



Ecology's Mitigation That Works Initiative

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Mitigation that Works

- One of five Ecology priorities
- Improve compensatory mitigation to make the best use of time and money to deliver successful mitigation:
 - > Win for developers;
 - > Win for environment;
 - > Win for agencies.



Implementing the Initiative

- Integrate mitigation into a watershed context.
- Continue permitting efficiencies.
- Improve mitigation performance standards and accountability.
- Formalize wetland banking and other innovative mitigation tools.
- Provide training and guidance – particularly for local governments.

Progress to Date

- Legislature provided \$2 million in 2007 to improve mitigation statewide.
- First-ever consistent compliance program created.
- Built on new guidance developed jointly with Army Corps of Engineers and EPA.
- Mitigation success rate looks to be improving: 80% of all sites visited by Ecology are predicted likely to achieve ecological success.
- *Mitigation That Works Forum* provided consensus recommendations.

Mitigation that Works Forum

Mission

- Build upon and go beyond results of previous efforts;
- Develop and agree on a shared vision for successful mitigation; and
- Identify practical actions that can be taken to make all aspects of environmental mitigation work better.

Members

Broad variety including business and developer associations, land trusts, non-profits, and federal, state, and local agencies.

Result

Achieve a better approach to mitigation in Washington State, beyond wetland mitigation, as suggested in Recommendations and Actions Report, released December 2008.

Forum Recommendations

Highlights include:

- Create avoidance and minimization guidance.
- Publish clear guidance on how to make site-scale or project-scale decisions about off-site mitigation.
- Compile and expand watershed characterization information.
- Improve the wetland banking system.
- Support development of a Puget Sound in-lieu fee program.
- Support local governments in establishing policies, regulations, and processes for using the full suite of mitigation tools.



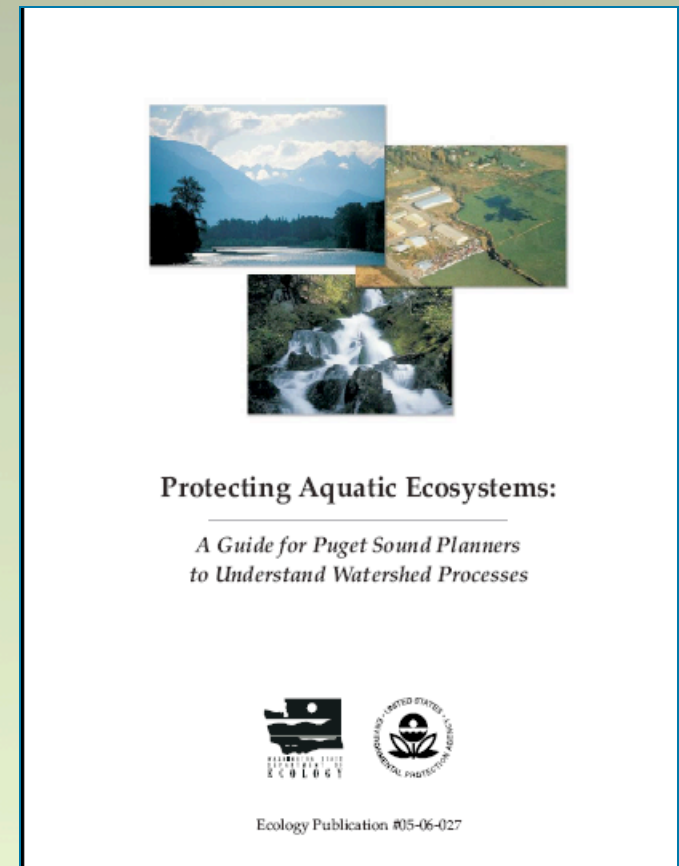
*A cedar bog near Quinault Lake,
Olympic National Park*

Mitigation Site Selection Guidance

- Inter-agency effort of Ecology, Army Corps, EPA.
- Provides specific recommendations for:
 - Using watershed approach when selecting sites; and,
 - Choosing between on-site and off-site mitigation.
- Work group is currently addressing peer review comments.
- Final guidance available late Summer 2009.
- Guidance will also provide:
 - Links to data sources;
 - Examples.

Mitigation Within a Watershed Context

- Use watershed characterization to inform decisions within a watershed.
- Guide planners, resource managers and consultants on how to better protect aquatic resources.
- Create a framework to support the protection of aquatic ecosystems *and* provide for future growth by identifying:
 - > Best areas to protect;
 - > Best areas to restore;
 - > Most suitable areas to develop.
- Develop the tool and demonstrate its utility through pilot projects.



Clark County Pilot

Objective

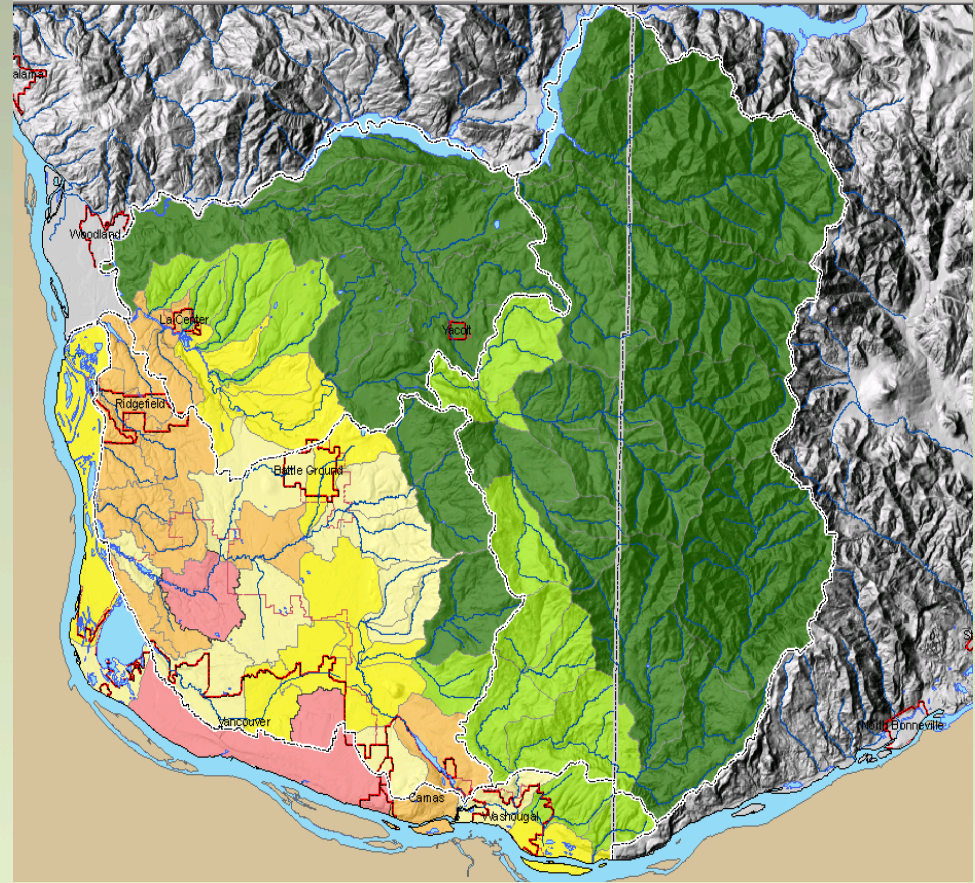
- Develop “measures to protect habitat function and values while accommodating urban growth in the region.”

Challenge

- Development pressure in a rapidly growing region.

Outputs

- Identify priority areas for protection and restoration.
- Provide framework to locate best mitigation sites and wetland banks.
- Complete characterization to help guide comprehensive planning.



Dark Green = Priority 1 Protection

Bright Yellow = Priority 1 restoration

Tan = Priority 3 restoration

Light Green = Priority 2 Protection

Light Yellow = Priority 2 restoration

Raspberry = Lower Priority

A Planner's Perspective

Gathering useful watershed characterization information so that when mitigation is necessary, you have the context to inform your decision-making for:

Daily Permitting Decisions

Document best practices for avoidance and minimization sequencing, provide scientific support for permit decisions.

and

Long-term Planning

Update language in CAOs and SMPs to allow for mitigation flexibility.

so that

You can direct mitigation how and where it makes sense in the watershed and support innovative mitigation decisions at the permit level:

**on-site, off-site,
mitigation bank, in-lieu fee**

A Planner's Perspective Critical Areas Ordinance

Ecology has guidance for and examples of City and County Codes which have been modified to allow for alternative mitigation approaches, such as off-site, on the web at:

http://www.ecy.wa.gov/programs/sea/wetlands/mitigation/off-site_mitigation_examples.pdf

Examples from:

- > Whatcom County
- > Spokane County
- > Forks
- > Aberdeen
- > Pullman
- > Vancouver

Wetland Mitigation Banks

- Proposed rule per Chapter 173-700 WAC, adoption date July 31, 2009.
- Requires 'mitigation sequencing'.
- Must comply with applicable requirements, such as:
 - Federal Mitigation Rule;
 - Local land use regulations;
 - Other forms of mitigation.
- Encourages bank proposals that provide the greatest ecological benefits possible.
- Ensures bank success.

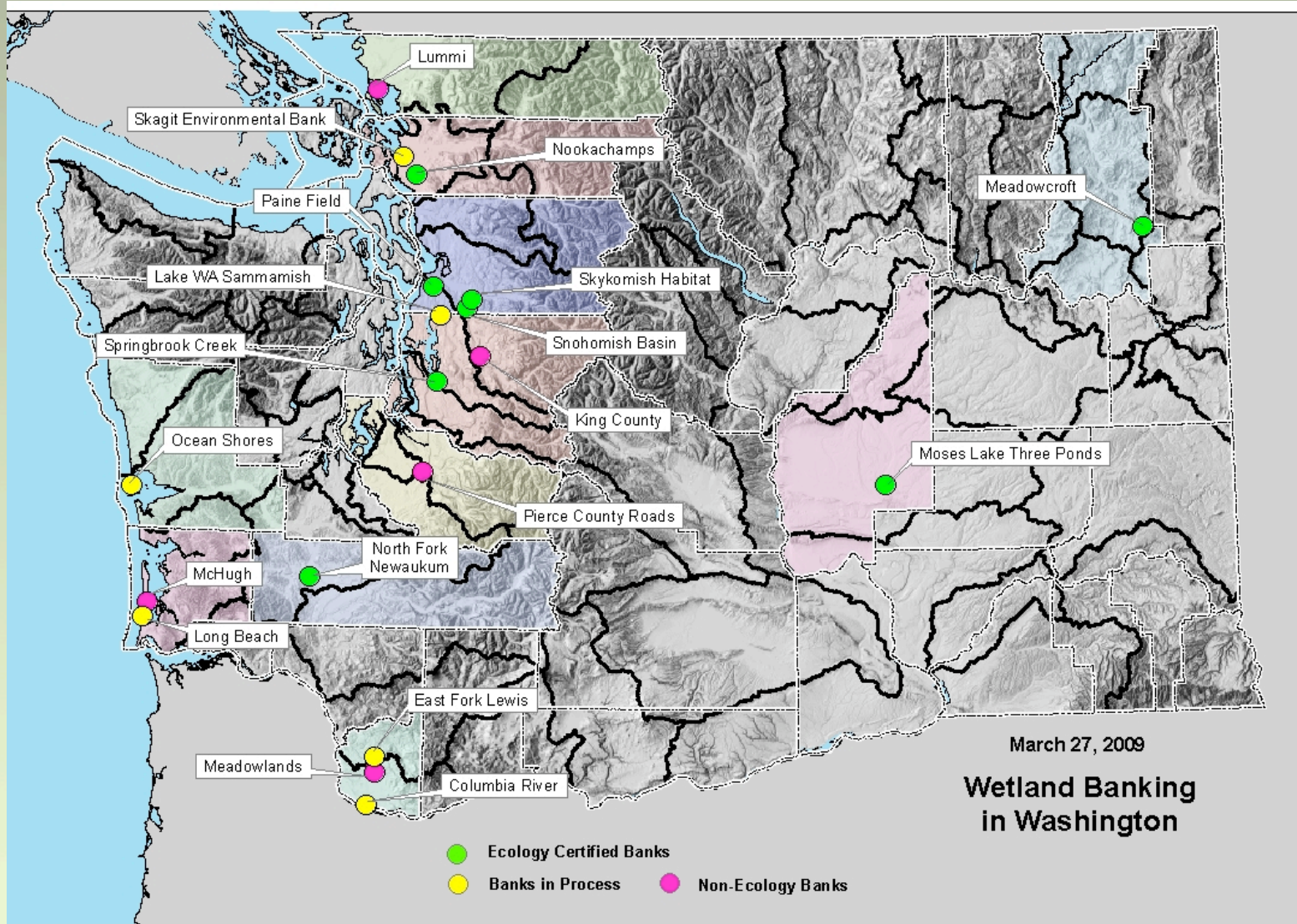


DOT band along Newaukum River near Chehalis

What's New in the Draft Rule?

- Clarity in the review and approval process both on state and local level.
- Updates made throughout to be consistent with the federal wetland mitigation rule.
- Ecology now has ability to deny inappropriate proposals.
- Site selection criteria updated.
 - > Agricultural lands and banking
 - > Urban vs. rural bank challenges
 - > Watershed planning with respect to banks
- Public comment periods established.

Wetland Banks in Washington



In-Lieu Fee Program

- Developing to be consistent with federal mitigation rule.
- Watershed-based approach using watershed characterization tools.
- Joint effort of Puget Sound Partnership, Ecology and Army Corps and other key players.
- Developing draft policy, guidance documents, and outreach materials.
- Legislature provided \$4.4 million to support effort.



An intertidal forested wetland at Nisqually National Wildlife Refuge, Olympia, WA

Permitting Efficiencies

- Efficiencies can be gained through programmatic approaches, such as watershed characterizations and programmatic permits.
- Reduce permitting time for wetland bank proposals.
- Continue participation in ORA-led efforts, such as:
 - › Capital Stimulus Project Streamlining (Exec. Order 09-03);
 - › Natural resource agencies organization;
 - › Multi-agency effort in Clark County;
 - On-line multi-agency pre-application tool;
 - › Multi-agency Permitting Teams;
 - › E-permitting.

Training and Guidance

- Provide trainings or materials on variety of mitigation tools and guidance.
- Provide trainings on watershed characterization.
- Developed guidance for:
 - › Watershed characterization;
 - › Wetland banking;
 - › Critical areas ordinances.
- Developing guidance for:
 - › Mitigation site selection;
 - › Advance mitigation;
 - › In-lieu fee.



A low-quality, isolated wetland

Emerging Opportunities

2009-11 Budget

- Budget reality check – even more need now for streamlining and partnering.
- \$4.4 million provided for a regional In-Lieu Fee program.
- Seeking federal funds for training and guidance.

Puget Sound Partnership

- Investing \$1.4 million in Puget Sound watershed characterization.
- All of the mitigation improvements being recommended in the Forum's Report are reinforced in the Action Agenda.
- The Partnership's proposed In-lieu Fee program links strongly to the Forum's Action Plan.

Communications

- Outreach and coordination with tribes and local governments.
- Mitigation That Works on Ecology's home page.



Ecology's Mitigation Web Site

www.ecy.wa.gov/mitigation

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