

HCCC IN-LIEU FEE MITIGATION
INTERAGENCY REVIEW TEAM (IRT) MEETING
February 14, 2018
10am – 4pm HCCC Office

IRT Participants

Suzanne Anderson, Army Corps of Engineers
Chris Waldbillig, WDFW
Steve Todd, Suquamish Tribe
Cynthia Rossi, Point No Point Treaty Council
Roma Call, Port Gamble S'Klallam Tribe
Linda Storm, EPA
Cyrilla Cook, DNR
Kathlene Barnhart, Kitsap County
Randy Lumper, Skokomish Tribe
Brittany Gordon, WDFW

Non-IRT Participants

Patty Michak, Hood Canal Coordinating Council – Sponsor

Review of Meeting Agenda

- Revisions to agenda
 - Add: Out of Service Area request
 - Add: Navy Special Ops Training NEPA review
 - Postpone: Review of Site Protection Documents – IRT needs time to review
- Meeting Notes:
 - July 25, 2017 – revised to include IRT review and discussion of the Olson Nearshore property.
 - October 5, 2017 – IRT needs additional time to review

ACTION ITEM: IRT comments due February 21, 2018; HCCC to post final notes to website.

- Question on status of Users Guide for the Interim Tool and review at upcoming IRT meetings.
 - An updated Users Guide will be reviewed at future IRT meetings.

Program Updates

- Credit sales:
 - Navy: Land Water Interface
 - HCCC understands that the COE permit has been issued to the Navy for this project.
 - HCCC has contacted the Navy to discuss the process for executing the credit sale and transfer of funds.
 - Likely process will be a solicitation contract with Navy.
 - Navy: Service Pier Extension
 - HCCC has received no documents from Navy to date.
 - Update from COE on meeting with the Navy
 - Navy is proposing to construct in summer 2018.
 - COE has not received any application or draft Use Plan
 - COE told Navy that they will need current baseline data, vegetation survey, etc.

- Possible use of Habitat Equivalency Analysis (HEA) for determining impacts/mitigation needs
- Question: IRT review of use of HEA?
 - HEA, or other tool, to determine appropriate mitigation requirement by regulatory agencies. Regulatory review by multiple agencies; these agencies will determine if impact analysis/mitigation is appropriate.
 - If HEA is used there will need to be review by NOAA staff that are knowledgeable in HEA application.
- Need to review cumulative impacts and make sure they are addressed.
- FYI: new project manager for the COE on Navy projects: Frank Nichols.
- IRT should review project and consider potential impacts and determine what function/services may be impacted and to what extent.

ACTION ITEM: Agenda item for next IRT meeting: Review Service Pier Extension project: impacts to functions/services.

- Mitigation sites – acquired and pending:
 - Irene Pond – weed control remains an issue within the buffer planting area. Contracting with Mason County weed control (or others) to implement herbicide spraying this spring. Also removed a danger tree within the buffer area. Cut down an immature Cottonwood that was within 5 feet of the property line and a potential threat to the neighboring structures. Tree removed at the request of the neighboring landowners due to their concern with future damage and safety.
 - Myrvang Wetland – conducted weed removal activities last year – used a WCC crew to pull Scotch broom and blackberry in the upland buffer areas on the north and south property lines. Removed weeds from ~0.3 acres. Also removed ~140 feet of 3 strand barbed wire fencing, and associated fence posts, that was primarily on the ground and presented an entanglement hazard to wildlife.
 - Little Anderson Bluff –
 - Executed a Boundary Line Adjustment (BLA) to address an existing encroachment in the uplands. Approximately 2,500 square feet was deeded over to the adjoining landowner. Land survey was completed and the legal description was revised and utilized on site protection documents. All documentation; BLA document, survey and site protection documents have been recorded with Kitsap County.
 - This spring HCCC will be working on mapping site features and weed areas and preparing the site mitigation plan.
 - Will not be able to complete a mitigation plan until we can survey tidelands this coming spring. Need to have a land surveyor stake MHHW and lateral extent of tidelands and then map (not legal survey as boundaries are ambulatory) tideland extent. HCCC will complete foot survey of tidelands to map vegetation and other aquatic resources during extreme low tides; best in June/July.
 - NEW SITE! Bob and Melissa Olson Nearshore property (aka Olson Nearshore) – closed the acquisition on January 22. Owned by Great Peninsula Conservancy.
 - ~22 acres of riparian area & ~ 6.5 acres of tidelands – subject to survey
 - Will inventory/map riparian and tideland features this spring/summer and draft mitigation plan.
 - Same tideland mapping/survey issues as Little Anderson Bluff; will complete tideland mapping this summer.

- Pending Sites
 - Dewatto – under Purchase and Sale Agreement (PSA)
 - Big Beef – working on PSA and other agreements requested by seller.

Discussion of February 5 field visit

- Actions and cost for property evaluation pre-acquisition
 - HCCC works to bring potential mitigation sites to the IRT as early in the site identification process as possible
 - Once the IRT gives an approval that a site is appropriate for mitigation then HCCC begins the acquisition process
 - HCCC wants to remind the IRT that we expend funds on these properties as part of the acquisition due diligence, such as; appraisal, earnest money agreement, Phase 1 Environmental Site Assessment, hazardous building materials survey, etc. This can quickly add up into the tens of thousands depending on the site.
- IRT review and discussion of sites
 - Dewatto – under PSA; 6 parcels in total for a total of ~31 acres of riparian and ~ 11.3 acres of tidelands (all subject to survey). Development is present on 2 parcels; remnant roads and access roads occur. Mitigation actions would be the removal of all structures, utilities, and roads that can be removed. Replanting of disturbed areas. Considering a boundary line adjustment with the intervening landowner for exchange of uplands for tidelands and riparian area east of the North Shore Road. This would provide continuous ownership and protection on 1,867 feet of shoreline.
 - IRT emphasized the need to describe all hydrologic resources and connections on the properties; particularly in the most eastern extent of the properties. Describe how the properties connect to Little Dewatto aquatic resources.
 - Big Beef – working on PSA and other agreements requested by landowner. Riparian area ~2.3 acres with existing structures. All structures, septic systems and interior driveways would be removed. Invasive plant species occur on-site and would require control. Tidelands are ~ 9.7 acres with 393 feet of shoreline fronting to the riparian property and additional frontage along Seabeck Highway. Some power and water may be left on the property for use during revegetation of the riparian area. A remnant dock/pier structure occurs on the shoreline and would be removed.
 - IRT discussed the removal of angular rock that is scattered on the intertidal area that has been displaced from the county road armoring. It was felt that some of the smaller rock could be removed; particularly rock that is away from the road prism. Need to coordinate with Kitsap County public works.
 - Public access on to tidelands for wildlife photographers is not likely to be a problem.

Marine Mitigation sites credit review

- Non-credit generating buffers – marine mitigation sites
 - Goals for buffer – protect structures and functions on-site from off-site influences, to minimize the risk of impact from off-site land uses
 - Required by COE/Ecology for ILF and Mitigation Banking sites
 - Consider land use, zoning, highest use under conditional use
 - Site specific discussions to take into consideration landscape position, adjoining land uses, and other site specific features; on-site and adjoining
 - Concern with functions in edge habitat; how to assess to establish buffer width

- Concern with impacts to the Program from loss of credit generating area and cost spent to acquire land that does not produce mitigation credits; is the credit cost sufficient to cover non-credit generating acreage?
- Program has no control over actions taken by adjoining landowners
- Concern with increased likelihood of invasive plant species in buffer area – so no credit
 - HCCC felt that invasive plants would be managed through conditions set within the site mitigation plan
- Concern with disturbance from adjoining landowners or uses
 - HCCC felt that this is a site stewardship/encroachment issue that would be managed through conditions set within the site protection documents and the site mitigation plan
- Concern with how the buffers would prevent invasive species or site disturbances
- Little Anderson Bluff
 - Discussed adjoining land uses above top of bluff
 - E boundary – 2 residential properties / land clearing; private water company
 - W boundary – 1 residential property / land cleared and landscaped/ lawn
 - S boundary – elevation predominantly lower than mitigation site, exception SE corner
 - Proposed buffers
 - tidelands – no buffers
 - marine riparian – top of bluff to tidelands – no buffer
 - direct marine aquatic connectivity
 - undevelopable
 - steep and unstable slope
 - no logging
 - no access
 - upper marine riparian – top of bluff to south property line – 25 feet on property perimeter
 - built out, already developed
 - consider slopes/drainage/water flow
 - habitat and water quality
 - protected from future impairments
 - future slope failure allowed – contribute sediment to marine system over time

ACTION ITEM: HCCC to map and provide graphical representation to IRT.

- Olson Nearshore
 - Discussed adjoining land uses
 - N boundary – 3 residential properties – NW property forested and abutting ravine; middle and NE properties residential development, land clearing
 - S boundary – 6 residential properties – 2 forested no development and 4 developed properties
 - E boundary – Pioneer Way – 2 lane high traffic county road
 - need to map location of aquatic resources to inform buffer
 - What are regulatory buffers on adjoining properties?
 - stream setback = buffer width approach
 - Proposed buffers
 - tidelands – no buffers
 - more complex site due to ravine and possible aquatic resources on site
 - suggested 50 foot buffer from Pioneer Way

- suggested 50 foot buffer from NE corner and along north property line until it turns to south; also where wet

ACTION ITEM: HCCC to map and provide graphical representation to IRT.

Out-of-Kind mitigation – marine credit and debit

- HCCC proposes to conduct out-of-kind mitigation for subtidal habitat classes as a result of the lack of opportunity for subtidal mitigation primarily due to the fact that subtidal tidelands are predominantly in public ownership and there are limited opportunities to create, restore or protect subtidal habitats.
- HCCC has reviewed the ILF Program Instrument detailing the Marine Service Area AMU’s threats and mitigation objectives and has concluded that the vast majority of identified actions are within the intertidal habitat sub-classes.
- HCCC concludes that subtidal to intertidal out-of-kind mitigation is appropriate as it would serve to address threats and meet the aquatic resource needs of the watersheds or ecoregion.
- HCCC has not found evidence or literature that out of kind mitigation, subtidal to intertidal exchange, would result in a conversion from a highly valuable and/or rare habitat type to a common habitat type; possibly the inverse is true. Subtidal habitat is not a limiting factor/ resource is Hood Canal.
- For HCCC to accept subtidal mitigation credit sales HCCC will require all Degree of Impact and Risks Factors utilized in the Interim Nearshore Credit/Debit Tool be at the maximum of the range for the associated habitat classes.
- Additionally, HCCC proposed that for intertidal habitat mitigation actions that are preservation only and completed as out-of-kind compensation for subtidal habitat classes that the credit calculation conversion factor will be in the top 1/3 of the range (4.0 to 5.0 out of the range of 2.0 to 5.0) unless rationale is provided that determines that site specific features (i.e. location, unique or regionally significant habitat [intact feeder bluff, eelgrass, pocket estuary, scarcity of habitat]) occur on-site that would justify a lower conversion factor.
- Reviewed a spreadsheet of the Interim Nearshore Tool showing these revisions to the tool.
- Concern with resource tradeoff; impacts resulting in reduced subtidal resources/functions.
 - Not a limiting resources in Hood Canal
- Special consideration should be given to kelp, eelgrass, or rocky subtidal habitats; that out-of-kind mitigation should be reviewed on case by case basis prior to a credit sale.
- Should there be a cap on the amount of out-of-kind mitigation that is allowed?
- Discussed that the Program will continue to look for subtidal mitigation projects.
- IRT was supportive of this approach.

ACTION ITEM: HCCC to provide the revised Interim Tool spreadsheet to the IRT.

Review of Site Protection Documents

- Postponed to a future meeting to give IRT additional time to review; it was discussed that the review is just to keep the IRT up to date on the site protection documents as it has been some time since they were reviewed by the IRT.
- IRT should identify any areas of significant concern and be aware that the documents in use have undergone rigorous review by HCCC, COE and land trust legal counsels. Any revisions will require review by all entities legal counsel.

ACTION ITEM: IRT to review documents. HCCC to include as an agenda item during a future IRT meeting.

Out of Service Area Mitigation – added agenda item

Proposed development project in Poulsbo would impact wetlands near HYW's 303 and 307. Out of WRIA 15 service area but within the Dog Fish Creek watershed and the creek occurs on site. Possible nexus to the Myrvang Wetland mitigation site as a portion of one branch of Dog Fish Creek flows along the perimeter of the property.

COE staff to review further and discuss with tribes.

Navy Special Ops Training NEPA review– added agenda item

Question of whether other IRT members had reviewed the NEPA document and if there were concerns with the actions proposed.

Expansion of area for on-going training activities. Limited concern by most.