

HCCC IN-LIEU FEE MITIGATION
INTERAGENCY REVIEW TEAM (IRT) MEETING
July 25, 2017
10am – 4pm HCCC Office

IRT Participants

Suzanne Anderson, Army Corps of Engineers
Donna Frostholm, Jefferson County
Cynthia Rossi, Point No Point Treaty Council
Roma Call, Port Gamble S'Klallam Tribe
Steve Todd, Suquamish Tribe
Matt Goehring, DNR
Chris Waldbillig, WDFW
Brittany Gordon, WDFW
Linda Storm, EPA
Lee Corum, USFWS

Non-IRT Participants

Patty Michak, Hood Canal Coordinating Council – Sponsor

Review of Meeting Agenda

- Revisions to agenda
 - remove Interim Nearshore Tool Credit Determination for conversion factors less than 1 – information not ready to review
 - Shoreline armor impacts – did not discuss due to lack of time
- Meeting Notes: March 13, 2017
 - Final and post to HCCC website

ACTION ITEM: HCCC to post March 13, 2017 notes to website.

Habitat Class Definitions

EPA regulatory looked at higher tidal elevation to define upper extent of intertidal. Methodology not adopted to date.

Define intertidal as: where water ebbs and flow – we can agree to this description? Yes.

Reviewed and discussed various definitions for the various habitat classes, local, state and federal definitions and jurisdictional concerns

- Agreed to use extreme low (-4.5 feet MLLW) for the lower extent of intertidal
- Agreed to use OHWM for the upper extent of intertidal with the caveat to revisit the definition in 5 years or if new methodology is adopted by county, state or federal entity.

Riparian is currently defined as OHWM to 200 feet.

Does riparian area extend beyond 200 feet from OHWM? Yes.

Discussed use of site potential tree height – which might not change anything, based on soils.

Discussed geologically hazardous area – county definitions; steep slope areas.

WDFW looking at a definition in PHS guidance work but not finalized.

- Agreed to revise definition to be a minimum of 200 feet measured horizontally from OHWM.

ACTION ITEM: HCCC to prepare an informal amendment to the Instrument for updating the Habitat Class definitions as described above.

Out-of-Kind mitigation

Discussed the constraining condition that opportunities for marine mitigation actions will primarily be found within the intertidal and riparian habitat classes. Subtidal ownership is primarily held by the State of Washington. Mitigation projects can occur on DNR tidelands through leases but opportunities are very limited and no large scale opportunities are currently available.

Can we look at the marine impacts in one class (marine) – and not segregated into two classes (intertidal and subtidal)? No.

What is the exchange currency between intertidal and subtidal habitat classes? Questions/issues considered and discussed:

- Of equal or greater ecological value?
- Are intertidal and subtidal habitat equivalent on a 1:1 ratio?
- If we protect/restore intertidal habitat is there an indirect benefit to subtidal habitat?
- Does intertidal habitat influence and impact more habitat forming processes?
 - If so, could a ratio be less than 1:1?
- Are the Risk Factors in the Interim Nearshore Tool capturing the intertidal / subtidal exchange already?
- How address “difficult-to-replace” resources
- Are certain habitat types not ‘eligible’ for out-of-kind?

IRT discussion outcomes:

- Risk factor does account for the difficulty, risk and uncertainty of successfully mitigating subtidal habitats and the risk for vegetated versus unvegetated.
- Limited science on interaction/support between intertidal and subtidal habitat classes; mostly addressing trophic level exchanges across tidal areas.
- This uncertainty equates to extra risk so out of kind should be greater than a 1:1 exchange; how much greater don’t know. No example or rationale provided.
- Accomplish > 1:1 with an ‘out-of-kind’ credit multiplier?
- Add an additional fee for out-of-kind?
- Certain “difficult-to-replace” resources should be considered not eligible for out-of-kind – possibly kelp forests, others?

ACTION ITEM: HCCC to continue to work on this issue. Research rationale for a greater than 1:1 exchange for out-of-kind mitigation.

Discussion of new Potential Mitigation Sites

HCCC presented information on the marine shoreline properties listed below:

- Dewatto Area properties
 - McKanna properties - Dewatto
 - Cole properties – Dewatto
- Olson property – Kitsap County – north of Bangor

These properties are primarily preservation properties, possibly some riparian restoration on Cole and a small shoreline structure (dock and associated stairs) on the Olson property that would be removed.

IRT discussion on properties:

The IRT supported the acquisition of both properties.

Interim Nearshore Tool – User’s Guide Draft

Definition – tidal wetlands – seems to include freshwater wetland systems; need to revise

Need more definition of wetland types – Suzanne to assist with definition edits.

Definition –Instrument defines Native Shellfish Beds as:

Native shellfish beds means crabs, bivalves, and shrimp endemic to Hood Canal and their habitats, with a particular emphasis on Olympia oysters, littleneck clams, butter clams, horse clams, cockles, and Dungeness crabs.

Edits to this definition are: strike endemic, add Geoduck

HCCC – shellfish also needs to consider non-native but economically important species such as Pacific oysters and manila clams occurring within Hood Canal.

Add definitions to User’s Guide

Shellfish also includes crustaceans not just clams/oysters

IRT worked through the Risk Factor by habitat sub-class section of the draft document and proposed the following revisions:

Risk Factor:

NOTE: conversion factor ranges are different by habitat sub-class

Type of habitat sub-class: Some sub-classes have a higher level and criticality of function and some have a different level of success or timeliness in replacing them. Generally speaking the more complex the sub-class, the higher the risk factor because it is harder to re-create. For example, it is easier to re-create a tidal wetland or nearshore area than a deep sub-tidal habitat.

Subtidal Non-vegetated (0 – 1.5)

High: due to subtidal habitat being difficult to replace: ~~shellfish resources:~~ use 1.5

Moderate: ~~sparse shellfish resources (<50% area utilized):~~ use 1.25

Low: ~~no shellfish resources:~~ use 1.0

Subtidal Vegetated (0 – 2.5)

High: eelgrass; kelp; OR shellfish resources¹: use 2.5

Moderate: other vegetation ~~shellfish resources:~~ use 1.52.0

Low: ~~other vegetation; no shellfish resources:~~ use 1.0

Tidal Wetland (0 – 1.5) – definition of tidally influenced wetlands needed

High: ~~due to tidally influenced wetlands being difficult to replace; if it is in a forested tidal wetland:~~ use: 1.5

Moderate: ~~if it is in a scrub shrub wetland:~~ use: 1.0

Low: ~~if it is in an emergent wetland:~~ use: 0.5

Intertidal Vegetated (0 – 2.5)

High: eelgrass; ~~other vegetation;~~ shellfish resources; documented forage fish habitat or suitable forage fish habitat characteristics; sediment transport zone; OR sediment supply site: use 2.5

Moderate: other vegetation ted; ~~likely forage fish habitat:~~ use 1.5

Low: ~~impaired with present disturbances and not likely to support vegetation or shellfish resources:~~ use 1.0

Intertidal Non-vegetated (0 – 1.0)

High: shellfish resources; documented forage fish habitat or suitable forage fish habitat characteristics; sediment transport zone; OR sediment supply site: use 1.0

Moderate: ~~large wood present OR other?~~ ~~shellfish resources sparse (<50% area utilized); suitable forage fish~~ ~~habitat:~~ use 0.5

Low: ~~impaired with present disturbances and not likely to support suitable forage fish habitat characteristics absent~~ ~~vegetation or;~~ OR no shellfish resources: use 0.25

IRT did not have time to review the Riparian habitat class

Riparian (0 – 1.5)

High: intact riparian canopy mixed forest and understory of shrubs; overhanging vegetation; or feeder bluff/sediment source: use 1.5

Moderate: less than 50% riparian cover of trees and shrubs; limited overhanging vegetation; sediment source from low bank (<5 feet) only: use 1.0

Low: cover sparse and lacking tree or shrub coverage, sparse to no overhanging vegetation: use 0.5

Comment [p1]: Verify this is correct, following methodology for subtidal, no low as not equivalent to non-vegetated.

¹Shellfish includes bivalves (clams, oysters, Geoduck, etc.) and crustaceans (crabs, shrimp, etc.).

There was a short discussion on marine vegetation groups red/browns and greens algae; and the consideration of *Ulva* sp. being less desirable vegetation. This should possibly be considered in the Quality of Habitat factor.

It was suggested to incorporate presence of invasive species into the Quality of Habitat scoring.

ACTION ITEM: Suzanne to assist with tidal wetland definition. HCCC to continue to work on the User's Guide.

Navy Projects Status

- Land Water Interface (LWI) project – Use Plan status
 - The LWI project ILF Program Use Plan is now final and is at the COE for their consideration during permitting. Date of credit sale is undetermined at this time.
 - The final version will be provided to the IRT.

The Navy (Chris Stevenson) provided the following dates for upcoming Navy projects that will request acquiring mitigation credits:

- Service Pier Extension
 - Revised NEPA August 2017
 - Decision early spring 2018
- Transit Protection Program - new pier
 - NEPA - EA - spring 2018
 - Decision sale spring/fall 2018
- EMMR
 - No schedule for this project provided by the Navy