The applicant must place a site protection mechanism (e.g., conservation easement or notice to title) over that portion of the property where the mitigation project occurs.

Overview of In-Lieu Fee Program Versus Permittee-Responsible Mitigation Process in Kitsap County

Actions undertaken by the applicant, County, ILF sponsor, or permitting agencies are in bold.

The applicant meets with the County to discuss potential development and options, then submits a permit application to the County.

The County reviews permit application to determine if the project could impact critical areas, shorelines, or their associated buffers.

If critical area or shoreline resources are present and may be impacted, the applicant explores avoidance and minimization measures.

If critical area or shoreline resources are absent or will not be impacted, the County processes the permit application.

If impacts to critical area or shoreline resources have been completely avoided, the County processes the permit application.

If impacts cannot be fully avoided, the applicant submits a permit application to permitting agencies (Corps of Engineers, Ecology, and WDFW). The applicant selects a mitigation option (in this case: ILF program or permittee-responsible) in consultation with the permitting agencies.

If the applicant selects ILF mitigation, the applicant contacts the ILF sponsor to determine if ILF mitigation is suitable.

If the applicant selects permittee-responsible mitigation, the applicant submits a report(s) to permitting agencies that comply with federal, state, and/or local regulations.

The ILF sponsor works with the applicant to develop an ILF Use Plan.

The ILF use plan is submitted to the permitting agencies for approval of the credit calculation within the plan and use of the ILF program. For buffer only impacts, the ILF use plan is submitted to the County for approval.

The permitting agencies approve use of the ILF program and condition a permit on the purchase of credits.

The applicant purchases the required number of credits from the ILF sponsor and submits the receipt of sale to the permitting agencies, documenting the purchase of credits from the ILF program.

Permitting agencies do NOT approve use of the ILF program; the applicant seeks another form of mitigation.

If the ILF sponsor does NOT accept the mitigation request or if credits are not available, the applicant seeks another form of mitigation.

The applicant is responsible for the design and implementation of the required mitigation project.

The applicant may be required to post a bond with the County to provide for future site monitoring and possible corrective action.

The applicant must monitor and maintain the mitigation project—usually for five (and in some cases up to 10) years—to evaluate site performance and submit annual reports.

The applicant must take any necessary corrective actions to ensure mitigation project success.

The applicant must place a site protection mechanism (e.g., conservation easement or notice to title) over that portion of the property where the mitigation project occurs.

Prepared for Kitsap County and Hood Canal Coordinating Council by ESA February 2014