



## Working Group Meeting Summary – 2024 Critical Areas Ordinance (CAO) Update

---

**Topic:** Fish & Wildlife Habitat Conservation Areas (2<sup>nd</sup> meeting)

**Date:** December 12, 2023

**Time:** 9am-12pm

**Location:** Online via Zoom

**Meeting Purpose:** *A follow-up discussion of the Fish & Wildlife Habitat Conservation Areas Working Group meeting on July 20, 2023. The goal of this meeting is to engage in a comprehensive discussion of Fish & Wildlife Habitat Conservation Areas ([KCC 19.300](#)). Working Group members will review and discuss the required and recommended code changes based on the [Best Available Science Summary](#), recommendations contained in the [Consistency and Gap Analysis](#), and discretionary requests made by staff.*

Working Group Members Present	Working Group Members Not Present
Department of Fish & Wildlife	Squaxin Island Tribe
Department of Ecology	Puyallup Tribe
Suquamish Tribe	Skokomish Tribe
Port Gamble S’Klallam Tribe	Point No Point Treaty Council
Kitsap Environmental Coalition	Jamestown Tribe
Kitsap Builders Association	Kitsap Alliance of Property Owners
Futurewise	
The DGA Watershed Company	
DCD Staff	

**Meeting Materials:** [Agenda](#), [Meeting #1 Written Summary](#), [Riparian Management Guide Tech Memo](#)

*\*This is a summarization of the working group discussion, not a transcript and does not indicate formal County recommendations or updates.*

---

### **Background:**

The first meeting of the Fish & Wildlife Habitat Conservation Areas Working Group was held on July 20, 2023, to discuss and review the Best Available Science Summary and Gap Analysis Report provided to the county by The DCG Watershed Company (DCD’s consultant). A summary of that meeting can be found [HERE](#) or by visiting the project webpage at [kcowa.us/cao](http://kcowa.us/cao).



### Discussion Topic #1 – Riparian Management Zone Recommendations

- Review of Existing Regulations – KCC 19.300
- Review of WDFW SPTH200 Tool and Implementation
- Review of Predictive Method

**Discussion Summary #1:** County staff reminded the group members that the Critical Areas Ordinance update is a Growth Management Act (GMA) requirement, implementation is based on local circumstance, there are varied levels of approach, and there is not a “one size fits all” solution. County staff explained that retaining the county’s current buffers widths may fall short of WDFW’s recommendation and could be a potential departure from BAS. The Site Potential Tree Height (SPTH) mapping tool has some variability to it and may still require site specific analysis. Staff presented and discussed the draft technical memo prepared by The DCG Watershed Company (consultants) and the recommended “predictive model”. Washington Department of Fish & Wildlife (WDFW) stated they could provide internal comments after a full review of the technical memo.

Staff clarified with WDFW the difference between Volume 1 and Volume 2 of their resource manuals. WDFW confirmed that Volume 1 is considered Best Available Science and since the county’s last CAO update (2017), a few more current sources have been updated. WDFW confirmed that Volume 2 contains the agency’s recommended implementation strategies and tools based on best available science in Volume 1, but that Volume 2 is not best available science in-of-itself. Volume 2 had not been published at the time of the County’s 2017 update.

Several members pointed out various issues with the SPTH mapping tool, including data not available on tribal land, age of data, and multiple buffer widths recommended for a single parcel. WDFW stated that when multiple buffer distances are provided for one parcel, the county should enforce the largest buffer. Questions regarding application of the SPTH mapping tool in the Urban Growth Areas (UGAs) and the effectiveness of increased buffers on already disturbed and developed areas were not answered. WDFW stated that they were working on addressing implementation issues and incorporating feedback into their mapping tool. Staff asked if this recommendation was more about restoration than preservation. WDFW did not specifically answer the question but stated that SPTH is about achieving *full* riparian function, based on maximum old-forested growth which is based on soil type. County staff showed the Forest Ecosystem Management Assessment Team (FEMAT) curve to the group, which shows that most riparian functions can be met at 75% of the width of one SPTH. WDFW recognized that this meets many functions but may not achieve full riparian function. County staff inquired on any case studies or outreach conducted by WDFW prior to the release of Volume 2. WDFW did not answer. The DCG Watershed Company acknowledged that many jurisdictions are favoring an approach with predictive buffers.

The Port Gamble S’Klallam Tribe referenced [RCW 36.70.A.172](#) and voiced concern about the conversation being focused on how to continue to build the way the county is currently building and less about the directive in the referenced RCW. The Suquamish Tribe commented on the dichotomy in WDFW’s Volume 1 and Volume 2 material. WDFW’s recommendation of a minimum 100-foot buffer addresses water

quality and the removal of pollutants, whereas, the SPTH recommendation addresses the protection of the Riparian Management Zone. The Suquamish Tribe also commented on the challenges of wood recruitment when stream channels have been armored like in urban areas. Other concerns brought up from group members included the potential of increased stream buffers leading to UGA expansions, the need for site specific analysis with associated increases in permitting times and cost, inadequacies of current county mapping tool, and unmapped or miscategorized streams.

#### **Discussion Topic #2 – Other Code Considerations/RMZ Checklist**

- **Exemptions from HMP and mitigation requirements for enhancement activities –** KCC 19.300.315.Q
  - **Expanded HMP Provisions –** KCC 19.700
  - **General Mitigation Sequencing Requirements –** KCC 19.700.715.7
- 

**Discussion Summary #2:** The DCG Watershed Company provided more detail on the recommendation for enhancement projects that “go above and beyond the minimum” becoming exempt from Habitat Management Plan (HMP) and mitigation requirements. County staff indicated that an HMP is necessary to determine if the enhancement project is truly a restoration project and provide safeguards to avoid poorly planned enhancement projects. DCG explained that the intent is to streamline enhancement projects and the proposed language can be amended if needed. The Suquamish Tribe agreed that an HMP would still be necessary. Furthermore, the members discussed the need for more specific and clarifying language regarding mitigation sequencing. Examples given were mitigation approach vs. mitigation sequencing, and the preferred method of application in mitigation sequencing. Kitsap Environmental Coalition (KEC) requested more discussion on the County’s monitoring process and increased requirements of signage for wetlands and streams.