

**HCCC ILF PROGRAM IRT MEETING NOTES - Final**  
**Port Orchard, WA**  
**December 5, 2013**

**Attendees:** Brad Murphy (Ecology), Gail Terzi (Corps), Cynthia Rossi (PNPTC-Jamestown), Donna Frosthalm (Jefferson County), Roma Call (PGST), Steve Todd (Suquamish Tribe), Patty Michak (HCCC), Randy Lumper (Skokomish Tribe), Doris Small (WDFW), Stacy Vynne (PSP), Kathlene Barnhart (Kitsap County), Linda Storm (EPA), Cyrilla Cook (DNR).

**Note Taker:** none; Linda Storm, U.S. EPA provided her notes as a guide to develop these meeting notes.

June IRT meeting notes were reviewed. A reviewer asked a question about the King County ILF Program and mitigation for maintenance projects on Lake Washington. Gail Terzi confirmed that NMFS was requesting mitigation for maintenance and repair and summarized the situation with King County ILF in regards to Lake Washington maintenance projects. Notes will be updated, finalized and posted to the HCCC website.

Action Items list – most of the items on the list have been addressed and noted on the list.

Review of Annual Report – A program annual report was provided to the Co-chairs and the IRT members for review. No comments were received from the IRT on the report.

Marine Receiving Site Discussion

Port Gamble Marine Receiving Site – came to top of the list in terms of potentially available. Anchor QEA was asked to provide two high level concepts for shoreline restoration, focusing on the southern mill site and eelgrass habitat restoration. Anchor QEA was asked to provide a brief document based on information already acquired as a consultant to the landowner. The concepts were based around potential available mitigation fund scenarios of \$2 million or \$4 million. The consultant was also asked to evaluate the potential for conducting restoration in-concert with the proposed remediation work at the mill site.

Patty presented a series of site photos for IRT members that may not be familiar with the current condition of the site.

The draft restoration plans were reviewed and discussed by the IRT. IRT expressed concern for the need to plant eelgrass versus allowing for natural recruitment. Would like to see other options/scenarios where more fill removed, not actively plant eelgrass, but look to recruitment. Show costs/benefits and relative risks of different mitigation plan scenarios –

- 1) As shown with intertidal eelgrass
- 2) Create habitat and eelgrass shall come
- 3) More upland fill removal and re-grading and restoring more intertidal habitats and allow for recruitment.

**ACTION: HCCC staff to follow-up with DNR eelgrass experts and others as to the best approach for this site. Other site design alternatives will be considered should the site move forward and funding is released from the mitigation project account.**

IRT expressed concerns with what is known about the potential for soil contamination at the mill site and the upland contamination sampling plan by Ecology. Ecology prepared a draft dioxin sampling plan which was sent out for public comment. Ecology is reviewing those comments and may have significant revision to sampling plan. Ecology staff had stated that sampling may not occur until May/June 2014. **ACTION: HCCC staff to follow-up with Ecology on the status of the sampling plan and schedule for sampling and obtaining results.**

IRT stated that there cannot be any approval to move forward with the site until risks for contaminated soils are assessed.

Additional IRT comments/concerns with the site:

SMA 1 (north area) clean up first – would be awhile before they would get to the south part of the remediation work. If the material is clean – potential for beneficial re-use of the material. Patty stated that there could be opportunity to stage the remediation and mitigation projects together if planned/designed accordingly.

Why wasn't restoration included in the remediation project in the first place? Feels very uncomfortable using this ILF program for funding something that should have been the responsibility of the landowner who caused the damage in the first place (under Model Toxics Control Act - MTCA).

It's the appearance of the issue – of the ILF program working at this site – ok for you to contaminate the site and don't worry we'll use mitigation money to fix it later.

Summary of issues and concerns: first need to establish to what extent and where dioxin is present in the uplands. Once know answer as to the presence and concentration of dioxin on the site is (whether the material behind the existing riprap is clean or not) then a decision on the site as a mitigation opportunity can be made. If soil is clean it will open up a lot of possibilities for collaboration if landowner is willing.

There is Ecology funding through a legislative proviso that could be available for conservation of a portion of the mill site. Discussions are on-going with landowner, Ecology and Kitsap County.

Tidelands ownership is also a question.

There are at least two different groups at Ecology working on this. Brad would be willing to invite staff to come and talk about what is being proposed and considered for the site

This is a onetime opportunity to restore this site. Let's not drop it, but we also need to keep moving on identifying other projects to implement.

What about removing more material at the 9 acres site later, does the work done forward of the existing riprap to cap the contaminants preclude doing any future restoration work on the uplands? Possibly, need to work with Ecology clean-up staff to determine restrictions on the site post-remediation.

Additional marine mitigation receiving sites:

- 1) Large preservation property – ~1+ mile shoreline, some basalt outcrop, areas armored, opportunity to put conservation easement over the property. Conservation easement on tidelands and some intact shoreline, not the whole parcel. Focus on what's pristine in tidelands.
- 2) Brinnon area preservation opportunity uplands and shoreline, basalt outcroppings occur across property, site is more impacted than above property. Some armoring but no interest to remove due to large fetch length that can result in impacts to the property.
- 3) Walkers Creek barge removal (0.25 footprint) – vetted by Hood Canal Salmon Enhancement Group and landowner. Requested SRFB funding but currently not funded.

IRT: Is some eelgrass habitat present on the above properties so would be protecting some eelgrass habitats. Would have to look at conversion factors to generate the appropriate credits.

HCCC has put preservation projects at a lower priority to sites that offer habitat restoration opportunities.

What about moving forward on suite of protection and restoration? Plan B in the event that Port Gamble can't be done.

Discussion on securing properties: Kitsap County for example has concerns about funding for long-term stewardship and how will this all work. If it's held by the County it's automatically open to public access...if CE restricts it and doesn't align with County's mission/requirements. Other than Parks and Public Works there isn't an entity at County to hold CEs. So greater focus on land trusts.

Tidelands can be donated to the State/DNR. [Added information 9/16/2014 – DNR stated that cannot accept lands if contaminated]

#### Freshwater receiving site discussion

Lower Stavis Bay parcel sold, bank owned and sold through Fannie Mae auction. **ACTION: HCCC will follow-up to see if there is any opportunity with the new landowner.**

Harding Creek property – 1,700 feet undeveloped nearshore riparian shoreline habitat, don't own tidelands, but possibility of buying tidelands back in the future if there is a willing seller. Backshore wetlands with house within the wetland. Restoration opportunity. Will need other funding partners to purchase property as it is large and has significant timber value. Working with The Trust for Public Lands to assist with funding scenario. Gail asked how does this accounting work with the Navy's REPI funding if it is used as an additional funding source. **ACTION: HCCC to set-up site visit for IRT.**

#### General Discussion

How much public access is allowed? Gail's answer: mitigation site is a mitigation site it's not a park. Typically no don't allow public access on to mitigation sites unless it's explicitly controlled.

Typically we want signage says keep out this is a wetland mitigation site.

Areas if there are public access areas do not get to be included in areas that generate credits; trails and their buffers are pulled out of credit generating areas.

Hunting has been an allowed use for property holders only, not for commercial or public use.

Question about what about where there are existing landowners – how maintain passive uses, not public uses.

Status of HEA – Gail discussed the use of HEA tool and how it's used, variables and factors get plugged into the equation that spits out DSAYS number and how the HEA works. Skagit Bank used HEA and coordinated with Skagit Tribe to figure out what the variables were for coho and steelhead for that site and basin. December 19<sup>th</sup> 10-2pm is the presentation at the Corps by Herrera.

Corps finally convinced NMFS. Yes Corps does regulate all waters of U.S. and 2008 rule does require mitigation for all impacts. Has come around to understanding how HEA works and how generate the numbers. The variables/inputs you chose to go into the tool is where rubber meets the road.

#### Next meeting & Next Steps:

Site visit to Harding Creek to be scheduled