

HCCC IN-LIEU FEE MITIGATION  
INTERAGENCY REVIEW TEAM (IRT) MEETING  
October 21, 2015  
10am – 3pm  
HCCC Office

IRT Participants

Patricia Johnson, Department of Ecology  
Gail Terzi, 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  
Donna Frosthalm, Jefferson County

Non-IRT Participants

Patty Michak, Hood Canal Coordinating Council - Sponsor

Review of Meeting Agenda and August meeting notes

- Additions to agenda
  - Instrument revisions
  - Interim Tool review – upland conversion to intertidal – conversion factor
- Meeting Notes: August 6 and August 19, 2015
  - no comments received to date
  - Question on notes: who makes up the Policy IRT?
    - Policy IRT is made up of Gail and Suzanne Anderson – COE, Patricia, Lauren Driscoll , and Yolanda Holder – Ecology, and Linda Storm – EPA.
    - Policy IRT was first established for review of banks but expanded to ILF Programs. Primarily to provide consistency between the programs for forms, templates, reporting etc.
  - IRT to submit comments within 2 weeks

**ACTION ITEM: IRT comments on August 6 and August 19 meeting notes should be submitted to HCCC by November 4, 2015. If no comments are received HCCC will post to website.**

Irene Pond Mitigation Plan – status update, review process and schedule

- HCCC has provided a draft mitigation plan to co-chairs for review and comment. Plan has been revised a couple of times to develop and present performance standards and credit release schedule properly. Organization and elements have been reorganized by Patricia and under review by Gail.
- Gail's review should be completed today and she will send to HCCC.
- HCCC will prepare a revised draft and send to IRT for review.
- IRT review comments should be submitted to the co-chairs and HCCC.
- Co-chairs will review IRT comments for conflicts or issues and will resolve with reviewer and provide guidance to HCCC.
- Final plan to Public Notice – either the full plan or an abbreviated version – Gail will determine which.

- After public review and comment site will be amended to the Instrument.

**ACTION ITEM: HCCC to provide draft Irene Pond Mitigation Plan to IRT by October 30, 2015.**

**ACTION ITEM: IRT comments on draft Irene Pond Mitigation Plan should be submitted to co-chairs and HCCC by November 30, 2015.**

#### Myrvang Wetland Update

- HCCC Board of Directors approved acquisition
- Great Peninsula Conservancy (GPC) will own the property for HCCC
- Site protection documents will be the same as what we did for Irene Pond; three documents have been prepared:
  - Cooperative Agreement between GPC and HCCC which outlines agreement between organizations for the establishment phase and long-term management phase.
  - Restrictive Covenants between GPC and the Corps and Ecology as ‘beneficiaries’ – this is for enforcement of site conservation and mitigation should GPC or HCCC fail to meet their obligations.
  - Easement between GPC and HCCC – allows HCCC access to the property to conduct mitigation actions, monitoring and maintenance during the establishment period and long-term management.
  - Drafts of documents to co-chairs today for their review.
- GPC has asked to revise the site protection documents on future sites to include passive recreation, wildlife viewing blinds, informational/educational signage or kiosk.
  - Pierce County has asked for group access on their site(s) – allowed on a case-by-case basis, required to contact co-chairs/IRT prior to access
  - Structures or trails would not be allowed
  - Concerns with access by groups
  - Groups liability issue – typically have a liability waiver for the landowner
  - Protection of other beneficiaries? should investigate
  - Suggestion to select a site for access that provides best educational opportunities and has a safe access point
  - Possibly a future site – the two HCCC have now do not seem to be the best fit
  - Co-chairs to provide HCCC a response to GPC’s request

**ACTION ITEM: Co-chairs to provide HCCC a response to GPC’s request.**

- Secret conservation easement acquisition status
  - Landowner still interested
  - 4-5 acres of stream/flooded wetland area
  - Proximity to house needs to be addressed in setting CE boundary
  - HCCC will be working on drafting the conservation easement
  - Conservation easement will be held by GPC and HCCC; need GPC as third party
- What about a stream meander project?
  - HCCC concern with impact / loss to wetland area; change in hydrology

- Stream restoration versus wetland protection
- Meander may improve hydrology
- Lift to site from improved habitat functions but not necessarily wetland area
- Wetland credit/debit methodology may not capture this type of ecological lift; site credit generation reduced?
- Something to think about for future action
- Reed canary grass present on site – result of placement of fill material on-site? If so any plan to remove fill and replant?
- Soil pits to determine fill? HCCC will ask consultant if they did soil pits in this area.
- What plans for the site?
  - Details will be in the mitigation plan
  - Currently – control / remove blackberry, Scotch Broom, look at ways to manage/reduce area of reed canary grass – shade, cardboard layering and plantings
  - Weed control areas replant with natives once weeds are under control
- IRT request to meeting with consultant and have input for potential actions on the site – field review.

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

Port Gamble southern mill site update

- After nine months of negotiations with Pope Resources HCCC was unable to reach an agreement for acquisition of the southern mill site conservation easement.
- Three primary issues were not resolved by the September 30<sup>th</sup> deadline for a signed Purchase and Sale Agreement.
  - indemnification/liability
  - price
  - condition of the property at time of possession and timeframe for access to the property
- Indemnification and liability was difficult issue for both parties and not able to resolve
  - Pope had concerns for future clean-up costs should contaminants be discovered.
  - HCCC looked into Pollution Liability Insurance and a Prospective Purchasers Agreement with Ecology. Insurance would not address clean-up costs only 3<sup>rd</sup> party lawsuit for off-site impact from HCCC actions.
- Gail does not want to give up on the site, could sink program; can we reduce risk with more testing?
- Pope negotiating a clean-up plan for the uplands with Ecology, will be an addendum to the Consent Decree, plan is supposed to be completed sometime in December
- How to get Pope back to the table? HCCC not sure that is probable or possible at this time. Board of Directors has directed staff to move on to other opportunities.
- HCCC sent letter to Pope Resources on Monday identifying the three largest issues and that if circumstances change at Pope HCCC would be willing to discuss.

Nearshore Mitigation Opportunities

- IRT reviewed a variety of possible nearshore mitigation opportunities from preservation only to structure/fill/armor removal actions. Footprints varied in size from shoreline footprints of 100ft to over 1,000ft of shoreline.

- IRT discussed site issues of lift, threat/risk to properties, acquisition costs
- Concern with cost, scale and credit generation
- Issue of subtidal credit generation opportunities
- Some preference to actions that would restore impaired sites over preservation; but a well-placed, at risk preservation opportunity should not be overlooked
- HCCC to prepare preliminary scoring on a selection of opportunities, best case scenario conversion factor to get an idea of possible credit generation

**ACTION ITEM: HCCC to prepare preliminary scoring for nearshore opportunities.**

#### Nearshore Tool

- Navy sent Tool to full review group and requested review comments by December 15.
- Same document as that provided in June to ILF IRT
- COE IWR review request from David James, Navy – not supported by COE/IRT at this time as the tool is not ready for review by outside party
- IRT discussed that the foundational approach of the tool is flawed
- IRT to send another letter to Navy specific to the ILF Program that the tool is not ready to move on to a credit/debit development phase as the issues with the foundation of the tool have not been addressed

**ACTION ITEM: Gail to draft letter to the Navy with ILF IRT concerns and tool will not be used by the ILF Program; which will continue to use the Interim Tool prepared for the program.**

#### Instrument Revisions

- Instrument revisions by King County and HCCC ILF Programs are underway
- Some coordination between King County and HCCC for consistency on text common to both programs
- Revision are due to the co-chairs by the end of the year
- After co-chair review revisions will be provided to the IRT for review, sometime after the first of the year

#### Interim Tool

- Need a meeting to review
- Upland to intertidal conversion factor
- Limited discussion and review of preliminary information that HCCC has prepared on example sites
- Issue with 5% of deep water area impact mitigation assumption, how/if address in Instrument or permitting agency decision and in ILF Use Plan development
- Out of kind mitigation – particularly subtidal to intertidal, cost for out of kind mitigation
- Cost per credit increase needed?

**ACTION ITEM: HCCC to submit letter to the co-chairs requesting an extension for the marine credit sale to the Navy as the 3 year implementation window has arrived.**