

1 **WAC 463-42-332 shall be amended to read:**

2 (1) Habitat for and number or diversity of species of plants, fish, or other wildlife – The  
3 application shall describe all habitat types, vegetation, wetlands, ~~animal life, wildlife, and~~ aquatic  
4 life and instream flows which might reasonably be affected by construction, ~~or~~ operation, or  
5 termination of the energy facility and any associated facilities. Assessment of these factors shall  
6 include density and distribution information. The application shall contain a full description of  
7 each measure to be taken by the applicant to protect all habitat types, vegetation, wetlands,  
8 ~~animal life, wildlife, and~~ aquatic life and instream flows from the effects of project construction,  
9 operation, abandonment, termination, or cessation of operations.

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12 **WAC 463-XX-010 Fish and Wildlife.**

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14 (1) **Introduction.** This rule describes the standards for fish, wildlife, and habitat  
15 protection.
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17 (2) **Goal.** The goal is no net loss of fish and wildlife habitat functions and values.
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19 (3) **Applicability.** This section shall not apply to wetlands. Wetlands impacts shall be  
20 governed by the wetlands standard in WAC 463-xx-xxx.
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22 (4) **Additional Guidelines.** The following factors provide information that applicants  
23 shall consider as guidelines in developing fish and wildlife mitigation plans that will  
24 be acceptable to EFSEC.
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26 a. **Mitigation.** “Mitigation” means actions taken to avoid, minimize, or compensate  
27 for impacts to fish, wildlife, or habitat from the proposed project activity. EFSEC  
28 establishes the following sequential order of preferences for mitigation activities:
- 29 i. Avoiding the impact altogether by not taking a certain action or parts of an  
30 action.
- 31 ii. Minimizing impacts by limiting the degree or magnitude of the action and  
32 its implementation.
- 33 iii. Rectifying the impact by repairing, rehabilitating, or restoring the affected  
34 environment.
- 35 iv. Reducing or eliminating the impact over time by preservation and  
36 maintenance operations during the life of the action.
- 37 v. Compensating for the impact by replacing or providing substitute  
38 resources or environments.
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40 b. **Monitoring.** Compliance and effectiveness monitoring, and taking appropriate  
41 corrective measures to achieve the identified goal, is a necessary component of all  
42 of the above.
- 43  
44 c. **Mitigation Plans.** Mitigation plans for projects with significant impacts should  
45 include the following:
- 46 i. Baseline data
- 47 ii. Estimate of impacts

- 1                   iii. Mitigation measures
- 2                   iv. Goals and objectives
- 3                   v. Detailed implementation plan
- 4                   vi. Adequate replacement ratio
- 5                   vii. Performance standards to measure whether goals are being reached
- 6                   viii. Maps and drawings of proposal
- 7                   ix. As-built drawings
- 8                   x. Operation and maintenance plans (including who will perform)
- 9                   xi. Monitoring and evaluation plans (including schedules)
- 10                  xii. Contingency plans, including corrective actions that will be taken if
- 11                   mitigation developments do not meet goals and objectives
- 12                  xiii. Performance bonds or other guarantees that the proponent will fulfill their
- 13                   mitigation for the duration of the project impact, operation and
- 14                   maintenance, monitoring, and contingency plan obligations.

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16                  d. **Replacement Ratios.** The ratios of replacement habitat to impacted habitat

17                   should be greater than 1:1 to compensate for temporal losses, uncertainty of

18                   performance, and differences in functions and values. Habitats that are difficult to

19                   establish or replace, such as shrub-steppe, old growth forest, oak woodland, etc.,

20                   should be replaced at a minimum of a 3:1 ratio.

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