

WCA Rule Advisory Committee - 4/24/08 Meeting

Actions Eligible for Credit - Buffers

Background

Thus far in the rulemaking process, BWSR staff have operated under the assumption that actions eligible for credit would be converted to a one-credit system (eliminate PVC), similar to the Corps and the MOU. However, there has been some discussion on this issue, particularly in regards to replacement of wetland impacts with upland. While the majority support the transition to a one-credit system, some support the continued use of PVC and/or accounting for buffers separately from other actions eligible for credit.

Options

Three options for crediting (in relation to buffers) were presented to the Technical Committee. The three options were:

- 1) Buffers only used above 1:1 and accounted for separately as “buffer credit.” -Very similar to current rule.
- 2) Single credit system with up to 25% credit and buffer area limited to 25% of the total credits at the site. -Current MOU language.
- 3) Single credit system with up to 25% credit and buffer area limited to four times the size of the replacement wetland. -Credit allocation similar to MOU, size limit increased and applied differently.

Diagrams (not to scale) and more detail on the three options are attached, as submitted to the Technical Committee.

Technical Committee Recommendation

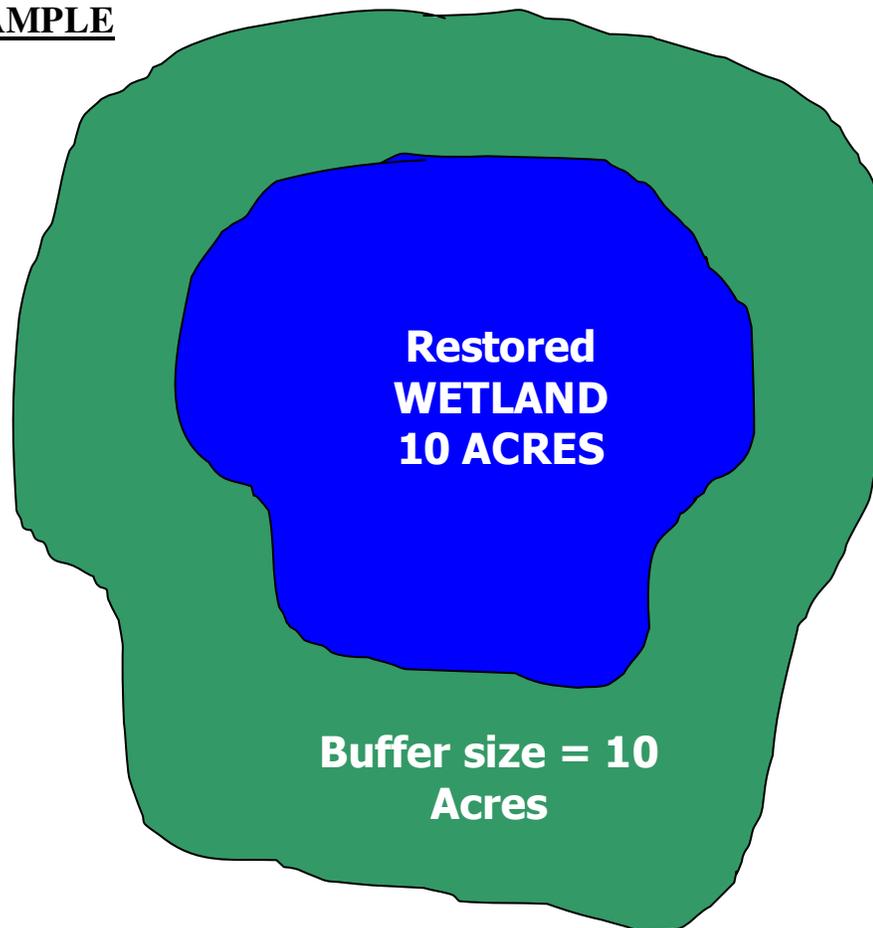
The majority of the Technical Committee recommended #3 with the following modifications: The amount of credit would be increased from 25% to 50%, but the maximum size of the buffer area would be reduced from four times the size of the replacement wetland to twice the size of the replacement wetland (the maximum amount of credit would remain at a 1:1 ratio to the replacement wetland. The committee also recommended considering language in this part, or other parts of the rule, that would alleviate concerns of mis-use, such as exceedingly large buffers to compensate for wetland impacts on a specific project. In general, the committee recognized the importance of buffers in assuring quality replacement, wanted to encourage them within reasonable limitations, and did not want to restrict them to the extent of the MOU.

The Technical Committee Recommendation and options considered are presented here for discussion.

Buffer Option #1 (Similar to Current WCA Rule, with “Buffer Credit” rather than PVC)

- Mandatory Buffer of 25 feet (municipal) and 50 feet (non-municipal) for all replacement wetlands
- 25% credit for buffer area. Credit is considered “Buffer Credit” and can only be used above 1:1 replacement. Buffer size limited to replacement wetland size.
- All other actions eligible for credit are converted to a single credit system with “Buffer Credit” being the only exception.

EXAMPLE

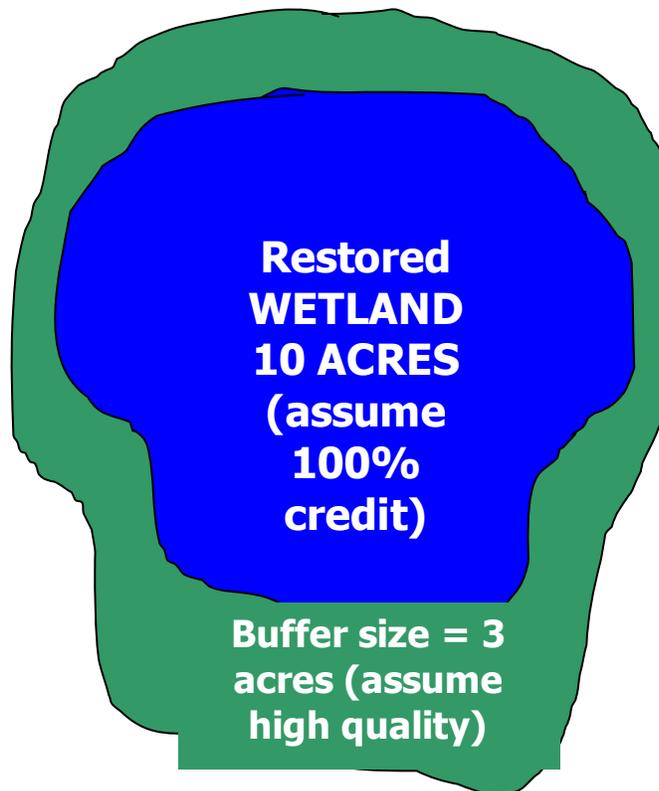


Buffer Credit is 2.5 acres (25% x 10 acres). Can be used for replacement above 1:1. Max buffer size in this example is 10 acres.

Buffer Option #2 (Single Credit System based on Mitigation MOU)

- Mandatory Buffer of 25 feet (municipal) and 50 feet (non-municipal) for all replacement wetlands
- 10 to 25% credit for buffer area depending on quality. Credit is limited to 25% of the total credits (not area) at a replacement site.
- All actions eligible for credit (including buffer) are converted to a single credit system.

EXAMPLE

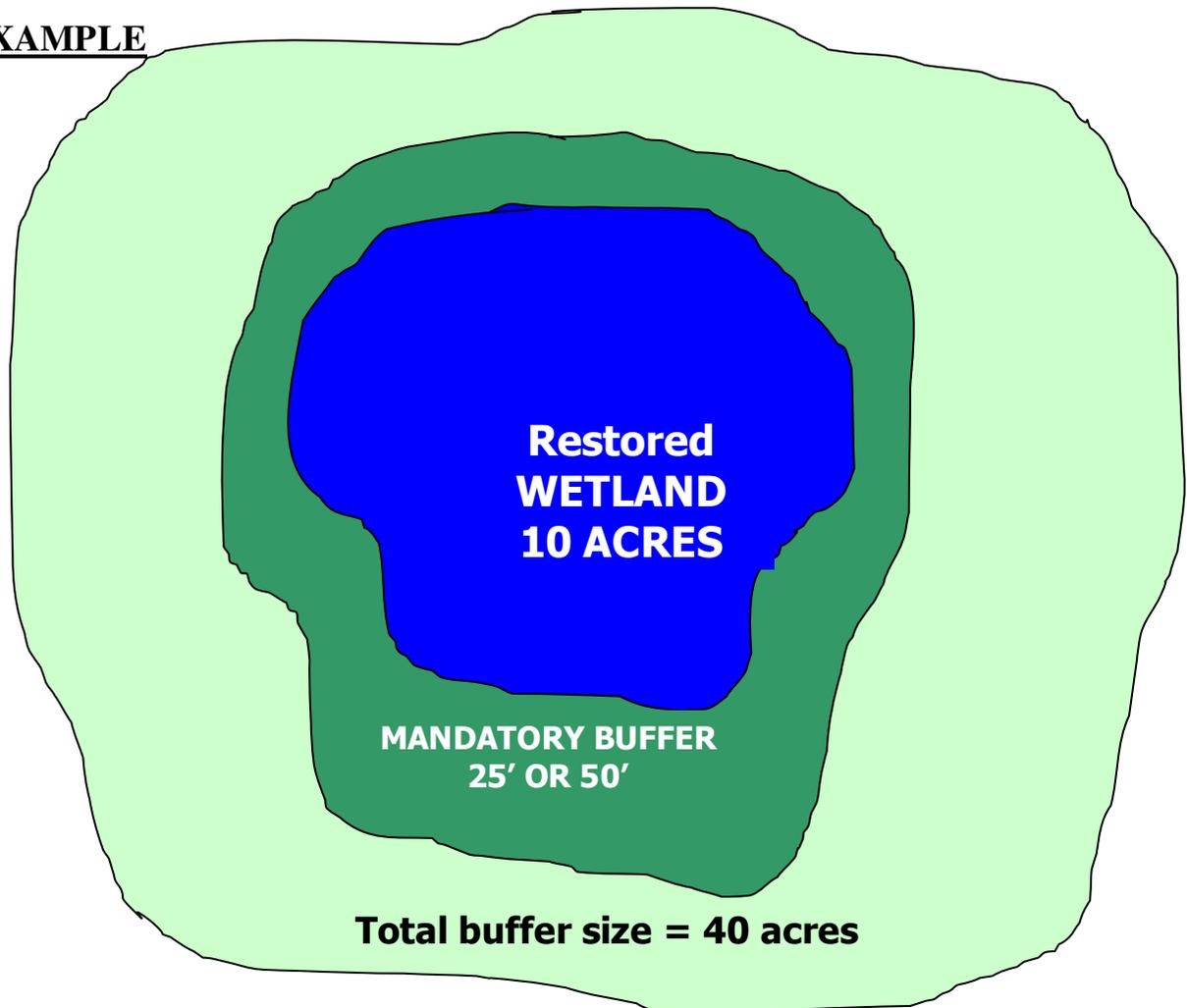


Replacement credit for buffer is 0.75 acres ($25\% \times 3 = 0.75$). Maximum credit for buffer in this example is 2.69 acres (10.75 total credits x 25% limit = 2.69).

Buffer Option # 3 (Single Credit System with maximum buffer size based on size of the replacement wetland - blend of MOU and current rule)

- Mandatory Buffer of 25 feet (municipal) and 50 feet (non-municipal) for all replacement wetlands
- Up to 25% credit for buffer area. Buffer size limited to 4 times the size of the replacement wetland. This effectively limits the amount of credit from buffer to the amount of credit from the replacement wetland.
- All actions eligible for credit (including buffer) are converted to a single credit system.

EXAMPLE



The maximum buffer size in this example (10 acre replacement wetland x 4 = 40 acre limit) would yield 10 acres of replacement credit (40 x 25% = 10).