The Mitigation That Works Forum ~ Report and Recommendations

Washington State Department of Ecology, 10/16/08

Why was the Forum established?

Broad dissatisfaction – Nationwide, studies have uniformly found that wetland mitigation fails roughly 50% of the time due to factors like poor site selection and lack of compliance. Furthermore, there is dissatisfaction with the permit process itself, leading at times to complex and costly delays.

Some progress has been made over the last few years (e.g., Ecology's wetland mitigation compliance program) but there still remains broad dissatisfaction with the permitting process and the environmental outcomes.

Lack of initiative – Several multi-stakeholder groups have made recommendations on how to improve the success rate of mitigation projects. However, there hasn't been good follow through on implementation for a variety of reasons, such as; lack of political support and insufficient funding.

What is the Forum?

Mission – To 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. The Forum is to build upon and go beyond results of previous efforts such as the Transportation Permit Efficiency Advisory Committee and Shared Salmon Strategy.

Members – A broad variety of representatives including land trusts, non-profits, business and developer associations, and federal, state, and local agencies.

Result – The Forum is establishing the direction to achieve a better approach to mitigation in Washington State, beyond wetland mitigation, in a Recommendations and Actions Report. To ensure implementation, an Action Plan will be part of the Forum's Report. It will identify: specific actions, key players, what can be done with existing resources, what will need new resources, and approximate timelines. The report will be final by the end of 2009.

Draft Report Recommendations

1. Reinforce the importance of avoiding and minimizing impacts to resources that are highly valuable and difficult to replace.
   - Develop avoidance and minimization guidance;
   - Align funding priorities with acquisition and conservation efforts;
   - Support developing and piloting a menu of market-based techniques to protect and restore resources of high ecologically function or those important to a particular watershed.

2. Establish an ecosystem or watershed-based approach to mitigation.[1]
   - Articulate policy priorities and clarify expectations for use of watershed characterization;
   - Compile characterization information in Puget Sound and other high growth areas;
   - Create and maintain a state-wide wetlands inventory;
   - Assess how watershed and salmon recovery projects can inform mitigation decisions;
   - Use watershed characterization to inform land use planning decisions.

3. Develop and implement a wide variety of compensatory mitigation tools.
   - Develop clear guidance on how to make site-scale decisions about off-site mitigation;
   - Improve the wetland banking system through training and rule adoption;
   - Establish habitat or conservation banks and develop guidance on crediting for multi-resource conservation banks;
   - Pilot an In-Lieu Fee program in one to three select watersheds;
   - Develop clear guidance for advance mitigation.

4. Develop more coordinated, predictable approaches to reviewing development projects and associated mitigation plans.
   - Expand use of the multi-agency concept
   - Develop programmatic agreements and general permits;
   - Complete/expand Office of Regulatory Assistance's initiative.

5. Support making mitigation work.
   - Standardize measuring and tracking site performance;
   - Dedicate sufficient resources or monitoring and adaptive management programs at all levels of government;
   - Support local governments with training and assistance.

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[1] "Watershed" in this context means mitigation decisions be based on an understanding of the ecological processes and the dynamic physical and chemical interactions that form and maintain the landscape. The term "watershed" should be construed generally as a geographic area within which all living things are inextricably linked by a common water course. As used here, a watershed could include a fairly small catchment (e.g., a sub-basin) or a larger drainage area, such as a Water Resource Inventory Area (WRIA).