



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

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October 21, 2014

Ms. Muffy Walker
Seattle District Corps of Engineers
P.O. Box 3755
Seattle, WA 98124-3755

Re: 2014 Updates to the Washington Wetland Rating Systems and Language in *Nationwide Permit User's Guide*

Ms. Walker:

As you are likely aware, Ecology has been working on an update to the Washington State Wetland Rating Systems for eastern and western Washington. The final versions will be available on our webpage at <http://www.ecy.wa.gov/programs/sea/wetlands/ratingsystems/index.html> in late October or early November 2014. Ecology will be requiring the submittal of the updated 2014 wetland rating forms as of January 1, 2015 (the effective date).

The rating systems (last updated in 2004) are important tools for assessing wetlands and providing important information to the agencies reviewing permit applications. Therefore, the wetland rating systems are referenced in Seattle District's 2012 *User's Guide For Nationwide Permits in Washington State* (NWP User Guide).

Specifically, the 2004 rating systems are referenced in the following sections of the NWP User Guide (refer to attachment for complete text):

1. Other Important Information: Wetland Delineations (page 9)
2. State 401 Certification for NWP 43: Stormwater Management Facilities (page 65)
3. State General Conditions: Notification (page 96)
4. State General Conditions: Aquatic resources requiring special protection (page 97).

In the 2014 rating systems, the score ranges for functions have changed to better reflect the scientific accuracy of the tools. Therefore, the score ranges reflected in the NWP User Guide text are now incorrect.



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The 2014 rating systems also include current definitions used by the Washington Department of Fish and Wildlife for Priority Habitats and by the Natural Heritage Program at the Department of Natural Resources for Natural Heritage Wetlands (referenced in the NWP User Guide on page 97, see attached). Natural Heritage Wetlands are now called Wetlands of High Conservation Value.

If users need clarification on how to apply the 2014 rating systems, we have attached revised text with new publication numbers, updated habitat scores, and definitions. Please share this information with your staff.

Some users may be required to use both the 2004 and 2014 rating systems for a certain period of time (some local governments have referenced the 2004 rating system(s) and may require its use until they update their critical areas code language). We will, therefore, need to be able to provide guidance to users for both the 2004 and 2014 rating systems for the foreseeable future.

We would like to offer your staff no-cost training on the 2014 rating systems this fall. We will be contacting you in the near future to schedule a date.

Please let us know if you want to discuss the changes and our external communications on the changes.

Sincerely,



Lauren Driscoll
Wetlands Section Manager
Shorelands and Environmental Assistance Program

Attachment (Excerpt from 2012 NWP User's Guide)

e-cc: Loree' Randall, Ecology
ECY DL Wetlands TAG
ECY DL 401 Team

Excerpt from 2012 NWP User Guide

The text below has been excerpted from the 2012 NWP User Guide. These sections contain references to the 2004 Wetland Rating Systems. Text has been added in **bold and grey highlight** to show the changes associated with the 2014 updates to the Wetland Rating Systems.

Other Important Information: Wetland Delineations (page 9)

Wetland delineations are an important component of any jurisdictional determination involving wetlands. Wetland delineations must be conducted in accordance with the 1987 Corps of Engineers Wetland Delineation Manual and all applicable regional supplements and guidance, including the Arid West Regional Supplement Version 2.0 dated September 2008 and the Western Mountains, Valleys, and Coast Regional Supplement Version 2.0 dated May 2010, or the most recent approved version. Please refer to Components of a Complete Wetland Delineation Report for more details. This document can be found on our webpage at www.nws.usace.army.mil, select Regulatory/Permits, then Forms.

A wetland should also be assessed using the Washington State Wetland Rating System, which assigns a wetland into one of four categories based on the type and extent of functions it performs, sensitivity to disturbance, rarity, and practicability of being replaced. A wetland rating can provide important information to regulatory agencies reviewing permit applications. Documents and forms for both the eastern and western Washington rating systems are available at Ecology's webpage: www.ecy.wa.gov/programs/sea/wetlands/ratingsystems/index.html.

(As of January 1, 2015, Ecology will be requiring submittal of the 2014 wetland rating forms.)

State 401 Certification for NWP 43. Stormwater Management Facilities (page 65)

Certified subject to conditions. Permittee must meet Ecology 401 General Conditions. Individual 401 review is required for projects or activities authorized under this NWP if:

1. The project or activity includes a Category I, II, or III (with a habitat score ≥ 20) **(2014 update: with a habitat score ≥ 5)** wetland as part of a stormwater or flow control system.

Note: Including a Category I or II wetland in a stormwater treatment or flow control system is considered an impact that will need to be mitigated according to the rules of wetland mitigation.

State General Conditions: Notification (page 96).

For projects or activities that will require Individual 401 review, applicants must provide Ecology with the same documentation provided to the Corps (as described in Corps Nationwide Permit General Condition 31, Pre-Construction Notification), including, when applicable:

- (a) A description of the project, including site plans, project purpose, direct and indirect adverse environmental effects the project would cause, and any other Department of the Army permits used or intended to be used to authorize any part of the proposed project or any related activity.

(b) Delineation of special aquatic sites and other waters of the United States. Wetland delineations must be prepared in accordance with the current method required by the Corps and shall include Ecology's Wetland Rating form. Wetland rating forms are subject to review and verification by Ecology staff. **(As of January 1, 2015, Ecology will be requiring submittal of the 2014 wetland rating forms.)**

Note: Wetland rating forms are available on Ecology's Wetlands website:

<http://www.ecy.wa.gov/programs/sea/wetlands/ratingsystems> or by contacting Ecology's Federal Permit staff.

State General Conditions: Aquatic resources requiring special protection (page 97)

Certain aquatic resources are unique, difficult-to-replace components of the aquatic environment in Washington State. Activities that would affect these resources must be avoided to the greatest extent possible. Compensating for adverse impacts to high value aquatic resources is typically difficult, prohibitively expensive, and may not be possible in some landscape settings.

Individual 401 review is required for activities in or affecting the following aquatic resources (and not prohibited by Regional Condition 1):

(a) Wetlands with special characteristics (as defined in the Washington State Wetland Rating Systems for western and eastern Washington, Ecology Publications #04-06-025 and #04-06-015) **(2014 update: Publications #14-06-029 and #14-06-030):**

- Estuarine wetlands
- Natural Heritage wetlands **(2014 update: name changed to Wetlands of High Conservation Value)**
- Bogs **(2014 update: Calcareous Fens added to eastern WA version)**
- Old-growth and mature forested wetlands
- Wetlands in coastal lagoons
- Interdunal wetlands
- Vernal pools
- Alkali wetlands

(b) Fens, aspen-dominated wetlands, camas prairie wetlands, and marine water with eelgrass (*Zostera marina*) beds (except for NWP 48).

(c) Category 1 wetlands

(d) Category II wetlands with a habitat score greater or equal to 29 points **(2014 update: habitat score greater or equal to 8 points)**. This State General Condition does not apply to the following Nationwide Permits:

- NWP 20 – Response Operations for Oil and Hazardous Substances
- NWP 32 – Completed Enforcement Actions