



What's new at Ecology?

Wetland Policy and Guidance Updates

Rick Mraz, PWS

Wetland Policy Lead

New wetlands staff at Ecology

CRO

Alicia Schulz

ERO

Matt Fisher

NWRO

Leah Beckett

SWRO

Lizzie Carp

Meghan Tait



Topics

New Ecology wetlands staff

Updates to:

Joint Agency Mitigation Guidance

Ecology's CAO guidance



Wetland Mitigation Guidance Update

Wetland Mitigation in Washington State *Part 1: Agency Policies and Guidance*



Washington Department of Ecology
US Army Corps of Engineers
Seattle District
Environmental Protection Agency
Region 10

Version 1, March 2006
Publication # 06-06-011a
Printed on recycled paper



Wetland Mitigation in Washington State **Part 1: Agency Policies and Guidance**

Version 2

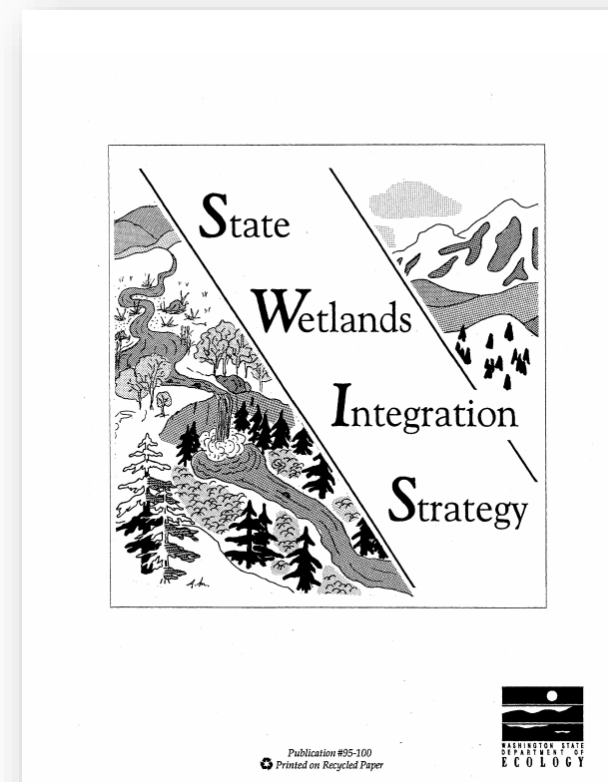
April 2021
Publication 21-06-003

How we got here

1994:

State Wetland Integration Strategy

- Single wetland definition
- Single delineation manual
- State funding
- Watershed approach
- Banking



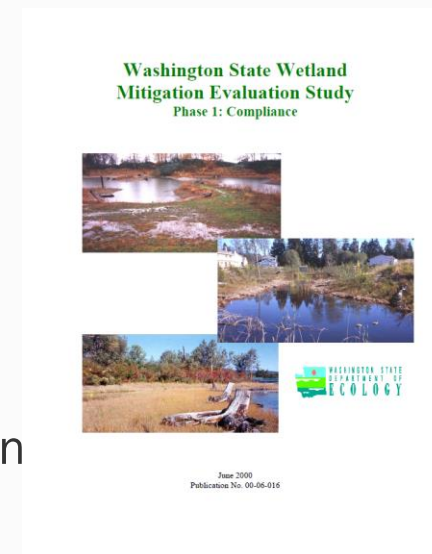
How we got here

1999-2001: Wetland Mitigation Evaluation Studies

- “50% of mitigation projects are successful”
 - Not achieving no net loss policy
- Correlation with agency follow up and compliance
- Need better guidance

2002: Phase 3

- Develop and field test a mitigation project tracking and compliance system
- Informs improved guidance!



How we got here

2003: Develop new tracking system

Improved ability to identify wetland 401/AOs

2004 -2006 : Update mitigation guidance document

Part 1: Mitigation Policies and Guidance

Part 2: Developing Mitigation Plans

How we got here

2006 – 2008: Wetland Regulatory Effectiveness Program

- Current program initiated with grant funding from EPA to develop the program and perform some compliance reviews

2007 – 2008: The “Mitigation That Works” Initiative

- MTW Forum and associated legislative budget add supports ongoing compliance activities



Why update?



Mainly to Incorporate New Mitigation Rules/Guidance

2008: Federal mitigation rule

2009: State wetland mitigation banking rule

2010: Site selection guidance

2012: Advance mitigation guide

2012: Credit debit method

2014: Updated wetland rating system



Update Process



- Received EPA grant funds
- Established Advisory Team with EPA, Corps, and Ecology staff
- Ongoing input from Ecology's Wetlands Technical Advisory Group and WSDOT environmental staff
- Pre-public draft review by state agencies, tribes, local governments

Content



Ch 1: Introduction

Ch 2: A primer on the wetland regulatory process

Ch 3: Overview of how to prepare for the wetland regulatory process

Ch 4: Compensation approaches (permittee responsible, programmatic)

Ch 5: Compensation methods (creation, restoration, enhancement, preservation)

Ch 6: Location, amount, buffers, and aquatic resource tradeoffs

Ch 7: Other considerations (ESA, invasive species, climate change)

Ch 8: Stormwater and wetlands

Appendices: Contacts, Summary of Regulations  11

Highlighted changes

New Key Message:

Provide corridors and connectivity to other habitats.

- The concept of corridors and habitat-patch networks has been incorporated throughout the document.



Highlighted changes

Renewed Emphasis on Avoidance and Minimization

- Avoid wetlands
- Minimize wetland impacts
- Then, after all practicable measures have been taken, compensate for remaining wetland impacts.
- Document rationale in mitigation plan.
- Refer to Avoidance & minimization checklist on [Ecology's web page](#).



Avoidance & minimization checklists

- Use the avoidance and minimization checklist.
- Provides examples of how to accomplish avoidance and minimization during site analysis, project design, and construction.
- Avoidance & minimization checklist on [Ecology's web page](#).

Wetland Avoidance and Minimization Checklists



These checklists provide examples of how to accomplish avoidance and minimization during site analysis, project design, and construction. They are tools to help applicants prepare more complete project applications, which will facilitate faster review and decisions.

Project Assessment

Yes/No	Site Analysis
	Is the wetland rated as Category I or II or listed as a wetland with Special Characteristics or that needs Special Protection in the appropriate state rating system: > Washington State Wetland Rating System for Eastern Washington: 2014 Update (Ecology publication #14-06-030) > Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology publication #14-06-029)
	Has the wetland or site been identified as a high priority for restoration in a watershed plan?
	Is the wetland associated with fish-bearing streams, shorelines of the state, or approved mitigation/restoration sites?
	Has the wetland been identified as a Habitat of Local Importance by the local jurisdiction?

Highlighted changes

Added descriptions and examples for more types of impacts:

- Permanent conversions
- Indirect impacts
- Shading
- Cumulative impacts
- Impacts associated with restoration projects.



Highlighted changes

- Preference for using credit/debit method in certain cases (e.g. in lieu fee, preservation or enhancement only)
- Lowered (improved) ratios for preservation (now the same as enhancement).
- Expanded section on advance mitigation. Includes a description of 3 options for crediting and using advance mitigation.



Highlighted changes

Chapter 6 (Location, amount, buffers, and aquatic resource tradeoffs)

6A: Choosing the location using a watershed approach.

6B: Identifying the Amount.

6C: Determining buffers.

6D: In-kind, Out of Kind, and Resource Tradeoffs



Q: Does this update affect local government regulations? Will this guidance trigger local government CAO or SMP updates?

A: This guidance update does not affect current local government regulations, nor does it trigger a need to immediately update.

It does provide additional guidance and information that local governments can use in implementing their regulations.

We recommend that they reference language in the 2021 guidance in their next scheduled update.



CAO Guidance update



Wetland Guidance for CAO Updates

Western Washington Version

June 2016
Publication No. 16-06-001



Wetland Guidance for Critical Areas Ordinance (CAO) Updates

Western and Eastern Washington

Shorelands and Environmental Assistance Program
Washington State Department of Ecology
Olympia, Washington

September 2022, Publication #XX-XX-XXX



CAO Guidance update highlights

- Buffer tables that incorporate shift in low habitat “bucket”
- Additional buffer approach options (Alt. 1 & 2 from Volume 2)
- Updated and expanded examples of minimization measures
- Incorporation of mitigation guidance (e.g. ratio tables)
- Additional detail and references to legal decisions associated w/ CAO’s

Table 1. Wetland buffer requirements, in feet, if Table 2 is implemented and corridor provided

Category of wetland	Habitat score 3-5 points (corridor not required)	Habitat score 6-7 points	Habitat score 8-9 points	Buffer width based on special characteristics
Category I or II: Based on rating of wetland functions (and not listed below)	75	110	225	NA
Category I: Bogs and Wetlands of High Conservation Value	NA	NA	225	190
Category I: Interdunal	NA	NA	225	NA
Category I: Forested	75	110	225	NA
Category I: Estuarine and wetlands in coastal lagoons	NA	NA	NA	150
Category II: Interdunal	NA	NA	NA	110
Category II: Estuarine and wetlands in coastal lagoons	NA	NA	NA	110
Category III: All types except interdunal	60	110	225	NA
Category III: Interdunal	NA	NA	NA	60
Category IV: All types	40	40	40	NA

Table 3. Buffer requirements, in feet, for applicants not providing a habitat corridor or implementing measures in Table 2

Category of wetland	Habitat score 3-5 points	Habitat score 6-7 points	Habitat score 8-9 points	Buffer width based on special characteristics
Category I & II: Based on rating of wetland functions (and not listed below)	100	150	300	NA
Category I: Bogs and Wetlands of High Conservation Value	NA	NA	300	250
Category I: Interdunal	NA	NA	300	NA
Category I: Forested	100	150	300	NA
Category I: Estuarine and wetlands in coastal lagoons	NA	NA	NA	200
Category II: Interdunal	NA	NA	NA	150
Category II: Estuarine and wetlands in coastal lagoons	NA	NA	NA	150
Category III: All types except interdunal	80	150	300	NA
Category III: Interdunal	NA	NA	NA	80
Category IV	NA	NA	NA	50

Minimization measures

We've added clarifying text and introduction to this part.

E.g.:

Not a complete list

Implement as many as possible

Local staff works with applicant

Examples of Disturbance	Activities and Uses that Cause Disturbances	Examples of Measures to Minimize Impacts
Lights	<ul style="list-style-type: none"> • Parking lots • Commercial/Industrial • Residential • Recreation (e.g. athletic fields) • Agricultural buildings 	<ul style="list-style-type: none"> • Direct lights away from wetland • Only use lighting where necessary for public safety and keep lights off when not needed • Use motion activated lights • Use full cut-off filters to cover light bulbs and direct light only where needed • Limit use of blue-white colored lights in favor of red-amber hues • Use lower intensity LED lighting • Dim light to the lowest acceptable intensity
Noise	<ul style="list-style-type: none"> • Commercial • Industrial • Recreation – (e.g. athletic fields, bleachers, etc.) • Residential • Agriculture 	<ul style="list-style-type: none"> • Locate activity that generates noise away from wetland • Construct a fence to reduce noise impacts on adjacent wetland and buffer • Plant a strip of dense shrub vegetation adjacent to wetland buffer
Toxic runoff*	<ul style="list-style-type: none"> • Parking lots • Roads • Commercial/industrial • Residential areas • Application of agricultural pesticides • Landscaping • Agriculture 	<ul style="list-style-type: none"> • Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 ft. of wetland • Apply integrated pest management
Stormwater runoff	<ul style="list-style-type: none"> • Parking lots • Roads • Residential areas • Commercial/Industrial • Recreation • Landscaping/lawns • Other impermeable surfaces, compacted soil, etc. 	<ul style="list-style-type: none"> • Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized or sheet flow from lawns that directly enters the buffer • Infiltrate or treat, detain, and disperse new runoff from impervious surfaces and lawns

Alt 1 & 2 table

Category of Wetland	Widths of Buffers
IV	50 ft
III	150 ft
II	300 ft
I	300 ft

Category of Wetland	Land Use with Low Impact *	Land Use with Moderate Impact *	Land Use with High Impact*
IV	25 ft	40 ft	50 ft
III	75 ft	110 ft	150 ft
II	150 ft	225 ft	300 ft
I	150 ft	225 ft	300 ft

* See Table 8C-3 below for types of land uses that can result in low, moderate, and high impacts to wetlands.

CAO Guidance update highlights

- New section on functionally disconnected buffers
- Clarified corridor requirements and expanded applicability
- Clarified geographic scope of exemption guidance for small wetlands
- Updated links to resource documents and web pages
- Updated definitions

Looking forward to 2023

- Training on mitigation guidance
- Outreach on revised CAO guidance



Rick Mraz, PWS
Wetlands Policy Lead
Washington Department of Ecology
Shorelands and Environmental Assistance Program
(360) 810-0024 - cell
rmra461@ecy.wa.gov