WSDOT GUIDANCE ON WETLAND BUFFERS ACROSS ROADWAYS

WSDOT 5/16/08

Local CAOs typically identify buffer widths for wetlands based on the rating of the resource and adjacent land use. When WSDOT proposes a *new* roadway through an existing wetland buffer, local governments regulate the buffer on both sides of the roadway and may require mitigation for them. For wetlands adjacent to an existing roadway, some local jurisdictions may identify buffer areas as extending across the road. However, buffer areas that are separated from a wetland by an existing road provide no screening, buffering, or water quality functions to the sensitive area. As such, buffers are considered to be functional on the same side of an existing road as the wetland. **Therefore, when determining the impacts to wetland buffers from a proposed WSDOT project, WSDOT only considers buffer areas on the same side of the roadway as the wetland.***

For example, Figure 1 shows a wetland on the south side of an existing roadway. If WSDOT proposed to widen only the north side of the roadway, the project would not impact any buffers of that wetland.

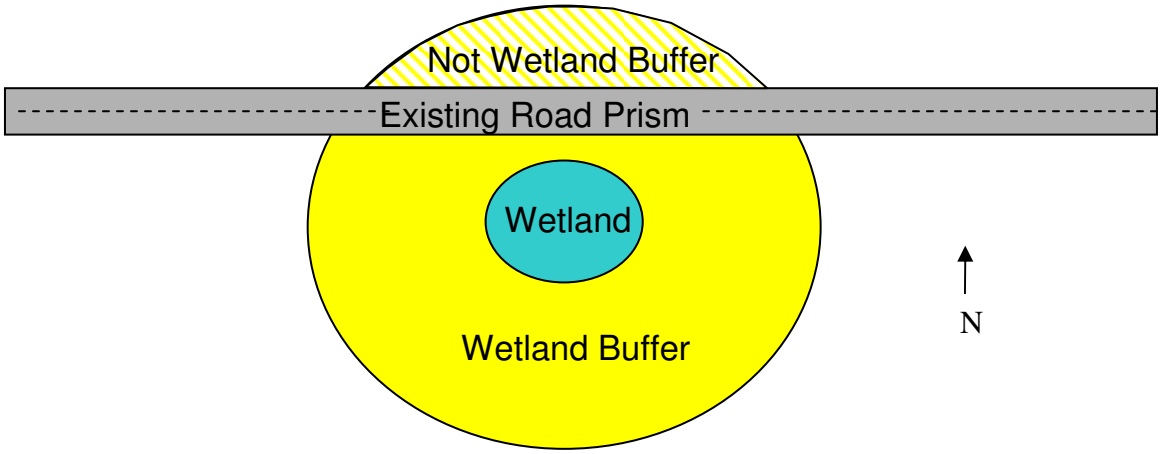

Figure 1. An existing roadway negates the buffering effects that could benefit a wetland on the opposite side of the road. Therefore, wetland buffers (and potential impacts to them) do not extend across an existing roadway.

In certain situations, a buffer can extend across other types of trails and roads. Existing pedestrian trails and some seldom used non-paved (and non-hardened) roads can occur within a buffer. In these situations, the buffer will continue across them. Typically, paved and hardened (gravel) roads, and railway tracks will separate the buffer and the functional buffer will end at the edge of the hardened surface or railway ballast. Refer to local CAO for clarification.

If local CAO does not provide clear guidance, the biologist must make their own determination. Factors to consider include the type of surface present, road or track elevation (does the structure topographically separate the buffer), existing buffer vegetation, the type and amount of traffic using the road/track, the existing buffer functions, and quality of the existing wetland (rating, HGM, vegetation, and functions). The biologist will need to provide a clear, logical evaluation of the existing conditions to support their determination.

***** Potential exception to this guidance: King County's critical areas ordinance is the only known ordinance to address buffers across roads. The relevant ordinance follows.

KCC 21A.325.D.4

4. Where a legally established roadway transects a wetland buffer, the department may approve a modification of the minimum required buffer width to the edge of the roadway if the part of the buffer on the other side of the roadway sought to be reduced:
   a. does not provide additional protection of the proposed development or the wetland; and
   b. provides insignificant biological, geological or hydrological buffer functions relating to the other portion of the buffer adjacent to the wetland.

Note: Many wetlands/roadways will meet the above qualifications for an exception in King Co., necessitating WSDOT to request buffer width modification from the County.