



WASHINGTON

Original Wetland Acreage	Remaining Wetland Acreage	Acreage Lost	% Lost
1,350,000	938,000	412,000	-31%

Washington Wetlands: Palustrine are the most common wetlands in Washington. Palustrine wetlands include palustrine forested wetlands commonly referred to as swamps or coastal swamps. Palustrine emergent wetlands are also known as freshwater marshes, wet meadows, fens, bogs, prairies, potholes, vernal pools, and playas. Lacustrine emergent wetlands and aquatic beds exist in the shallows of lakes throughout Washington. Riverine wetlands consist of the areas of river channels that are occasionally to permanently flooded. Estuarine wetlands are present on the deltas and in the lower reaches of most of the rivers in western Washington. Marine wetlands in Washington consist of beaches and rocky shores.

Summary	Individual Features	Regulation	Water Quality Standards	Mitigation	Monitoring and Assessment	Restoration	Public/Private Partnerships
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SUMMARY

Overall Program

Washington State has a comprehensive wetland protection program that incorporates regulatory and non-regulatory components. All wetlands are considered “waters of the State” under the Water Pollution Control Act; and coastal and many freshwater wetlands are regulated by local governments consistent with state standards pursuant to a Shoreline Management Act (SMA). Two Executive Orders establish a No Net Loss policy and provides direction for government actions in wetlands. Under the Growth Management Act, local jurisdictions are required to protect critical areas, including wetlands as part of their comprehensive planning policies and land use regulations. The Department of Ecology (Department) is the lead agency for all wetland protection programs.

Innovative Features and New Programs/Initiatives

The state has emphasized a comprehensive approach. In addition to regulatory programs, this includes: 1) development of a landscape approach to assessing and protecting wetlands; 2) non-regulatory restoration and private landowner stewardship efforts; 3) a mitigation banking certification program; and 4) a public education program. The National Wetlands Inventory (NWI) has been completed for the entire state and is available as hard copy or in digital form.

State Wetland Conservation Plan

A State Wetland Integration Strategy (similar to a conservation plan) was developed with the U.S. Environmental Protection Agency funds in 1994. Many of the provisions of the Strategy have been implemented but the plan is out of date and many of the recommendations are no longer relevant.

No Net Loss/Net Gain Goal

A no net loss goal has been adopted for state agency actions, and is the policy of state action, under executive order EO 90-04. The goal applies to function and acreage. It has not been legislatively adopted.

INDIVIDUAL FEATURES:

Regulation

Wetland Regulatory Statutes and Administrative Rules

Water Pollution Control Act - WA Rev. Code Ann., sec 90.48 et. seq. The state's version of the "Clean Water Act" applies to discharges of any pollutants to any waters of the state. Wetlands are defined in the regulations and are protected according to narrative surface water quality standards. The primary mechanism for state review, conditioning and approval is 401 certification of federal permits.

However, for isolated wetlands, prior converted croplands and any other wetlands not subject to federal regulation, the state issues an Administrative Order.

Shoreline Management Act of 1971 - WA Rev. Code Ann., sec. 90.58.101 et. seq. The Shoreline Management Act requires local governments to adopt land use programs consistent with standards of the Department. This act regulates wetlands "associated" with large waterbodies, including all salt waters, lakes 20 acres or greater in size, and rivers with an average flow greater than 20 cubic per second. Priority uses are named in the statute and implemented through local regulations adopted as state regulations. The Department has additional authority to directly regulate "shorelines of state-wide significance" in the event that local governments fail to regulate consistent with state standards.

Growth Management Act of 1990 - WA Rev. Code Ann., sec 36.70A et. seq. The Growth Management Act requires all cities and counties to protect the functions and values of wetlands. They also must "include the best available science" in developing policies and regulations to protect wetlands and other critical areas. Every city and county has a wetland regulatory program including provisions for protecting buffers around wetlands. Local jurisdictions are required to update these regulations every seven years.

Wetland Definition and/or Delineation; Comparability With Federal Definition

Wetlands are defined in all three of the above laws as: "Wetlands means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

Wetlands are delineated according to the Washington State Wetland Identification and Delineation Manual adopted in 1997. This state manual is consistent with the 1987 U.S. Army Corps of Engineers manual including all subsequent federal guidance on interpreting the 1987 manual.

Evaluation Methodology

The state has two primary methods for evaluating wetlands.

1. Wetland rating systems for Eastern and Western Washington to use in regulatory programs. Rating is based primarily on rarity, sensitivity, irreplaceability and three groups of functions: water quality; hydrologic; and habitat. Wetlands are placed into one of four categories based on these factors and specific protection measures are recommended for each category.
2. HGM-based quantitative function assessment methods for three classes of wetlands: riverine and depressional wetlands in Western Washington and depressional wetlands in the Columbia Basin of Eastern Washington.

Regulated and Exempted Activities

Shoreline Management Act (SMA): All “development” and “substantial development and conditional uses” including dredging, drilling, dumping, filling, removal of sand, gravel or minerals, bulkheading, driving of pilings, placement of obstructions, construction or exterior alteration of structures, or other interference with normal public use of the surface of waters.

Some activities are exempt from the permit requirements of the SMA, but must still comply with the goals and policies of the SMA and the Local Shoreline Master Program. These activities include: development with a total value of less than \$2,500; normal maintenance or repair of existing structures; “construction and practices normal or necessary for agriculture”; construction or modification of navigational aids, and construction on wetlands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her family.

Growth Management Act: None.

Special Provisions for Agriculture and Forestry

Agriculture activities do not, in general, require permits. A memorandum of understanding has been signed between the Department and the local conservation districts to assist farmers with implementing Best Management Practices to comply with water quality regulations. Forest activities are permitted exclusively under the Forest Practices Act (FPA). The FPA includes provisions requiring compliance with the SMA and water quality regulations.

Penalties and Enforcement

Eight staff in Washington’s four regional offices are responsible for identifying and initiating any enforcement actions regarding wetlands. The Water Pollution Control Act has specific enforcement provisions including civil and criminal penalties. Enforcement of the SMA is shared between local governments and the Department.

Permit Tracking

A new database system (established 2004) tracks all water quality related permitting, mitigation and enforcement actions.

State General Permit (PGP or SPGP) for 404

No negotiations in progress.

Assumption of Section 404 Powers

Assumption has been explored. The state does not plan to assume at this time.

Joint Permitting

The state has no joint permitting procedures with federal or local agencies but a Joint Aquatic Resources Permit Application can be used by applicants who must obtain permits from multiple agencies. This document allows an applicant to fill out one application and submit it to federal, state and local agencies for all permits related to in-water activities.

Special Area Management Plans and Advanced Identification Plans

A Nisqually River Management Plan has been prepared; a Special Area Management Plan (SAMP) has been developed for the Mill Creek basin near Seattle; a wetland plan similar to a SAMP has been developed for the Port of Skagit.

Role of Local Governments

Local governments are the primary permitting authority under the SMA and play a major role in wetland protection. Under the State Growth Management Act (GMA), local governments also are required to adopt wetlands regulations; all counties and cities have done so. The state provides on-going technical assistance to local governments on wetland issues and has appealed many shoreline permits and several local wetland programs under the GMA.

Staffing

Twenty full-time positions statewide conduct regulatory activities, develop assessment and protection methods & tools, and provide education, technical and policy assistance to state and local governments and the general public in the areas of wetlands regulation, impact assessment, mitigation, preservation, restoration, and inventory.

Water Quality Standards

Wetlands and Water Quality Standards

State has established a 401 program; has narrative water quality standards for wetlands; and applies antidegradation policy to wetlands. The state has an outstanding resource waters program.

Wetland Definition

Same as above under regulation.

Designated Uses

Characteristic or beneficial uses of wetlands that must be protected include water supply, fish and shellfish habitat, wildlife habitat, recreation, commerce and navigation, aesthetics, ground water exchange, shoreline stabilization and storm water attenuation.

Narrative and/or Numeric Criteria

Wetlands are protected by using the antidegradation policy and a narrative statement that, "water quality in wetlands is maintained and protected by maintaining the hydrologic conditions, hydrophytic vegetation, and substrate characteristics necessary to support existing and designated uses."

Antidegradation Policy

The antidegradation policy is the primary means of protecting wetlands under the water quality law.

Other

None Indicated.

Staffing

Wetland staff are not assigned specifically to implementing the water quality program. The eight regional staff, along with seven 401/water quality staff are responsible for implementing the water quality law.

Mitigation

Mitigation Policy

Draft mitigation policy is in review. The draft policy would allow on-site and off-site and mitigation banks. Preconstruction bonding would be required. Monitoring would be required for 5 years.

Mitigation Banks

A joint agreement and pilot mitigation bank are being pursued among state and federal resource agencies and the state Department of Transportation.

In Lieu Fee Program

None Indicated.

Ad Hoc Arrangements

None Indicated.

Mitigation Database

None Indicated.

Staffing

None Indicated.

Monitoring and Assessment

Mapping/Inventory

The NWI has been completed for the entire state and is available in hard copy or in digital format. A geographic information system provides coverage of NWI, hydric soils and hydrography.

The state supports local inventories through a variety of grant sources and provides inventory technical assistance. Local governments produce maps from their inventory efforts. The maps are prepared by the local governments or consultants they hire.

Wetland Classification and Assessment

The state has developed a four-tiered "rating" system as well as HGM-based function assessment methods. These are used in permitting, watershed planning and advanced identification efforts.

Overall wetland gain and loss tracking system

None indicated.

Staffing

None devoted specifically to this task.

Restoration

Program Description

None indicated.

Restoration Program Goals

None indicated.

Eligibility Criteria

None indicated.

Restoration Database

None indicated.

Staffing

None indicated.

Public/Private Partnerships

Acquisition Program

There is an open space current use tax programs for wetlands left in open space (RCW 84.34). It provides a reduction in property's assessed value when classified.

Public Outreach/Education

None indicated.

Tax Incentives

None indicated.

Technical Assistance

None indicated.

Other Nonregulatory Incentives for Private Landowners

None indicated.

Wetland Training and Education

Wetland training has been carried out for state agencies and local governments on a variety of topics including delineation, project review, inventory, and functions and values.
See list of publications below.

Watershed Planning

None indicated.

Special Problems

Areas of the state are highly diverse hydrologically and ecologically due to the great differences in rainfall from east to west, and elevation from sea level to 14,000 feet.

Coordination

None indicated.

Contact Person(s)

Andy McMillan
Wetlands Science and Policy Manager
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
(360) 407-7272

Loree' Randall
404/401 Permit Coordinator
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
(360) 407-6068

Contact Points

<http://www.ecy.wa.gov/programs/sea/wetlan.html>

<http://www.leg.wa.gov/RCW/index.cfm?fuseaction=chapterdigest&chapter=90.84>

<http://www.doh.wa.gov/ehp/default.htm>

<http://access.wa.gov/>

<http://www1.leg.wa.gov/legislature>

Guidebooks, Brochures, Websites, Other Educational Materials

An Evaluation of Public Access to Washington's Shorelines Since Passage of the Shoreline Management Act of 1971. 1983. 62 pp. Pub. # WDOE-83-9.

At Home With Wetlands: A Landowner's Guide. 1990. 41 pp. Pub. #90-31.

Coastal Currents. A monthly newsletter of the department. Department of Ecology. A Guide to Conducting Wetlands Inventories. 1989. ca. 250 pp. incl. appendices. Pub. # 89-60.

Department of Ecology, Hydric Soils Guidebook. 1990. 33 pp. Pub. #90-20.

Discover Wetlands: A Curriculum Guide. 1988. For grades K-12. Pub. #88-16.

Focus: Ecology's Wetlands Section. 1990. One page flyer describing section functions.

In progress: A Guide for Local Government Wetland Preservation (nonregulatory programs) and a Restoration Guide.

League of Women Voters of Washington. 1983. Public Perception of the Washington Shoreline Management Act. 47pp. + appendices.

Managing Washington's Shores: Today's Challenge. n.d. 12 pp.

Washington's Wetlands. 1988. Values and Benefits. 14 pp. Pub. #88-24. (Revised, 1993)

Wetlands Acquisition and Preservation: A Guide for Landowners and Government Agencies. 1986.

Wetland Educational Materials. 1989. A list of publications, videos, etc., available from the Department. Brochure #89-BR7.

Wetlands Preservation: An Information and Action Guide. 1990. 62 pp. Pub. #90-5.

Wetland Regulations Guidebook. 1988. 46 pp. Pub. #88-5.

Wetland Walks: A Guide to Washington's Public Access Wetlands. 1990. 86 pp. Pub. #89-30.