

HCCC IN-LIEU FEE MITIGATION  
INTERAGENCY REVIEW TEAM (IRT) MEETING  
August 31, 2016  
10am – 3pm  
HCCC Office

IRT Participants

Patricia Johnson, Department of Ecology  
Gail Terzi, Army Corps of Engineers  
Suzanne Anderson, Army Corps of Engineers  
Cynthia Rossi, Point No Point Treaty Council  
Roma Call, Port Gamble S'Klallam Tribe  
Steve Todd, Suquamish Tribe  
Randy Lumber, Skokomish Tribe  
Cyrilla Cook, DNR  
Kathlene Barnhart, Kitsap County  
Chris Waldbillig, WDFW  
Brittany Gordon, WDFW

Non-IRT Participants

Patty Michak, Hood Canal Coordinating Council – Sponsor  
Brian Hooper, US Army Corps of Engineers, Navy Projects Manager  
Rebekah Padgett, Ecology

\*Update [Notes:] added post meeting on status of quick turnaround time actions\*

Review of Meeting Agenda and October 2015 meeting notes

- Additions to agenda
  - Cumulative Impact Areas
- Meeting Notes: October 21,, 2015
  - No additional comments, finalize and post to HCCC website

**ACTION ITEM: HCCC will post October 21, 2015 notes to website.**

Myrvang Wetland Update

- Property status update
  - Legal land survey complete
  - Old fences in NE area adjoining the Secrest property are not on the property lines
  - Neighboring Secrest property is encroaching onto the Myrvang property in the upland area near the poplar trees. SW corner of Secrest property extends beyond existing fence line
  - HCCC will work with landowner to complete a boundary line adjustment to exchange upland area for wetland area (along NE fence line and SW)
  - Need verification from county on minimum lot size as per zoning
  - HCCC has Joanne Bartlett with ELS on contract to assist with wetland characterization, enhancement action(s) development and credit generation calculations
  - Will be completing field review of property and will notify IRT members of date in case they want to participate

- Secret CE status update
  - 4-5 acres of stream/flooded wetland area
  - Landowner has decided not to proceed with CE. They are in the middle of refinancing and do not want any complications or encumbrances.

**ACTION ITEM: HCCC to coordinate a field review with consultant and notify IRT.**

Marine properties status update

- Quilcene Bay tidelands – tidelands only, at mouth of Quilcene Bay; working on landownership identification, multiple owners, key area for summer chum recovery, lower priority for ILF Program due to size and restoration needs, minor restoration through removal of remnant pier.
- Dewatto/Boy Scouts property – still involved in conversations but multiple parties interested and sale has become very complicated. Some interest from Seattle YMCA for developing shoreline activities/access and acquisition of the whole property. Not likely that there will be a fit for an ILF project.
- Dabob Bay property – 12.8 acres with extensive shoreline that is armored. Completed a Purchase and Sale Agreement for a full price offer, contingent on appraisal and 90 day feasibility. Offer was rejected by seller. Now has a pending offer but still watching to see if deal goes through.
- Hoodspout Motel – transaction not moving forward at this time, requirements of seller not acceptable to Skokomish Tribe who would be the landowner.
- Port Gamble Bay mill site shoreline restoration post clean-up – PGST has grant to acquire CE on shoreline and is investigating shoreline restoration post clean-up. Could be a fit for ILF funds in 2018.

Opportunities limited with the scale that is needed for EHW2 mitigation. HCCC looking all the time for opportunities and working with partners in the watershed.

When do regulatory agencies say ILF not viable?

Navy to do own mitigation?

Not any time soon – issues with access to Navy projects if they are conducted on base, concern with follow through, implementation and restoration track record not good. Derelict structures on-site, consider having Navy remove.

Is inability to find site caused by the need for a land fee increase versus opportunity?

Both have played a role. A higher land fee might open up more opportunities, but there are a very limited number of properties that have large contiguous lengths of shoreline. Location of highways along the shoreline also impacts restoration opportunities.

Temporal loss factor – nationally 3 year window is not being met.

We have met the window for wetlands.

Navy mitigation projects are not doing well for temporal loss

How address temporal loss of marine impacts for EHW2?

Shift excess freshwater wetland credits to marine – out of kind mitigation?

Subtidal credit sales how address?

More \$ for impacts? Out of kind?

## Temporary and indirect impacts

EHW2 – temp impacts no mitigation, need monitoring information – were temporary impacts really temporary? If not temporary then require additional mitigation.

## Land Fee Increase Request

Reviewed land fee table and data provided to IRT.

Would we have a different fee structure for small landowners?

Fee structure would not be by size of property but could be adjusted based on the scope of project and/or habitat condition or type of impact.

Looked at possible project areas for comparison, such as highly impacted Driftwood Key to intact shoreline like Bywater Bay – could fee be different for these highly different sites?

Could have a fee adjusted based on market trends.

Land Fee increase OK by IRT. Add language in Instrument to state land fees will be at a minimum what is shown in table.

## **ACTION ITEM: HCCC to work with co-chairs to modify Instrument and update Land Fee.**

## Navy credit sale request for the Land Water Interface (LWI) project

Navy provided a draft Use Plan to COE and HCCC on July 29, 2016. COE and HCCC reviewed the draft and provided comments to the Navy on August 16, 2016. Overall the document was lacking in detail and lacking technical support for conclusions of impact assessments. The Navy revised the document and provided a new draft on August 25, 2016 which was provided to the IRT.

IRT group discussion of draft Use Plan for LWI:

- feeder bluffs not addressed, particularly the south
- oyster beds not addressed – tribal concern with impacts, harvest issues
- existing structures are changing shoreline processes
- eelgrass survey too old (greater than 3 years) – not extensive enough
  - 25ft corridors surveyed in 2013 – not 100ft wide construction impact area
- fragmentation of habitat – fish dispersal, shellfish/crab impacts
- riprap below MHHW – impacts direct and indirect
- indirect impacts COE working on mitigation needs
- CZM jurisdiction
- North area permanent change – sand lance habitat
- NMFS support mitigation for impacts, but no formal support
- assessment diminished bluff impacts – toe erosions, storm events, episodic events
- Kitsap County has published sediment source study that should be reviewed
- seems clear that hardened bank on bluffs will have a direct and indirect effect
- sea-level rise will increase impacts
- native beach sediment placement not going to persist – tidal / storm events will distribute – riprap exposed
- Was there a forage fish survey – what data are available?
- buoy anchors not addressed – relocate from subtidal to intertidal, overall reduced footprint, but no assessment/discussion, still new impact in intertidal and possibly impact in subtidal where anchors removed
- Rockfish impacts? Were they assessed?

- Navy provided HCCC with a spreadsheet of anchor impact area – HCCC will provide to COE and Ecology permit application reviewers (Brian Hooper and Rebekah Padgett)
- \*[Note: emailed to co-chairs, Brian (COE) and Rebekah (Ecology) on 8/31/2016]
- JARPA has been revised – new drawings, current as of July 2016 – will provide to IRT
- \*[Note: emailed Box.com link to IRT on 9/1/16]
- How did they characterize feeder bluff area of impact, erosion rate, volume of sediment?
- Hugh Shipmen reviewed Coastal Geologic Services and ESA documents provided by PGST and agrees with conclusions of the reports
- riparian impacts not included

Next steps: Gail/COE/HCCC to review and comment again, including IRT discussion today. Need revised drawings and clearly linked to description of impacts.

\*[Note: Review comments from COE/HCCC, inclusive of IRT comments captured from the 8/31/2016 meeting, were provided to the Navy and IRT on 9/2/2016]

#### Nearshore Cumulative Impact Area

Instrument states that the Sponsor will identify nearshore cumulative impact areas of concern. Navy asked for this information during their preparation of the draft Use Plan for the LWI project.

HCCC identified areas fitting the description in the Instrument (proliferation of overwater structures, risk of impacts from a new dock/piers, marina, and aquaculture facility).

IRT determined that the language in the Instrument should be revised (Appendix D.2.1) versus a map of cumulative impact areas as all areas of the marine shoreline are of concern for cumulative impacts.

Revise language in appendix to address the following:

- length of construction time
- location in drift cell – at start of drift cell higher impact than near end of cell
- location at or near feeder bluff

#### **ACTION ITEM: HCCC to work with co-chairs to modify Instrument.**

#### Nearshore Tool

Interim tool needs better definitions; e.g. typical development – provided Navy with a definition for the LWI project:

*For the Hood Canal marine shoreline within the vicinity/drift cell of the LWI project (area of impact) a typical development project would be a single family residential home construction that might include a dock, ramp, pier or float.*

Range of factors too broad and subjective

Need better examples

COE working on 'Users Guide' which refines tool, for example:

*Degree of Impact:*

*Duration:*

*If there are permanent impacts (i.e., any overwater structure), use: 1*

*If there are long lasting impacts, use: 0.66*

*If there are temporary impacts, use: 0.33*

*Intensity:*

*If it is a high intensity activity (i.e., a commercial use), use: 0.67*

*If it is a typical intensity activity (i.e., a residential use), use: 0.44*

*If it is a low intensity activity (i.e., a buoy), use: 0.22*

*Cumulative:*

*If it is in an area of concern, use: 0.33*

*If it is near an area of concern, use: 0.22*

*If it is well removed from an area of concern, use: 0.11*

Co-chairs compared RGP 6 / HEA (HEA used in joint banks with fish habitat resources credit) and the Interim Tool for an example project (~190 sf float) – HEA resulted in \$85K credit fee while Interim Tool was \$45K.

RGP 6 changes what requires compensation

Enforcement of permittee responsible has started

Definitions – temporary duration? 2 years

Riparian Area – 200 feet from MHHW or OHW?

Next steps: IRT follow-up meeting working through tool as an applicant would; revise or remove ranges

**NEXT MEETING: NOVEMBER 2, 2016 – 10AM TO 3PM – HCCC OFFICE - POULSBO**