David Morgan

In the proposed changes to 173-26 the revised language does not assure no net loss of function due to the removal of the long term maintenance and management requirements that are critical to assure no net loss of function. WAC 173-26-221(2)(e)(i)(F)(V), pages 94–95.
Ecology requires long term maintenance and management and permanent site protections for Mitigation Banks to assure no net loss of Wetland function. The new regulations must require the same level of assurances in 173-700-500 and reflected in multiple approved Mitigation Banking Instruments to assure no net loss of function across all mitigation sites. The new language does not address this appropriately and will increase permit complexity, increase permitting timelines while lowering the protections required under the statute. Mitigation Sequencing should also recognize the Ecology Wetland Mitigation Banking rules and requirements showing the increased ecological lift, decreased permitting timelines, and reduction in temporal loss from approved Mitigation banks.