

## Alternative Amendments to Puyallup Critical Area Ordinance (PMC Section 21.06.980, subsection 2 - see call out)

Department of Ecology and/or U.S. Army Corps (USACE) prior to the city approving any construction permits for the subject fill action.

### 21.06.980 Wetlands mitigation – Additional types of mitigation.

(1) Enhancement and Rehabilitation. Impacts to wetlands may be compensated by enhancement and/or rehabilitation of existing significantly degraded wetlands. Applicants proposing to enhance wetlands must complete and submit a critical area report that identifies how enhancement will increase the functions of the degraded wetland and how this increase will adequately mitigate for the loss of wetland area and function at the impact site. An enhancement proposal must also show whether existing wetland functions will be reduced by the enhancement actions. All proposed rehabilitation or enhancement mitigation proposals shall utilize the rehabilitation/enhancement mitigation ratios as established in Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance (Version 1, Ecology Publication No. 06-06-011a, March 2006, or most recently revised version).

(2) Preservation. Impacts to wetlands may be mitigated by preservation of wetland areas, in a separate tract or easement in accordance with PMC 21.06.830. Preservation is used as a form of mitigation only after the standard sequencing of mitigation (avoid, minimize, and then compensate) has been applied. Mitigation ratios for preservation shall utilize the preservation mitigation ratios as established in Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance (Version 1, Ecology Publication No. 06-06-011a, March 2006, or most recently revised version). shall range from 10 to 1 to 20 to 1, as determined by the director, depending on the quality of the wetlands being mitigated and the quality of the wetlands being preserved.

- (a) Preservation as mitigation is acceptable when done in combination with restoration, creation, or enhancement; provided, that a minimum of 1 to 1 acreage replacement is provided by restoration or creation;
- (b) Preservation of at-risk, high-quality wetlands may be used as the sole means of mitigation for wetland impacts to Category III or IV wetlands when the impact area is small, and the preservation occurs in the same drainage basin as the wetland impact;
- (c) Preservation sites include buffer areas adequate to protect the habitat and its functions from encroachment and degradation;
- (d) Creation, restoration, and enhancement opportunities have also been considered, and preservation is the best mitigation option;

**Commented [KW1]:** Planning Commission: ECY Staff recommended an amendment to this code amendment because the ratios (10 to 1 and 20 to 1) are outdated. We've drafted the amendments here in response to ECY's comment. Instead of calling out ratios that we then have to keep updating overtime, we are proposing to reference the ECY manual itself, similarly to what we did in subsection 1 above.

- (e) The preservation site has the potential to experience a high rate of undesirable ecological change due to on- or off-site activities; and
- (f) The area proposed for preservation is critical for the health of the watershed or basin.

(3) Wetland Mitigation Banks. Credits from an approved wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:

- (a) The wetland mitigation bank is certified by the director and by state resource agencies with wetland jurisdiction;
- (b) The director determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
- (c) The proposed use of credits, including replacement ratios, is consistent with the terms and conditions of the wetland mitigation bank's certification. Certified wetland mitigation bank credits may be used to compensate for impacts located within the service area specified in the certification.
  - (i) State or federally designated endangered, threatened, and sensitive species;
  - (ii) State priority habitats and areas associated with state priority species; or
  - (iii) Habitats and species of local importance including habitat corridors connecting habitat blocks and open spaces.