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 Barrante'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
Barrante'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 ft^2 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 its continues to develop its CAO.

If you have any questions, please contact me.

Roderick Malcom
Biologist/Ecologist
Natural Resources Department

THE SUQUAMISH TRIBE

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

Phone: (360) 394-8449

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

[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)

State of Washington
DEPARTMENT OF FISH AND WILDLIFE
Coastal Region • Region 6 • 48 Devonshire Road, Montesano, WA 98563-9618
Telephone: (360) 249-4628 • Fax: (360) 249-1229

August 12, 2025

City of Poulsbo
ATTN: Nikole Coleman, AICP, Planning Manager
200 NE Moe Street
Poulsbo, WA 98370-7437

Subject: WDFW Comments on the City of Poulsbo's 2025 Draft Critical Areas Ordinance Update, Planview Case 2022-C-226

Dear Ms. Coleman,

On behalf of the Washington Department of Fish and Wildlife (WDFW), we offer our comments on the Phase 1 2025 draft critical areas ordinance update for the City of Poulsbo as part of the current periodic update under the Growth Management Act (GMA). WDFW is dedicated to preserving, protecting, and perpetuating the state's fish, wildlife, and ecosystems while providing sustainable fish and wildlife recreational and commercial opportunities.

In recognition of our responsibilities, we submit the following comments, acknowledging that other comments may be offered in the future. We strive to maintain contact throughout this update process and look forward to future engagement opportunities.

Critical Areas Ordinance (CAO) Amendments:

Table 1. Recommended changes to proposed CAO language from WDFW. Policy language suggestions and their legal implications should be vetted by the jurisdiction receiving them.

Policy Number	Policy Language (with WDFW suggestions in red)	WDFW comment
Section 300. Fish and Wildlife Habitat Conservation Critical Areas:		
16.20.310 (D) Fish and wildlife conservation area – Designations.	Habitats recognized by federal or state agencies for federal- and/or state-listed endangered, threatened, sensitive and candidate/monitored species which presence is documented in maps or databases available to city of Poulsbo.	WAC 365-190-130 4 (a) and 4 (b) both state that, "…Counties and cities must consult current information on priority habitats and species identified by the Washington state department of fish and wildlife…" A direct reference and incorporation of WDFW's Priority Habitats and

<table>
<tr><td></td><td></td><td>Species (PHS) program is requested by WDFW to follow WAC 365-190-130. This request is in addition to our comment on <u>Poulsbo Municipal Code (PMC) 16.20.115 (F) (1) & (2)</u> found below in this comment letter.</td></tr>
<tr><td>16.20.315 (A) (4)

Development standards.</td><td>Riparian Management Zones shall also include the channel migration zone (CMZ), such that the buffer includes potential riparian habitat in the of event of stream migration.</td><td>This new proposed code is consistent with WDFW's Volume 2: Management Recommendations for protecting riparian management zones adjacent to CMZs. We appreciate this addition to Poulsbo's code.</td></tr>
<tr><td>16.20.315 (A) (5)

Development standards.</td><td>Where wetlands and geologically hazardous areas occur on a site that contains a fish and wildlife habitat conservation area, refer to Sections 200, Wetlands, and 400, Geologically Hazardous Areas, of this chapter for additional development standards. In cases of differing standards, the more restrictive RMZ or setback shall apply.</td><td>WDFW is supportive of the most restrictive RMZ or setback being applied when there are overlapping critical area standards on a site.</td></tr>
<tr><td>16.20.315 (A) (7)

Development standards.</td><td>New Development or Redevelopment. Standard RMZs and building setbacks for fish and wildlife habitat conservation areas shall be required as per Table 16.20.315.
<table>
<tr><td colspan="3">Table 16.20.315 – Fish and Wildlife Conservation Critical Areas Development Standards**</td></tr>
<tr><td colspan="3">Riparian Management Zone and Setback Requirements</td></tr>
<tr><td>Water Type</td><td>RMZ Width (feet, each side of stream)</td><td>Building Setback (feet, each side of RMZ buffer)</td></tr>
<tr><td>F1 (salmonids)</td><td>200</td><td><s>25</s> 15</td></tr>
<tr><td>F2 (non-salmonids)</td><td>150</td><td><s>25</s> 15</td></tr>
<tr><td>Np</td><td>100</td><td><s>25</s> 15</td></tr>
<tr><td>Ns 1 (connected to S, F, Np)</td><td><s>75</s> 100</td><td><s>25</s> 15</td></tr>
<tr><td>Ns 2 (connected to S, F, Np)</td><td><s>50</s> 100</td><td><s>25</s> 15</td></tr>
<tr><td colspan="3">South Fork Dogfish Creek Stream-Reach-Specific RMZ and Buildings Setback Requirement</td></tr>
</table></td><td>The best available science (BAS) emphasizes the importance of protecting all streams and their adjacent riparian areas to support full riparian ecosystem values and functions. These critical areas support the full ecosystem while providing movement corridors and habitat for both aquatic and terrestrial wildlife. WDFW's Site Potential Tree Height ($SPTH_{200}$) GIS mapping tool, reflects the best available science and aligns with WDFW's Volume 2: Management Recommendations, supporting the protection of the full range of functions and values provided by riparian management zones (RMZs).

While WDFW recommends jurisdictions follow $SPTH_{200}$ to the extent practical, our minimum recommendation of 100 feet for pollution removal would be met based on the proposed RMZ increases for Ns streams and the South Fork Dogfish creek.

WDFW advises against reducing the building setbacks from 25 feet to 15 feet or removing the</td></tr>
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<table>
<tr><th>Stream Reach</th><th>RMZ (feet, each side of stream)</th><th>Building Setback (feet, each side of RMZ buffer)</th></tr>
<tr><td>Tidewater/ estuarine</td><td>100 (a, b)</td><td><s>25</s> 15</td></tr>
<tr><td>Lower forested</td><td>100 <s>75</s>, or top of adjacent slope, whichever is greater (a, b, c, d)</td><td><s>25</s> 15</td></tr>
<tr><td>Urban/ commercial</td><td>100 <s>50</s> for new development and redevelopment; extent of existing constraints for existing development (b, e)</td><td><s>25</s> 15</td></tr>
<tr><td>Canyon</td><td>Park boundary or top of slope, whichever is closest to stream, otherwise 100 or top of steep slope, whichever is greater (a, b, f, g)</td><td><s>25</s> 15</td></tr>
<tr><td>Headwater</td><td>100 <s>50</s> (b, h, i)</td><td><s>25</s> 15</td></tr>
<tr><td colspan="3">**Table simplified for WDFW comments. Please see the full table from City of Poulsbo’s CAO update records.</td></tr>
</table>
</td>
<td>“Additional Protections Required for Properties within 300 Feet of the South Fork Dogfish Creek” (not captured in the simplified table within this comment letter) in these code amendments.

Preserving the existing functions and values of critical areas is a requirement of WAC 365-196-830 (4). WDFW is concerned that these amendments and narrower building setbacks would likely affect the current existing functions and values that may be present at these locations. For instance, wildfire hazard mitigation measures around buildings are typically wider and are often at least 30 feet wide. Maintaining wider setbacks would help minimize the potential need to mitigate for the loss of critical area functions.</td>
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<td>16.20.315 (B) (1) (a)

Development standards.</td>
<td>The director may decrease the standard <s>buffer</s> RMZ or building setback as recommended by a habitat management plan after consultation with the Washington State Department of Fish and Wildlife and the Suquamish Tribe, and determine that conditions are sufficient to protect the affected habitat. A habitat management plan shall be required. The director may reduce the RMZ <s>buffer</s> or building setback width by up to twenty-five</td>
<td>WDFW recommends that the City update the code as shown for consistent references to RMZs.

WDFW is supportive and appreciative of the City consulting with both ourselves and the Suquamish Tribe when there is a potential decrease to the standard RMZ or building setback. This consultation will allow our entities to assess the existing functions and values of critical areas, which aligns with WAC 365-196-</td>
</tr>
</table>

	percent~~, but the buffer width shall not be less than fifty feet.~~	830 (4), and to ensure the mitigation sequence is followed.

Section 100. General Provisions and Administration		
16.20.115 (F) (1) & (2) Applicability	1. The city of Poulsbo critical area maps are titled: Figure NE 4, Fish and Wildlife Habitat Conservation Areas: 2. Critical areas in the city of Poulsbo are to be located, classified and mapped based on the Comprehensive Plan Appendix D.2, Comprehensive Plan Maps: Definitions and Citations, as amended.	During this review, WDFW was able to review Figure NE-4 and Appendix D.2. The citation for Appendix D.2 has an outdated reference to WDFW. In 1994, the Washington state legislature merged the Department of Wildlife and the Department of Fisheries, creating the Washington Department of Fish and Wildlife. As such, the reference to "Washington State Department of Fisheries, Habitat Management Division (1992)" found on page two of Appendix D.2 is outdated. WAC 365-190-130 4 (a) and 4 (b) both state that, "…Counties and cities must consult current information on priority habitats and species identified by the Washington state department of fish and wildlife…" A direct reference to the "Washington State Department of Fish and Wildlife, Priority Habitats and Species (PHS) program" is requested by WDFW for the "Fish and Wildlife Habitat Conservation Areas" mapping data to ensure complete consultation with our PHS list, maps, and management recommendations. The PHS Program is the Agency's primary means of transferring fish and wildlife information from our resource experts to local governments, landowners, and others who use it to protect habitat. This program contains the Agency's best available science which needs to be included in consideration during periodic updates, per WAC 365-195-910 and WAC 365-196-830.
16.20.155 Definitions	**Ecosystem functions:** Are the products, physical and biological conditions, and environmental qualities of an ecosystem that result from interactions among ecosystem processes and ecosystem	WDFW recommends adding this definition to align with the one provided in WAC 365-196-210.

	structures. Ecosystem functions include, but are not limited to, sequestered carbon, attenuated peak streamflow, aquifer water level, reduced pollutant concentrations in surface and ground waters, cool summer in-stream water temperatures, and fish and wildlife habitats, WAC 365-196-210 (14).	
16.20.155 Definitions	**Ecosystem values:** The cultural, social, economic, and ecological benefits attributed to ecosystem functions, WAC 365.196.210 (15).	WDFW recommends adding this definition to align with the one provided in WAC 365-196-210.
16.20.155 Definitions	"Riparian management zone" means the designated buffer area contiguous or adjacent to a stream that is required for the continued maintenance, function, and structural stability of the stream. Functions of the buffer include shading, uptake of nutrients, stabilization of banks, protection from intrusion, large wood delivery, pollution removal, or maintenance of wildlife. These generally occur adjacent to water bodies where specific measures are needed to protect fish and wildlife habitat needs and watershed functions.	WDFW generally supports the new RMZ definition included in this CAO update. WDFW specifically appreciates that the City has highlighted the locations of these areas and listed the functions they provide. WDFW's preferred RMZ definition is more specific to what a RMZ width would be: "A delineable area defined in a land use regulation; often synonymous with riparian buffer. WDFW defines the RMZ as the area that has the potential to provide full riparian functions. In many forested regions of the state this area occurs within one 200-year site-potential tree height measured from the edge of the stream channel. In situations where a CMZ is present, this occurs within one site-potential tree height measured from the edges of the CMZ. In non-forest zones the RMZ is defined by the greater of the outermost point of the riparian vegetative community or the pollution removal function, at 100-feet Volume 2: Management Recommendations)."

Thank you for taking the time to consider our recommendations for City of Poulsbo's Phase 1 CAO update critical areas ordinance update to better reflect the best available science for fish and wildlife habitat and ecosystem functions and values. WDFW may provide additional comments for consideration during the City's Phase 2 CAO update.

We value the relationship we have with your jurisdiction and the opportunity to work collaboratively with you throughout this periodic update cycle. For additional resources in support of WDFW's land use planning conservation priorities, please see this website. If you have any questions, need our technical assistance or resources at any time during this process, please don't hesitate to contact me at 360-701-7705 or at Lindsay.Wourms@dfw.wa.gov, or Region 6's Regional Land Use Lead, Jessica Bryant, Jessica.Bryant@dfw.wa.gov.

Sincerely,

Lindsay Wourms
Assistant Regional Habitat Program Manager
450 Port Orchard Blvd
Port Orchard, WA 98366

Cc: Gwen Lentes, Regional Habitat Program Manager (Gwendolen.Lentes@dfw.wa.gov)
Jessica Bryant, Regional Land Use Lead (Jessica.Bryant@dfw.wa.gov)
Kara Whittaker, LUCP Section Manager (Kara.Whittaker@dfw.wa.gov)
Marian Berejikian, Environmental Planner (Marian.Berejikian@dfw.wa.gov)
Adam Samara, Area Habitat Biologist (Adam.Samara@dfw.wa.gov)
Brady Green, Habitat Biologist (Brady.Green@dfw.wa.gov)

From: Atkins, Emily (ECY)
To: Nikole CH. Coleman
Subject: Ecology Review of City of Poulsbo Draft CAO Update (PlanView Submittal #2025-S-9757)
Date: Tuesday, September 16, 2025 4:23:10 PM
Attachments: SummaryofECYComments_CAO Update_Phase 1_PC Workshop 082625.pdf

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Hello Nikole,

Thank you for giving Ecology the opportunity to provide feedback on City of Poulsbo draft CAO as part of the 60-day review period. We have provided our initial feedback on the wetland related provisions below and have the same comments in your submitted draft to PlanView (attached to this email) to make review easier. Most of our feedback is based on our Wetland Guidance for Critical Area Ordinance (CAO) Updates: Western and Eastern Washington which contains both guidance and sample ordinance language we recommend to local jurisdictions. Overall, much of our feedback are minor recommendations to align with most recent guidance.

16.20.155 Definitions.

Bog- When referring to the Western Washington Rating System for Western Washington: 2014 you might consider adding "or as amended" when referring to them in order to align with amendments.

Wetland mosaic- Consider updating your definition of wetland mosaic to what our guidance defines wetland mosaic as:

> *"An area with a concentration of multiple small wetlands, in which each patch of wetland is less than one acre; patches are less than 100 feet from each other; and areas delineated as wetland are more than 50 percent of the total area of the entire mosaic, including uplands and open water."*

16.20.210 Wetland categories.

The 2014 Western Washington Rating System now has a version 2 with minor updates and a new publication number. Please consider updating any use of the old publication number to the current Ecology publication #23-06-009.

16.20.230 Wetland and buffer development standards.

Table 16.20.230.A—Types of Land Uses

In our most recent guidance we have removed hobby farms from the high impact land use and have added solar farms. You might consider taking a look at this updated table in our guidance document and update to align with our wetland guidance for CAOs on starting on page C-6.

Table 16.20.230.B—Wetland Buffer Width Standards
You appear to be updating your table to align with our most recent habitat score range update which is also reflected in our wetland CAO guidance. Your change here is still consistent with the guidance but for consistency with the language you use in Category II and with the rest of your tables consider the following wording:

"Score for water quality 8—9 points; habitat score less than 6 points"

F.1. Per our updated low and moderate habitat score ranges for wetlands you can update your moderate habitat score to "six points to nine points" to align with our guidance and the changes to your buffer table. Double check the rest of your wetland chapter to make sure this update is consistent.

F.1.a. Vegetated corridor is not defined in the Western Washington Wetland Rating System. In our guidance document we define this and call it a habitat corridor. For accuracy. please remove reference to the rating system defining vegetated corridor and consider adding our definition into your definition section for habitat corridor/vegetated corridor or including the criteria from our guidance somewhere in your wetland section. Here is what our guidance recommends as criteria for a habitat corridor:

"The corridor should have a minimum width of 100' and connect wetlands that score 6 or more habitat points with any of the following:

- *A legally protected, relatively undisturbed and vegetated area (e.g., Priority Habitats, other compensation sites, wildlife areas/refuges, or national, county and state parks where they have management plans with identified areas designated as Natural, Natural Forest, or Natural Area Preserve)*
- *An area that is the site of a Watershed Project identified within and fully consistent with a Watershed Plan, as these terms are defined by RCW 89-08-46054*
- *An area where development is prohibited per the provisions of the local shoreline master program*
- *An area with equivalent habitat quality that has conservation status in perpetuity, in consultation with WDFW"*

<u>16.20.235 Additional development standards.</u>
E.1. We recommend updating habitat score to "three to five" points to reflect the updated habitat score ranges.

<u>16.20.240 Wetland alterations.</u>
D.1.c-d. In our most recent guidance we recommend that Category I coastal lagoons are "not considered an option". You might consider updating that here to align with the most

recent tables from the wetland CAO guidance. However, this is consistent with some of our older guidance in Wetlands in WA State Vol 2 Guidance document.

D.2. Please update to the most recent mitigation guidance from 2021: Wetland Mitigation in Washington State: Part 1 - Agency Policies and Guidance Version 2, April 2021, Publication #21-06-003.

We hope this feedback will be useful as you continue to work on your draft CAO update. We would like to go over our comments with you to address any questions or concerns that you might have. Please let me know when there will a good time to meet and go over our comments.

Best,

Emily Atkins
She/Her
Critical Areas Ordinance Coordinator
Shorelands and Environmental Assistance Program
WA State Dept of Ecology
emily.atkins@ecy.wa.gov **| 360-628-6680**

From:	Sears, Tricia (DNR)
To:	Nikole CH. Coleman
Cc:	Sears, Tricia (DNR); Vanegas, Ted (COM)
Subject:	Poulsbo's Critical Areas Ordinance Amendments (2025-S-9757): WGS comments
Date:	Tuesday, August 26, 2025 2:19:48 PM

Hello Nikole,

In keeping with the interagency correspondence principles, I am providing you with comments on Poulsbo's Critical Areas Ordinance Amendments (2025-S-9757).

For this proposal submitted via Planview, I looked at the proposal and focused on areas related to WGS work. Of note, but not limited to, I look for language around the geologically hazardous areas, mineral resource lands, mining, climate change, and natural hazards mitigation plans.

Specifically in this proposal, I reviewed the CAO Update_Phase 1 PC Workshop 082625.PDF, Chapter 16.20 Critical Areas. Kudos to you for updating your CAO!

Page 2: Section F.1 and Section F.2. Section 1 strikes the Geological Hazards Area Map and inserts the Figure NE-3 Potential Geological Hazard Areas as one of the critical areas maps. Section F.2 strikes all the specific maps and resources, and inserts "the Comprehensive Plan Appendix D.2, Comprehensive Plan Maps: Definitions and Citations, as amended" as the reference.

Neither of these maps are included in this code. Comp plan maps are often hard to find when the reference is included in the code but the map is not included. Does the comp plan now include the specific maps and resources that the map was created from and that have been struck from the code? Without the map references and maps themselves, it's more difficult to get a sense of the information used to make the maps.

Section F also includes a reference to qualified specialist, a term which is not in the definitions section. The definitions section does have a definition for geologist and for geotechnical engineer. Both are required to be licensed in WA and that is good.

This part of the code is not proposed for changes, but I reviewed it for context. In 16.20.410, there are two categories Geologically Hazardous Areas and Areas of Geologic Concern. The Geologically Hazardous Areas category has two subcategories based on slope. The Areas of Geologic Concern are largely focused on slope, with seismic and soil type. Suggest reviewing the Washington Geologic Information Portal for hazard information that is best available science and including it as a reference source for hazards.

In 16.20.410 subsection B it states that "the requirements for special reports are contained in Section 700 of this chapter." Those requirements are found in 16.20.760 Geotechnical report and geological report. Suggest updating the statement.

There are many jurisdictions with interesting CAO provisions. Let me know if you wish to see examples.

Below, I include our usual language for this and future endeavors.

Recognizing the limitations of the current proposals, I want to mention that it would be great for you to consider these in current or future work, be it in your comprehensive plan, development code, and SMP updates, and in your work in general:

- Consider adding a reference to the definition of geologically hazardous areas, WAC 365-190-120, in other areas besides the CAO. In addition, consider adding a reference to WAC 365-196-480 for natural resource lands.
- Consider adding in other areas besides the CAO. If you have not checked our interactive database, the WGS Geologic Information Portal, lately, you may wish to do so. Geologic Information Portal | WA - DNR
- If you have not checked out our Geologic Planning page, you may wish to do so. Geologic Planning | WA - DNR

Thank you for considering our comments. If you have any questions or need additional information, please contact me. For your convenience, if there are no concerns or follow-up discussion, you may consider these comments to be final as of the 60-day comment deadline of 10/12/25.

Have a great day!

Cheerio,
Tricia

Tricia R. Sears (she/her/hers)
Geologic Planning Liaison
Washington Geological Survey (WGS)
Washington Department of Natural Resources (DNR)
Cell: 360-628-2867 | Email: tricia.sears@dnr.wa.gov

From: Bill McCoy
To: City Clerks
Cc: Nikole CH. Coleman; Heather Wright
Subject: 2025 Critical Areas Ordinance Update (Phase 1) - feedback for City Council Public Hearing
Date: Monday, November 3, 2025 7:35:08 AM

Dear City Council Members and PED,

I am a property owner in the City of Poulsbo. My property is impacted slightly by the revised stream buffers in proposed Phase 1 of the 2025 Critical Areas Ordinance Update. Nevertheless I fully support the update which I believe is carefully thought through by staff and aligns with State requirements. I particularly appreciated the very useful GIS app highlighting the impact of the revised stream buffers.

However, I would like to take this opportunity to address one aspect of the City's CAO that is an outlier vs. other jurisdictions: peer review. **Other jurisdictions (e.g. unincorporated Kitsap County and City of Bainbridge Island) allow peer review at discretion rather than as a default mandate**. This adds considerable cost to development and, to make it worse, since the City selects the vendor for peer review and negotiates their fees, the developer has zero cost control. This represents unbounded cost, along with the additional risk and uncertainty and delay of back-and-forth between multiple specialists (both being paid by the developer). I realize that historically one reason for this was that the City didn't have professional environmental specialists on staff to review submissions; yet, other jurisdictions manage to handle this without resorting to this cost, delay, and risk-multiplying exigency on such a routine basis. I.e. in other jurisdictions peer review is the exception; in Poulsbo, it's the rule.

I think it would be very reasonable for the City to have the right to request peer review. For example Chapter 19.700 does have language that indicates the developer is required to reimburse DCD for costs of hiring a specialist for review, without mandating that such review be done for each and every project. COBI CAO indicates that the "city **reserves the right** to submit ... plans for a third-party review". But it appears that peer review is typically reserved for situations where there is a significant risk to the public or otherwise motivation for same, rather than being done routinely and even when a respected professional has signed their name to a particular report, especially for smaller projects with limited potential impact to the public.

Having looked at a number of these peer reviews, it also doesn't appear that there is high value-add. In many cases it seems like the peer reviewer has strained to come up with something to justify their fees and the eventual result is de minimis public benefit at considerable developer expense.

I appreciate that in practice sometimes peer review may be deferred by PED. But even if so, the current code language is over-strong in not stating it as discretionary. It would be far preferable to align with other jurisdictions and make it clear that peer review is at the City's discretion (and ideally to indicate that it should be reserved for situations justifying same). I urge that the Council and PED consider this as part of Phase 2 of the CAO Update.

Sincerely,

William H. McCoy

(206) 353-0233
whmccoy@gmail.com

Excerpts, just from the section of CAO under review tq this time:

Just as some examples from the wetland portion of the critical areas code alone (there's many more when it comes to geotechnical etc. sections):

The special wetland report shall be prepared consistent with Section 16.20.725 and ***will be verified through peer review****...*

The wetland hydrology monitoring plan ***shall be verified through peer review...***

Where the applicant has provided a delineation of a wetland boundary, the director ***shall require peer-reviewed verification*** *of the wetland boundary by a qualified wetlands specialist at the cost of the applicant, and may require that adjustments to the boundary be made by a wetlands specialist...*

Minor pruning of vegetation may be allowed only ***if such activity is*** *approved by the director and is conducted according to a plan prepared by a certified arborist in the state of Washington and* ***peer reviewed****...*

From: Rhiannon K. Fernandez
To: Nikole CH. Coleman
Cc: City Clerks; tricia.sears@dnr.wa.gov
Subject: FW: 2025 Critical Areas Ordinance Update - Phase 1 - City Council Public Hearing - November 19th
Date: Monday, November 3, 2025 2:17:08 PM
Attachments: DNR_WGS_Poulsbo_CAO_Comment.pdf

Hi Nikole – forwarding the following email for your review. We'll include this in the November 19 written public comments and forward to the Council for their review.

Thanks,
Rhiannon

From: DNR RE SEPACENTER <SEPACENTER@dnr.wa.gov>
Sent: Monday, November 3, 2025 1:35 PM
To: City Clerks <CityClerks@cityofpoulsbo.com>
Cc: Sears, Tricia (DNR) <Tricia.Sears@dnr.wa.gov>
Subject: FW: 2025 Critical Areas Ordinance Update - Phase 1 - City Council Public Hearing - November 19th

Hello Nikole,

Please accept the new comments below as well as the referenced previous comments (see attached) from WGS of DNR for the CAO Update Phase 1 SEPA record. Tricia Sears may be contacted for questions and clarification.

Thank you,

Emma Oliver
SEPA External Affairs Coordinator
Office of Legal Affairs & Business Practices
Washington State Department of Natural Resources (DNR)
(360) 902-1709
Emma.Oliver@DNR.wa.gov
www.dnr.wa.gov

From: Sears, Tricia (DNR) <Tricia.Sears@dnr.wa.gov>
Sent: Monday, November 3, 2025 1:20 PM
To: DNR RE SEPACENTER <SEPACENTER@dnr.wa.gov>
Cc: Sears, Tricia (DNR) <Tricia.Sears@dnr.wa.gov>
Subject: RE: 2025 Critical Areas Ordinance Update - Phase 1 - City Council Public Hearing - November 19th

Hi Emma,

I have reviewed the document at the link you sent, with the green highlight text to show DNR related feedback incorporated. I searched for the green text and reviewed that. I did not review all the other colors that are highlighted. My comments are below.

My comment on 8/26/25: "Section F also includes a reference to qualified specialist, a term which is not in the definitions section. The definitions section does have a definition for geologist and for geotechnical engineer. Both are required to be licensed in WA and that is good."

Page 16 now contains this definition: "Qualified specialist means a person with a degree, license, certification, or demonstrated expertise in the pertinent scientific discipline relating to a particular type of critical area, and with a minimum of two years of professional experience in the discipline. Qualified specialists must demonstrate academic training and professional experience that is appropriate for analyzing the relevant critical area and preparing required technical reports."

My response, thank you for including a definition for qualified specialist. I suggest you have a more detailed definition like those that many jurisdictions use, which breaks out the specific specialist for each type of critical area. That way, it is very clear what is required and considered qualified for each of the different types of critical areas. For example, this definition from the Benton County Code is a nice, detailed one. "(57) Qualified professional-A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4), as it now exists or may be hereinafter amended. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and two years of related work experience. (i) A qualified professional for fish and wildlife habitats must have a degree in biology and professional experience related to the subject species or habitat. (ii) A qualified professional for a geological hazard must be a professional engineering geologist, geologist, or civil engineer licensed in the State of Washington. 15.02.070 15-13 (BCC 09/20/18) (iii) A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments. (iv) A qualified professional for wetlands shall be a certified professional wetland scientist or have, at a minimum: (1) a Bachelor's degree in hydrology, soil science, botany, ecology, or related field; and (2) at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the state or federal manuals, preparing wetland reports, conducting function assessments, and developing and implementing mitigation plans."

There is not a lot of green highlight text. I don't see that my other comments have been addressed.

Thank you for the opportunity to comment.

Cheerio,
Tricia

Tricia R. Sears (she/her/hers)
Geologic Planning Liaison
Washington Geological Survey (WGS)
Washington Department of Natural Resources (DNR)
Cell: 360-628-2867 | Email: tricia.sears@dnr.wa.gov

From: DNR RE SEPACENTER <SEPACENTER@dnr.wa.gov>
Sent: Monday, November 3, 2025 6:39 AM
To: Sears, Tricia (DNR) <Tricia.Sears@dnr.wa.gov>
Subject: FW: 2025 Critical Areas Ordinance Update - Phase 1 - City Council Public Hearing - November 19th

Hello,

I see a note from a notice I forwarded on 8/27 that you provided Poulsbo comments on their CAO via Planview. This document shows feedback incorporated from DNR in green. https://cityofpoulsbo.com/wp-content/uploads/2025/09/Exhibit-A_CAO-Update_Phase-I_PCPH-100725-Ecology-Ameds.pdf

Any additional comments are due by 2pm on November 19th.

Thank you,

Emma Oliver
SEPA External Affairs Coordinator
Office of Legal Affairs & Business Practices
Washington State Department of Natural Resources (DNR)
(360) 902-1709
Emma.Oliver@DNR.wa.gov
www.dnr.wa.gov

From: City of Poulsbo PED Department <planninginfo-cityofpoulsbo.com@shared1.ccsend.com>
Sent: Monday, November 3, 2025 12:00 AM
To: DNR RE SEPACENTER <SEPACENTER@dnr.wa.gov>
Subject: 2025 Critical Areas Ordinance Update - Phase 1 - City Council Public Hearing - November 19th

City of Poulsbo
Public Notice

You are receiving this email because you have signed up to be on a City of Poulsbo PED public outreach list.

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.

The City Council Public Hearing is scheduled for Wednesday, November 19, 2025, at 5:00 pm, or soon thereafter. Public hearings are being held as a hybrid virtual/in-

person meeting at the web address and call-in number noted below and at Poulsbo City Hall Council Chambers, 200 NE Moe Street, Poulsbo, Washington. This call-in number: 1-253-215-8782 and meeting id: 898 4841 6447 are provided for virtual attendance, in addition to this webinar link: https://us02web.zoom.us/j/89848416447

Oral comments can be made in-person only. Please state your name and limit your comments to 5 minutes unless additional time is granted by the Council. As a rule, the Council will not respond to citizen comments. Written comments can be emailed to cityclerks@cityofpoulsbo.com by 2:00 p.m. the day of the meeting, and they will be distributed to the Council before the meeting. Written comments will not be read into the record. See meeting agenda here (agenda is posted about a week prior).

See the Public Notice here. Full project documents can be viewed here.

Nikole Coleman / Planning Manager / ncoleman@cityofpoulsbo.com