidence that full riparian ecosystem functions along non-fish-bearing streams are less important to aquatic ecosystems than full riparian ecosystem functions along fish-bearing streams. This recommendation is based on four additional considerations.”

Among the reasons given for this were: (1) provision fish-bearing streams with matter and energy; and (2) providing cool water to downstream reaches. Washington State has already experienced increased stream temperatures due to climate change and expect further increases, which have direct implications for the persistence of fish.

The latest guidance from the WDFW indicates stream buffers width should approximate Site Potential Tree Height (SPTH) to minimize impacts to stream functions. The existing 200 foot stream buffers for type F1 and F2 streams in Poulsbo (Table 1) approximate a SPTH in the Poulsbo area. While not meeting the buffer width required for many functions, the increase in stream buffer width from 75 to 100 feet for Barranté's Creek puts the buffer at the minimum estimated by BAS for pollutant removal. The increase in buffers widths for South Fork Dogfish Creek (Table 2) from as low as 50 feet to 100 feet, again roughly meets the pollutant removal function, but not some other functions.

Table 1. Existing and proposed stream buffers for streams, except for South Fork Dogfish Creek.

Stream Name	Existing	Proposed
Mainstem Dogfish Creek (F1)	200	200
Lemolo Creek (F1)	200	200
North Fork of Johnson Creek (F1)	200	200
Bjorgen Creek (F1)	200	200
Poulsbo Creek (F2)	200	200
Barranté's Creek (Ns)	75	100

Table 2. Table 1. Existing and proposed stream buffers for South Fork Dogfish Creek.

South Fork Dogfish Creek		
Tidewater/Estuarine	100	100
Lower forested	75	100
Urban/commercial	50	100
Canyon	100	100
Headwater	50	100

Furthermore, the CAO update page (<https://cityofpoulsbo.com/criticalareasupdate/>) also contained the following statement: *“Buffers for unnamed or unidentified streams may increase from the current typical range of 50 to 75 feet to a minimum of 100 feet, in accordance with updated best available science and state guidance.”* Given the statements from the WDFW *Volume 2: Management Recommendations* found on pages 4 and 11, buffers less than a SPTH (approximately 200 feet in most of Poulsbo) or 100 feet in those situations where the SPTH is less than 100 feet cannot be considered protective of all stream and riparian functions and values. A result of restricting buffers for some streams to less than 200 feet (such as the 100 feet found in Tables 1 and 2) in places where there is sufficient open space to have a 200 foot buffer is a net loss of riparian and stream function. This should be acknowledged in the DNS and any subsequent documents.

Additionally, as ongoing surveys and stream typing are conducted, streams that might currently be Ns, could be typed as Type F, but not receive a SPTH buffer according to the wording found

on the website. The wording *“Buffers for unnamed or unidentified streams may increase from the current typical range of 50 to 75 feet to a minimum of 100 feet, in accordance with updated best available science and state guidance”* would better reflect, but not fully follow, BAS if it was modified to read:

“Buffers for unnamed or unidentified streams that do not meet the Type F classification where the SPTH is less than 100 will increase from the current typical range of 50 to 75 feet to a minimum of 100 feet and for newly discovered or typed Type F streams will increase to 200 feet.”

Additionally, a common statement in response to proposed mitigation measures found throughout the Environmental Checklist (Checklist) is *“No development is proposed at this time. Determination will be made at the time specific proposals move forward”* or that development will comply with State or City regulations. For example, the following wording is found on the Checklist.

“d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any: This is not applicable to this non-project action. No development is proposed at this time. At the time of development review, projects will be reviewed for compliance with the City's adopted storm water management regulations and updated critical areas ordinance.”

Neither the stormwater management regulations nor the CAO quantify the impacts of development upon the volume of water available for recharge of streams or contributing to interflow that also enters streams. The CAO focus is primary on potable water for human use. Unless the City quantifies project induced mean annual changes in volume of water available for recharge, the City will not be able to state there is no net loss of water available for streams and aquatic life.

There are also assumptions and caveats in the various manuals used for wetland mitigation. While small wetlands, particularly isolated one, are typically assumed to have low value, there are numerous statements in Hruby 2014 and 2012 that indicate small wetlands provide important functions that are not captured well in an assessment. For example, page 35 of Hruby 2012

“Also, very small wetlands may not provide good habitat for some of the larger wildlife species such as otter or beaver, but they are known to provide critical habitat for many smaller species.”

and

“Thus, very small wetlands may be less important for large wildlife but more important for smaller wildlife.”

Additionally, the rating system does not function well for amphibian uses of wetland patches as they moved across the landscape and also underestimates the value of small wetlands to amphibians as noted in Hruby, T. (2014) page 27.

“Also, very small wetlands may not provide good habitat for some of the larger wildlife species such as otter or beaver, but they are known to provide critical habitat for many smaller species. For example, amphibians were found using and breeding in wetlands as small as 270 ft² in the Palouse region of northern Idaho (Monello and Wright 1999).”

and

“Thus, very small wetlands may be less important for large wildlife but more important for smaller wildlife. Since the methods were judged to be accurate for wetlands as small as a 1/10 of an acre, the review team and the Department of Ecology staff decided not to develop additional questions for very small wetlands less than 1/10 ac in size. Very small wetlands can be rated with the understanding that the results are not as robust as in larger wetlands”.

The limitations of these manuals should be acknowledged.

The existing riparian buffers enacted by the City of Poulsbo are among the largest around, the City is to be commended for those. The City has also brought the buffers for smaller streams up to the approximate minimum for the pollutant removal function.

Thank you for your attention to our comments. The Tribe looks forward to working with the City as it continues to develop its CAO.

If you have any questions, please contact me.

Roderick Malcom
Biologist/Ecologist
Natural Resources Department



P.O. Box 498 (mailing)
18490 Suquamish Way
Suquamish, WA 98392

Phone: (360) 394-8449

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From: City of Poulsbo PED Department <plan&econ-cityofpoulsbo.com@shared1.ccsend.com>

Sent: Wednesday, August 27, 2025 8:10 AM

To: Rod Malcom <rmalcom@suquamish.nsn.us>

Subject: [External] 2025 Critical Areas Ordinance Update Phase I - NOA w/ ODNs and Planning Commission Public Hearing



City of Poulsbo Public Notice

You are receiving this email because you've signed up to receive periodic notices regarding the City of Poulsbo's development regulations. Thank you for your interest in the future of Poulsbo.

The City of Poulsbo is undertaking an update to its Critical Areas Ordinance (CAO) as part of the required periodic review under the Washington State Growth Management Act (GMA), RCW 36.70A.130. This update ensures the City's critical areas regulations remain consistent with current state law, reflect Best Available Science (BAS), and continue to protect the ecological functions and public health and safety associated with wetlands, fish and wildlife habitat, frequently flooded areas, geologically hazardous areas, and critical aquifer recharge areas.

To manage the complexity of the update and meet both statutory and local planning objectives, the CAO will be updated in two phases:

- Phase I (2025) will include required updates mandated by state law and

guidance from the Washington State Department of Commerce, Department of Ecology, and Department of Fish and Wildlife. These changes are non-discretionary and must be completed as part of the City's 2025 GMA periodic update.

- Phase II (anticipated to begin in 2026) will focus on discretionary amendments identified by the city to improve clarity, address local implementation challenges, and support long-term environmental and regulatory goals.

This phased approach allows the city to meet state requirements within the periodic update deadline while also creating space for more thoughtful engagement on optional changes.

Written comments may be mailed, e-mailed, or delivered to the City of Poulsbo by 4:30pm on Thursday, September 11, 2025. To ensure consideration, all written comments must be received prior to the closing of the public hearing. At the hearing, the public will have an opportunity to provide written and verbal testimony regarding the proposed project.

The City of Poulsbo has reviewed the proposed amendments for probable adverse environmental impacts and expects to issue a determination of nonsignificance (DNS) for this project. The Optional DNS process in WAC 197-11-355 is being used. *This may be the only opportunity to comment on the environmental impacts of the proposed amendments.* The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for the proposal may be obtained upon request. Agencies, tribes, and the public are encouraged to review and comment on the proposed amendments and probable environmental impacts. Comments related to environmental review must be submitted by 4:30pm on Thursday, September 11, 2025.

The Planning Commission Public Hearing is scheduled for [Tuesday, October 7, 2025](#), at 6:00 pm or soon thereafter. The Planning Commission will make a recommendation to the City Council.


Again, thank you for your interest in the future of Poulsbo.

- [Notice of Application w/Optional DNS and Notice of Public Hearing](#)
- [SEPA Checklist](#)
- Full project documents can be viewed [here](#).

Staff Contact: Nikole Coleman, Senior Planner | ncoleman@cityofpoulsbo.com

City of Poulsbo | Planning and Economic Development Department 200 NE Moe Street |
Poulsbo, WA 98370 US

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^[1] *Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications* (Volume 1) (Quinn et al. 2020);
and *Riparian Ecosystems, Volume 2: Management Recommendations* (Volume 2) (Rentz et al. 2020)