

BIRCH BAY WATERSHED ACTION PLAN
Ad Hoc Stakeholder Meeting (MITIGATION SUBGROUP)
MEETING SUMMARY

Date: August 10, 2011
Time: 9:00 am- 11:30 am
Place: Whatcom County Public Works, Civic Building, Water Resource Conference Room

1.	Intro and review of agenda
2.	Need for Watershed-based Mitigation
3.	Examples
4.	Implementation

MEETING ATTENDANCE

Margaret Clancy – ESA	Nathan Row – APC Consultants
Wendy Steffensen - ReSources	Peter Gill – Whatcom County PDS
Analiese Burns – NW Ecological	Wendy Harris
Susan Meyer – Dept. of Ecology	Keturah Witter - ReSources

DOCUMENTS DISTRIBUTED / PRESENTATION

Slide Presentation:

[HTTP://WWW.CO.WHATCOM.WA.US/PDS/NATURALRESOURCES/SPECIALPROJECTS/PDF/AD-HOC-MITIGATION-20110810.PDF](http://www.co.whatcom.wa.us/pds/naturalresources/specialprojects/pdf/ad-hoc-mitigation-20110810.pdf)

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1. Review Agenda

There were no additions or changes to the agenda.

2. Need for Watershed-based Mitigation

Slides were presented regarding the extensive wetland cover in the Birch Bay watershed. Analysis shows that approximately 25% of the UGA and 35% of Rural zoned areas are wet. There have been 44 approved mitigation plans in the watershed since 2005. One project objective is to accommodate growth and improve watershed processes as we go forward. Current site by site mitigation approach is costly for the county to monitor and onerous for the developer. Does a fee in lieu of mitigation offer an opportunity to improve results of mitigation while simplifying the process? Does the Watershed Characterization Pilot provide the background to try a different approach?

Discussion moved into why Birch Bay was not rezoned according to the Watershed Characterization Pilot Study (Pilot Study). Since we don't plan on rezoning, it was noted that we should make ecological and permitting information more easily accessible to the general public. The group was asked what buffer functions could be mitigated off-site. Response was overwhelmingly that off-site mitigation for buffer impacts should be limited to wildlife habitat. There was general consensus that improved wildlife habitat can be created where population density is low, and habitat is connected through corridors. Mitigation for stormwater flow and water quality functions of buffers cannot and should not be moved off-site. Require LID

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measures for these functions. Mitigation sites should be geared toward providing wildlife habitat and monitored accordingly.

The desire to secure a receiving site before impacts was expressed, this would allow us to know what functions can be mitigated. Mukilteo proposal was discussed. It is in front of their Council now. It was allow Mukilteo to purchase properties that could be developed in the future; this is a form of preservation and does not require them to do any ground work to reestablish lost conditions. More information was requested on how mitigation fees were established.

Action Item: Further orient watershed-based plan toward mitigating habitat impacts, including; creating functioning habitat, locating mitigation sites for connectivity, and adequately monitor for habitat creation. Send out wildlife inventory done by Dept. of Fish and Wildlife for the Pilot Study.

3. Examples (hypothetical)

We looked at two potential development scenarios with impacts to wetlands or a stream buffer, one a subdivision in URM6 zone, and a rural R5A example. Each example was discussed in terms of what measures were taken to avoid and minimize their impacts on the wetland or buffer. Most thought that the subdivision development was appropriate, despite the category IV wetlands that were filled, yet most disapproved of the buffer impacts envisioned in the rural example.

The minimization measures taken in the subdivision example: LID stormwater controls, cottage homes, protection and enhancement of higher quality wetlands onsite, urban setting, trees preserved, and wildlife connections, all factored into the idea that avoiding the low functioning wetlands may not always be the first choice in certain circumstances.

On the Rural 5 acre parcel example, the majority felt that the home owner did not take sufficient measures to avoid the buffer as presented and that the house should be moved back or made smaller than 2,800 feet in order to stay out of the buffer. Neither of these examples would be easy to permit, but the rural example would likely happen before the subdivision since there were no direct stream or buffer impacts, only buffer.

Action Item: Provide clarity on when impacts to buffers are allowed, and when they trigger a mitigation plan. Show how recreation planning plays into the locating of mitigation sites. Contact Department of Ecology for their draft "Avoidance" criteria.

4. Implementation

Discussion regarding implementation included how we could maintain the program through times when there is little to no development activity. The Whatcom Conservation District is uniquely suited to weather the ups and downs since they currently have similar programs in CREP and EQUIP that this would link into. They are accustomed to inconsistent funding given their reliance on State and Federal programs. Other questions came down to temporal loss and

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how we could recapitalize the program with a project before anyone paid in. Others were concerned with recreational trails how it disturbs or inhibits use by wildlife.

Further policy discussion included; (1) is “avoidance” always the best choice. If not, is there Federal and State legislation that would prevent us from changing this locally. Is there a way to condition avoidance only for areas targeted for “development” through the Pilot Study. State is working on criteria for “avoidance” through the “Mitigation That Works” program and will share it with us. Can we link avoidance and minimization criteria to projects that qualify as Low Impact Development. (2) How is “no net loss” ensured for impacts? There is a list of indices developed for Shoreline Management that may be of use here. (3) Creation of a Pilot to be evaluated in five years time for its effectiveness would provide some comfort moving forward with a new approach to mitigation.

Action Item: Describe policy issues that will be addressed in next of the Habitat Mitigation Fund. Do this in advance of Aug 17 Ad Hoc Meeting.