

**STATE OF WASHINGTON
DEPARTMENT OF FISH AND WILDLIFE
HABITAT PROGRAM**

March 29, 2017

TO: Regional Habitat Program Managers
Assistant Regional Program Managers
Habitat Biologists
Protection Division Staff
Fish Passage Division Staff
Science Division Staff

FROM: Margen Carlson, Deputy Assistant Director
Randi Thurston, Protection Division Manager

SUBJECT: **INTERIM GUIDANCE REGARDING MITIGATION, MONITORING
AND CONTINGENCY PLANS**

Project proponents may use a mitigation plan to propose compensatory mitigation within a watershed. A project proponent should also submit a mitigation plan when a project will have ongoing, complex, and experimental mitigation actions. A habitat biologist should follow [Chapter 90.74 RCW](#) “Aquatic Resource Mitigation” and [WAC 220-660-080\(5\)](#) “Mitigation Plan” when reviewing and approving a mitigation plan.

When there is a risk that the mitigation (including avoidance, minimization, or compensation measures) will not be successful, a performance monitoring, evaluation, and contingency plan that includes corrective actions the project proponent will take if mitigation measures do not meet goals and objectives is needed. A performance monitoring, evaluation, and contingency plan includes 1) background on the projects (i.e., what is known about effects from this type of project etc.), 2) the questions to be answered via monitoring, 3) methods for collecting and analyzing data, 4) expected results and 5) an alternative(s) for additional mitigation if the expected results are not achieved. The plan should clearly state the reason for monitoring.

When required for the project, a project proponent should submit mitigation and a performance monitoring, evaluation, and contingency plan to the habitat biologist for review and approval before the Hydraulic Project Approval (HPA) is issued. The biologist should reference the plan in the plans provision and issue the HPA for the life of the monitoring plan. If the monitoring extends beyond the 5-year limit of a standard HPA, a mitigation agreement is also required.

If you have any questions, please contact Randi Thurston. Thank you