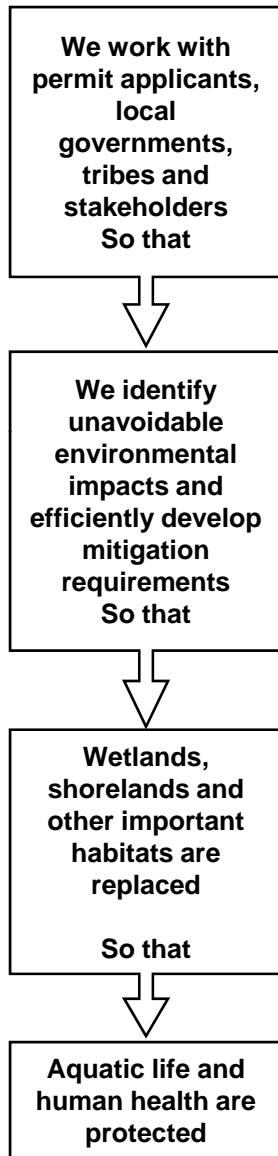


Department of Ecology

# Environmental Mitigation That Works

Achieving full replacement of wetlands and shorelands habitat damaged by ongoing development, while making the permit process more timely and efficient.

GMAP June 28, 2006



## *Environmental Mitigation That Works*

### What It Is

- Improving protection of wetlands and shorelands by ensuring that mitigation for unavoidable damage results in full replacement and maintenance over time of the functions and values lost.
- Simultaneously, the process for obtaining permits and developing mitigation requirements will be improved, reducing permit processing time and cost.

### What It Is Not

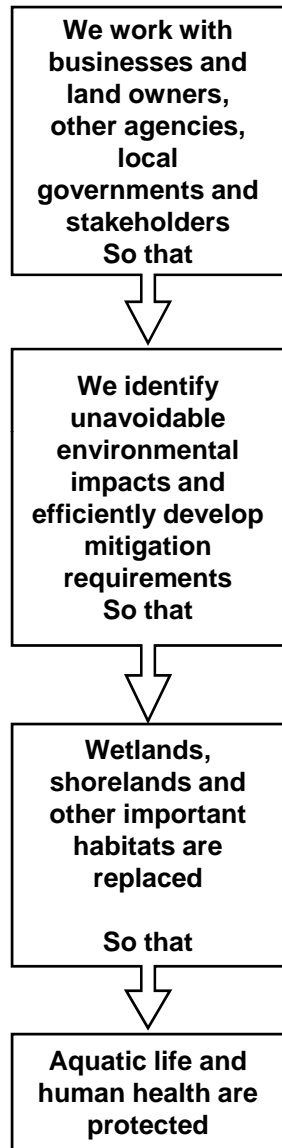
- Will not weaken environmental protection
- Will not make project proponents pay more for mitigation

### Our Objectives

- Fully replace wetland, shorelands and other habitats lost to development
- Improve efficiency of permit process
- Increase predictability of mitigation

### Creating Win-Win Situations

- Win for developers
- Win for environment
- Win for agencies



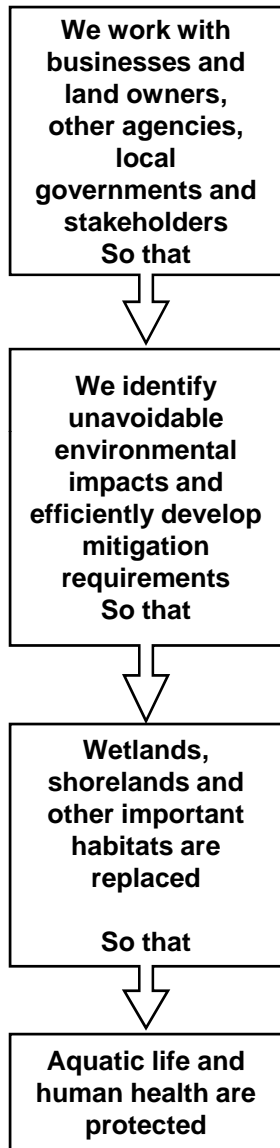
## *Why Improving Mitigation is Important*

### 1) Documented Environmental Failure

- 1998 King County determined fewer than 25% of mitigation sites met performance standards
- Ecology's 2002 study found 50% of evaluated sites were moderately or completely successful
- 2001 National Academy Sciences report found similar trends nationwide

### *Reasons for Failure*

- Site selection
- Design
- Lack of compliance monitoring
- Lack of adaptive management



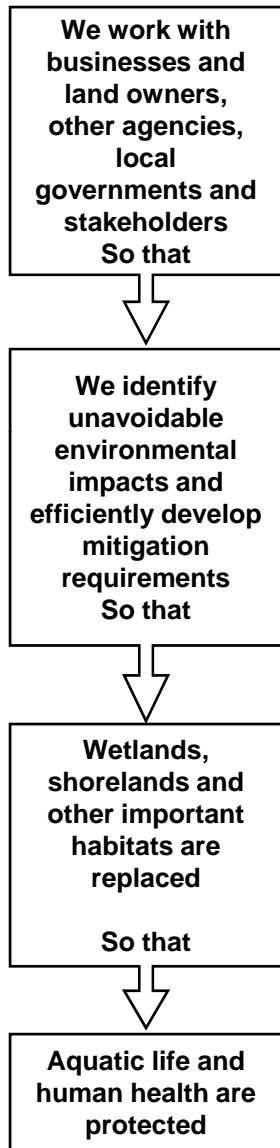
## *Why Improving Mitigation is Important*

### 2) Considerable Money in Play

- Mitigation associated with environmental damage is estimated to be 10% of project costs – estimated \$350 million worth of mitigation decisions annually in Puget Sound for public projects
- Time is money in permitting process

### 3) It's the Law

- “No net loss” of wetlands embodied in state and federal law/policy
- 1998 Aquatic Resources Mitigation Act
- 2001 Wetland Banking
- 2000 Alternative Mitigation Policy Guidance for Ecology, WSDOT and WDFW
- 2005 Water Quality and Shorelands Environmental Assistance Joint Policy for allowing offsite BMPs to control stormwater



## *Wetland and Shoreline Mitigation: Current Ecology Resources and Decisions*

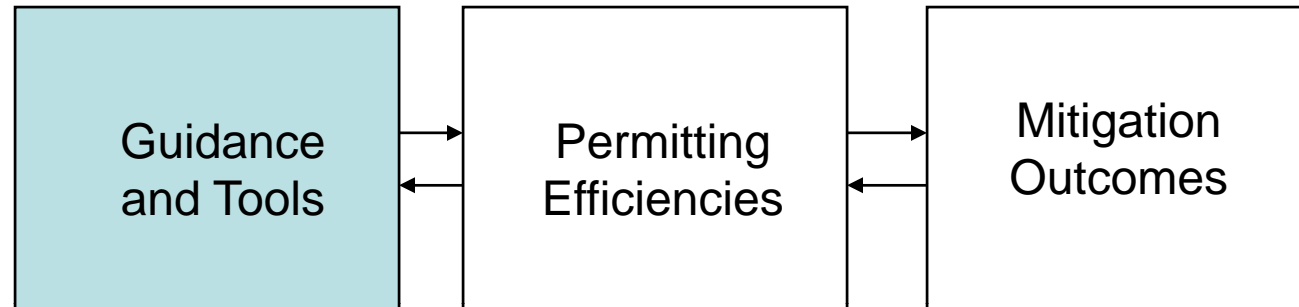
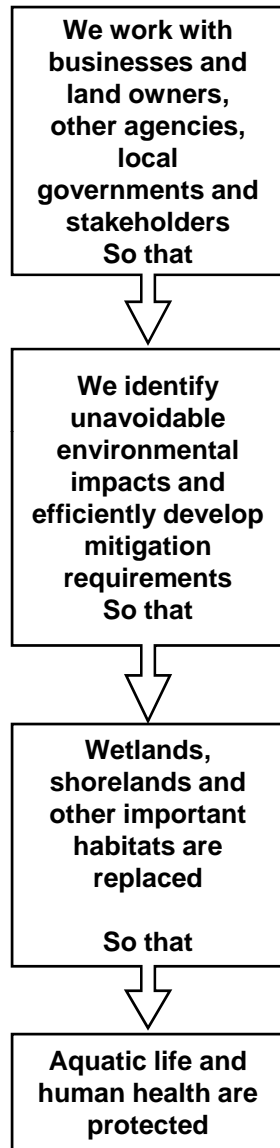
236 Applications for Wetland 401 Permits in Two Quarters of FY06

- 9.75 FTEs devoted to wetland permitting and mitigation
- 0 FTEs devoted to mitigation compliance

128 Applications for Shoreland Conditional Use Permits in FY06

- 8 FTEs devoted to review of local shoreline decisions

## What are our Strategies to Improve Mitigation?



### *Guidance and Tools*

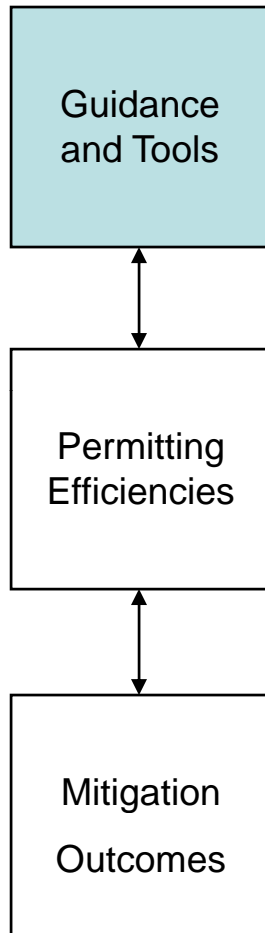
- 2006 Mitigation Guidance
- 2005 Watershed Characterization

### *Permitting Efficiencies*

- Multi-Agency Permit Teams
- JARPA permit coordination

### *Mitigation Outcomes*

- Wetland Banking
- Fee In Lieu
- Advanced
- Traditional permittee-developed mitigation



## *Guidance & Tools: 2006 Mitigation Guidance*

### What It Is

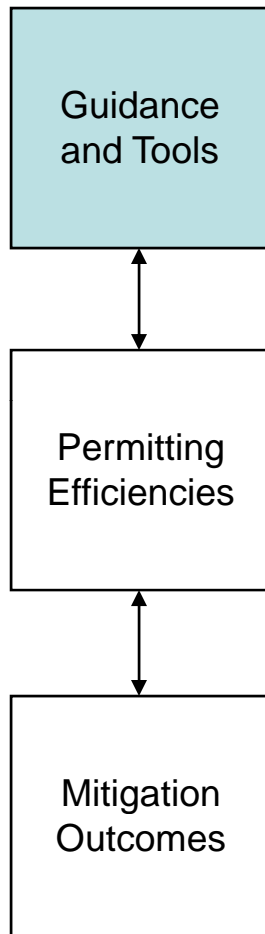
- Joint Ecology, Corps & EPA Guidance
- Prepared as part of National Wetlands Mitigation Action Plan
- Draws on latest research, including recommendations of the 2001 National Academy of Sciences' study

### What It Does

- Maintains mitigation sequencing (avoid, minimize, mitigate)
- Conveys that assessment of functions is usually required to determine the relative level of functions that would be provided as compensation
- Emphasizes the source of water for mitigation
- Shifts decisions away from *always* requiring "on-site and in-kind" mitigation toward the consideration of approaches that make the most ecological sense
- Greater emphasis on the need for watershed, or "landscape-scale" baseline information to assess functions and values of wetlands from a larger ecological perspective

### What We're Doing

- Promoting to planners, resource managers and consultants around the state
- Working with COE on training beginning in late 2006 through 2007



## *Guidance & Tools: 2005 Watershed Characterization*

### What It Is

- Guidance to planners, resource managers and consultants on how to better protect aquatic resources through planning, permitting and mitigation

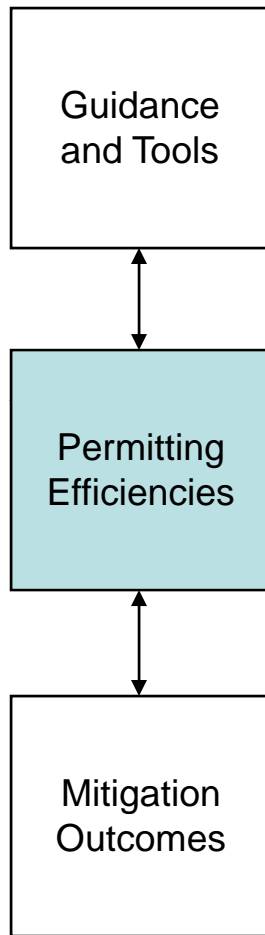
### What It Does

- Creates a framework and process to ensure the protection of critical wetland functions within watershed *and* provide for future growth
- Identifies:
  - Areas on the landscape important or key for maintaining watershed processes
  - How important areas have been altered
  - Areas for protection and restoration

### What We're Doing

- Promoting to planners, resource managers and consultants throughout Puget Sound
- Have applied tool in Whatcom County to inform revisions to SMA and GMA ordinances
- Applying in Clark County in response to legislative directive to protect wetlands and promote wetland banking

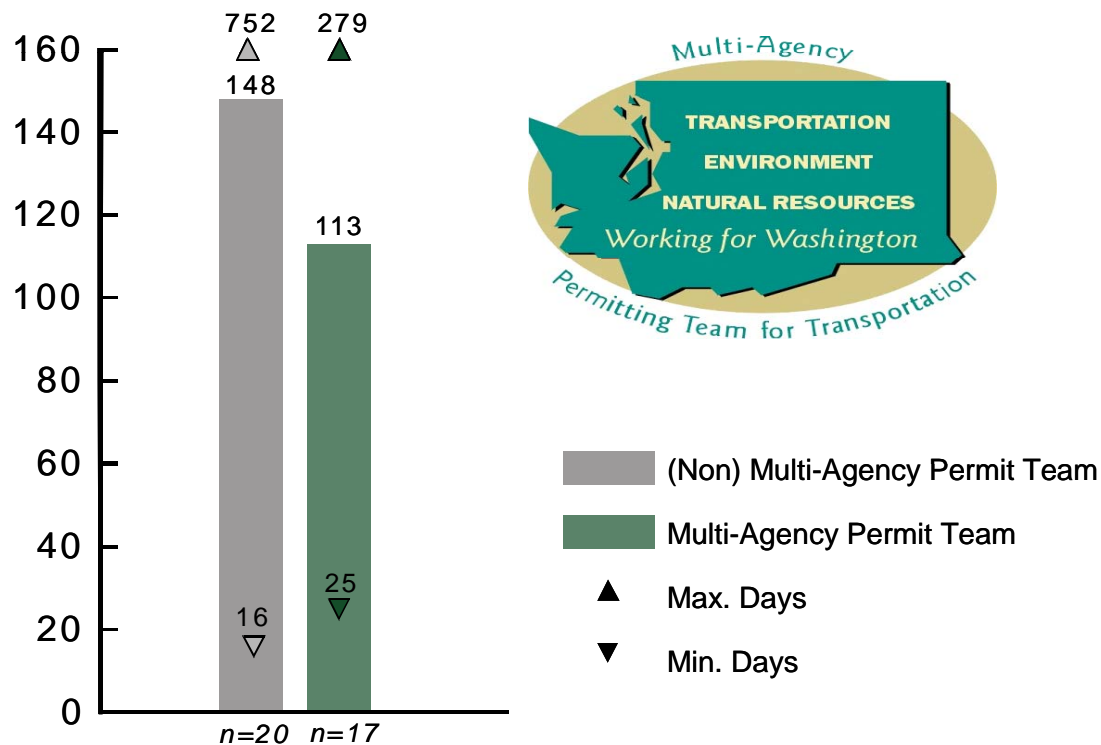
## Permitting Efficiencies: Multi-Agency Permit Teams



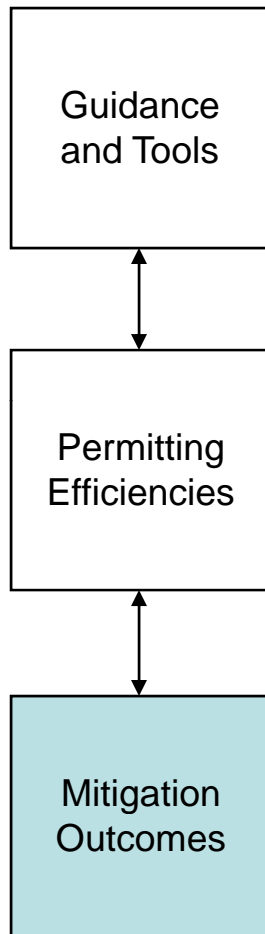
### Average Number Permitting Days

(July 2003 -- November 2005)

(Non) Multi-Agency Permitting Team vs. Multi-Agency Permitting Team



- Multi-agency Permitting (MAP) teams
- Work closely with local governments to identify and permit projects
- **\$550k provided to Governor's Office of Regulatory Assistance to implement regulatory improvement program – proposed MAP in Snohomish will include mitigation focus**



## *Mitigation Outcomes: Wetland Banking*

### What It Is

- Allows for the restoration, creation, enhancement or preservation of wetlands for the purpose of generating “credits” that can be purchased as mitigation for project impacts

### What It Does

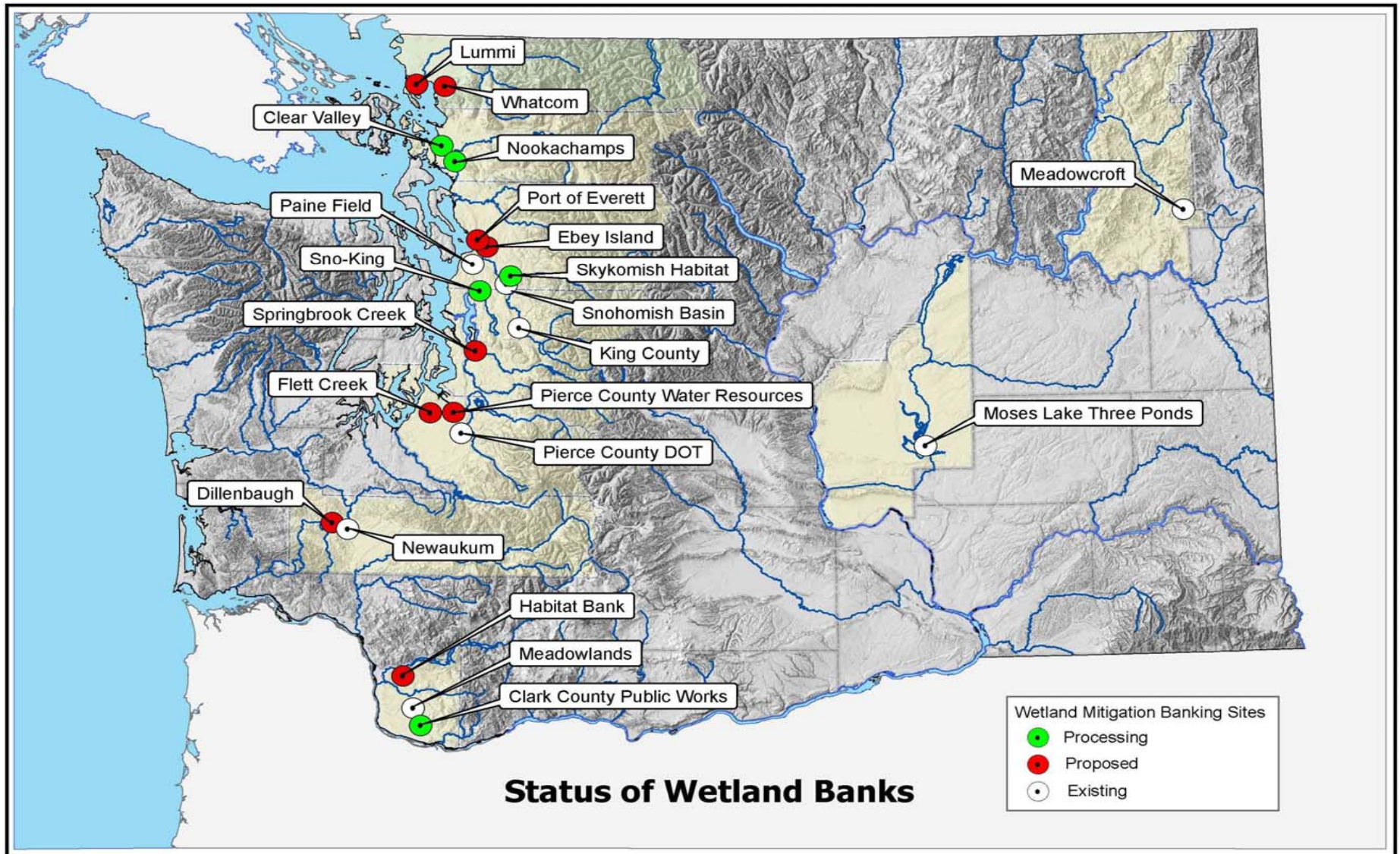
- Leverages economic incentives
- Potential to consolidate piecemeal mitigation projects
- More flexibility for mitigation unavoidable damage
- Ensures greater likelihood of success

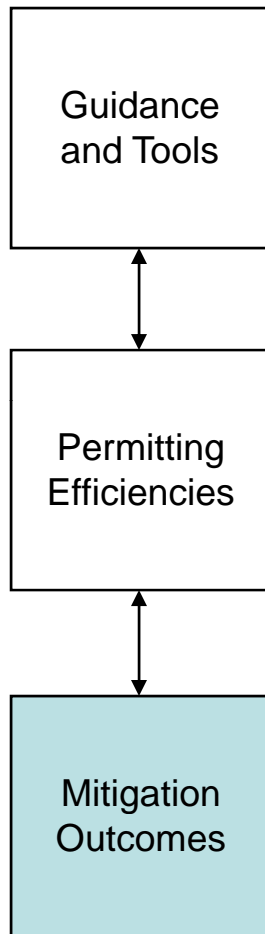
### How We're Doing

- Draft rule promulgated in 2001
- Learning from pilot projects since
- Recently certified first private bank
- Will begin formal rule adoption in 2007

# Environmental Mitigation That Works

## Department of Ecology

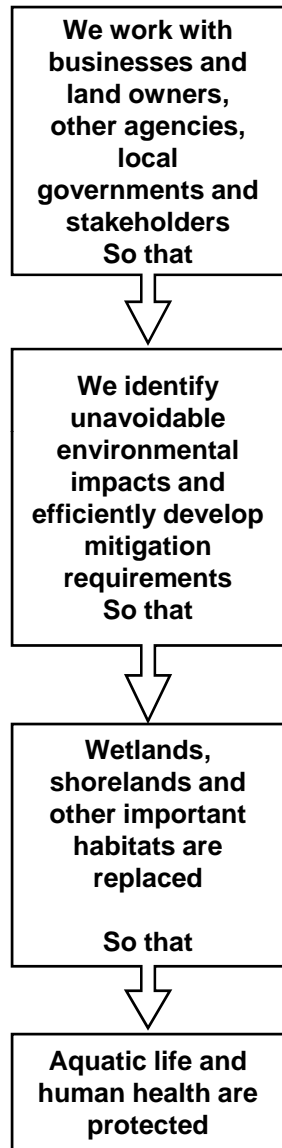




## *Mitigation Outcomes: Other Approaches*

Ecology also working to improve mitigation outcomes through:

- Fee In Lieu: Permittees provide funds to an in-lieu fee sponsor rather than complete project-specific mitigation or purchase credits from a bank.
- Advanced mitigation: Permittees complete mitigation in advance of a specific project. Approach fits well for entities such as public works or local transportation departments which have long planning horizons.
- Traditional permittee-developed mitigation: Can be improved through guidance, characterization, monitoring, compliance and other tools.



## *Mitigation Outcomes: How We're Doing*

### Wetland Regulatory Demonstration Project

- Project designed to demonstrate effectiveness of Ecology's wetlands regulatory program
- Project Goals:
  - 1) Ensure permit conditions on mitigation are complied with
  - 2) Ensure relevant data are entered into the state aquatic permits database so accurate reporting on the effectiveness of wetlands regulations can be provided on an annual basis
- Project duration is from Fall 2005 – 2008
- EPA Grant \$825 thousand with \$400 Ecology in-kind

We work with  
businesses and  
land owners,  
other agencies,  
local  
governments and  
stakeholders  
So that



We identify  
unavoidable  
environmental  
impacts and  
efficiently develop  
mitigation  
requirements  
So that



Wetlands,  
shorelands and  
other important  
habitats are  
replaced  
So that



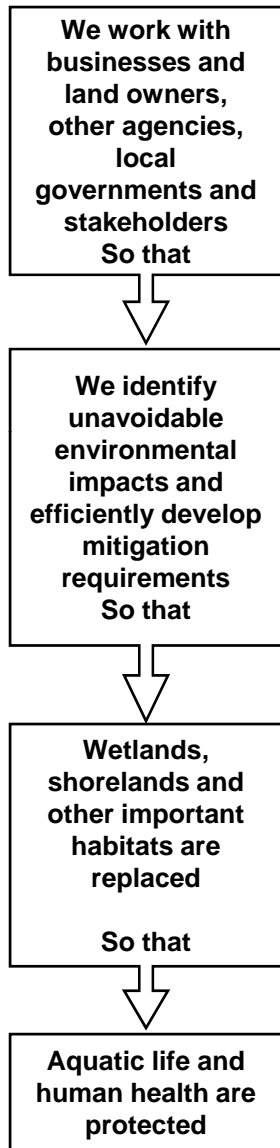
Aquatic life and  
human health are  
protected

## *Challenges*

- 1) Building the program
- 2) Complicated issue that few understand
- 3) Interest in redirecting mitigation decisions to salmon and watershed restoration projects complicates debate
- 4) No single answer; several viable approaches to improving mitigation
- 5) Lack of coordinated effort
- 6) Limited public outreach
- 7) Skepticism about banking from environmental and agricultural communities
- 8) Proposed federal rule discourages fee in lieu

## *Opportunities*

- 1) EPA effectiveness study
- 2) Interest from governor's office, lawmakers and stakeholders
- 3) Potential to align mitigation decisions with salmon and watershed restoration where appropriate
- 4) Strong interest in advanced mitigation from public entities
- 5) Shoreline updates create inventories and restoration opportunities that can inform mitigation decisions



## *Next Steps*

- Collaborate with partners and stakeholders
- Work with WDFW, Shared Strategy and others to answer mitigation/restoration questions
- Train agency and local government staff on new guidance
- Develop stormwater mitigation strategy
- Adopt permanent wetland banking rule
- Implement demonstration projects
- Secure additional resources in 2007 budget
- Identify other opportunities to advance initiative