

**Attachment B:**

**Ecology Required Changes**

The following changes are required to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III):

ITEM	SMP Submittal PROVISION (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
1.	<b>26.01.40</b>	Shoreline Program Review	The planning commission shall conduct an annual review of the shoreline program and shall recommend to city council any changes or modifications deemed appropriate. <u>After a public hearing</u> <del>the</del> the city council shall <del>after public hearing and approval by the Department of Ecology,</del> adopt, deny, or adopt with modifications the recommendations of the planning commission. <u>The shoreline master program is then sent to the Department of Ecology for final review and approval.</u>	Local adoption happens first (see WAC 173-26-110) and then the proposed amendments are sent to Ecology for formal review and approval. If Ecology has recommended and/or required changes the local government can accept these changes or propose alternative language (see WAC 173-26-120); the SMP is not effective until fourteen days after final approval is authorized by Ecology (see RCW 90.58.090(7)).

2.	26.01.60	Amendments	<p>It is recognized that future amendments to the shoreline program may be necessary in the interest of the health, safety, and general welfare of the citizens of Richland and the state of Washington. <u>In addition to the requirements in WAC 173-26-100 the</u> The following procedure shall be observed in amending the shoreline program:</p> <ul style="list-style-type: none"> <li>A. Proposed amendments to the regulations and boundaries set forth in this shoreline program shall follow the procedures outlined in RMC 23.70.180 through 23.70.250 on forms provided by the administrator.</li> <li>B. There shall be established a mailing list of interested agencies, associations, and organizations to be notified of any proposed amendments to the shoreline program. It shall be the responsibility of the agency, association, or organization to indicate in writing their interest in being included on the mailing list and their official mailing address.</li> <li>C. Fees set forth in the schedule of fees contained in RMC 19.80.020 shall accompany applications for an amendment to the shoreline program.</li> <li>D. No amendment to the shoreline program shall <del>be adopted</del> <u>take effect</u> without Department of Ecology review and approval. [<del>Ord. 55-79 § 1.01; Ord. 13-96; Ord. 28-05 § 1.13</del>].</li> </ul>	<p>The local process for approving/amending shoreline master programs is outlined in WAC 173-26-100. The wording change incorporates the WAC procedures for amendments to the shoreline master program which has additional requirements including conducting at least one public hearing, publishing notice of the hearing, consultation and solicitation of comments from interested parties, solicitation of comments on the draft proposal from the department prior to local approval, and comply with SEPA.</p> <p>In order to begin the formal review and approval process by the Department of</p>
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											Ecology the local government must submit documentation that the proposal has been approved by the local government (WAC 173-26-110). See required change in Section 26.01.40.  The citation at the end of provision D is unnecessary.
3.	26.30.12	Bulk and Dimension Chart	<b>Standard</b>	<b>Natural</b>	<b>Recreation Conservancy</b>	<b>Recreation</b>	<b>Rural</b>	<b>Residential</b>	<b>Waterfront</b>	<b>Industrial Conservancy</b>	These references are not correct; the reference should be to Table 26.60.024, Wetland Buffer Widths and Table 26.60.042 Riparian Buffer Widths.
			Sensitive Area Buffer Non Water Dependent Use	As provided by Table <del>26.60.024 D 26.60.090(D)-088(B)</del> Wetland Buffer Widths, Table <del>26.60.4226.60.9816.12.440 (B)(9)(f)</del> Riparian Buffer Width							
4.	26.30.12	Bulk and Dimension Chart	<b>Standard</b>	<b>Natural</b>	<b>Recreation Conservancy</b>	<b>Recreation</b>	<b>Rural</b>	<b>Residential</b>	<b>Waterfront</b>	<b>Industrial Conservancy</b>	Currently the minimum building setback column does not match the environment designations description. Since the building setback is described in the environment designation as being
			Minimum building setback from OHWM Non Water Dependent Use	NA <sup>2</sup>	15 feet (except for Residential, which is 25 feet) from the edge of the applicable riparian buffer, or 15 feet (except for Residential, which is 25 feet) from the landward edge of a roadway, canal, levee, paved trail, or parking areas, as applicable, as provided in Section/Table 26.60.42						

						from the riparian buffer and are consistent with having established riparian buffers as stated throughout this SMP deleting this reference to the OHWM from the standard column will eliminate confusion and inconsistency. WAC 173-26-191(2)(a)(ii).
5.	26.50.100	Rulings to State	Any ruling on an application for a <del>substantial development</del> permit <u>or permit revision</u> under authority of this Master Program, whether it is an approval or denial, shall, with the transmittal of the ruling to the applicant, be filed concurrently with the Department of Ecology and the Attorney General by the Administrator. Filings shall occur in accordance with RCW 90.58.140(6) and WAC 173-27-130.			Filing and review of special use permits (or conditional use permits), variances, and permit revisions are also required to be approved and filed with Ecology and the Attorney General's office, see WAC 173-27-130.
6.	26.60.21	Exemptions and allowed uses in wetlands	A. Wetlands. The following wetlands are exempt from the buffer provisions contained in this Chapter .and the normal mitigation sequencing process in RMC 26.20.020. They may be filled if impacts are fully mitigated based on provisions in RMC 26.60.025 <u>026</u> Wetland alteration and mitigation. In order to verify the following conditions, a critical area report for wetlands must be submitted.			The citation to Section 26.20.025 is incorrect and should be 26.60.026.
7.	26.60.23(A)	Rating - Categories of wetland	A. Category I, II, III, and IV are set forth in the Washington State Department of Ecology's Washington State Wetlands Rating System for Eastern Washington ( <del>Annotated Version</del> ), Publication # <u>14-06-03004-06-015</u> , <del>August 2004, Annotated March 2007</del> , as may be amended in the future (hereinafter referred to as the Ecology Wetlands Rating System).			This reference has been edited to reflect the updated wetland rating

						system which became effective January 1, 2015.
8.	26.60.24	Wetland buffer areas	B. Buffers shall be measured from the wetland edge as delineated using the <del>Washington State Wetlands Identification and Delineation Manual</del> <u>1987 US Army Corps of Engineers Wetlands Delineation Manual and the Arid West Regional Supplement</u> . Buffers shall be and marked in the field. Required buffer widths shall be determined according to the proposed land use (Table 26.60.024 (C)) and the wetland category (Table 26.60.024 (D)).			The Washington State Wetlands Identification and Delineation Manual is no longer the standard manual that the State of Washington is using. The correct citation for the delineation manual is the 1987 US Army Corps of Engineers Wetlands Delineation Manual, with use of the Arid West Regional Supplement.
9.	Table 26.60.024	Wetland Buffer Widths	<b>Wetland Characteristics</b>	<b>Buffer Width by Impact of Proposed Land Use</b>	<b>Other Measures Recommended for Protection</b>	Changes to this table are based on Ecology's updated wetland rating system which took effect on January 1, 2015.
			<b>Category IV Wetlands (For wetlands scoring less than <del>30-16</del> points or more for all functions)</b>			
			Score for all basic functions is less than <del>30-16</del> points	Low – 25 ft Moderate – 40 ft High – 50 ft	No recommendations at this time	
			<b>Category III Wetlands (For wetlands scoring <del>30-50</del> <u>16-18</u> points or more for all functions)</b>			
Moderate level of function for habitat (score for habitat <del>20-28</del> <u>5-7</u> points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time				

			*If wetland scores 8-9 habitat points, see Category II buffers		
			Not meeting above characteristics Score for habitat 3-4 points	Low – 40 ft Moderate – 60 ft High – 80 ft	No recommendations at this time
			<b>Category II Wetlands (For wetlands that score <del>51-69</del> <u>19-21</u> points or more for all functions or having the “Special Characteristics” identified in the rating system)</b>		
			High level of function for habitat (score for habitat <del>29-36</del> <u>8-9</u> points)	Low – 100 ft Moderate – 150 ft High – 200 ft	Maintain connections to other habitat areas
			Moderate level of function for habitat (score for habitat <del>20-28</del> <u>5-7</u> points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
			High level of function for water quality improvement and low for habitat (score for water quality <del>24-32</del> <u>8-9</u> points; habitat less than <del>20</del> <u>5</u> points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
			Riparian forest	Buffer width to be based on score for habitat functions or water quality functions	Riparian forest wetland need to be protected at a watershed or subbasin scale  Other protection based on needs to protect habitat and/or water quality function
			Not meeting above characteristics	Low – 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time
			<b>Category I Wetlands (For wetlands that score <del>70</del> <u>22</u> points or more for all functions or having the “Special Characteristics” identified in the rating system)</b>		

			<p><u>Natural Heritage Wetlands</u>  <u>Wetlands of High Conservation Value</u></p>	<p>Low – 125 ft  Moderate – 190 ft  High – 250 ft</p>	<p>No additional surface discharges to wetland or its tributaries.  No septic systems within 300 ft of wetland  Restore degraded parts of buffer.</p>	
			<p>High level of function for habitat (score for habitat <del>29-36</del> <u>8-9</u> points)</p>	<p>Low – 100 ft  Moderate – 150 ft  High – 200 ft</p>	<p>Restore degraded parts of buffer.  Maintain connections to other habitat areas.</p>	
			<p>Moderate level of function for habitat (score for habitat <del>20-28</del> <u>5-7</u> points)</p>	<p>Low – 75 ft  Moderate – 110 ft  High – 150 ft</p>	<p>No recommendations at this time</p>	
			<p>High level of function for water quality improvement (<del>24-32</del> <u>8-9</u> points) and low for habitat (less than <del>20</del> <u>5</u> points)</p>	<p>Low – 50 ft  Moderate 75 ft  High – 100 ft</p>	<p>No additional surface discharges of untreated runoff</p>	
			<p>Not meeting <u>any of the</u> above characteristics</p>	<p>Low – 50 ft  Moderate – 75 ft  High – 100 ft</p>	<p>No recommendations at this time</p>	
10.	26.60.25(C)(a)	Buffer Modifications	<p>a. For wetlands that score moderate or high for habitat (<del>20</del> <u>5</u> points or more for the habitat functions), the width of the buffer can be reduced if both of the following criteria are met:</p> <p>i. <i>A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife (“relatively undisturbed” and “vegetated corridor” are defined in <del>questions H 2.1 and H 2.2.1</del> of the Washington State Wetland Rating System for Eastern Washington: <u>2014 Update – Revised (Hruby 2004a)</u>, or latest update). Priority Habitats in eastern Washington include:</i></p> <ul style="list-style-type: none"> <li>• Wetlands</li> <li>• Riparian zones</li> </ul>			<p>Edits to the wetland rating system have been made to reflect Ecology’s new wetland rating system which became effective January 1, 2015.</p>

- Cliffs
  - Urban natural open space
- ii. The corridor must be protected for the entire distance between the wetland and the Priority Habitat by some type of legal protection such as a conservation easement.
  - iii. Measures to minimize the impacts of different land uses on wetlands, such as the examples summarized in Table 26.60.025 D, are applied.
- b. For wetlands that score fewer than ~~20~~5 points for habitat, the buffer width can be reduced to that required for moderate land-use impacts by applying measures to minimize the impacts of the proposed land uses (see examples in Table 26.60.025 D).

			<p style="text-align: center;"> <ul style="list-style-type: none"> <li>• Cliffs</li> <li>• Urban natural open space</li> </ul> <ol style="list-style-type: none"> <li>ii. The corridor must be protected for the entire distance between the wetland and the Priority Habitat by some type of legal protection such as a conservation easement.</li> <li>iii. Measures to minimize the impacts of different land uses on wetlands, such as the examples summarized in Table 26.60.025 D, are applied.</li> </ol> <p>b. For wetlands that score fewer than <del>20</del><u>5</u> points for habitat, the buffer width can be reduced to that required for moderate land-use impacts by applying measures to minimize the impacts of the proposed land uses (see examples in Table 26.60.025 D).</p> </p>						
11.	<b>Table 26.60.027</b>	Mitigation ratios for eastern Washington	<b>Category and Type of Wetland Impacts</b>	<b>Re-establishment or Creation</b>	<b>Rehabilitation Only<sup>2</sup></b>	<b>Re-establishment or Creation (R/C) and Rehabilitation (RH)<sup>2</sup></b>	<b>Re-establishment or Creation (R, C) and Enhancement (E)<sup>2</sup></b>	<b>Enhancement Only<sup>2</sup></b>	Edits to this table were made to reflect Ecology's new wetland rating system which became effective January 1, 2015.
			All Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1	
			All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1	
			Category II Forested	4:1	8:1	1:1 R/C and 4:1 RH	1:1 R/C and 6:1 E	16:1	
			Category II Vernal Pool	2:1 <u>Compensation Replacement</u> Must be seasonally ponded wetland	4:1 <u>Compensation Replacement</u> Must be seasonally ponded wetland	1:1 R/C and 2:1 RH	Case-by-case	Case-by-case	
			All other Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1	

			Category I Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1	
			Category I based on score for functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1	
			Category I <del>Natural Heritage Site</del> <u>Wetland of High Conservation Value</u>	Not considered possible <sup>3</sup>	6:1 Rehabilitation of a Natural Heritage site	R/C Not considered possible <sup>3</sup>	R/C Not considered possible <sup>3</sup>	Case-by-base	
			Category I Alkali	Not considered possible <sup>3</sup>	6:1 Rehabilitation of an alkali wetland	R/C Not considered possible <sup>3</sup>	R/C Not considered possible <sup>3</sup>	Case-by-case	
			Category I Bog	Not considered possible <sup>3</sup>	6:1 Rehabilitation of a bog	R/C Not considered possible <sup>3</sup>	R/C Not considered possible <sup>3</sup>	Case-by-case	
12.	26.60.40	Exemptions from fish and wildlife regulations	<p><del>A. See RMC 26.60.02122 for general exemptions to all sensitive areas.</del></p> <p>A. The following activities shall be exempt from the provisions of this chapter related to fish and wildlife habitat, provided they are conducted using best management practices:</p> <ol style="list-style-type: none"> <li>1. Activities involving artificially created habitat, including but not limited to grass-lined swales, irrigation and drainage ditches, detention facilities such as reservoirs, ponds, and landscape features, except for habitat areas created as mitigation.</li> </ol> <p>B. Notwithstanding the exemption provided by this section, any otherwise exempt activities occurring in or near critical habitat areas shall comply with the intent of these standards and shall consider on-site alternatives that avoid or minimize potential habitat impacts.</p>						This citation is supposed to be to Section 26.60.012, but that section pertains to exemptions and allowed uses in wetlands and is not appropriate for Fish and Wildlife Habitat Areas.