

| Existing Regulation(s) | Proposed Amendment & Description |
|--|---|
| <p>21A.50.300 (7) allows discharge from a surface water facility to wetlands or buffers if no increase in the rate of flow, change the plant composition in a forested wetland or decrease in the water quality of the wetland.</p> <p>Allows flow control in isolated type 4 wetlands or their buffers only if (i) pre-settlement pond or water quality treatment prior to flow into the wetland; and (ii) they are not part of, or immediately adjacent to, a designated wildlife habitat corridor.</p> <p>Use of a wetland buffer for a surface water management activity or facility, other than a flow control or water quality treatment facility, such as an energy dissipater and associated pipes, only allowed when there is no reasonable alternative and functions are not affected.</p> | <p>Increase the allowance for wetlands to be used for stormwater management purposes to include low function Category III and IV wetlands and buffers if mitigation is also provided.</p> |
| <p>Desired Result of Amendment: Increased flexibility for development</p> | |

Amendment Source:

Public comment

Best Available Science Support: Not Supported

- Reference AMEC Report Issues 6- 9, Issue 9
- Use of existing wetlands for water quality control is prohibited under state and federal law.
- Wetlands could be used to *improve* water quality if an existing wetland is restored or enhanced such that there is a net improvement and appropriate source control and treatment BMPs are applied.
- Wetlands could be used for quantity control, only if upland alternatives are inadequate to solve the existing or potential problem.

Affected Code Section(s) (includes duplicative and overlapping sections):

21A.50.300 (7)

Notes:

| Ratings are either: large positive (P), small positive (p), neutral, large negative (N), small negative (n) | | | |
|---|---|--|---|
| Environmental | N | Implementation | n |
| <ul style="list-style-type: none"> Reduced on-site protection of the wetland functions and values (F&V) Decreased protection of public assets and resources (e.g. streets, water quality) Increased cumulative impacts to the wetland F&V Decreased potential to restore damaged F&V Increased chance of damage to wetland F&V Potential to damage high quality, unique wetland features Net loss of wetland F&V <p>Increasing the use of wetlands as stormwater facilities would increase impacts to critical areas both on-site and cumulatively. On-going use would decrease the potential for successful restoration and increase potential damage to wetlands. Water quality impacts could also result.</p> | | <ul style="list-style-type: none"> Less clear regulations, greater chance for unintended consequences Neutral effect on ability for consistent, efficient implementation by the staff Decreased likelihood of support/approval by other agencies Negative effect on effective mitigation, harder to monitor <p>The amendment would increase the chances of unintended consequences by allowing for alterations of natural features and their functions. There is a decreased chance of approval by other agencies due to added impacts to critical areas, and a decreased likelihood of effective mitigation due to the on-going stormwater use.</p> | |
| Property | p | Overall Effect | |
| <ul style="list-style-type: none"> Increased flexibility and options for property owner's use of property Neutral effect on predictability for permit applicants and neighbors Neutral effect on recognition of site improvements and existing uses in standards Increased expense / time <p>The amendment would increase options for property owners by allowing wetlands to serve a stormwater function, potentially reducing area needed for other stormwater facilities. There would be no effect on predictability and no effect on recognition of existing uses. Review time and expense would increase.</p> | | <h2>Negative</h2> | |

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[Verbal](#) public comment

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21A.50.300 (7)

Public Comment Reference(s):

[220](#)

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