

WASHINGTON

Wetland Definition

Washington Administrative Code 173-201A-020 Water Quality Standards for Surface Waters of the State of Washington provides in part:

“Surface waters of the state” includes lakes, rivers, ponds, streams, inland waters, saltwaters, wetlands and all other surface waters and water courses within the jurisdiction of the state of Washington.

This section further provides that:

“Wetlands” means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands. (Water bodies not included in the definition of wetlands as well as those mentioned in the definition are still waters of the state.)”

Wetland Water Quality Standards

Washington has adopted water quality standards for the state as a whole and guidelines (not actual regulations) for wetland water quality. The state has established a 401 program; established narrative water quality standards for wetlands; and applies a broad antidegradation policy to wetlands. The state also has an outstanding resource waters program. Although the state has not formally adopted water quality standards, it has prepared quite detailed guidance on such standards. See Department of Ecology, Water Quality Guidelines for Wetlands, Using the Surface Water Quality Standards for Activities Involving Wetlands (1996) <http://www.ecy.wa.gov/pubs/9606.pdf>

Designated Uses

Washington water quality guidelines designate a number of beneficial uses of wetlands that must be protected including water supply, fish and shellfish habitat, wildlife habitat, recreation, commerce and navigation, aesthetics, ground water exchange, shoreline stabilization and storm water attenuation. See Department of Ecology, Water Quality Guidelines for Wetlands, Using the Surface Water Quality Standards for Activities Involving Wetlands, above.

Narrative and/or Numeric Criteria

Wetlands are protected by the antidegradation policy and a narrative statement that, “water quality in wetlands is (to be) maintained and protected by maintaining the hydrologic conditions, hydrophytic vegetation, and substrate characteristics necessary to support existing and designated uses.” See also restoration as part of the antidegradation policy below.

Antidegradation Policy

The antidegradation policy is the primary means of protecting wetlands under the water quality law. It provides, in part,

“WAC 173-201A-300 (1) The antidegradation policy is guided by Chapter 90.48 RCW, Water Pollution Control Act, Chapter 90.54 RCW, Water Resources Act of 1971, and 40 CFR 131.12.

(2) The purpose of the antidegradation policy is to:

(a) Restore and maintain the highest possible quality of the surface waters of Washington;

(b) Describe situations under which water quality may be lowered from its current condition;

(c) Apply to human activities that are likely to have an impact on the water quality of a surface water;

(d) Ensure that all human activities that are likely to contribute to a lowering of water quality, at a minimum, apply all known, available, and reasonable methods of prevention, control, and treatment (AKART); and

(e) Apply three levels of protection for surface waters of the state, as generally described below:

(i) Tier I is used to ensure existing and designated uses are maintained and protected and applies to all waters and all sources of pollution.

(ii) Tier II is used to ensure that waters of a higher quality than the criteria assigned in this Chapter are not degraded unless such lowering of water quality is necessary and in the overriding public interest. Tier II applies only to a specific list of polluting activities.

(iii) Tier III is used to prevent the degradation of waters formally listed in this Chapter as "outstanding resource waters," and applies to all sources of pollution.

(3) Habitat restoration. Both temporary harm and permanent loss of existing uses may be allowed by the department where determined necessary to secure greater ecological benefits through major habitat restoration projects designed to return the natural physical structure and associated uses to a water body where the structure has been altered through human action.”