



Spokane County Qualified Wetland Specialist Listing

BP-80

Department of Building and Planning

To Whom It May Concern:

Subject: Placement of your name or your company's name, mailing address and phone numbers on the SPOKANE COUNTY QUALIFIED WETLAND SPECIALISTS LIST.

The Department of Building and Planning has established and is maintaining a list of "Qualified Wetland Specialist" as defined in Section 11.20.020 of the Spokane County Critical Areas Ordinance, which states:

"Qualified Wetland Specialist" means the holder of SWS (Society of Wetland Scientists) certification or has the equivalent in academic qualifications and field experience for making competent wetlands delineation's, reports and recommendations necessary to implement the provisions of this ordinance.

To be placed on the Spokane County QUALIFIED WETLAND SPECIALIST LIST you will need to send a letter which includes the following documentation:

1. Copy of your Society of Wetland Scientists certification; or
2. Copy of academic qualification for making competent wetland delineation's, reports and recommendations; and
3. Indication of field experience for making competent wetland delineation's, reports and recommendations.

This might include, among others, a list of wetland reports and field studies you have completed, particularly if they have been reviewed and approved by the Department of Ecology.

If you meet the definition of a "Qualified Wetland Specialist", we will add you and/or your company to the Spokane County LIST.

Spokane County front counter personnel and other Spokane County employees hand out this list to property owners who need to hire a wetland specialist.

To submit Wetland Reports to Spokane County you will either (1) need to be on the above LIST or (2) provide the same documentation to show that you are a "Qualified Wetland Specialist." Being on the Spokane County LIST will provide the fastest results and prevent project delays (while we are evaluating your wetland qualifications).

Please call me at (509) 477-7234 or write to: Spokane County Department of Building and Planning, 1026 W. Broadway, Spokane, WA. 99260.

Corey Smith, AICP
Principal Planner

ADVANCED WETLAND STUDIES

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MLMC 17.10.130 - Definitions

Qualified Professional, Wetlands – A qualified professional for wetlands must be a professional wetland scientist with at least two years of full-time work experience as wetland professional, including delineating wetlands using the federal manual and supplements, preparing wetlands reports, conducting function assessments, and developing implementing mitigation plans.

Comments – May 25, 2023 Public Hearing (PC) Meeting
(As Of: 25 May 2023)

Good evening, Planning Commissioners and City Officials.

I have hired a certified Professional Wetland Scientist (which is the gold standard of approval for wetland scientists) with a Ph.D. and 34 years of experience working in wetlands. He is a full professor of biology at Gonzaga University where he has worked for 27 years. Dr. Lefcort has also published 31 scientific studies; 22 of which concern wetlands.

Please remember this is one wetland with two owners. Wetlands are active, living entities so changes are to be expected over time.

I would like to point out to the Commissioners at least four crucial issues with this Notice of Application which is clearly explained by my attorney and Dr. Lefcort in the documents you have received. I have summarized some of their comments into four problem areas of: 1) reasonable use exception, 2) wetland category rating, 3) boundary delineation, and 4) mitigation.

- 1) Applicant's request for a reasonable use exception does not excuse the scientific and technical failings of the submission nor has the applicant met the requirements for issuance of a reasonable use exception.
 - a) The Code's requirements are designed to set the minimum requirements for permit applications and mitigation plans. It is precisely the fact that the applicant is requesting special treatment – a relaxation of the rules – that means that the applicant must actually address and consider the specific requirements of the Code before seeking to be excused from them.
 - b) The use of the word “and” in the requirements, shows that the applicant must demonstrate that all seven requirements in the Code must have been met to be eligible for a reasonable use exception. At least three of these criteria are unmet.
 - ◇ (#2) Applicant has asserted, but not supported or explained why the regulation denies the property “all reasonable economic use” unless the applicant can build a house. This burden has not been met. The applicant has not analyzed any other means of producing income from the land. For example, the applicant could potentially operate an apiary (a collection of bee hives) on the property. Many commercial beekeepers migrate their colonies to provide pollination services to farmers while at the same time providing their bees with abundant nectar sources for honey production. The application makes no attempt to consider alternative land uses and thereby assumes without evidence that building a house is the only economic activity available.
 - ◇ (#3) Applicant does not seem to have considered means of moving the disturbance further away from the wetland. Applicant has not sought permission to move the building further away from the wetland by having the lot and front yard setbacks reduced.
 - ◇ (#6) Applicant has not complied with or even addressed the mitigation ratio requirements contained in MLMC. The applicant has failed to demonstrate that the proposal “mitigates for the loss of critical area functions to the greatest extent feasible.”
- 2) Dr Lefcort has showed that the wetland is now a Category II (scored 20 points) due to the hydrological conditions changing from a Category III when the wetland rating report was done in July 2020. This means the wetland is entitled to a higher level of protection today. Since the Code and state law requires “best

available science” to be used, the applicant’s documents do not represent this since the hydrological conditions have changed.

- 3) The 2020 boundary delineation is likely wrong due to these changing hydrologic conditions.
 - a) The site contains wooden stakes that may have been placed there in 2000. If those are indeed the assessed wetland delineation markers (which is consistent with the Notice of Application), then their placement may be in error again due to these hydrological changes.
 - b) According to the Professor, he believes that the wetland extends further to the east than is marked in the mitigation plan and that there is a serious risk that the proposed building site is partially within the wetland itself. This means there is significant risk that the project will inadvertently allow work, to occur within a wetland without SEPA requirements being met.

The Wetland Buffer Mitigation Plan does not meet the minimum requirements set for migration activities IAW MLMC 17.10.090 (H) (4). This is apparent from the fact that the applicant’s submission is based on a version of Chapter 17.10 which is no longer effective.

NOTE: The planting of any plants will use up water and water is self-leveling or it seeks its own level. So, any water reduced on the north side will also be reduced on the south side which is owned by someone else.

- a) The Staff Report (Zoning Code Approval Criteria D) states, “No Net Loss. The proposal protects the critical area functions and values and results in no net loss of critical area functions and values.” According to Dr Lefcort, reducing the footprint of the wetland – by definition – results in a net loss of critical area functions and values. This wetland is very small. A larger wetland may be able to absorb such an insult, but not a small wetland.
- b) Application proposes to permanently eliminate approximately 2700 square feet of Category II wetland buffer. To compensate for this, the applicant proposes to engage in compensatory mitigation but fails to state what kind of mitigation action (replacement, rehabilitation, etc) will be employed – therefore, application is not complete.
- c) Since the type of mitigation action is not explained, I believe that the applicant intends to engage in enhancement mitigation. This kind of mitigation imposes specific requirements, including informational requirements on the applicant which has not been met.
- d) Plan calls for coyote willows and cottonwoods which uses a great deal of water and will alter the hydrologic balance of this small wetland according to Dr. Lefcort.
 - ◇ These plantings do not “mitigate” any ecological function of the wetland that is lost due to development. True mitigation would require reducing street runoff to the wetland and attempting to create a wetland where one does not currently exist.
 - ◇ Per the Professor, adding more plants will not add to the value of the wetland, Ecological theory would suggest that in a stable ecosystem, adding new species will simply result in the local extinction of other species. Adding fill negatively impacts the wetland and additional plant species will increase competition and alter the current hydrologic status.
- e) Dr Lefcort has studied the plan and determined that it is likely to harm or provide no benefit to the wetland given its already high level of biological diversity and dense vegetation and it does not conform with the best available science requirement. Nor is the site suitable for other mitigation strategies – please refer to Dr Lefcort’s letter dated 23 May 2023.
- f) Please note that the buffer that the applicant proposes to build on is healthy and well-vegetated. It is not in need of new plantings. Existing local species are already present and flourishing at the site to include a long-toe salamander.

- g) Application package fails to engage with the requirements regarding mitigation ratios. The Code is specific about just how much compensation is required for mitigation to be legally acceptable. The development proposal does not even attempt to address these requirements, let alone meet them.
- h) In truth, this proposal suggests that the developer can disturb 2700 square feet of a functioning, healthy wetland buffer without replacing or otherwise compensating for the loss. The result will be a reduction in wetland functions. (Dr. Lefcort)
- i) According to the MLMC, critical areas applicants who request a mitigation plan must submit detailed construction plans which include grading and excavation details in the application package. Not complied with.

For these reasons to include also the ones I have stated in the documents provided, the Commission should recommend denial to the City Council. This Commission has a duty to protect the precious environmental resources of Medical Lake. The best way for this Commission to fulfill this duty is to require applicants to conform to the letter of the law. This is the standard that the applicant has not met.

We are a City of Wetlands. May God's grace and protection be with our wetlands and the future of Medical Lake.

Tammy M. Roberson
424 W Brooks



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Eastern Region Office

4601 North Monroe St., Spokane, WA 99205-1295 • 509-329-3400

June 14, 2023

Elisa Rodriguez
City Planner
City of Medical Lake
P.O. Box 369
Medical Lake, WA 99022

Re: N Martin Street Critical Area Review
File: LU 2023-005 CA

Dear Elisa Rodriguez:

Thank you for the opportunity to comment on the Determination of Nonsignificance regarding the N Martin Street Critical Area Review project (Proponent: Vince Barthels). After reviewing the documents, the Department of Ecology (Ecology) submits the following comments:

Water Quality Program

Ecology requires Best Management Practices (BMPs) such as routine inspections and maintenance of all erosion and sediment during construction activities related to the N Martin Street Critical Area Review project.

For more information or technical assistance, please contact Suman Paudel at (509) 601-2124 or via email at suman.paudel@ecy.wa.gov.

State Environmental Policy Act (SEPA)

Ecology bases comments upon information submitted for review. As such, comments made do not constitute an exhaustive list of the various authorizations you may need to obtain, nor legal requirements you may need to fulfill in order to carry out the proposed action. Applicants should remain in touch with their Local Responsible Officials or Planners for additional guidance.

For information on the SEPA Process, please contact Cindy Anderson at (509) 655-1541 or via email at Cindy.Anderson@ecy.wa.gov.

For more guidance on, or to respond to the comments made by a specific Ecology staff member, please contact the appropriate program staff listed above at the phone number or email provided.

Department of Ecology
Eastern Regional Office
(Ecology File: 202302635)

Ec: Vince Barthels

June 13, 2023

To: City of Medical Lake

Re: LU-2023-005-CA-SEPA-DNS-2023-06-01

I wish to comment on LU-2023-005-CA-SEPA-DNS-2023-06-01, particularly the WAC 197-11-960 Environmental checklist. I am a Professional Wetland Scientist with 34 years of experience working in wetlands. I have published 31 refereed scientific studies; 22 of which concern wetlands. I am a Biology Professor (Full) at Gonzaga University where I have worked for 27 years. Finally, I am the owner of a wetlands consulting business - RS Wetland Delineation LLC.

There are a number of errors in the above Environmental Checklist. It does not use the best available science and inaccurately answers certain questions. Specifically (requested information underlined and applicant's answers in *italics*):

Earth c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. *Rocky-fourmound complex*

This is only partially correct. The upland area around the wetland are certainly Fourmound, i.e. 3114 (a type of well-drained soil) but the wetland itself is not. The checklist is about a wetland, therefore the checklist should also describe the wetland soils that will be damaged by the imported fill material.

Water a1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. *There is an isolated basin category III wetland on the site.*

This is incorrect. As I reported to the Medical Lake Planning Commission and City Council on May 25, 2023 both orally and in writing, the wetland may have been a Category III Wetland when last surveyed in 2020 but in my professional opinion I believe it is now a Category II wetland. I requested an independent third-party review of the wetland status at that meeting, but my comment was dismissed with accompanied unprofessional and partisan ad hominem disparagement of my professional credentials by City Planner, Ms. Elisa Rodriguez (Zoom recording available).

Water a3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. *There will be no fill or dredging in the wetland.*

This is incorrect. The environmental determination was evaluated precisely because a wetland will be filled. Filling a wetland requires fill.

Water 3C1 and 3C2. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. *Stormwater from impervious surfaces will be directed into the soil immediately adjacent to the impervious surface.*

2) Could waste materials enter ground or surface waters? If so, generally describe. *None known.*

Actually, this is known. Since the wetland is to be filled with gravel and/or soil, then by definition the height of the land will rise. Water flows downhill. Therefore, water and any pollutants from the building site - particularly fertilizers, herbicides, and insecticides commonly used by homeowners - will eventually reach the wetland. A silt fence will be used during construction, but no sort of impervious concrete wall has been outlined in the plan. This answer is an example of the applicant not following the best available scientific knowledge of hydrology and seeming unfamiliarity with the wetland's location within a sensitive TMDL basin.

Respectfully,



Dr. Hugh Lefcort
Professor
Biology Department, Gonzaga University
Professional Wetland Scientist
RS Wetland Delineation LLC

Robynn Sleep
6310 E Sprague Ave No. 241
Spokane Valley, WA 99212

June 15, 2023

Mr. Sonny Weathers, City Administrator
Medical Lake, WA 99022
Submitted via email: sweathers@medical-lake.org

Ms. Elisa Rodriguez, City Planner
Medical Lake, WA 99022
Submitted via email: erodriguez@medical-lake.org

Subject: Comments regarding LU 2023- 005 CA SEPA DNS 2023 06 01

Dear Ms. Rodriguez and Mr. Weathers:

Thank you for the opportunity to comment on the above referenced Critical Areas permit action. I believe this project is likely to have significant adverse environmental impacts as it is presently configured because it is based on a flawed process, as summarized below, and contains other deficiencies as detailed further down. One item in the project information I didn't understand, and consequently can't comment on, is the Forest Practices Activity Map. It has no application number but does show the south edge of the HUC 12 boundary in which the wetland is located. Is a Forest Practices permit required for this site?

The wetland rating is procedurally flawed and cannot legally be accepted by the city.

The Wetland Rating Report (the rating) that drives every aspect of this action does not comply with the methodology, directions, and requirements of the "Washington State Wetland Rating System for Eastern Washington, 2014 Update, October 2014 – Effective January 2015, Publication no. 14-06-030." (the manual)

Failure to follow the requirements set forth in the manual has very likely resulted in an incorrect categorization of the wetland, which in turn invalidates the mitigation plan that is necessarily based on it. The flawed rating means the staff report that incorporates it, and the subsequent presentation of it at the Planning Commission public hearing on May 25th are incorrect. The advisory vote of the Planning Commission, and all public Notice processes are likewise invalidated.

Acceptance of this rating violates the requirement of Medical Lake Municipal Code 17.10.090 Section D, Wetland Ratings, which relies on the proper execution of the manual's prescribed rating methodology to ensure compliance with the city's own requirements:

"The rating system document contains the definitions and methods for determining if the criteria below are met."

The current rating is in material dispute by a qualified wetland consultant, Dr. Hugh Lefcort, retained by the other owner of the wetland to review the applicant's rating. A new, comprehensive assessment should be required.

In addition to requesting a new rating for the reasons described above, a new rating should be required because the content and methodologies of the current rating are in dispute. The Washington State Wetland Rating System is a Level 2 Assessment, a rapid method that has been scientifically validated, but does not rise to the level of a Comprehensive Assessment (Level 3). Since the rating is disputed, and it is asserted that the wetland is a Category 2, NOT a Category 3, it is reasonable to ask for a more comprehensive assessment, as described in the 2014 manual. (Page 12)

The qualified wetland consultant retained to conduct a new rating must have had no prior involvement with the project and be agreed upon by both owners of the wetland.

As far as I can see, the project documents prepared by the applicant and city make no mention of the fact that this wetland is owned by two separate owners. They have not considered the impact of this Critical Area action on the portion of the wetland owned by Ms. Tammy Roberson, nor its impact on her private property rights. The Environmental Checklist (Impact Statement) is also silent on this important fact. I cannot speak to the motivation of others, but this oversight has the appearance of deception. When Ms. Roberson commented at the May 25th public hearing, speaking of her concerns about wetland impacts, she was publicly humiliated and inaccurately criticized by a city official (Zoom meeting transcript available; I was also present and can describe the event).

Since the wetland will likely score as a Category 2, it will be more “difficult, though not impossible, to replace [than a Category 1] ... but still need a relatively high level of protection,” according to the 2014 manual, Page 9. This is a further argument in favor of a more comprehensive wetland assessment because, as stated in the 2014 Manual on page 1:

“The rating system, however, does not replace a full assessment of wetland functions that may be necessary to plan and monitor a project of compensatory mitigation.”

Project impacts to the wetland are long-term; greater mitigation and longer monitoring are required.

Because this project proposes to cut down three large Ponderosa Pine trees located in the wetland buffer, the eventual mitigation plan needs to be for ten years, not five as originally proposed by the applicant. Cutting three mature conifer trees constitutes a significant long-term impact on the wetland that requires, at a minimum, ten years of monitoring. According to the Department of Ecology's website: “In general, monitoring is required for 10 years. The monitoring period may be extended if performance standards are not being met.”

<https://ecology.wa.gov/Water-Shorelines/Wetlands/Mitigation/Monitoring-requirements>

Accessed June 13, 2023

The Determination of Non-Significance is in error.

Unless conditioned as a Mitigated DNS, the impacts to the wetland are assuredly NOT insignificant. I know from attending the May 25th public hearing that the applicant and city of Medical Lake have agreed to certain mitigating conditions. It would be helpful, once issues of the wetland rating and categorization are resolved, if proposed conditions of approval, mitigation and monitoring were to be provided for early comment by the public and public agencies.

Since the construction process is so damaging to the environment under the best of circumstances, let alone in a wetland buffer, I would like to see thoughtful conditions of construction attached to this project action. I think they are best included in the action at hand, rather than waiting until a building permit application. Both the city of Medical Lake and the applicant have experience in this arena; I also have suggestions, included as a separate list at the end of these comments.

Research is needed to determine if the property owner qualifies for the reasonable use exception.

I don't believe the owner of the wetland property is entitled to the reasonable use exception he seeks because his ownership of a non-buildable lot is the result of his own actions. He purchased the lot in 2007. As a developer he can be expected to know what he was buying and know of the restrictions in place at the time. I have seen no evidence that the city of Medical Lake researched or considered the possibility that the owner's situation is because of his own actions.

Further evidence of the owner's knowledge of his actions is found in Spokane county property records, accessed through SCOUT, that show that the property taxes he has paid are a fraction of the amount owners of buildable lots pay. For example, the owner's 2023 tax obligation for his largest parcel (14073.0253, 18,300 square feet) is \$36.95 while just across Martin Street from his wetland parcel a vacant land parcel (14073.0274, 11,250 square feet) has a 2023 tax obligation of \$514.07—almost 14 times higher than the owner of the wetland pays, and for a much smaller lot.

Below are detailed comments about the prescribed methodology and instructions in the 2014 Eastern Washington Wetland Rating Manual, and why the rating does not meet the requirements.

The manual can be accessed on the Department of Ecology's website and at this link <https://apps.ecology.wa.gov/publications/SummaryPages/1406030.html> Accessed June 13, 2023

Manual Section 3. Overview for Users

The manual states: "Several of the questions require analyzing and preparing figures." "The list of figures needed to correctly answer the questions is on the back of the first page of the rating form in Appendix A." (Page 12}

D 3.0, D 3.1, and D 3.2 (water quality functions)

I addressed these questions at the May 25th public hearing. I provided maps showing the location of the wetland in the watershed, screen capture images of Ecology's Water Quality Atlas (WQA) showing the wetland within the TMDL plan area boundary, and detailed instructions for using the WQA so the information could be independently verified.

These questions are discussed in the manual, including the use of Ecology's tools. (Page 46-47)

A yes response to question 3.2 alone (is the wetland in a TMDL area) gives the wetland an additional 2 points. The list of required maps and figures requires a screen capture image of all TMDL plans for the WRIA in which the wetland is found. (Appendix A). The wetland is found in Water Resource Inventory Area (WRIA) 54, Lower Spokane. The TMDL for the Spokane River is for Dissolved Oxygen. The Water Quality Atlas on the Department of Ecology website clearly shows the wetland located within the plan area.

<https://apps.ecology.wa.gov/waterqualityatlas>

Accessed June 13, 2023

5.7 (Habitat functions)

As noted in my comment on page 4 and repeated below, failure to rate the entire wetland, which has two owners, resulted in underscoring the habitat value of the wetland. In an urban area subject to development pressure this function takes on greater importance.

"When the entire wetland is scored it includes the "priority habitat" on the south end as listed by the Washington Department of Fish and Wildlife (WDFW) and shown in Appendix B, page 1 of the manual. Specifically: Snags and logs. The south end of the wetland has both snags (standing dead tree) and logs (horizontal dead tree) that far exceed the minimum size requirement to qualify as this type of priority habitat. When correctly rated, this feature gives the wetland one additional point for question H 1.6 and one point for question H 3.1." (Robynn Sleep comment)

The rating manual requires the use of the current version of the WDFW "Priority Species and Habitat List" to confirm the most up-to-date definitions. Links to access the 2023 updated publication are below, both links were accessed June 13, 2023.

WDFW webpage with link to the publication

<https://wdfw.wa.gov/publications/00165>

Direct link to the publication

<https://wdfw.wa.gov/sites/default/files/publications/00165/wdfw00165.pdf>

Suggestions for Conditions of Construction to protect the wetland and its buffer

As a former construction project manager and a current Certified Erosion and Sediment Control Lead (CESCL) in Washington I understand how hard construction can be on the environment and the extreme risk it poses to a wetland. Given that a wetland and its buffer comprise this entire site, best practices, such as those listed below, are essential conditions of construction that should be included in the action at hand. Waiting to address these issues as part of the building permit process risks inadequate protection, and an increased likelihood of unacceptable and avoidable impacts.

Allow no access to the site other than the area of disturbance specified in the plan documents.

No material storage or spoils stockpiled on site.

No use of pesticides.

No porta-pottys on site, they should be placed on the street.

No heavy or motorized equipment onsite; excavation and grading take place from the street.

Install construction fencing on Martin Street and all other points of access to maintain control of the buffer.

Install interior construction fencing around the wetland at the high-water mark to protect the soils.

Post signage reminders of wetland protection guidelines.

Use other, more effective sediment control best management practices (BMPs) along with silt fencing. Also use orange construction net fencing to increase visibility of the BMPs.

No petroleum products on site, no refueling on site.

Maintain spill prevention and control kits on site and train crews in their use.

Formalize wetland protection training for crews along with safety training.

Require that a Certified Erosion and Sediment Control specialist, or other environmental specialist, prepare a site-specific plan to ensure protection of the wetland.

Use straw or coir mats to cover bare soils, don't use vegetated covers that could introduce invasive species.

No concrete wash out on site or in the adjoining street.

Require excavation and concrete contractors to wash equipment before coming to the site to prevent the spread of invasive species.

Collect and store trash, recycling, and hazardous waste offsite.

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June 14, 2023

*Admitted in Washington and Idaho

www.spokane.com

RE: Comments on LU-2023-005-CA-SEPA-DNS-2023-06-01

Dear Members of the Medical Lake Planning Commission, City Officials, and Department of Ecology Representatives:

I am writing on behalf of Tammy Roberson regarding the City's notice of a determination of nonsignificance in the above-named matter. Both the application materials, and the City's process suffer from technical failures which necessitate reissuance of the subject notices before a determination can be made.

The Applicant has Failed to Use Required Forms and Supply Required Information.

The Applicant has failed to use the correct SEPA forms. The Applicant's SEPA checklist is not submitted on the most recently adopted SEPA Checklist, (2/20/2023). The form can be found at: <https://apps.leg.wa.gov/wac/default.aspx?cite=197-11-960>.

This failure is material because the latest form requires the applicant to supply extra information which is not contained in the form used by the applicant. For example, the applicant's submission fails to respond to (among others) Questions 4e, 5e and 13d. As WAC 197-11-315 explains: "(1) Agencies **shall use** the environmental checklist substantially in the form found in WAC 197-11-960 to assist in making threshold determinations for proposals." (emphasis added). Because it lacks required information, the present submission does not meet the standard set by the statute. The City must require the applicant to resubmit and then reevaluate the proposal with the benefit of all the information.

In addition, Question 3.a.2 requires the applicant to describe the project and attach all available plans. This has not been done. As with the previous errors, the applicant must be required to resubmit and the City must withdraw its DNS, reevaluate the information and issue a new notice so that commenters have the benefit of all required information in evaluating the SEPA issues.

The City has failed to perform an adequate evaluation of the applicant's documents because it failed to catch these obvious errors. The City must correct these mistakes.

The City's DNS Must be Reissued Because It Does Not Contain the Information Required by the Municipal Code and Revised Code of Washington

The City's DNS states, "Appeals: Appeals of this environmental determination may be made per the procedures outlined in MLMC 16.10.420." The notice fails to comply with the requirements of the code. Medical Lake's Municipal Code, § 16.10.420 requires that: "The city shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.^[1] The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the city clerk, applicant or proponent pursuant to RCW 43.21C.080."

The City's notice fails to comply with WAC 197-11-990 because it does not contain all the required information. For example, it fails to state the deadline date of for appeals and where an appeal may be filed as required by the rules.

The Applicant's Submission Contains a Material False Statement

Question A.8 asks the applicant to "List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal." The applicant correctly lists information prepared that is favorable to his position, but fails to list information prepared by Hugh Lefcort in opposition to the project. An agent for the Applicant was present when Dr. Lefcort's comments and report were presented to the City, but he has neglected to list this information on his checklist.

The Project Is Likely to Have a Significant Adverse Environmental Impact

The City's evaluation of the environmental impact is marred by multiple obvious scientific errors which cause it to undervalue the environmental significance of the subject site. The applicant's wetland rating report contains material misstatements of fact. In particular, the applicant's Depressional Wetland analysis, question D3.3 incorrectly indicates there is not a TMDL for the drainage or basin in which the wetland is found. There is no room for argument on this issue. The subject wetland lies within the Spokane River Dissolved Oxygen TMDL project. According to the wetland rating manual,² the controlling manual for wetland evaluation, "If the basin in which the wetland is found has a Total Maximum Daily Loads (TMDL) plan (also called a Water Cleanup Plan) developed for it, then you should answer YES for this question. It is assumed that all wetlands are valuable in a basin where water quality is poor enough to require a TMDL." (emphasis added). This discrepancy, in itself, is enough to change the rating for the wetland from a category 3 to a category 2.

The Mitigation measures are also insufficient. MLMC 17.10.090(H)(4) and Table 17.10.090(6) require applicants engaging in enhancement mitigation to use a ratio of 12:1 for a category II wetland and 8:1 for a category III wetland. The applicant proposes to disturb 2700 feet of wetland

¹ A judicial appeal is available in this situation pursuant to MLMC 17.10.040

² WASHINGTON STATE WETLAND RATING SYSTEM FOR EASTERN WASHINGTON, Department of Ecology (2014) at 47.

buffer. Therefore, to qualify for enhancement on this Category II wetland, the applicant would need to enhance 32,400 square feet of a wetland buffer. The applicant's proposal enhances, at most, a few hundred feet of buffer. By the very terms of the Medicinal Lake Municipal Code, this proposal fails to meet the mitigation standards imposed by law.

As other commenters have noted, this will lead to a significant adverse environmental impact. The applicant's plan to disturb the property will cut into an existing wetland, remove buffer soils and replace them with fill. This will reduce the function of the wetland.

Sincerely,

A handwritten signature in blue ink that reads "Trevor Matthews". The signature is written in a cursive, slightly slanted style.

Trevor Matthews
Phillabaum, Ledlin, Matthews & Sheldon, PLLC
Attorneys for Tammy M. Roberson

Notice of Public Hearing and
Determination of Non-Significance (DNS)

Description of Proposal: The applicant is proposing a 1,248 square foot building for a single-family residence in the northeast corner of the subject site. The site is 21, 960 square feet and is composed of two tax parcels. Approximately 80% of the site contains a wetland. The remainder of the site is a required buffer for this wetland. However, MLMC Section 17.10.100 allows an applicant to pursue a reasonable use exception. To prepare for the building, the applicant proposes to bring in fill. The total disturbance area will be approximately 2,700 square feet. A silt fence will be placed at the disturbance limits prior to construction. Prior to the removal of the silt fence, a fence or wall will be built to mark the edge of the protected area. To mitigate the impact of clearing vegetation, bringing in fill, and the creation of impervious surfaces, the applicant proposes to add vegetation in the wetland buffer. These plantings will be monitored and replaced, if necessary, over a period of five years.

Proponent: Vince Barthels, Ardurra, 1717 S Rustle, Suite 201, Spokane, WA 99224

Location of Proposal: N Martin Street, Parcels 14073.0253 & 14182.0402

Lead Agency: City of Medical Lake, Planning Department

Threshold Determination: The lead agency has determined that this proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This DNS is issued under WAC 197-11-340(2); the City of Medical Lake will not act on this proposal for 14 days from the date of this notice. **Written comments on this threshold determination must be submitted on or before 2:00 p.m., June 15, 2023** to the project contact listed below.

Appeals: Appeals of this environmental determination may be made per the procedures outlined in MLMC 16.10.420.

To View Documents: Documents associated with this proposal can be viewed on the City of Medical Lake website, at: www.medical-lake.org, or may be reviewed at the City of Medical Planning Department.

Contact Person: Please direct any comments concerning this threshold determination to: Elisa Rodriguez, City Planner P.O. Box 369, Medical Lake, WA 990022; 509-565-5019; erodriguez@medical-lake.org.

SEPA Responsible Official: Sonny Weathers, City Administrator

Date of Issuance: June 1, 2023

Signature



SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use “not applicable” or “does not apply” only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to **all parts of your proposal**, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for lead agencies

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the [Supplemental Sheet for Nonproject Actions \(Part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in “Part B: Environmental Elements” that do not contribute meaningfully to the analysis of the proposal.

A. Background

1. Name of proposed project, if applicable: **LU 2023-005 CA N Martin Street Wetland**
2. Name of applicant: **Vince Barthels**
3. Address and phone number of applicant and contact person: **Ardurra, 1717 S Rustle, Suite 201, Spokane, WA 99224. Cell: (509) 951-9564.**
4. Date checklist prepared: **6/30/2023**
5. Agency requesting checklist: **City of Medical Lake**
6. Proposed timing or schedule (including phasing, if applicable): **Approximately 9 months for construction of a single-family residence.**
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. **No.**
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. **Wetland Buffer Mitigation Plan prepared by Vince Bartels, dated July 2020. Review of the plan by Jacob MacCann, Department of Ecology, dated July 21, 2020. Review of the plan by Towey Ecological Services, dated May 4, 2023.**

Note from City Staff:

The following, additional documents are relevant to this proposal: Wetland Rating Summary prepared by Dr. Hugh Lefcort, dated May 25, 2023. TDML information prepared by Robynn Sleep, dated May 24, 2023. Wetland Evaluation prepared by Dr. Robert Quinn, dated May 7, 2020. Wetland Buffer Mitigation Plan Review prepared by Bill Towey, dated July 4, 2023. All of these documents are available at www.medical-lake.org in the City Government tab.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. **None known.**
10. List any government approvals or permits that will be needed for your proposal, if known. **An approved critical area review is required before building permits may be applied for.**
11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) **The proposal is for a single-family residence with a footprint of 1,248 square feet to be located in the buffer of a Category III wetland. The 21,960 square foot site has wetland covering approximately 80% of the site, therefore, development cannot be located outside of the required buffer. The reasonable use exception is being pursued to disturb approximately 2,700 square feet of the site. This disturbance area will include fill brought in to create a level building site. Native plantings are being proposed to mitigate the impact of development in the buffer.**
12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any

permit applications related to this checklist. **The site is located on the west side of North Martin Street, just to the north of West Brooks Road in the city of Medical Lake. The site consists of the tax parcels 14073.0253 and 14182.0402.**

B. Environmental Elements

1. Earth

- a. General description of the site: Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other: **Shallow slope from northeast corner into a depressional wetland.**
- b. What is the steepest slope on the site (approximate percent slope)? **15%**
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. **Rocky-fourmound complex.**
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. **None known.**
- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. **The proposal includes approximately 30 cubic yards of fill. The fill will be sourced from local quarries.**
- f. Could erosion occur because of clearing, construction, or use? If so, generally describe. **Erosion could occur from stormwater while soils are exposed. The proposal includes a silt fence to be installed to protect the wetland from any runoff.**
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? **Approximately 7% of the site will be impervious surfaces.**
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any. **Prior to any ground disturbing activities a silt fence will be installed to protect the wetland. Prior to final occupancy all exposes soil will be reseeded.**

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. **No extraordinary air emissions will be present during construction.**
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. **None known.**
- c. Proposed measures to reduce or control emissions or other impacts to air, if any. **None.**

3. Water

a. Surface Water:

1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. **There is an isolated basin category III wetland on the site.**
2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. **Yes, the proposed single-family residence is less than 200 feet from the wetland. The residence is proposed to be as far away from the wetland as**

possible, but there is no area outside of the buffer on the site.

Note from City Staff:

Please see documents listed under A.8. and Revised Site Plan, dated May 16, 2023.

3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. **There will be no fill or dredging in the wetland.**
4. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known. **None known.**
5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. **No.**
6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. **No.**

b. Ground Water:

1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known. **No.**
2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. **None.**

c. Water Runoff (including stormwater):

- a) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. **Stormwater from impervious surfaces will be directed into the soil immediately adjacent to the impervious surface.**
- b) Could waste materials enter ground or surface waters? If so, generally describe. **None known.**
- c) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. **No.**
- d) Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any. **None.**

4. Plants

- a. Check the types of vegetation found on the site:
 - deciduous tree: alder, maple, aspen, other
 - evergreen tree: fir, cedar, pine, other
 - shrubs
 - grass
 - pasture
 - crop or grain
 - orchards, vineyards, or other permanent crops.
 - wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
 - water plants: water lily, eelgrass, milfoil, other
 - other types of vegetation

- b. What kind and amount of vegetation will be removed or altered? **Three pine trees and grasses will be removed in the disturbance area. The proposal includes plantings to mitigate for the loss of this vegetation. (see mitigation plan)**
- c. List threatened and endangered species known to be on or near the site. **None known.**
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any. **Mitigation plantings are proposed at the edge of the wetland. (see mitigation plan)**
- e. List all noxious weeds and invasive species known to be on or near the site.
Knapweed and creeping thistle.

5. Animals

- a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.

Examples include:

- Birds: hawk, heron, eagle, **songbirds**, other: **ducks**
- Mammals: **deer**, bear, elk, beaver, other:
- Fish: bass, salmon, trout, herring, shellfish, other: no fish in wetland

- b. List any threatened and endangered species known to be on or near the site. **None known.**
- c. Is the site part of a migration route? If so, explain. **None known.**
- d. Proposed measures to preserve or enhance wildlife, if any. **Proposed mitigation plantings will enhance the wildlife habitat.**
- e. List any invasive animal species known to be on or near the site. **None known.**

6. Energy and Natural Resources [Find help answering energy and natural resource questions](#)

1. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. **Electricity and natural gas for a single-family residence.**
2. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. **No.**
3. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any. **Proposed residence will meet the Washington State Energy Code.**

7. Environmental Health [Find help with answering environmental health questions](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe. **None known.**
 1. Describe any known or possible contamination at the site from present or past uses.
None known.

2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. **None known.**
3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. **Fuels and chemicals associated with construction equipment may be stored or used on site.**
4. Describe special emergency services that might be required. **Normal services needed for a single-family residence.**
5. Proposed measures to reduce or control environmental health hazards, if any. **None.**

b. Noise

1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? **None known.**
2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)? **Only typical noises created by a single-family residence.**
3. Proposed measures to reduce or control noise impacts, if any. **None other than working during normal day-light hours.**

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. **The subject site is vacant and it is surrounded by single-family residences. The proposal will create a new single family residence.**
- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or non-forest use? **Not for many decades.**
 1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how? **No**
- c. Describe any structures on the site. **None.**
- d. Will any structures be demolished? If so, what? **No.**
- e. What is the current zoning classification of the site? **Single-Family Residential (R-1)**
- f. What is the current comprehensive plan designation of the site? **Single-Family Residential**
- g. If applicable, what is the current shoreline master program designation of the site? **None.**
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. **Yes, a wetland.**
- i. Approximately how many people would reside or work in the completed project? **One family; an estimated 4-6 people.**
- j. Approximately how many people would the completed project displace? **None.**

- k. Proposed measures to avoid or reduce displacement impacts, if any. **None.**
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any. **A single-family residence is compatible with the single-family residential neighborhood.**
- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any. **None.**

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. **One, middle to high-income unit.**
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. **None.**
- c. Proposed measures to reduce or control housing impacts, if any. **None.**

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? **Maximum height 35 feet is allowed in an R-1 Zone. No specific building is proposed.**
- b. What views in the immediate vicinity would be altered or obstructed? **None known.**
- c. Proposed measures to reduce or control aesthetic impacts, if any. **None.**

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? **Only typical light and glare from a single-family residence.**
- b. Could light or glare from the finished project be a safety hazard or interfere with views? **No.**
- c. What existing off-site sources of light or glare may affect your proposal? **None known.**
- d. Proposed measures to reduce or control light and glare impacts, if any. **None.**

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? **Medical Lake trail and Peper Park.**
- b. Would the proposed project displace any existing recreational uses? If so, describe. **No.**
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any. **None.**

13. Historic and Cultural Preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe. **None known.**
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. **None known.**

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. **DAHP was consulted by the City of Medical Lake.**
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. **An Inadvertent Discovery Plan (IDP) will be developed per the request by DAHP.**

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. **N Martin Street.**
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? **The nearest bus stop is approximately 1,000 feet from the site.**
- c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). **No.**
- d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. **No.**
- e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates? **Typical for a single-family residence.**
- f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. **No.**
- g. Proposed measures to reduce or control transportation impacts, if any. **None.**

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. **The increased need will be negligible.**
- b. Proposed measures to reduce or control direct impacts on public services, if any. **None.**

16. Utilities

- a. Circle utilities currently available at the site: **electricity, natural gas, water, refuse service, telephone, sanitary sewer**, septic system, other:
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. **All of the above, minus septic.**

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

X

Type name of signee: Vince Barthels

Position and agency/organization: Ardurra, Environmental Services Manager

Date submitted: 7/12/2023



City of Medical Lake Planning Department
124 S. Lefevre St.
Medical Lake, WA 99022
509-565-5000
www.medical-lake.org

STATE ENVIRONMENTAL POLICY ACT

Revised Determination of Non-Significance

July 14, 2023

Lead agency: City of Medical Lake

Agency Contact: Elisa Rodriguez, City Planner, erodriguez@medical-lake.org, 509-565-5019

Agency File Number: LU 2023-005 CA

Description of proposal: The applicant is proposing a 1,248 square foot building for a single-family residence in the northeast corner of the subject site. The site is 21,960 square feet and is composed of two tax parcels. Approximately 80% of the site contains a wetland. The remainder of the site is a required buffer for this wetland. However, MLMC Section 17.10.100 allows an applicant to pursue a reasonable use exception. To prepare for the building, the applicant proposes to bring in fill. The total disturbance area will be approximately 2,700 square feet. A silt fence will be placed at the disturbance limits prior to construction. Prior to the removal of the silt fence, a fence or wall will be built to mark the edge of the protected area. To mitigate the impact of clearing vegetation, bringing in fill, and the creation of impervious surfaces, the applicant proposes to add vegetation in the wetland buffer. These plantings will be monitored and replaced, if necessary, over a period of five years.

Location of proposal: N Martin Street, north of W Brooks Road, Parcels 14073.0253 & 14182.0402

Applicant: Vince Barthels, Ardurra, 509-951-9564, vbarthels@ardurra.com

The City of Medical Lake has revised its SEPA threshold determination of Non-Significance issued on June 1, 2023 in consideration of the following changes: The applicant has submitted a revised SEPA checklist, using the Department of Ecology template that went into effect in January 2023.

The original DNS was based on the SEPA Checklist submitted by the applicant using the questions on Department of Ecology template dated July 2016. A new checklist became effective in January 2023 and the applicant submitted a revised checklist that answered questions on the updated version. This application is also going through a Critical Area Review for the impact to the wetland and buffer on the subject and neighboring sites. Much information provided in the SEPA Checklist has also been evaluated through the Critical Area Review. During the comment period for the original DNS, the City received comment from three parties representing the owner of the parcel to the south of the subject site. These comments questioned the accuracy of the applicant's wetland rating form. Specifically, the answer to question D3.3 regarding TDML and H1.4 regarding the richness of plant species.

The City of Medical Lake has reaffirmed that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c).

This determination is based on the following findings and conclusions:

This proposal is concurrently receiving a critical area review. The critical area review is a rigorous evaluation of the impacts to the earth, water, plants, and animals in relation to this site. The Planning Commission is recommending eight (8) conditions to further mitigate the impacts of the proposal. In response to comments from the Department of Archeology and Historic Preservation, the Planning Commission included an additional condition requiring an Inadvertent Discovery Plan to protect any possible historic or cultural artifacts.

The City hired a qualified wetland professional, Bill Towey, to evaluate the wetland report submitted by the applicant, Vince Barthels, the rating worksheet submitted by Dr. Hugh Lefcort, and the wetland evaluation written by Dr. Robert Quinn found in City records. All three individuals are qualified wetland specialists. Mr. Towey also reviewed all of the comments submitted that reference the particular wetland rating and application of the Medical Lake critical areas ordinance. Mr. Towey concluded that because the proposed development is in the buffer and the mitigation is based on the function and value of the wetland, the same mitigation would apply to any category of wetland.

Outside of the above factors, the proposal is a single-family residence that will have minimal impact on all the other environmental categories described in the SEPA Checklist.

For the above reasons, the City believes all impacts of the proposal are being mitigated.

This “modified” DNS is issued under WAC 197-11-340(2)(f) and does not include additional notice and comment.

Signature: Sonny Weathers, City Administrator

Date: July 14, 2023

DECISION APPEAL PROCEDURE: Any appeal of a procedural or substantive determination under SEPA shall be filed within twenty-one (21) days from the date of the last newspaper publication of the decision pursuant to RCW 43.21C.080. Any appeal must be commenced in the Spokane County Superior Court, Spokane County, Washington in accordance with RCW 36.70C.040. Such an appeal shall contain, at a minimum, those elements set forth in RCW 36.70C.070. Appeal Deadline Date: August 17, 2023.

A copy of this SEPA determination has been provided to the Department of Ecology—Olympia, other reviewing agencies, the project applicant, and interested parties.

Exhibits:

- A. Previous Determinations
 - 1. SEPA DNS, dated June 1, 2023
- B. SEPA Checklists
 - 1. Revised SEPA Checklist, dated July 10, 2023
 - 2. SEPA Checklist, dated May 31, 2023
- C. Environmental Documents
 - 1. Wetland Mitigation Plan prepared by Vince Barthels, dated July 2020
 - 2. Revised Site Plan, dated May 16, 2023

3. Review of the Plan by Jacob MacCann, Department of Ecology, dated July 21, 2020
4. Review of the Plan by Bill Towey, dated May 4, 2023
5. Wetland Rating Summary prepared by Dr. Hugh Lefcort, dated May 25, 2023
6. TDML information prepared by Robynn Sleep, dated May 24, 2023
7. Wetland Evaluation prepared by Dr. Robert Quinn, dated May 7, 2020
8. Wetland Buffer Mitigation Plan Review prepared by Bill Towey, dated July 4, 2023

D. Public Comment

1. Department of Ecology, dated June 14, 2023
2. Trevor Matthews comments, dated June 14, 2023
3. Dr. Hugh Lefcort comments, dated June 13, 2023
4. Robynn Sleep comments, dated June 15, 2023

E. Public Hearing

1. Staff Report to Planning Commission, dated May 17, 2023
2. Additional Information for Public Hearing, dated May 25, 2023



**Robert R. Quinn, Ph.D.
Certified Wetland Specialist**

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May 7, 2020

**Parcel #: 14182.0065
Section 18 Township 24 Range 41N
Adjoining 424 W. Brooks
City of Medical Lake
Spokane County, Washington**

WETLAND EVALUATION / Tammy Roberson

This location is a seasonal depressional wetland located at the intersection of Brooks St. and Martin St. in Medical Lake, WA.

The wetland depression is a *Category IV Wetland* with a total score of 13 points.

The wetland is a depression that dries up in three (3) years of four (4) years.

This wetland would have a 40ft required buffer using the land use of moderate impact.

I visited this site on Tuesday, May 5, 2020 and as Photos #1 & #2 indicate, there is water in the central portion. The edge of this wetland is dominated by reed canary grass and has a small patch of cattail in the standing water (see Photos #1 and #4). The shoreline has a shrub dominated edge with willow, osier dogwood and aspen. (see Photos #2 and #3).

CONCLUSION

This is a Category IV Wetland with a 40ft buffer. Any proposed construction activity will have to follow the "Critical Area Guidelines" for the City of Medical Lake or any other restrictions for obtaining building permits.



Dr. Robert R. Quinn
Certified Wetland Specialist

RATING SUMMARY – Eastern Washington

Name of wetland (or ID #): Roberson Parcel, #: 14182.0065 Date of site visit: 5-5-2020
 Rated by Dr. Robert R. Quinn Trained by Ecology? Yes No Date of training 2010
 HGM Class used for rating PEM7c Wetland has multiple HGM classes? Y N

NOTE: Form is not complete without the figures requested (figures can be combined).
 Source of base aerial photo/map _____

OVERALL WETLAND CATEGORY _____ (based on functions _____ or special characteristics _____)

1. Category of wetland based on FUNCTIONS

- _____ Category I – Total score = 22-27
- _____ Category II – Total score = 19-21
- _____ Category III – Total score = 16-18
- Category IV – Total score = 9-15

Score for each function based on three ratings (order of ratings is not important)

9 = H,H,H
 8 = H,H,M
 7 = H,H,L
 7 = H,M,M
 6 = H,M,L
 6 = M,M,M
 5 = H,L,L
 5 = M,M,L
 4 = M,L,L
 3 = L,L,L

| FUNCTION | Influencing Water Quality | | | Hydrologic | | | Habitat | | | |
|---------------------------------------|---------------------------|----------|----------|------------|----------|----------|---------|----------|----------|--------------------|
| <i>Circle the appropriate ratings</i> | | | | | | | | | | |
| Site Potential | H | <u>M</u> | L | H | <u>M</u> | L | H | M | <u>L</u> | |
| Landscape Potential | H | M | <u>L</u> | H | <u>M</u> | L | H | <u>M</u> | L | |
| Value | H | M | <u>L</u> | H | M | <u>L</u> | H | M | <u>L</u> | |
| Score Based on Ratings | 4 | | | 5 | | | 4 | | | TOTAL 13 |

2. Category based on SPECIAL CHARACTERISTICS of wetland

| CHARACTERISTIC | CATEGORY | |
|--|--|-----|
| | <i>Circle the appropriate category</i> | |
| Vernal Pools | II | III |
| Alkali | I | |
| Wetland of High Conservation Value | I | |
| Bog and Calcareous Fens | I | |
| Old Growth or Mature Forest – slow growing | I | |
| Aspen Forest | I | |
| Old Growth or Mature Forest – fast growing | II | |
| Floodplain forest | II | |
| None of the above | | |

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Roberson Wetland City/County: Medford Lake Sampling Date: 5-5-2020
 Applicant/Owner: Tammy Roberson State: _____ Sampling Point: Stake 3
 Investigator(s): Dr. Robert R. Quinn Section, Township, Range: Sec 18 Twp 24 Range 41N
 Landform (hillslope, terrace, etc.): Small basin Local relief (concave, convex, none): none Slope (%): 52%
 Subregion (LRR): _____ Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: Unliq NWI classification: PEMJC
 Are climatic / hydrologic conditions on this site typical for this time of year? Yes No _____ (If no, explain in Remarks.)
 Are Vegetation _____ Soil _____ or Hydrology no significantly disturbed? Are "Normal Circumstances" present? Yes No _____
 Are Vegetation _____ Soil _____ or Hydrology no naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

| | | | |
|--|---|---|--|
| Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____ | Hydric Soil Present? Yes <input checked="" type="checkbox"/> No _____ | Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No _____ | Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No _____ |
| Remarks: | | | |

VEGETATION – Use scientific names of plants.

| Tree Stratum (Plot size: _____) | Absolute % Cover | Dominant Species? | Indicator Status | Dominance Test worksheet: |
|--|------------------|-------------------|------------------|--|
| 1. <u>Weeping willow</u> | <u>25%</u> | | <u>FAC</u> | Number of Dominant Species That Are OBL, FACW, or FAC: _____ (A) |
| 2. _____ | | | | Total Number of Dominant Species Across All Strata: _____ (B) |
| 3. _____ | | | | Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100%</u> (A/B) |
| 4. _____ | | | | |
| <u>25%</u> = Total Cover | | | | |
| Sapling/Shrub Stratum (Plot size: _____) | Absolute % Cover | Dominant Species? | Indicator Status | Prevalence Index worksheet: |
| 1. <u>Willow (salix)</u> | <u>10%</u> | | <u>FAC</u> | Total % Cover of: _____ Multiply by: _____ |
| 2. <u>Osier dogwood</u> | <u>15%</u> | | <u>FACW</u> | OBL species <u>15%</u> x 1 = <u>15%</u> |
| 3. _____ | | | | FACW species <u>15%</u> x 2 = <u>170%</u> |
| 4. _____ | | | | FAC species _____ x 3 = _____ |
| 5. _____ | | | | FACU species _____ x 4 = _____ |
| <u>25%</u> = Total Cover | | | | UPL species _____ x 5 = _____ |
| <u>25%</u> = Total Cover | | | | Column Totals: <u>100%</u> (A) <u>185%</u> (B) |
| <u>25%</u> = Total Cover | | | | Prevalence Index = B/A = _____ |
| Herb Stratum (Plot size: _____) | Absolute % Cover | Dominant Species? | Indicator Status | Hydrophytic Vegetation Indicators: |
| 1. <u>Reed canary grass</u> | <u>70%</u> | | <u>FACW</u> | <input checked="" type="checkbox"/> Dominance Test is >50% |
| 2. <u>Cattail</u> | <u>15%</u> | | <u>OBL</u> | ____ Prevalence Index is ≤3.0 ¹ |
| 3. _____ | | | | ____ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) |
| 4. _____ | | | | ____ Wetland Non-Vascular Plants ¹ |
| 5. _____ | | | | ____ Problematic Hydrophytic Vegetation ¹ (Explain) |
| 6. _____ | | | | ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic. |
| 7. _____ | | | | |
| 8. _____ | | | | |
| 9. _____ | | | | |
| 10. _____ | | | | |
| 11. _____ | | | | |
| <u>85%</u> = Total Cover | | | | |
| Woody Vine Stratum (Plot size: _____) | Absolute % Cover | Dominant Species? | Indicator Status | Hydrophytic Vegetation Present? |
| 1. _____ | | | | Yes <input checked="" type="checkbox"/> No _____ |
| 2. _____ | | | | |
| _____ = Total Cover | | | | |
| % Bare Ground in Herb Stratum _____ | | | | |
| Remarks: <u>no inlet or outlet</u> | | | | |

SOIL

Sampling Point: _____

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

| Depth (inches) | Matrix | | Redox Features | | | | Texture | Remarks |
|-----------------------|---------------|---|----------------|---|-------------------|------------------|-----------|------------------------------|
| | Color (moist) | % | Color (moist) | % | Type ¹ | Loc ² | | |
| 0"-12" over ash | 10YR2/1 | | | | | | Silt loam | dark hydric soil over ash |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

| | | |
|--|---|---|
| <input type="checkbox"/> Histosol (A1) | <input type="checkbox"/> Sandy Redox (S5) | <input type="checkbox"/> 2 cm Muck (A10) |
| <input type="checkbox"/> Histic Epipedon (A2) | <input type="checkbox"/> Stripped Matrix (S6) | <input type="checkbox"/> Red Parent Material (TF2) |
| <input checked="" type="checkbox"/> Black Histic (A3) | <input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1) | <input type="checkbox"/> Other (Explain in Remarks) |
| <input type="checkbox"/> Hydrogen Sulfide (A4) | <input type="checkbox"/> Loamy Gleyed Matrix (F2) | |
| <input type="checkbox"/> Depleted Below Dark Surface (A11) | <input type="checkbox"/> Depleted Matrix (F3) | |
| <input type="checkbox"/> Thick Dark Surface (A12) | <input type="checkbox"/> Redox Dark Surface (F6) | |
| <input type="checkbox"/> Sandy Mucky Mineral (S1) | <input type="checkbox"/> Depleted Dark Surface (F7) | |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4) | <input type="checkbox"/> Redox Depressions (F8) | |

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):
 Type: > 12" depth
 Depth (inches): _____

Hydric Soil Present? Yes No _____

Remarks:
dark hydric soil over ash

HYDROLOGY

Wetland Hydrology Indicators:

| | | |
|--|---|--|
| Primary Indicators (minimum of one required; check all that apply) | | Secondary Indicators (2 or more required) |
| <input checked="" type="checkbox"/> Surface Water (A1) | <input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B) | <input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B) |
| <input type="checkbox"/> High Water Table (A2) | <input type="checkbox"/> Salt Crust (B11) | <input type="checkbox"/> Drainage Patterns (B10) |
| <input checked="" type="checkbox"/> Saturation (A3) | <input type="checkbox"/> Aquatic Invertebrates (B13) | <input type="checkbox"/> Dry-Season Water Table (C2) |
| <input type="checkbox"/> Water Marks (B1) | <input type="checkbox"/> Hydrogen Sulfide Odor (C1) | <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) |
| <input type="checkbox"/> Sediment Deposits (B2) | <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) | <input type="checkbox"/> Geomorphic Position (D2) |
| <input type="checkbox"/> Drift Deposits (B3) | <input type="checkbox"/> Presence of Reduced Iron (C4) | <input type="checkbox"/> Shallow Aquitard (D3) |
| <input type="checkbox"/> Algal Mat or Crust (B4) | <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) | <input type="checkbox"/> FAC-Neutral Test (D5) |
| <input type="checkbox"/> Iron Deposits (B5) | <input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A) | <input type="checkbox"/> Raised Ant Mounds (D6) (LRR A) |
| <input type="checkbox"/> Surface Soil Cracks (B6) | <input type="checkbox"/> Other (Explain in Remarks) | <input type="checkbox"/> Frost-Heave Hummocks (D7) |
| <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) | | |
| <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) | | |

Field Observations:

| | | | |
|---|--|--------------------------------|---|
| Surface Water Present? | Yes <input checked="" type="checkbox"/> No _____ | Depth (inches): <u>Surface</u> | Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No _____ |
| Water Table Present? | Yes <input checked="" type="checkbox"/> No _____ | Depth (inches): <u>Surface</u> | |
| Saturation Present? (includes capillary fringe) | Yes <input checked="" type="checkbox"/> No _____ | Depth (inches): <u>Surface</u> | |

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Permanent standing water

Maps and figures required to answer questions correctly for Eastern Washington Depressional Wetlands

| Map of: | To answer questions: | Figure # |
|---|----------------------|----------|
| Cowardin plant classes and classes of emergents | D 1.3, H 1.1, H 1.5 | |
| Hydroperiods (including area of open water for H 1.3) | D 1.4, H 1.2, H 1.3 | |
| Location of outlet (<i>can be added to map of hydroperiods</i>) | D 1.1, D 4.1 | |
| Boundary of area within 150 ft of the wetland (<i>can be added to another figure</i>) | D 2.2, D 5.2 | |
| Map of the contributing basin | D 5.3 | |
| 1 km Polygon: Area that extends 1 km from entire wetland edge - including polygons for accessible habitat and undisturbed habitat | H 2.1, H 2.2, H 2.3 | |
| Screen capture of map of 303(d) listed waters in basin (from Ecology website) | D 3.1, D 3.2 | |
| Screen capture of list of TMDLs for WRIA in which wetland is found (website) | D 3.3 | |

Riverine Wetlands

| Map of: | To answer questions: | Figure # |
|---|----------------------|----------|
| Cowardin plant classes and classes of emergents | H 1.1, H 1.5 | |
| Hydroperiods | H 1.2, H 1.3 | |
| Ponded depressions | R 1.1 | |
| Boundary of area within 150 ft of the wetland (<i>can be added to another figure</i>) | R 2.4 | |
| Map of the contributing basin | R 2.2, R 2.3, R 5.2 | |
| Plant cover of trees, shrubs, and herbaceous plants | R 1.2, R 4.2 | |
| Width of wetland vs. width of stream (<i>can be added to another figure</i>) | R 4.1 | |
| 1 km Polygon: Area that extends 1 km from entire wetland edge - including polygons for accessible habitat and undisturbed habitat | H 2.1, H 2.2, H 2.3 | |
| Screen capture of map of 303(d) listed waters in basin (from Ecology website) | R 3.1 | |
| Screen capture of list of TMDLs for WRIA in which wetland is found (website) | R 3.2, R 3.3 | |

Lake Fringe Wetlands

| Map of: | To answer questions: | Figure # |
|---|----------------------------|----------|
| Cowardin plant classes and classes of emergents | L 1.1, L 4.1, H 1.1, H 1.5 | |
| Plant cover of trees, shrubs, and herbaceous plants | L 1.2 | |
| Boundary of area within 150 ft of the wetland (<i>can be added to another figure</i>) | L 2.2 | |
| 1 km Polygon: Area that extends 1 km from entire wetland edge - including polygons for accessible habitat and undisturbed habitat | H 2.1, H 2.2, H 2.3 | |
| Screen capture of map of 303(d) listed waters in basin (from Ecology website) | L 3.1, L 3.2 | |
| Screen capture of list of TMDLs for WRIA in which wetland is found (website) | L 3.3 | |

Slope Wetlands

| Map of: | To answer questions: | Figure # |
|---|----------------------|----------|
| Cowardin plant classes and classes of emergents | H 1.1, H 1.5 | |
| Hydroperiods | H 1.2, H 1.3 | |
| Plant cover of dense trees, shrubs, and herbaceous plants | S 1.3 | |
| Plant cover of dense, rigid trees, shrubs, and herbaceous plants (<i>can be added to figure above</i>) | S 4.1 | |
| Boundary of area within 150 ft of the wetland (<i>can be added to another figure</i>) | S 2.1, S 5.1 | |
| 1 km Polygon: Area that extends 1 km from entire wetland edge - including polygons for accessible habitat and undisturbed habitat | H 2.1, H 2.2, H 2.3 | |
| Screen capture of map of 303(d) listed waters in basin (from Ecology website) | S 3.1, S 3.2 | |
| Screen capture of list of TMDLs for WRIA in which wetland is found (website) | S 3.3 | |

HGM Classification of Wetland in Eastern Washington

For questions 1-4, the criteria described must apply to the entire unit being rated.

If the hydrologic criteria listed in each question do not apply to the entire unit being rated, you probably have a unit with multiple HGM classes. In this case, identify which hydrologic criteria in questions 1-4 apply, and go to Question 5.

1. Does the entire unit **meet both** of the following criteria?

The vegetated part of the wetland is on the water side of the Ordinary High Water Mark of a body of permanent open water (without any plants on the surface) that is at least 20 ac (8 ha) in size
 At least 30% of the open water area is deeper than 10 ft (3 m)

NO - go to 2

YES - The wetland class is **Lake Fringe** (Lacustrine Fringe)

2. Does the entire wetland unit **meet all** of the following criteria?

The wetland is on a slope (*slope can be very gradual*),
 The water flows through the wetland in one direction (unidirectional) and usually comes from seeps. It may flow subsurface, as sheetflow, or in a swale without distinct banks;
 The water leaves the wetland **without being impounded**.

NO - go to 3

YES - The wetland class is **Slope**

NOTE: Surface water does not pond in these type of wetlands except occasionally in very small and shallow depressions or behind hummocks (depressions are usually <3 ft diameter and less than 1 foot deep).

3. Does the entire wetland unit **meet all** of the following criteria?

The unit is in a valley, or stream channel, where it gets inundated by overbank flooding from that stream or river;
 The overbank flooding occurs at least once every 10 years.

NO - go to 4

YES - The wetland class is **Riverine**

NOTE: The Riverine wetland can contain depressions that are filled with water when the river is not flooding.

4. Is the entire wetland unit in a topographic depression in which water ponds, or is saturated to the surface, at some time during the year. *This means that any outlet, if present, is higher than the interior of the wetland.*

NO - go to 5

YES - The wetland class is **Depressional**

5. Your wetland unit seems to be difficult to classify and probably contains several different HGM classes. For example, seeps at the base of a slope may grade into a riverine floodplain, or a small stream within a Depressional wetland has a zone of flooding along its sides. **GO BACK AND IDENTIFY WHICH OF THE HYDROLOGIC REGIMES DESCRIBED IN QUESTIONS 1-4 APPLY TO DIFFERENT AREAS IN THE WETLAND UNIT** (make a rough sketch to help you decide). Use the following table to identify the appropriate class to use for the rating system if you have several HGM classes present within the wetland unit being scored.

NOTE: Use this table only if the class that is recommended in the second column represents 10% or more of the total area of the wetland unit being rated. If the area of the HGM class listed in column 2 is less than 10% of the wetland unit; classify the wetland using the class that represents more than 90% of the total area.

| HGM classes within the wetland unit being rated | HGM Class to use in rating |
|---|----------------------------|
| Slope + Riverine | Riverine |
| Slope + Depressional | Depressional |
| Slope + Lake Fringe | Lake Fringe |
| Depressional + Riverine (the riverine portion is within the boundary of depression) | Depressional |
| Depressional + Lake Fringe | Depressional |
| Riverine + Lake Fringe | Riverine |

*If you are still unable to determine which of the above criteria apply to your wetland, or if you have **more than 2 HGM classes** within a wetland boundary, classify the wetland as Depressional for the rating.*

| DEPRESSIONAL WETLANDS | | Points (only 1 score per box) |
|--|-----------------------------------|--|
| Water Quality Functions - Indicators that the site functions to improve water quality | | |
| D 1.0. Does the site have the potential to improve water quality? | | |
| D 1.1. <u>Characteristics of surface water outflows from the wetland:</u> | | |
| Wetland has no surface water outlet | points = 5 | 3 |
| Wetland has an intermittently flowing outlet | points = 5 3 | |
| Wetland has a highly constricted permanently flowing outlet | points = 3 | |
| Wetland has a permanently flowing, unconfined, surface outlet | points = 1 | |
| D 1.2. <u>The soil 2 in below the surface (or duff layer) is true clay or true organic (use NRCS definitions of soils)</u> | | |
| YES = 3 NO = 0 | | 0 |
| D 1.3. <u>Characteristics of persistent vegetation</u> (Emergent, Scrub-shrub, and/or Forested Cowardin classes) | | |
| Wetland has persistent, ungrazed, vegetation for > 2/3 of area | points = 5 | 3 |
| Wetland has persistent, ungrazed, vegetation from 1/3 to 2/3 of area | points = 3 3 | |
| Wetland has persistent, ungrazed vegetation from 1/10 to < 1/3 of area | points = 1 | |
| Wetland has persistent, ungrazed vegetation < 1/10 of area | points = 0 | |
| D 1.4. <u>Characteristics of seasonal ponding or inundation:</u> | | |
| <i>This is the area of ponding that fluctuates every year. Do not count the area that is permanently ponded.</i> | | |
| Area seasonally ponded is > 1/2 total area of wetland | points = 3 | 1 |
| Area seasonally ponded is 1/4 - 1/2 total area of wetland | points = 3 1 | |
| Area seasonally ponded is < 1/4 total area of wetland | points = 0 | |
| Total for D 1 | Add the points in the boxes above | 7 |

Rating of Site Potential If score is: 12-16 = H ~~X~~ 6-11 = M 0-5 = L

Record the rating on the first page

| | | |
|--|-----------------------------------|----------|
| D 2.0. Does the landscape have the potential to support the water quality function of the site? | | |
| D 2.1. Does the wetland receive stormwater discharges? | Yes = 1 No = 0 | 0 |
| D 2.2. Is > 10% of the area within 150 ft of the wetland in land uses that generate pollutants? | Yes = 1 No = 0 | 0 |
| D 2.3. Are there septic systems within 250 ft of the wetland? | Yes = 1 No = 0 | 0 |
| D 2.4. Are there other sources of pollutants coming into the wetland that are not listed in questions D 2.1- D 2.3? Source _____ | Yes = 1 No = 0 | 0 |
| Total for D 2 | Add the points in the boxes above | 0 |

Rating of Landscape Potential If score is: 3 or 4 = H 1 or 2 = M ~~X~~ 0 = L

Record the rating on the first page

| | | |
|--|-----------------------------------|----------|
| D 3.0. Is the water quality improvement provided by the site valuable to society? | | |
| D 3.1. Does the wetland discharge directly (i.e., within 1 mi) to a stream, river, or lake that is on the 303(d) list? | Yes = 1 No = 0 | 0 |
| D 3.2. Is the wetland in a basin or sub-basin where water quality is an issue in some aquatic resource [303(d) list, eutrophic lakes, problems with nuisance and toxic algae]? | Yes = 1 No = 0 | 0 |
| D 3.3. Has the site been identified in a watershed or local plan as important for maintaining water quality (answer YES if there is a TMDL for the drainage or basin in which the wetland is found)? | Yes = 2 No = 0 | 0 |
| Total for D 3 | Add the points in the boxes above | 0 |

Rating of Value If score is: 2-4 = H 1 = M ~~X~~ 0 = L

Record the rating on the first page

DEPRESSIONAL WETLANDS

Points
(only 1 score
per box)

Hydrologic Functions - Indicators that the site functions to reduce flooding and erosion.

D 4.0. Does the site have the potential to reduce flooding and erosion?

D 4.1. Characteristics of surface water outflows from the wetland:

- Wetland has no surface water outlet points = 8
 - Wetland has an intermittently flowing outlet points = ~~4~~ 4
 - Wetland has a highly constricted permanently flowing outlet points = 4
 - Wetland has a permanently flowing unconstricted surface outlet points = 0
- (If outlet is a ditch and not permanently flowing treat wetland as "intermittently flowing")

4

D 4.2. Depth of storage during wet periods: Estimate the height of ponding above the bottom of the outlet. For wetlands with no outlet, measure from the surface of permanent water or deepest part (if dry).

- Seasonal ponding: > 3 ft above the lowest point in wetland or the surface of permanent ponding points = 8
- Seasonal ponding: 2 ft - < 3 ft above the lowest point in wetland or the surface of permanent ponding points = 6
- The wetland is a headwater wetland points = 4
- Seasonal ponding: 1 ft - < 2 ft points = 4
- Seasonal ponding: 6 in - < 1 ft points = ~~2~~ 2
- Seasonal ponding: < 6 in or wetland has only saturated soils points = 0

2

Total for D 4 Add the points in the boxes above

6

Rating of Site Potential If score is: 12-16 = H ~~X~~ 6-11 = M 0-5 = L

Record the rating on the first page

D 5.0. Does the landscape have the potential to support the hydrologic functions of the site?

D 5.1. Does the wetland receive stormwater discharges? Yes = 1 No = ~~0~~ 0

D 5.2. Is > 10% of the area within 150 ft of the wetland in a land use that generates runoff? Yes ~~1~~ 1 No = 0

D 5.3. Is more than 25% of the contributing basin of the wetland covered with intensive human land uses? Yes = 1 No = ~~0~~ 0

Total for D 5 Add the points in the boxes above

1

Rating of Landscape Potential If score is: 3 = H ~~X~~ 1 or 2 = M 0 = L

Record the rating on the first page

D 6.0. Are the hydrologic functions provided by the site valuable to society?

D 6.1. The wetland is in a landscape that has flooding problems.

Choose the description that best matches conditions around the wetland being rated. Do not add points. Choose the highest score if more than one condition is met.

The wetland captures surface water that would otherwise flow down-gradient into areas where flooding has damaged human or natural resources (e.g., houses or salmon redds), AND

- Flooding occurs in sub-basin that is immediately down-gradient of wetland points = 2
- Surface flooding problems are in a sub-basin farther down-gradient points = 1

The existing or potential outflow from the wetland is so constrained by human or natural conditions that the water stored by the wetland cannot reach areas that flood.

Explain why _____ points = 0

There are no problems with flooding downstream of the wetland points = ~~0~~ 0

0

D 6.2. Has the site has been identified as important for flood storage or flood conveyance in a regional flood control plan? Yes = 2 No = ~~0~~ 0

Total for D 6 Add the points in the boxes above

0

Rating of Value If score is: 2-4 = H 1 = M ~~X~~ 0 = L

Record the rating on the first page

RIVERINE WETLANDSPoints
(only 1 score
per box)**Water Quality Functions** - Indicators that the site functions to improve water quality**R 1.0. Does the site have the potential to improve water quality?**

| | |
|---|-------------|
| R 1.1. Area of surface depressions within the Riverine wetland that can trap sediments during a flooding event: | |
| Depressions cover $> \frac{1}{3}$ area of wetland | points = 6 |
| Depressions cover $> \frac{1}{10}$ area of wetland | points = 3 |
| Depressions present but cover $< \frac{1}{10}$ area of wetland | points = 1 |
| No depressions present | points = 0 |
| R 1.2. Structure of plants in the wetland (areas with $>90\%$ cover at person height; not Cowardin classes): | |
| Forest or shrub $> \frac{2}{3}$ the area of the wetland | points = 10 |
| Forest or shrub $\frac{1}{3} - \frac{2}{3}$ area of the wetland | points = 5 |
| Ungrazed, herbaceous plants $> \frac{2}{3}$ area of wetland | points = 5 |
| Ungrazed herbaceous plants $\frac{1}{3} - \frac{2}{3}$ area of wetland | points = 2 |
| Forest, shrub, and ungrazed herbaceous $< \frac{1}{3}$ area of wetland | points = 0 |

Total for R 1

Add the points in the boxes above

Rating of Site Potential If score is: 12-16 = H 6-11 = M 0-5 = L

Record the rating on the first page

R 2.0. Does the landscape have the potential to support the water quality function of the site?

| | |
|---|----------------|
| R 2.1. Is the wetland within an incorporated city or within its UGA? | Yes = 2 No = 0 |
| R 2.2. Does the contributing basin include a UGA or incorporated area? | Yes = 1 No = 0 |
| R 2.3. Does at least 10% of the contributing basin contain tilled fields, pastures, or forests that have been clearcut within the last 5 years? | Yes = 1 No = 0 |
| R 2.4. Is $> 10\%$ of the area within 150 ft of wetland in land uses that generate pollutants | Yes = 1 No = 0 |
| R 2.5. Are there other sources of pollutants coming into the wetland that are not listed in questions R 2.1-R 2.4? Source _____ | Yes = 1 No = 0 |

Total for R 2

Add the points in the boxes above

Rating of Landscape Potential If score is: 3-6 = H 1 or 2 = M 0 = L

Record the rating on the first page

R 3.0. Is the water quality improvement provided by the site valuable to society?

| | |
|--|----------------|
| R 3.1. Is the wetland along a stream or river that is on the 303(d) list or on a tributary that drains to one within 1 mi? | Yes = 1 No = 0 |
| R 3.2. Does the river or stream have TMDL limits for nutrients, toxics, or pathogens? | Yes = 1 No = 0 |
| R 3.3. Has the site been identified in a watershed or local plan as important for maintaining water quality? Answer YES if there is a TMDL for the drainage in which wetland is found. | Yes = 2 No = 0 |

Total for R 3

Add the points in the boxes above

Rating of Value If score is: 2-4 = H 1 = M 0 = L

Record the rating on the first page

| RIVERINE WETLANDS | | Points (only 1 score per box) |
|---|--|-------------------------------------|
| Hydrologic Functions - Indicators that site functions to reduce flooding and stream erosion | | |
| R 4.0. Does the site have the potential to reduce flooding and erosion? | | |
| R 4.1. Characteristics of the overbank storage the wetland provides: <i>Estimate the average width of the wetland perpendicular to the direction of the flow and the width of the stream or river channel (distance between banks). Calculate the ratio: (average width of wetland)/(average width of stream between banks).</i> If the ratio is more than 2 points = 10 If the ratio is 1-2 points = 8 If the ratio is $\frac{1}{2}$ -<1 points = 4 If the ratio is $\frac{1}{4}$ -< $\frac{1}{2}$ points = 2 If the ratio is < $\frac{1}{4}$ points = 1 | | |
| R 4.2. Characteristics of plants that slow down water velocities during floods. Treat large woody debris as forest or shrub. Choose the points appropriate for the best description (polygons need to have > 90% cover at person height. These are NOT Cowardin classes). Forest or shrub for more than $\frac{2}{3}$ the area of the wetland points = 6 Forest or shrub for $>\frac{1}{3}$ area OR emergent plants $>\frac{2}{3}$ area points = 4 Forest or shrub for $>\frac{1}{10}$ area OR emergent plants $>\frac{1}{3}$ area points = 2 Plants do not meet above criteria points = 0 | | |
| Total for R 5 | Add the points in the boxes above | |

Rating of Site Potential If score is: 12-16 = H 6-11 = M 0-5 = L

Record the rating on the first page

| | | |
|--|--|--|
| R 5.0. Does the landscape have the potential to support the hydrologic functions of the site? | | |
| R 5.1. Is the stream or river adjacent to the wetland downcut? | Yes = 0 No = 1 | |
| R 5.2. Does the up-gradient watershed include a UGA or incorporated area? | Yes = 1 No = 0 | |
| R 5.3. Is the up-gradient stream or river controlled by dams? | Yes = 0 No = 1 | |
| Total for R 5 | Add the points in the boxes above | |

Rating of Landscape Potential If score is: 3 = H 1 or 2 = M 0 = L

Record the rating on the first page

| | | |
|--|--|----------------|
| R 6.0. Are the hydrologic functions provided by the site valuable to society? | | |
| R 6.1. Distance to the nearest areas downstream that have flooding problems? Choose the description that best fits the site. The sub-basin immediately down-gradient of site has surface flooding problems that result in damage to human or natural resources points = 2 Surface flooding problems are in a basin farther down-gradient points = 1 No flooding problems anywhere downstream points = 0 | | |
| R 6.2. Has the site been identified as important for flood storage or flood conveyance in a regional flood control plan? | | Yes = 2 No = 0 |
| Total for R 6 | Add the points in the boxes above | |

Rating of Value If score is: 2-4 = H 1 = M 0 = L

Record the rating on the first page

| LAKE FRINGE WETLANDS | | Points (only L score per box) |
|--|--|--|
| Water Quality Functions - Indicators that the site functions to improve water quality. | | |
| L 1.0. Does the site have the potential to improve water quality? | | |
| L 1.1. Average width of plants along the lakeshore (use polygons of Cowardin classes): | | |
| Plants are more than 33 ft (10 m) wide | points = 6 | |
| Plants are more than 16 ft (5 m) and < 33 ft (10 m) wide | points = 3 | |
| Plants are more than 6 ft (2 m) and < 16 ft (5 m) wide | points = 1 | |
| Plants are less than 6 ft wide | points = 0 | |
| L 1.2. Characteristics of the plants in the wetland: Choose the appropriate description that results in the highest points, and do not include any open water in your estimate of coverage. The herbaceous plants can be either the dominant form or as an understory in a shrub or forest community. <i>These are not Cowardin classes. Area of cover is total cover in the wetland, but it can be in patches. Herbaceous does not include aquatic bed.</i> | | |
| Cover of herbaceous plants is > 90% of the vegetated area | points = 6 | |
| Cover of herbaceous plants is > 2/3 of the vegetated area | points = 4 | |
| Cover of herbaceous plants is > 1/3 of the vegetated area | points = 3 | |
| Other plants that are not aquatic bed > 2/3 wetland | points = 3 | |
| Other plants that are not aquatic bed in > 1/3 vegetated area | points = 1 | |
| Aquatic bed plants and open water cover > 2/3 of the wetland | points = 0 | |
| Total for L 1 | Add the points in the boxes above | |

Rating of Site Potential If score is: 8-12 = H 4-7 = M 0-3 = L

Record the rating on the first page

| | | |
|--|--|--|
| L 2.0. Does the landscape have the potential to support the water quality function of the site? | | |
| L 2.1. Is the lake used by power boats? | Yes = 1 No = 0 | |
| L 2.2. Is > 10% of the area within 150 ft of wetland on the upland side in land uses that generate pollutants? | Yes = 1 No = 0 | |
| L 2.3. Does the lake have problems with algal blooms or excessive plants such as milfoil? | Yes = 1 No = 0 | |
| Total for L 2 | Add the points in the boxes above | |

Rating of Landscape Potential If score is: 2 or 3 = H 1 = M 0 = L

Record the rating on the first page

| | | |
|---|--|--|
| L 3.0. Is the water quality improvement provided by the site valuable to society? | | |
| L 3.1. Is the lake on the 303(d) list of degraded aquatic resources? | Yes = 1 No = 0 | |
| L 3.2. Is the lake in a sub-basin where water quality is an issue (at least one aquatic resource in the basin is on the 303(d) list)? | Yes = 1 No = 0 | |
| L 3.3. Has the site been identified in a watershed or local plan as important for maintaining water quality? Answer YES if there is a TMDL for the lake or basin in which wetland is found. | Yes = 2 No = 0 | |
| Total for L 3 | Add the points in the boxes above | |

Rating of Value If score is: 2-4 = H 1 = M 0 = L

Record the rating on the first page

| LAKE FRINGE WETLANDS | | Points (only 1 score per box) |
|---|--|--|
| Hydrologic Functions - Indicators that the wetland unit functions to reduce shoreline erosion | | |
| L 4.0. Does the site have the potential to reduce shoreline erosion? | | |
| L 4.1. Distance along shore and average width of Cowardin classes along the lakeshore (do not include Aquatic Bed): Choose the highest scoring description that matches conditions in the wetland. | | |
| > ½ of distance is Scrub-shrub or Forested at least 33 ft (10 m) wide | | points = 6 |
| > ½ of distance is Scrub-shrub or Forested at least 6 ft (2 m) wide | | points = 4 |
| > ¼ distance is Scrub-shrub or Forested at least 33 ft (10 m) wide | | points = 4 |
| Plants are at least 6 ft (2 m) wide (do not include Aquatic Bed) | | points = 2 |
| Plants are less than 6 ft (2 m) wide (do not include Aquatic Bed) | | points = 0 |

Rating of Site Potential If score is: ___ 6 = M ___ 0-5 = L

Record the rating on the first page

| | | |
|---|-----------------------------------|--|
| L 5.0. Does the landscape have the potential to support hydrologic functions of the site? | | |
| L 5.1. Is the lake used by power boats with more than 10 hp? | Yes = 1 No = 0 | |
| L 5.2. Is the fetch on the lake side of the wetland at least 1 mile in distance? | Yes = 1 No = 0 | |
| Total for L 5 | Add the points in the boxes above | |

Rating of Landscape Potential If score is: ___ 2 = H ___ 1 = M ___ 0 = L

Record the rating on the first page

| | | |
|--|--|------------|
| L 6.0. Are the hydrologic functions provided by the site valuable to society? | | |
| L 6.1. Are there resources, both human and natural, along the shore that can be impacted by erosion? If more than one resource is present, choose the one with the highest score. | | |
| There are human structures or old growth/mature forests within 25 ft of OHWM of the shore in the wetland | | points = 2 |
| There are nature trails or other paths and recreational activities within 25 ft of OHWM | | points = 1 |
| Other resources that could be impacted by erosion | | points = 1 |
| There are no resources that can be impacted by erosion along the shores of the wetland | | points = 0 |

Rating of Value If score is: ___ 2 = H ___ 1 = M ___ 0 = L

Record the rating on the first page

NOTES and FIELD OBSERVATIONS:

| SLOPE WETLANDS | | Points (only 1 score per box) |
|--|-----------------------------------|--|
| Water Quality Functions – Indicators that the site functions to improve water quality | | |
| S 1.0. Does the site have the potential to improve water quality? | | |
| S 1.1. Characteristics of average slope of wetland: (a 1% slope has a 1 ft vertical drop in elevation for every 100 ft of horizontal distance) | | |
| Slope is 1% or less | | points = 3 |
| Slope is > 1% - 2% | | points = 2 |
| Slope is > 2% - 5% | | points = 1 |
| Slope is greater than 5% | | points = 0 |
| S 1.2. The soil 2 in below the surface (or duff layer) is true clay or tureorganic (use NRCS definitions): Yes = 3 No = 0 | | |
| S 1.3. Characteristics of the plants in the wetland that trap sediments and pollutants: Choose the points appropriate for the description that best fits the plants in the wetland. Dense means you have trouble seeing the soil surface (>75% cover), and uncut means not grazed or mowed and plants are higher than 6 in. | | |
| Dense, uncut, herbaceous plants > 90% of the wetland area | | points = 6 |
| Dense, uncut, herbaceous plants > ½ of area | | points = 3 |
| Dense, woody, plants > ½ of area | | points = 2 |
| Dense, uncut, herbaceous plants > ¼ of area | | points = 1 |
| Does not meet any of the criteria above for plants | | points = 0 |
| Total for S 1 | Add the points in the boxes above | |

Rating of Site Potential If score is: ___ 12 = H ___ 6-11 = M ___ 0-5 = L

Record the rating on the first page

| | | |
|--|-----------------------------------|----------------|
| S 2.0. Does the landscape have the potential to support the water quality function at the site? | | |
| S 2.1. Is > 10% of the area within 150 ft on the uphill side of the wetland in land uses that generate pollutants? | | |
| | | Yes = 1 No = 0 |
| S 2.2. Are there other sources of pollutants coming into the wetland that are not listed in question S 2.1? | | |
| Other sources _____ | | Yes = 1 No = 0 |
| Total for S 2 | Add the points in the boxes above | |

Rating of Landscape Potential If score is: ___ 1-2 = M ___ 0 = L

Record the rating on the first page

| | | |
|--|-----------------------------------|----------------|
| S 3.0. Is the water quality improvement provided by the site valuable to society? | | |
| S 3.1. Does the wetland discharge directly to a stream, river, or lake that is on the 303(d) list (within 1 mi)? | | |
| | | Yes = 1 No = 0 |
| S 3.2. Is the wetland in a basin or sub-basin where water quality is an issue? At least one aquatic resource in the basin is on the 303(d) list. | | |
| | | Yes = 1 No = 0 |
| S 3.3. Has the site been identified in a watershed or local plan as important for maintaining water quality (answer YES if there is a TMDL for the drainage or basin in which wetland is found)? | | |
| | | Yes = 2 No = 0 |
| Total for S 3 | Add the points in the boxes above | |

Rating of Value If score is: ___ 2-4 = H ___ 1 = M ___ 0 = L

Record the rating on the first page

| SLOPE WETLANDS | | Points (only 1 score per box) |
|---|--|--|
| Hydrologic Functions - Indicators that the site functions to reduce flooding and erosion | | |
| S 4.0. Does the site have the potential to reduce flooding and erosion? | | |
| S 4.1. Characteristics of plants that reduce the velocity of surface flows during storms: Choose the points appropriate for the description that best fits conditions in the wetland. <i>Stems of plants should be thick enough (usually > 1/8 in), or dense enough, to remain erect during surface flows.</i> | | |
| Dense, uncut, rigid plants cover > 90% of the area of the wetland | | points = 1 |
| All other conditions | | points = 0 |

Rating of Site Potential If score is: ___ 1 = M ___ 0 = L

Record the rating on the first page

| | | |
|--|--|----------------|
| S 5.0. Does the landscape have the potential to support the hydrologic functions of the site? | | |
| S 5.1. Is more than 25% of the area within 150 ft upslope of wetland in land uses that generate excess surface runoff? | | |
| | | Yes = 1 No = 0 |

Rating of Landscape Potential If score is: ___ 1 = M ___ 0 = L







Record the rating on the first page

| | | |
|--|-----------------------------------|----------------|
| S 6.0. Are the hydrologic functions provided by the site valuable to society? | | |
| S 6.1. Distance to the nearest areas downstream that have flooding problems: | | |
| The sub-basin immediately down-gradient of site has surface flooding problems that result in damage to human or natural resources (e.g., houses or salmon redds) | | points = 2 |
| Surface flooding problems are in a sub-basin farther down-gradient | | points = 1 |
| No flooding problems anywhere downstream | | points = 0 |
| S 6.2. Has the site been identified as important for flood storage and flood conveyance in a regional flood control plan? | | |
| | | Yes = 2 No = 0 |
| Total for S 6 | Add the points in the boxes above | |

Rating of Value If score is: ___ 2-4 = H ___ 1 = M ___ 0 = L

Record the rating on the first page

NOTES and FIELD OBSERVATIONS:

| These questions apply to wetlands of all HGM classes. | | (only 1 score per box) |
|--|--|------------------------|
| HABITAT FUNCTIONS - Indicators that site functions to provide important habitat | | |
| H 1.0. Does the wetland have the potential to provide habitat for many species? | | |
| <p>H 1.1. Structure of the plant community: <i>Check the Cowardin vegetation classes present and categories of emergent plants. Size threshold for each category is $\geq 1/4$ ac or $\geq 10\%$ of the wetland if wetland is < 2.5 ac.</i></p> <p><input type="checkbox"/> Aquatic bed</p> <p><input type="checkbox"/> Emergent plants 0-12 in (0-30 cm) high are the highest layer and have $> 30\%$ cover</p> <p><input type="checkbox"/> Emergent plants >12-40 in (>30-100 cm) high are the highest layer with $>30\%$ cover</p> <p><input type="checkbox"/> Emergent plants > 40 in (> 100 cm) high are the highest layer with $>30\%$ cover</p> <p><input checked="" type="checkbox"/> Scrub-shrub (areas where shrubs have $>30\%$ cover) 4 or more checks: points = 3</p> <p><input type="checkbox"/> Forested (areas where trees have $>30\%$ cover) 3 checks: points = 2</p> <p style="text-align: right;">2 checks: points = 1</p> <p style="text-align: right;">1 check: points = 0</p> | | 0 |
| H 1.2. Is one of the vegetation types Aquatic Bed? | | Yes = 1 No = 0 |
| H 1.3. Surface water | | |
| <p>H 1.3.1. Does the wetland have areas of open water (without emergent or shrub plants) over at least $1/4$ ac OR 10% of its area during the March to early June OR in August to the end of September? Answer YES for Lake Fringe wetlands. Yes = 3 points & go to H 1.4 No = go to H 1.3.2</p> <p>H 1.3.2. Does the wetland have an intermittent or permanent, and unvegetated stream within its boundaries, or along one side, over at least $1/4$ ac or 10% of its area? Answer yes only if H 1.3.1 is No. Yes = 3 No = 0</p> | | 0 |
| H 1.4. Richness of plant species | | |
| <p>Count the number of plant species in the wetland that cover at least 10 ft². <i>Different patches of the same species can be combined to meet the size threshold. You do not have to name the species. Do not include Eurasian milfoil, reed canarygrass, purple loosestrife, Russian olive, Phragmites, Canadian thistle, yellow-flag iris, and saltcedar (Tamarisk)</i></p> <p># of species _____</p> <p style="text-align: right;">Scoring: > 9 species: points = 2 4-9 species: points = 1 < 4 species: points = 0</p> | | 0 |
| H 1.5. Interspersion of habitats | | Figure__ |
| <p>Decide from the diagrams below whether interspersion among types of plant structures (described in H 1.1), and unvegetated areas (open water or mudflats) is high, moderate, low, or none.</p> <p><i>Use map of Cowardin and emergent plant classes prepared for questions H 1.1 and map of open water from H 1.3. If you have four or more plant classes or three classes and open water, the rating is always high.</i></p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  <p>None = 0 points</p> </div> <div style="text-align: center;">  <p>Low = 1 point</p> </div> <div style="text-align: center;">  <p>Moderate = 2 points</p> </div> </div> <p>All three diagrams in this row are High = 3 points</p> <div style="display: flex; justify-content: space-around; align-items: center;">    </div> <p style="text-align: center;">Riparian braided channels with 2 classes</p> | | 1 |

| | | |
|--|-----------------------------------|---|
| H 1.6. Special habitat features Check the habitat features that are present in the wetland. The number of checks is the number of points. <input type="checkbox"/> Loose rocks larger than 4 in OR large, downed, woody debris (> 4 in diameter) within the area of surface ponding or in stream. <input checked="" type="checkbox"/> Cattails or bulrushes are present within the wetland. <input type="checkbox"/> Standing snags (diameter at the bottom > 4 in) in the wetland or within 30 m (100 ft) of the edge. <input checked="" type="checkbox"/> Emergent or shrub vegetation in areas that are permanently inundated/ponded. <input type="checkbox"/> Stable steep banks of fine material that might be used by beaver or muskrat for denning (> 45 degree slope) OR signs of recent beaver activity <input type="checkbox"/> Invasive species cover less than 20% in each stratum of vegetation (canopy, sub-canopy, shrubs, herbaceous, moss/ground cover) | | |
| Total for H 1 | Add the points in the boxes above | 2 |
| Rating of Site Potential If score is: <input type="checkbox"/> 15-18 = H <input type="checkbox"/> 7-14 = M <input checked="" type="checkbox"/> 0-6 = L Record the rating on the first page | | |

| | | |
|---|-----------------------------------|---|
| H 2.0. Does the landscape have the potential to support habitat functions of the site? | | |
| H 2.1. Accessible habitat (only area of habitat abutting wetland). If total accessible habitat is: Calculate: % undisturbed habitat <u>0</u> + [(% moderate and low intensity land uses)/2] <u>30</u> = <u>30</u> % > 1/3 (33.3%) of 1 km Polygon points = 3 20-33% of 1km Polygon points = <u>2</u> 10-19% of 1km Polygon points = 1 <10% of 1km Polygon points = 0 | | 2 |
| H 2.2. Undisturbed habitat in 1 km Polygon around wetland. Calculate: % undisturbed habitat <u>0</u> + [(% moderate and low intensity land uses)/2] <u>30</u> = <u>30</u> % Undisturbed habitat > 50% of Polygon points = 3 Undisturbed habitat 10 - 50% and in 1-3 patches points = 2 Undisturbed habitat 10 - 50% and > 3 patches points = 1 Undisturbed habitat < 10% of Polygon points = <u>0</u> | | 0 |
| H 2.3. Land use intensity in 1 km Polygon: > 50% of Polygon is high intensity land use points = (- 2) Does not meet criterion above points = <u>0</u> | | 0 |
| H 2.4. The wetland is in an area where annual rainfall is less than 12 in, and its water regime is not influenced by irrigation practices, dams, or water control structures. Generally, this means outside boundaries of reclamation areas, irrigation districts, or reservoirs Yes = 3 No <u>0</u> | | 0 |
| Total for H 2 | Add the points in the boxes above | 2 |
| Rating of Landscape Potential If score is: <input type="checkbox"/> 4-9 = H <input checked="" type="checkbox"/> 1-3 = M <input type="checkbox"/> < 1 = L Record the rating on the first page | | |

| | | |
|---|--|---|
| H 3.0. Is the habitat provided by the site valuable to society? | | |
| H 3.1. Does the site provide habitat for species valued in laws, regulations, or policies? Choose the highest score that applies to the wetland being rated Site meets ANY of the following criteria: points = 2 <input type="checkbox"/> It has 3 or more priority habitats within 100 m (see Appendix B) <input type="checkbox"/> It provides habitat for Threatened or Endangered species (any plant or animal on state or federal lists) <input type="checkbox"/> It is mapped as a location for an individual WDFW species <input type="checkbox"/> It is a Wetland of High Conservation Value as determined by the Department of Natural Resources <input type="checkbox"/> It has been categorized as an important habitat site in a local or regional comprehensive plan, in a Shoreline Master Plan, or in a watershed plan Site has 1 or 2 priority habitats within 100 m (see Appendix B) points = 1 Site does not meet any of the criteria above points = <u>0</u> | | 0 |
| Rating of Value If score is: <input type="checkbox"/> 2 = H <input type="checkbox"/> 1 = M <input checked="" type="checkbox"/> 0 = L Record the rating on the first page | | |

CATEGORIZATION BASED ON SPECIAL CHARACTERISTICS

Please determine if the wetland meets the attributes described below and circle the appropriate category. NOTE: A wetland may meet the criteria for more than one set of special characteristics. Record all those that apply. NOTE: All wetlands should also be characterized based on their functions.

| Wetland Type | Category |
|---|---|
| <p><i>Check off any criteria that apply to the wetland. Circle the category when the appropriate criteria are met.</i></p> | |
| <p>SC 1.0. Vernal pools Is the wetland less than 4000 ft², and does it meet at least two of the following criteria? — Its only source of water is rainfall or snowmelt from a small contributing basin and has no groundwater input. — Wetland plants are typically present only in the spring; the summer vegetation is typically upland annuals. <i>If you find perennial, obligate, wetland plants, the wetland is probably NOT a vernal pool.</i> — The soil in the wetland is shallow [< 1 ft (30 cm) deep] and is underlain by an impermeable layer such as basalt or clay. — Surface water is present for less than 120 days during the wet season. Yes – Go to SC 1.1 No = Not a vernal pool</p> <p>SC 1.1. Is the vernal pool relatively undisturbed in February and March? Yes – Go to SC 1.2 No = Not a vernal pool with special characteristics</p> | |
| <p>SC 1.2. Is the vernal pool in an area where there are at least 3 separate aquatic resources within 0.5 mi (other wetlands, rivers, lakes etc.)? Yes = Category II No = Category III</p> | <p>Cat. II Cat. III</p> |
| <p>SC 2.0. Alkali wetlands Does the wetland meet one of the following criteria? — The wetland has a conductivity > 3.0 mS/cm. — The wetland has a conductivity between 2.0 and 3.0 mS, and more than 50% of the plant cover in the wetland can be classified as "alkali" species (see Table 4 for list of plants found in alkali systems). — If the wetland is dry at the time of your field visit, the central part of the area is covered with a layer of salt. OR does the wetland unit meet two of the following three sub-criteria? — Salt encrustations around more than 75% of the edge of the wetland — More than $\frac{1}{4}$ of the plant cover consists of species listed on Table 4 — A pH above 9.0. All alkali wetlands have a high pH, but please note that some freshwater wetlands may also have a high pH. Thus, pH alone is not a good indicator of alkali wetlands. Yes = Category I No = Not an alkali wetland</p> | <p>Cat. I</p> |
| <p>SC 3.0. Wetlands of High Conservation Value (WHCV) SC 3.1. Has the WA Department of Natural Resources updated their website to include the list of Wetlands of High Conservation Value? Yes – Go to SC 3.2 No – Go to SC 3.3 SC 3.2. Is the wetland listed on the WDNR database as a Wetland of High Conservation Value? Yes = Category I No = Not a WHCV SC 3.3. Is the wetland in a Section/Township/Range that contains a Natural Heritage wetland? http://www.dnr.wa.gov/nhp/reidesk/datasearch/vmihp/wetlands.pdf Yes – Contact WNHP/WDNR and go to SC 3.4 No = Not a WHCV SC 3.4. Has WDNR identified the wetland within the S/T/R as a Wetland of High Conservation Value and it is listed on their website? Yes = Category I No = Not a WHCV</p> | <p>Cat. I</p> |

| | |
|---|---|
| <p>SC 4.0 Bogs and Calcareous Fens</p> <p>Does the wetland (or any part of the wetland unit) meet both the criteria for soils and vegetation in bogs or calcareous fens? <i>Use the key below to identify if the wetland is a bog or calcareous fen. If you answer yes you will still need to rate the wetland based on its functions.</i></p> <p>SC 4.1. Does an area within the wetland have organic soil horizons (i.e., layers of organic soil), either peats or mucks, that compose 16 in or more of the first 32 in of the soil profile? <i>See Appendix C for a field key to identify organic soils.</i> Yes – Go to SC 4.3 No – Go to SC 4.2</p> <p>SC 4.2. Does an area within the wetland have organic soils, either peats or mucks, that are less than 16 in deep over bedrock or an impermeable hardpan such as clay or volcanic ash, or that are floating on top of a lake or pond? Yes – Go to SC 4.3 No = Is not a bog for rating</p> <p>SC 4.3. Does an area within the wetland have more than 70% cover of mosses at ground level AND at least 30% of the total plant cover consists of species in Table 5? Yes = Category I bog No – Go to SC 4.4 NOTE: If you are uncertain about the extent of mosses in the understory, you may substitute that criterion by measuring the pH of the water that seeps into a hole dug at least 16 in deep. If the pH is less than 5.0 and the plant species in Table 5 are present, the wetland is a bog.</p> <p>SC 4.4. Is an area with peats or mucks forested (> 30% cover) with subalpine fir, western red cedar, western hemlock, lodgepole pine, quaking aspen, Engelmann spruce, or western white pine, AND any of the species (or combination of species) listed in Table 5 provide more than 30% of the cover under the canopy? Yes = Category I bog No – Go to SC 4.5</p> <p>SC 4.5. Do the species listed in Table 6 comprise at least 20% of the total plant cover within an area of peats and mucks? Yes = Is a Calcareous Fen for purpose of rating No – Go to SC 4.6</p> <p>SC 4.6. Do the species listed in Table 6 comprise at least 10% of the total plant cover in an area of peats and mucks, AND one of the two following conditions is met:</p> <ul style="list-style-type: none"> — Marl deposits [calcium carbonate (CaCO₃) precipitate] occur on the soil surface or plant stems — The pH of free water is ≥ 6.8 AND electrical conductivity is ≥ 200 uS/cm at multiple locations within the wetland <p>Yes = Is a Category I calcareous fen No = Is not a calcareous fen</p> | <p>Cat. I</p> <p>Cat. I</p> |
| <p>SC 5.0. Forested Wetlands</p> <p>Does the wetland have an area of forest rooted within its boundary that meets at least one of the following three criteria? (<i>Continue only if you have identified that a forested class is present in question H 1.1</i>)</p> <ul style="list-style-type: none"> — The wetland is within the 100 year floodplain of a river or stream — Aspen (<i>Populus tremuloides</i>) represents at least 20% of the total cover of woody species — There is at least ¼ ac of trees (even in wetlands smaller than 2.5 ac) that are "mature" or "old-growth" according to the definitions for these priority habitats developed by WDFW (<i>see definitions in question H3.1</i>) <p>Yes – Go to SC 5.1 No = Not a forested wetland with special characteristics</p> <p>SC 5.1. Does the wetland have a forest canopy where more than 50% of the tree species (by cover) are slow growing native trees (<i>see Table 7</i>)? Yes = Category I No – Go to SC 5.2</p> <p>SC 5.2. Does the wetland have areas where aspen (<i>Populus tremuloides</i>) represents at least 20% of the total cover of woody species? Yes = Category I No – Go to SC 5.3</p> <p>SC 5.3. Does the wetland have at least ¼ acre with a forest canopy where more than 50% of the tree species (by cover) are fast growing species (<i>see Table 7</i>)? Yes = Category II No – Go to SC 5.4</p> <p>SC 5.4. Is the forested component of the wetland within the 100 year floodplain of a river or stream? Yes = Category II No = Not a forested wetland with special characteristics</p> | <p>Cat. I</p> <p>Cat. I</p> <p>Cat. II</p> <p>Cat. II</p> |
| <p>Category of wetland based on Special Characteristics</p> <p>Choose the highest rating if wetland falls into several categories</p> <p>If you answered No for all types, enter "Not Applicable" on Summary Form</p> | |

Appendix B: WDFW Priority Habitats in Eastern Washington

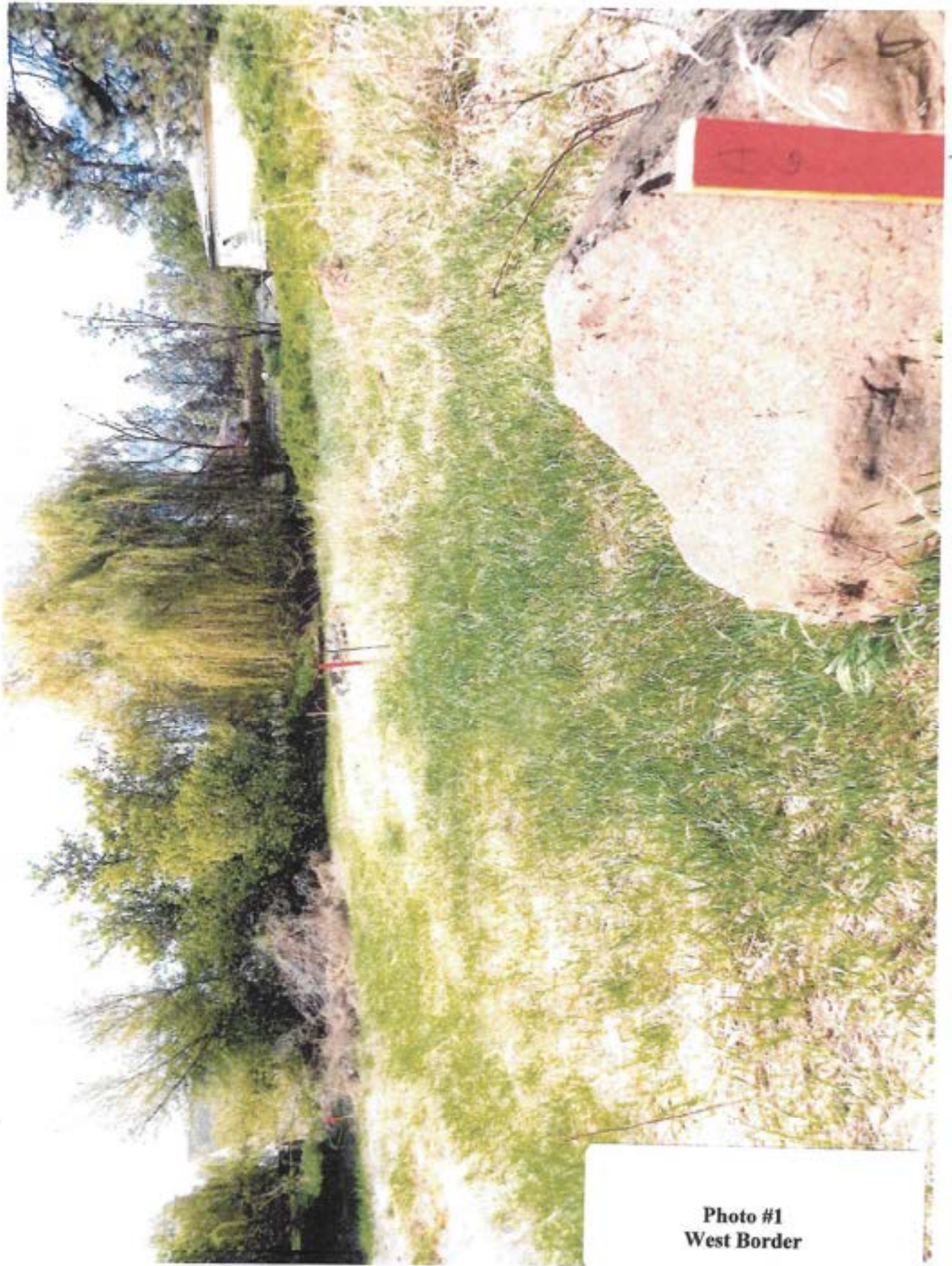
Priority habitats listed by WDFW (see complete descriptions of WDFW priority habitats, and the counties in which they can be found, in: Washington Department of Fish and Wildlife. 2008. Priority Habitat and Species List. Olympia, Washington. 177 pp. <http://wdfw.wa.gov/publications/00165/wdfw00165.pdf> or access the list from here: <http://wdfw.wa.gov/conservation/pba/list/>)

Count how many of the following priority habitats are within 330 ft (100 m) of the wetland: **NOTE:** This question is independent of the land use between the wetland and the priority habitat.

- **Aspen Stands:** Pure or mixed stands of aspen greater than 1 ac (0.4 ha).
- **Biodiversity Areas and Corridors:** Areas of habitat that are relatively important to various species of native fish and wildlife (full descriptions in WDFW PHS report).
- **Old-growth/Mature forests:** **Old-growth east of Cascade crest** – Stands are highly variable in tree species composition and structural characteristics due to the influence of fire, climate, and soils. In general, stands will be >150 years of age, with 10 trees/ac (25 trees/ha) that are > 21 in (53 cm) dbh, and 1-3 snags/ac (2.5-7.5 snags/ha) that are > 12-14 in (30-35 cm) diameter. Downed logs may vary from abundant to absent. Canopies may be single or multi-layered. Evidence of human-caused alterations to the stand will be absent or so slight as to not affect the ecosystem's essential structures and functions. **Mature forests** – Stands with average diameters exceeding 21 in (53 cm) dbh; crown cover may be less than 100%; decay, decadence, numbers of snags, and quantity of large downed material is generally less than that found in old-growth; 80-200 years old west and 80-160 years old east of the Cascade crest.
- **Oregon White Oak:** Woodland stands of pure oak or oak/conifer associations where canopy coverage of the oak component is important (full descriptions in WDFW PHS report p. 158 – see web link above).
- **Riparian:** The area adjacent to aquatic systems with flowing water that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other.
- **Instream:** The combination of physical, biological, and chemical processes and conditions that interact to provide functional life history requirements for instream fish and wildlife resources.
- **Caves:** A naturally occurring cavity, recess, void, or system of interconnected passages under the earth in soils, rock, ice, or other geological formations and is large enough to contain a human.
- **Cliffs:** Greater than 25 ft (7.6 m) high and occurring below 5000 ft elevation.
- **Talus:** Homogenous areas of rock rubble ranging in average size 0.5 - 6.5 ft (0.15 - 2.0 m), composed of basalt, andesite, and/or sedimentary rock, including riprap slides and mine tailings. May be associated with cliffs.
- **Snags and Logs:** Trees are considered snags if they are dead or dying and exhibit sufficient decay characteristics to enable cavity excavation/use by wildlife. Priority snags have a diameter at breast height of > 12 in (30 cm) in eastern Washington and are > 6.5 ft (2 m) in height. Priority logs are > 12 in (30 cm) in diameter at the largest end, and > 20 ft (6 m) long.
- **Shrub-steppe:** A nonforested vegetation type consisting of one or more layers of perennial bunchgrasses and a conspicuous but discontinuous layer of shrubs (see Eastside Steppe for sites with little or no shrub cover).
- **Eastside Steppe:** Nonforested vegetation type dominated by broadleaf herbaceous flora (i.e., forbs), perennial bunchgrasses, or a combination of both. Bluebunch wheatgrass (*Pseudoroegneria spicata*) is often the prevailing cover component along with Idaho fescue (*Festuca idahoensis*), Sandberg bluegrass (*Poa secunda*), rough fescue (*F. campestris*), or needlegrasses (*Achnatherum* spp.).
- **Juniper Savannah:** All juniper woodlands.

Note: All vegetated wetlands are by definition a priority habitat but are not included in this list because they are addressed elsewhere.

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**Photo #1
West Border**



Photo #2
Aspen to the left
Willow in the distance



Photo #3
Shrub border, Willow &
Dogwood

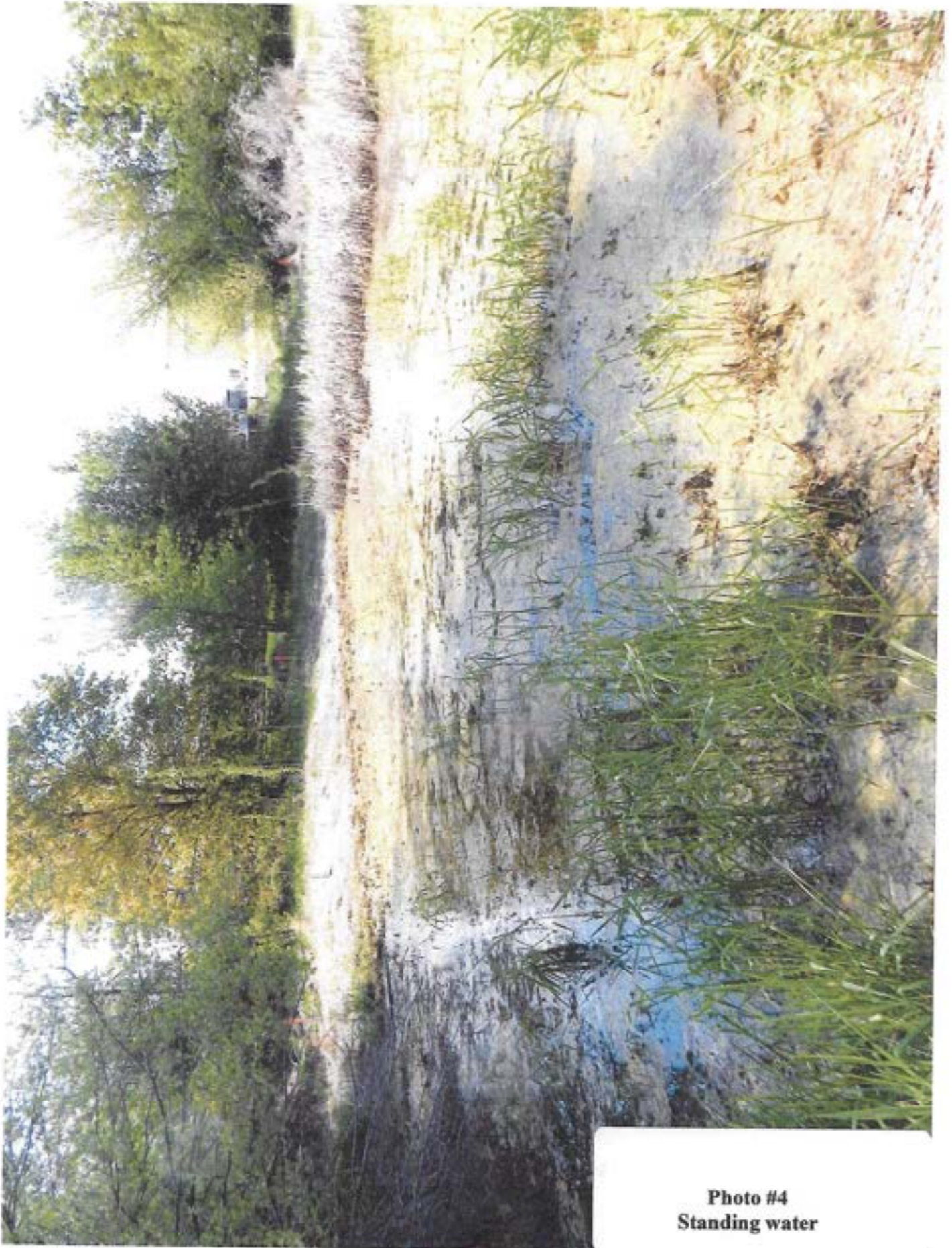


Photo #4
Standing water



Towey Ecological Services

24211 S. Harmony Rd.
Cheney, WA 99004
509-939-5203

Date: July 4, 2023

RE: Wetland Buffer Mitigation Plan Review-14073.0253 14182.0402

The City of Medical Lake requested a review of available information related to the proposed project. The review was conducted by William T. Towey, Towey Ecological Services (TES) (Spokane County Qualified Wetland Specialist, WA Dept. of Ecology Trained-E. WA Wetland Rating System- 20+ years of conducting wetland assessments and wetland buffer mitigation plans in Eastern Washington). A site visit was conducted on June 30, 2023 to assess the habitat conditions and recommendations presented by T-O Engineers- Wetland Buffer Mitigation Plan, dated July, 2020. Information provided in the three reports and the site visit was utilized in the review towards the TES evaluation and conclusions.

Proposed Project Description:

The proposed project is for a single-family dwelling (1,248 square feet) and related infrastructure (1,452 square feet). The proposed project is located in the northeastern portion of the property. The project is proposed utilizing guidance provided by minimum lot setbacks and the critical areas (wetland) sections within 17.10.090-Wetlands of the CMLO.

Review of Existing Information:

Prior to the field site assessment, TES reviewed three wetland assessments conducted for the project parcel and adjacent parcel. Materials reviewed included:

- Vincent Barthels, (Spokane County Qualified Wetland Specialist, WA Dept. of Ecology Trained-E. WA Wetland Rating System) T-O Engineers, July 2020 Wetland Buffer Mitigation Plan
- Dr. Hugh Lefcort (PWS Wetland Scientist)- E. WA Wetland Rating Summary, May 17, 2023
- Dr. Robert Quinn (Spokane County Qualified Wetland Specialist, WA Dept. of Ecology Trained- E. WA Wetland Rating System)- Wetland Evaluation, May 7, 2020

The determinations of the three Wetland Assessment yielded:

:

- Vincent Barthels- Category 3 Wetland (Water Quality 5, Hydrologic 7, Habitat 5)



Towey Ecological Services

24211 S. Harmony Rd.
Cheney, WA 99004
509-939-5203

- Dr. Lefcort- Category 2 Wetland (Water Quality 7, Hydrologic 7, Habitat 6)
- Dr. Quinn- Category 4 Wetland (Water Quality 4, Hydrologic 5, Habitat 4)

Existing Habitat Conditions:

Habitat species were identified in all three wetland assessments. TES conducted a site assessment on June 30, 2023. Intact wetland and upland plant species, as described in all three wetland assessments, were observed within a majority of the wetland area and perimeter. However, within the proposed project vicinity, the habitat was observed with relatively low function and value (minimal vegetation diversity, low habitat structural diversity, low composition of native plant (majority invasive/noxious weeds), presence of imported concrete material and an adjacent single-family dwelling).

The wetland area, in close proximity to the proposed project, is clearly of the lowest function and value and is fragmented from the remainder of the wetland habitat. The wetland vegetation in the proposed enhancement area is characterized by reed canary grass (*Phalaris arundinacea*) and transitions to thistle (*Cirsium* spp.) and bedstraw (*Galium aparine*), all three invasive/noxious weeds. The wetland area transitions to mostly intact snowberry (*Symphoricarpos albus*) and wild rose (*Rosa* spp.) vegetation. The proposed project disturbance area is characterized by pine (*Pinus ponderosa*), chokecherry (*Prunus virginiana*), snowberry and wild rose.

Proposed Compensatory Mitigation:

The proposed T-O mitigation plan recommends a suite of actions to increase the function and value of the wetland and wetland buffer, while providing perpetual protection for those enhanced conditions. The proposed mitigation actions include¹:

- Native vegetation planting (960 square feet)
- Maintenance and monitoring of mitigation actions
- Noxious weed removal
- Installation of protective fencing
- Wetland protection signage
- Perpetual deed restriction or conservation easement
- Removal of discarded concrete material

¹ Mitigation approach utilized guidance provided in the City Medical Lake Ordinance (CMLO) No.1108 Table 17.10.090 (5)-Measures to minimize impacts to wetlands Mitigation actions guided by CMLO 17.10.090 (Section F-Performance Standards), (Section G-Signs and fencing of wetlands) and (H- Compensatory Mitigation).



Towey Ecological Services

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The actions are targeting increased native plants within the wetland area, increased function and value over current conditions, and perpetual protection by deed restriction or conservation easements. The approximate disturbance of 2,700 square feet of wetland buffer will be compensated by the successful implementation of the recommended measures.

Comments received by the City of Medical Lake regarding the proposed project, included references for the need to increase compensatory mitigation within the proposed mitigation plan. The comments refer to Table 17.10.090 (6) that define *Wetland* mitigation ratios. The ratios outlined in the table are for *Wetland* mitigation not *Wetland Buffer* mitigation. Rather, wetland buffer mitigation is guided by Table 17.10.090 (5) and Sections F, G and H outlined in 17.10.090.

Discussion:

The three-wetland assessment reports reviewed relative to the proposed project area had three different determinations. A Category 3 (90' wetland buffer-medium intensity), a Category 2 (120' buffer-medium intensity) and a Category 4 (40' wetland buffer-medium intensity) were presented in the Barthels, Lefcort and Quinn assessments, respectively. Regardless of the category of wetland, a total area of 2,700 sq. ft of disturbance is being proposed. Given the proposed action would be within both the Category 3 and Category 2 wetland buffer, the enhancement and protection to the wetland area would be considered similarly based on guidance provided in the CMLO. If hypothetically, the Quinn rating was utilized, the project would be within reduced portions of the required wetland buffer, however, compensatory mitigation/protection measures would also be considered equally with a Category 2 or 3 wetland.

Therefore, for purposes of this review for consistency with the CMLO guidance, the analysis is based on protection and no net loss of the wetlands functions and values and does not address the disparities of the three different assessments. The T-O recommendations, applied to the protection and no net loss of function and value of the identified wetland, would be consistent when applied to any Category of wetland buffer.

Conclusion:

Based on the review of the available field wetland assessments (Barthels, Lefcort and Quinn) information, review of the proposed project and associated wetland buffer mitigation plan and conducting a field site visit, the proposed T-O Wetland Mitigation Plan sufficiently addresses the proposed project impacts.

The plan outlines an approach for enhancing and protecting wetland functions and values by implementing a suite of actions consistent with guidance from the CMLO. Due to the



Towey Ecological Services

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low function and value of the proposed enhancement/protection area, the proposed area affords the highest opportunity on the parcel for increasing function and values of both the wetland and wetland buffer. The enhancement will provide continuity with the well-established vegetation structure and higher functions and values that currently exists in the wetland and buffer areas outside of the proposed enhancement/protection area.

**CITY OF MEDICAL LAKE
SPOKANE COUNTY, WASHINGTON
RESOLUTION NO. 23-612**

**A RESOLUTION OF THE CITY OF MEDICAL LAKE ESTABLISHING A RECORDS
MANAGEMENT POLICY AND INCORPORATING IT INTO THE FINANCIAL
POLICIES FOR THE CITY OF MEDICAL LAKE, WASHINGTON**

WHEREAS, the City of Medical Lake (“City”) has identified a need to establish a records management policy to implement guidelines and procedures for the management, retention, and disclosure of public records in compliance with the Revised Code of Washington (RCW); and

WHEREAS, City staff have reviewed records management policies adopted by other Washington State municipalities and RCWs related to the Public Records Act; and

WHEREAS, City staff recommends the adoption of a records management policy, as detailed in Exhibit “A”;

NOW, THEREFORE, be it resolved by the City Council of the City of Medical Lake, Washington as follows:

Section 1. Cash Management Policy Amended. The Council hereby amends the City of Medical Lake’s Records Management Policy, attached hereto as Exhibit “A”, and incorporated herein by this reference, to be added to the City’s Financial Policies and assigned policy number 14.105.

Section 2. Severability. If any section, sentence, clause, or phrase of this Resolution shall be found to be invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of said Resolution.

Section 3. Effective Date. This Resolution shall become effective immediately upon passage by the Medical Lake City Council.

Adopted this __ day of _____, 2023.

Terri Cooper, Mayor

ATTEST:

Koss Ronholt, Clerk/Treasurer

APPROVED AS TO FORM:

Sean P. Boutz, City Attorney

City of Medical Lake

POLICY & PROCEDURES

Records Management

Financial Policy 14.105

Policy Purpose

This policy is established to implement guidelines and procedures for the management, retention, and disclosure of public records in compliance with the Revised Code of Washington (RCW), and to ensure transparency, accountability, and accessibility of public records.

Definitions

- **Public Records** - As defined in RCW 42.56.010(3), public records include any written, electronic, or recorded information maintained by the municipality, regardless of physical format or characteristics, that is prepared, owned, used, or retained by the municipality.
- **Public Records Officer** - The designated official(s) responsible for the management, maintenance, and retrieval of public records within the municipality.
- **Identifiable Record** – An identifiable record is one in existence at the time the records request is made and that City staff can reasonably locate.

Compliance and Oversight

1. The municipality will appoint a designated Public Records Officer responsible for overseeing the implementation and enforcement of this policy. The City Clerk shall be designated as the Public Records Officer. The City Clerk, or designee, shall have the authority to fulfill all responsibilities listed in this policy or otherwise required by state law.
2. The Public Records Officer will periodically review the policy and procedures to ensure compliance with applicable laws, regulations, and best practices.
3. The municipality will maintain documentation of public records management activities, including record requests received, responses provided, and any related correspondence, in accordance with RCW 40.14.070.

Public Records Requests

1. **Requests** - Any individual may request access to public records of the municipality. Requests are recommended to be made in writing and submitted to the Public Records Officer, but oral requests are accepted as well.
2. **Form** – Any person who wants to inspect or receive a copy of identifiable public records of the City is encouraged to make the request using the City’s Public Records Request Form (Attachment A) or in writing in one of the following ways:
 - a. By using the City’s request form, available for pickup at City Hall or, by downloading it from the City’s website.
 - b. By letter, fax or e-mail addressed to the City’s public records email: records@medical-lake.org
3. **Included Information** – The following information should be included in the request:
 - a. Name and address of requestor;
 - b. Other contact information, including telephone number and email address;
 - c. Identification of the requested records adequate for the Public Records Officer to locate the records; and
 - d. The date and time of the request
4. **Prioritization of Requests** – The Public Records Officer may ask a requestor to prioritize the records that are requested so that the most important records may be provided first.

5. **Request Confirmation** - The municipality will respond to public records requests promptly, as required by RCW 42.56.520. If additional time is needed to gather and review the requested records, the requester will be notified within five (5) business days of the receipt of the request, as per RCW 42.56.520.
6. **Fees** - Fees for public records will be assessed in accordance with RCW 42.56.120 and Section 8 of the City's Administrative Fee Schedule. The municipality will provide an estimate of the applicable fees, if any, to the requester before proceeding with the record production.
7. **Exemption** - In the event that a requested record is exempt from disclosure under RCW 42.56, the municipality will provide a written explanation of the exemption(s) cited as the basis for denying access. The Washington State Legislature has enacted numerous laws which prohibit or exempt the disclosure of other classes of information. MRSC maintains and publishes a list of these exemptions in Appendix C of the Public Records Act guide, as seen in Attachment B.
8. **Providing "fullest assistance"** – These rules and any related policies or procedures identify how the City will provide fullest assistance to requestors and provide timely as possible action on public records requests, while preventing excessive interference with other essential functions of the agency. All assistance necessary to help requestors locate particular responsive records shall be provided by the Public Records Officer, provided that the giving of such assistance does not unreasonably disrupt the daily operations of City Hall or other duties of any assisting employee(s) in other City departments. Due to staffing capabilities and the other essential duties of administrative staff, the time allocated by City Staff for the fulfillment of public records requests shall be a maximum of sixteen (16) hours per month or four (4) hours per week. The City Clerk will keep an accurate and current monthly log of such hours.
9. **Good Faith Compliance** – The City, and its officials or employees are not liable for loss or damage based on release of public records if the City, official or employee acted in good faith in attempting to comply with the Public Records Act.
10. **Installments** – When the request is for a large number or scope of records, the Public Records Officer may provide access for inspection and copying in installments if he or she reasonably determines that it would be practical to provide the records in that manner. If the requestor fails to inspect the entire set of records of one of the installments within thirty (30) days, the Public Records Officer may stop searching for the remaining records and close the request. The Public Records Officer will provide the requestor with a description of what documents are included in each installment and notice when each installment is available.
11. **Overbroad Requests** – The City may not deny a request for identifiable public records solely because the request is overbroad. However, the City may seek clarification, ask the requestor to prioritize the request so that the most important records are provided first, and/or communicate with the requestor to limit the size and complexity of the request. When a request uses an inexact phrase such as "all records related to", the Public Records Officer may interpret the request to be for records which directly and fairly address the topic. When the requestor has found the records he or she is seeking, the requestor should advise the Public Records Officer that the requested records have been provided and the remainder of the request may be cancelled.
12. **Withdrawn or Abandoned Requests** – If the requestor withdraws the request, fails to fulfill the requestor's obligations to inspect records, fails to respond to a request for clarification from the Public Records Officer within thirty (30) days, or fails to pay the fee or final payment for the requested copies, the Public Records Officer will document closure of the request and the conditions that led to closure.

Public Record Request Procedures

1. **Receive** request for public records. If request is oral, provide written confirmation to requestor.
2. **Date Stamp** the request, then log it in the Public Records Request Log. Information shall include the request number, date of receipt, records requested/request description, date of initial response, date the request is due, date completed, notes about communication with the requestor and details regarding the completion of the request.
3. **Estimate** cost of providing the records request, based on the City's fee schedule and/or RCW 42.56.120, as applicable.
4. **Within five (5) business days** of receipt of the request, do one or more of the following:
 - a. Make the records available for inspection or copying;

- b. Acknowledge the request and provide to the requestor a reasonable estimate of when the City will respond to the request. For requests that estimate longer than thirty (30) days, the City will provide a breakdown of records requested along with estimates for each record;
 - c. Acknowledge the request and ask for clarification of a request that is unclear or overbroad, and provide, to the greatest extent possible, a reasonable estimate of the time needed to respond to the request if it is not clarified; or
 - d. Deny the request, notify the requestor of the denial, and provide a written statement of the specific reasons for the denial, with reference to the policy or law on which the denial was based.
5. **If applicable**, provide notice to third parties whose rights may be affected by the disclosure.
 6. **Identify and collect** responsive records, and document steps taken.
 7. **If applicable**, identify any requests related to email or other correspondence from or to City officials, staff, or officers, perform the following applicable procedure:
 - a. If the requested correspondence is from or to a City email or device, request that the City's IT perform an email search for the key words or phrases included in the request. The Public Records Officer may then prepare the records produced from the email search for review, using his or her best judgment to consolidate records that truly pertain to the request; or
 - b. If the requested correspondence is from or to a personal email or device, notify the official, staff, or officer of the request and request that they complete and sign an Affidavit of Search and Response to Public Records Request (Attachment B).
 8. **Identify exemptions**, if any, and redact or withhold exempt documents. Consult the City's legal team, if necessary.

Retention and Destruction of Public Records

1. **Retention** - The municipality will adhere to the retention schedules established by the Washington State Archives and the Local Government Common Records Retention Schedule (CORE). Records will be retained for the required periods as specified in the applicable schedules.
2. **Destruction** - The destruction of records will be conducted in accordance with RCW 40.14, including any specific procedures or requirements outlined in the retention schedules.
3. **Destruction Logs** - The municipality will maintain an up-to-date inventory of records destroyed, including the dates of destruction, authorized individuals, and the disposal method employed.

Training and Education

1. The municipality will provide regular training and education programs to employees involved in the creation, maintenance, and disclosure of public records. The training will cover the requirements of RCW 42.56 and any updates or changes to the law.
2. Employees will be educated on the proper classification, retention, and disposition of public records, as well as the importance of maintaining the integrity and accessibility of these records.



City of Medical Lake
 124 S Lefevre St
 Medical Lake, WA 99022
 (509) 565-5000

Public Records Request Form

REQUESTOR INFORMATION:

Name: _____

Address: _____

Phone: _____

Email: _____

Description of Documents Requested:

Document Date(s) _____ to _____

Location (If Applicable): _____

Please review back of form for laws, policies, and procedures related to public records requests

FOR OFFICIAL USE ONLY

Date Received: _____ Estimated Date of Completion: _____

Received By: _____ Date Responded to Request: _____

Request #: _____ Date Request Closed: _____

Notes/Reason for Closure

Public Records Requests

Applicable laws, policies, and procedures

1. **Prioritization of Requests** - The City's Public Records Officer may ask a requestor to prioritize the records that are requested so that the most important records may be provided first.
2. **Request Confirmation** - The City shall respond to public records requests within five (5) business days of receipt of the request, as required by RCW 42.56.520.
3. **Request Clarification** – The City may ask a requestor to clarify the details of a request if the request is overbroad. If the requestor does not respond to the request for clarification from the City for thirty (30) days, the Public Records Officer may determine the request abandoned and close the request.
4. **Fees** – Fees for public records will be assessed in accordance with RCW 42.56.120 and Section 8 of the City's Administrative Fee Schedule. The municipality will provide an estimate of the applicable fees, if any, to the requester before proceeding with the record production.
5. **Exemption** - In the event that a requested record is exempt from disclosure under RCW 42.56, the municipality will provide a written explanation of the exemption(s) cited as the basis for denying access.
6. **Staff time** – The time allocated by City staff for the fulfillment of public records request is a total of four (4) hours per week. Staff's timeliness of completing or estimating time of completion for public records requests will be dependent on the time allocated for the fulfillment of such requests.
7. **Installments** – For large public records requests, the City may provide access to installments of the records request for inspection. If the requestor fails to respond to or inspect an installment for thirty (30) days, the Public Records Officer may stop searching for the remaining records and close the request.
8. **Good Faith Compliance** – The City, and its officials or employees are not liable for loss or damage based on release of public records if the City, official or employee acted in good faith in attempting to comply with the Public Records Act.



AFFIDAVIT OF SEARCH AND RESPONSE TO PUBLIC RECORDS REQUEST

I, _____, do state that:

I am _____ [title/position] of the **City of Medical Lake**.

I was asked by the Medical Lake Public Records Officer to perform a search of my personal electronic devices, including but not limited to my personal computer, cellular telephone, and personal email account for:

[insert description of request]

I have searched my personal computer, cellular telephone, personal email account, and any other personal electronic devices as requested, and the results of my search are as follows (*please take screenshots of the responsive records and provide printed copies of the screenshots to the City. Keep copies for your records.*):

Check applicable boxes:

- I found _____ (*Insert number*) responsive text messages on my personal cell phone, which are attached.
- I found _____ (*Insert number*) responsive emails in my personal email account, which are attached.
- I found no records responsive to the requested search.
- I decline to perform the requested search of my personal devices for the City of Medical Lake.

For any additional records not covered above:

- I found _____ (*Insert number*) responsive _____ in my personal _____, which are attached.

The information in this statement is truthful to the best of my knowledge and understanding and I make this statement based on personal knowledge.

Signature

Date Signed

Printed Name

City of Medical Lake Use Only
PRR Tracking # _____ Date Search Requested _____
Response Received _____