

January 7, 2025

Lewis County Planning Commission

Proposed Amendments to LCC17.10.170

My name is Mark Hayes. I am a retired forester from the Department of Natural (DNR) and also had a Forest Consulting business. I personally have a 2-year degree and have written many Forest Management Plans in other counties within Washington. I worked as a Forester for the Department of Natural Resources for over 41 years but with this code revision I would not qualify to work in your county. I also worked as a generalist and attended required training/classes provided by the DNR to be qualified to do my job,

After attending the work group meeting on the amendments, I have concerns with these changes. The proposed 4-year degree requirements to produce these reports are not necessary. I know several people who don't have 4-year degrees and do this work in many counties within this state and have for many years. People who have been doing these with a 2-year degree normally have more field experience than someone with a 4-year degree.

Planners at the county level stated that they are generalists not specialist. A generalist should know, or be able to quickly learn all parts of what they are regulating in their position. It appears that they have the wrong staff in place to complete the requirements of processing a permit properly for the critical areas like a wetland or forestland in Lewis County. So, either staff needs training or staffing requirements need to change to hire qualified people with all the necessary skills to be able to approve permits in these areas without seeking assistance from an on-call specialist and charging extra for a permit they can't process, this is not fair to the public.

It was proposed to hire an on-call specialist to review these reports. This is part of the positions they hold or the department is not staffed with qualifications needed to do the permitting. The supervisor should be able to perform these functions as well, and send their staff to training to allow them the ability to do their job at the county level without the necessity of a third party. If the decision to obtain a third party to do the job that the current employees aren't educated in doing, this should be a new hire for the department and a budget line item, not an additional fee for your customers.

It is of my opinion that a public agency regulator should have the knowledge and skills to approve the permits within their jurisdiction.

Mark Hayes
Department of Natural Resources Forester (retired)

January 13, 2025

My name is Becky Rieger and I am owner of Environmental Design. I have been conducting wetland studies since I became qualified in 2006 after receiving my certifications from Portland State University Wetland Delineation Certificate Program. I have an Associates in Science with a major in Geographic Information Systems from Grays Harbor Community College and an Associates in Arts from Centralia Community College. Both of my associate degrees are heavy in biology, wildlife and environmental science. I currently am on my second semester to attain my Bachelor's degree in Environmental Science. I also am a Licensed On-Site Wastewater designer and believe in continuing education in order to stay present in your profession.

Wetlands are a gray area, where it is a science; however, like other sciences involving the environment there is an area where no one will agree exactly but can come to an agreement on boundary and soil calls as each person sees each slightly differently. As new training comes about I do take classes to keep my wetland education fresh and as required by state I do attain Continuing Education Credits (CEU's) for my designer license, which a lot of the classes can correlate to each other.

I agree we need to find a way for information to be correct when submitted to the county; however, I don't agree that a 4-year degree or being a member of the Professional Wetland Scientist (PWS) is necessary to be qualified. A four-year degree covers a wide range of topics and as I am finding out none of my classes do not show me how to delineate or determine wetland habitat like I was shown through the PSU program. The PSU program was not only a week of class but also hands on experience and field experience. I have checked into and talked with several others about PWS and all have said you can join but don't bother. It's no different than being a member of the Chamber or Olympia Master Builders or WOSSA, it a yearly fee for your name to be listed. I would say completing an accredited wetland certification program should be enough of a qualification.

The Coastal Training Program provides a lot of great opportunities for continuing education for wetland and stream analysis. I have taken most of if not all of their classes and the last couple of years have waited for new classes or enough changes to occur in the rating system to retake the class. A lot of these classes are offered online and I do believe these are great courses for continuing education. It is difficult to find other sources so while I agree with CEUs I do think code needs to be clearer on what is expected and how the county plans on regulating this requirement.

Prior to me conducting wetland studies on my own I was lucky enough to work closely with a couple of wetland specialists and county wetland regulators who were more than happy to help me gain confidence and more experience in the field. I would be more than happy to help any new person coming into the field as just as in any other field we are in need of more professionals; however, this can be a difficult requirement to achieve unless they work for a large company.

For those that will be considered unqualified by the new amendment it needs to be considered how that company is being discriminated against for not having a four-year degree and the extra costs to their clients by requiring a third-party review at the choice of county's consultant and their fee. This will harm business in the area and make it difficult for the company to explain they are no longer qualified in Lewis County, however, maybe or are in other counties such as Thurston or Pierce.

In several jurisdictions, city and county, critical area reports are reviewed and are accepted if they meet the criteria and provide evidence of their findings. I understand that not all planners have the education or jurisdictions have the budget to hire a biologist to review these reports. In those jurisdictions a lot of the time we work with a third party, hired by the jurisdiction to review the report for accuracy, this is not an added expense to the client or to the consultant doing the work. I think this may be a better solution for Lewis County or a process similar without the added expenses to the client or professional.

I agree we need to make sure information is precise and that the planning staff has a way to move forward. As with any review there is always going to be a back and forth situation, that is part of the review process, but this should be able to be within a reasonable range. I think this is a good start to improving our process at Lewis County with some revisions to make it fair to all companies whose livelihood is dependent on critical area services.

Thank you for your consideration to my comments.

Becky Rieger – Wetland Specialist
Environmental Design

My name is Nathan Rieger

And these are my comments and suggestions regarding these wetland matters for the planning commission review.

In regard to the change to the wetland professional criteria,

Point 1.

It is my belief that creating a list community development director approved based off of having a 4 year degree and excluding those that do not have a 4 year degree from the list but have been approved by the county based of approved training , education and work experience creates a clear bias of the county and community development and associated departed,

Point 2.

It has been stated that the community development director will hold the ultimate authority to single handedly determine at their discretion to disqualify any individual at any time for any reason as they see fit.

The grounds for disqualification of a professional needs to be clearly defined and followed when considering the disqualification of an individual. This should include a notice to the individual that their they are on a probationary status and the next step will be disqualification. Once disqualified there needs to be a process for regaining qualification with the department without having to go through the appeal process through the hearings examiner. Also a copy must be given to every individual requesting to be considered for approval to submit wetland reports and those currently approved to submit wetlands to the county. Also It is relevant to state that when looking at qualifications instead of just looking for a 4 year degree to look at the education of the individual in the wetland field. If one is to look at some degrees or education it is possible to have the same amount of education in environmental sciences type courses without actually possessing a 4 year degree or even a 2 year degree. This is why it is more important to consider the actual education and experience is more important than just having a 4 years degree that includes some environmental courses and a bunch of non applicable courses like PE and English and others that have no bearing on applicable education in relation to wetlands.

Point 3.

It is also mentioned belonging to a wetland professional society organization, it is my opinion this is not a reliable resource as that organization is simply a pay to belong to organization and does not adequately determine if someone actually possess the

applicable education and knowledge to correctly determine wetlands in this state and or county.

Point 4.

It was advised that the county would be using a 3rd party review process to review the reports of non 4 year degree holding individuals at the expense of the individual submitting the report. This is very troubling as the county has stated they do not have staff trained in wetlands but instead are generalist, this is trouble because it means they are just taking the word of an individual with a 4 year degree. Since they are generalist how can they adequately review a report from a report submitted from a 4 year degree individual? If the county has unqualified staff to review a report from a 2 year degree professional is is unqualified to review that of a 4 year degree possessing individual, it should be mandatory that if the county is going to use a 3rd part reviewer that every report submitted by every individual be reviewed by the same 3rd party reviewer at the expense of the county as it is not the fault of the professional that the county has hired unqualified staff.

As a county staff responsible for reviewing and approving wetland reports they should have a basic understanding of what their looking at in a report and what the different parts of a report actually means and why its there. They should also if their going to make site visits to confirm the accuracy of a report then they should also be required to have a basic wetland and wetland plant identification. There are wetland training courses that the staff can take for this education.

February 13th 2025.

*****DEFINITION of QUALIFIED PROFESSIONAL

Having made an entire 50 year career of Professional Forest Resources work, I would like to share some thoughts on "The Definition of Qualified Professional" with regard to "Critical Areas" wetlands.

My History-

Born, raised and live on the 160 acre family tree farm in Newaukum Valley.

1968 Graduate of WF West

Married to high school sweet heart for 57 years.

Forest Technology, Centralia College 1971

BS Forest Resources, U of W 1975

Hundreds of technical related wetlands projects and subjects in multiple City, County and State Jurisdictions

WETLANDS

1st) The indigenous people learned that putting tee-pees on dry ground made life easier.

2nd) The pioneers found trails and wagon roads were the best on dry ground rather than in swamps and at creek & river crossings. And they concluded "Wetlands and streams are the least preferred construction options for roads, buildings, farming etc., because of limiting drainage issues, high costs and extra maintenance, and should be avoided, to be smart about it."

Then came the growth management act;

THE GROWTH MANAGEMENT ACT

The GMA Critical Areas (Wetland protection) was implemented on a county by county basis (39 counties), city by city (??? 300 ?? +/-) in the state of Washington. Which is a good opportunity to see how hundreds of other jurisdictions within Washington State define "Qualified Professionals".

Each County and City were allowed to develop their code to guard against being forced into unreasonable and unaffordable mandated statewide requirements and standards And- The GMA was sold on that principle. It was back in the day when the counties and cities respected and considered the impacts of regulation on private ownership, people's livelihoods and financials, and why it is still County by County and City by City Critical Areas Regulations.

Now we are here to today:

SO for wetlands:

Wetlands are determined using the Corp of Engineers "Wetland Delineation Manual".

The Wetlands are **rated** using the Department of Ecology's "Wetland Rating System"

The **buffer widths are established by each county/** cities "Critical Areas Buffers" rule making process. The Higher the "Wetland Rating" the wider the buffer.

The buffer restrictions are the biggest heartburn with small landowners, on RDD 5 or less. Everyone wants to utilize the “dry ground” and just the buffer alone can encumber or prohibit (30% or more of the property).

There are certification classes on “Wetland Delineation Manual” and the “Wetland Rating System” available throughout the year.

There are many other classes available like Plant identification, Advanced Wetland Soils and Hydrology for Delineators and Wetland Mitigation, Construction & Installation, which I have taken.

Critical Areas are not professions like Forest Resources, Civil Engineering, Mechanical Engineering, Physics, Chemistry or ?? Underwater Basket Weaving.

The skill-set has to include not only Wetland Delineation and Rating but as important if not most important, experience.

HAS TO BE THE **SAME** A SKILL-SET REQUIREMENT FOR ALL OF THE KEY PLAYERS;

Delineators (The Practitioners (Worker-bees))

Critical Areas Administrators (The Regulators (Queen-bees))

Critical Areas Administrative Consultants (DOE, other Agencies (God make-eth bees))

The Skill Set is:

EXPERIENCE

Minimum One year **field** work (NO SUBSTITUES): working with-

COE Wetland Delineation Manual (Not- DOE)

Hydrology

Soils

Vegetation (Plant identification)

DOE Wetland Rating System

Report Writing

Dealing with Regulatory interactions- “Nit-Picking” & “Go get another rock”

Project Cost Control

Land owner \$ shock

Mitigating Delay- Delay- Delays

Public Anti-environmentalist sentiment and private ownership rights

Peace maker

LANDOWNERS- "What do you mean it's Wetland ????? You say "All the hayfield, half the pasture is "Wetland" and the house, garage, outbuildings, garden, and half the lawn is in "the buffer"

and I can't add a "lean-to" to grandpa's old machine shed without mitigation ?

and My Favorite-

And "why does Lewis County ? want Department of Ecology ? to come to my property to look at it ? Is it a Witch Hunt ??????- Answer- " I don't know" because ("NO" is not a truthful nor acceptable answer)

Based on My Experience, I will guarantee there is no formal training that can ever be a substitute for experience

DEFINITION of QUALIFIED PROFESSIONAL

Individual/s with the technical skill-set and field experiences that assures others with the same acquired skills and experience, that all key players (Critical Areas Administrators/ Regulators and Critical Areas Administrative Consultants (DOE) and Delineators) involved meet the same required training and field experience.

If you don't pay, you can't play.

But what do I know, I have an old BS Degree?