

**WAC 220-600-070 Agency policy—Substantive authority and mitigation.** (1) The policy of the department is to avoid or mitigate adverse environmental impacts that may result from department actions. This policy results from:

(a) The legislated duties of the department with respect to fish and wildlife; and

(b) Recognition of the fact that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment (RCW 43.21C.020(31)).

(2) If an action is subject to SEPA, and the proposed activity requires a permit from the department, and is reasonably likely to have an adverse environmental impact as identified in an environmental document, the department may:

(a) Require reasonable alternatives to the action and/or proven measures which will mitigate or eliminate the identified potential adverse impact, and make such alternatives and/or proven mitigation measures conditions of the department's approval; or

(b) Deny the proposal if significant adverse impacts as identified in a final or supplemental environmental impact statement prepared under chapter 197-11 WAC are not satisfactorily avoided or mitigated by proven techniques.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-600-070, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 03-10-038 (Order 03-83), § 220-100-045, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. WSR 84-19-053 (Order 84-144), § 220-100-045, filed 9/18/84; WSR 78-05-029 (Order 78-17), § 220-100-045, filed 4/17/78.]