

Peter Gill - Comments on Birch Bay HCA buffer mitigation

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Subject: Comments on Birch Bay HCA buffer mitigation
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Comment on Chapter 16.16.900 Habitat Mitigation Fund for Birch Bay

Habitat Conservation Area Buffers

It is not clear to me from reading the Habitat Conservation Area buffer mitigation proposals that this will result in No Net Loss (NNL) to fish and wildlife habitat. While I am glad to see the focus on stormwater issues and LID standards for important water quality issues, I have not seen much discussion of conservation issues. If this is really a water quality project, then it should not be administered through the use of habitat conservation area buffers, which are intended to protect fish and wildlife populations, and their habitat. WCC 16.16.700

Under WCC 16.16.740, habitat buffers are required for activities adjacent to habitat conservation areas as necessary to protect the integrity, functions and values of the resource. How exactly will the mitigation fund be used to protect the integrity, function and value of ecological functions in a manner that is equivalent to what would have been provided by a habitat buffer? In other words, how will NNL be measured?

This requires an established baseline standard of habitat integrity, functions and value for sites utilizing habitat mitigation, as well as the ability to compare this baseline standard to the conservation value created through the site(s) created through the mitigation fund. Without this, there is no way to ensure that NNL has been achieved. Will the County have the ability to fund, measure and monitor fish and wildlife populations? Exactly how will it do so?

I see comments from DOE, but none from WDFW. Has WDFW been provided a copy of the HCA buffer recommendations for comment?

Has the off-site mitigation location(s) been located? It would be important to ensure that the mitigation site provides a habitat corridor, is relatively undeveloped, and is protected against intrusion by humans, recreational vehicles, pets, etc. It would be best to identify the mitigation receiving site before hand, both to protect this site from future development, and to ensure that quantifiable measurements are used to establish a baseline standard.

While this new program addresses HCA buffer mitigation for the impacts of development and redevelopment of a site, it is not clear that it also includes the on-going impacts of existing development, or the cumulative impacts of the combination of individually minor effects of multiple development activities over time. Once a shoreline structure is built, it continues to have on-going environmental impacts that continue to change the natural environment in unintended and unwanted ways far into the future. NNL is often not achieved because mitigation is required only for the direct construction impacts, without consideration of the need to mitigate for future, indirect and cumulative impacts. I hope that you will consider

these harmful impacts to fish and wildlife and their habitat in your calculation of mitigation fees. This is necessary to ensure that our natural resources are fully protected.

Thank you for considering my comments.

Wendy Harris
Whatcom County Resident