

ADVANCED MITIGATION

Mitigation that Works Forum

May 20, 2008



ENVIRONMENT FOR ADVANCED MITIGATION

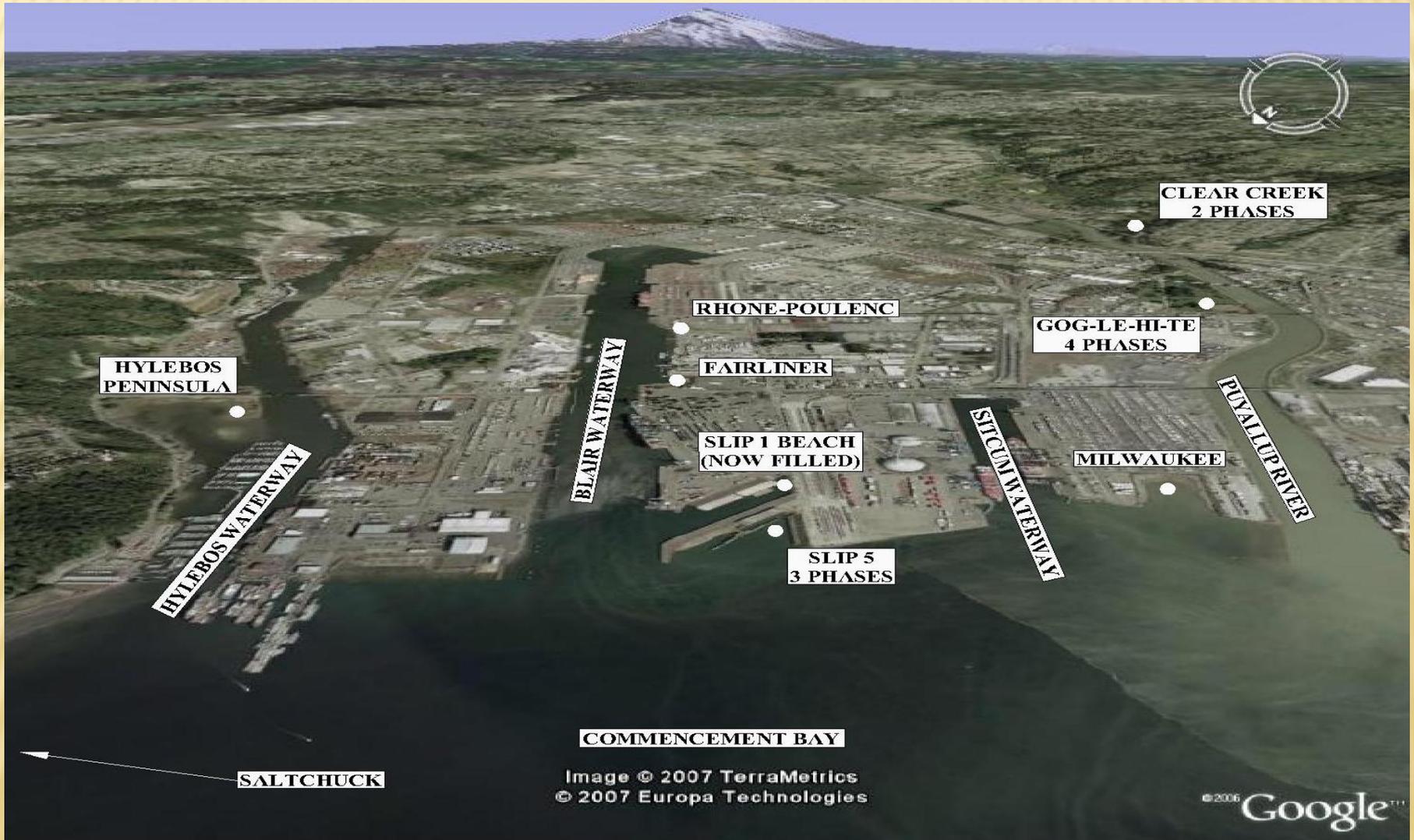
- Flexible, Creative, Opportunistic
- Predictable Functions and Credit
 - Builds on successful projects- predictable for agencies
 - Provides credit for applicant – predictable for proponent
- Trust

TOOLS FOR ADVANCED MITIGATION

- Informal Approach - Port of Tacoma, expandable mitigation sites

- Formal Approach – Port of Anacortes, RCW 90.74

PORT OF TACOMA MITIGATION SITES

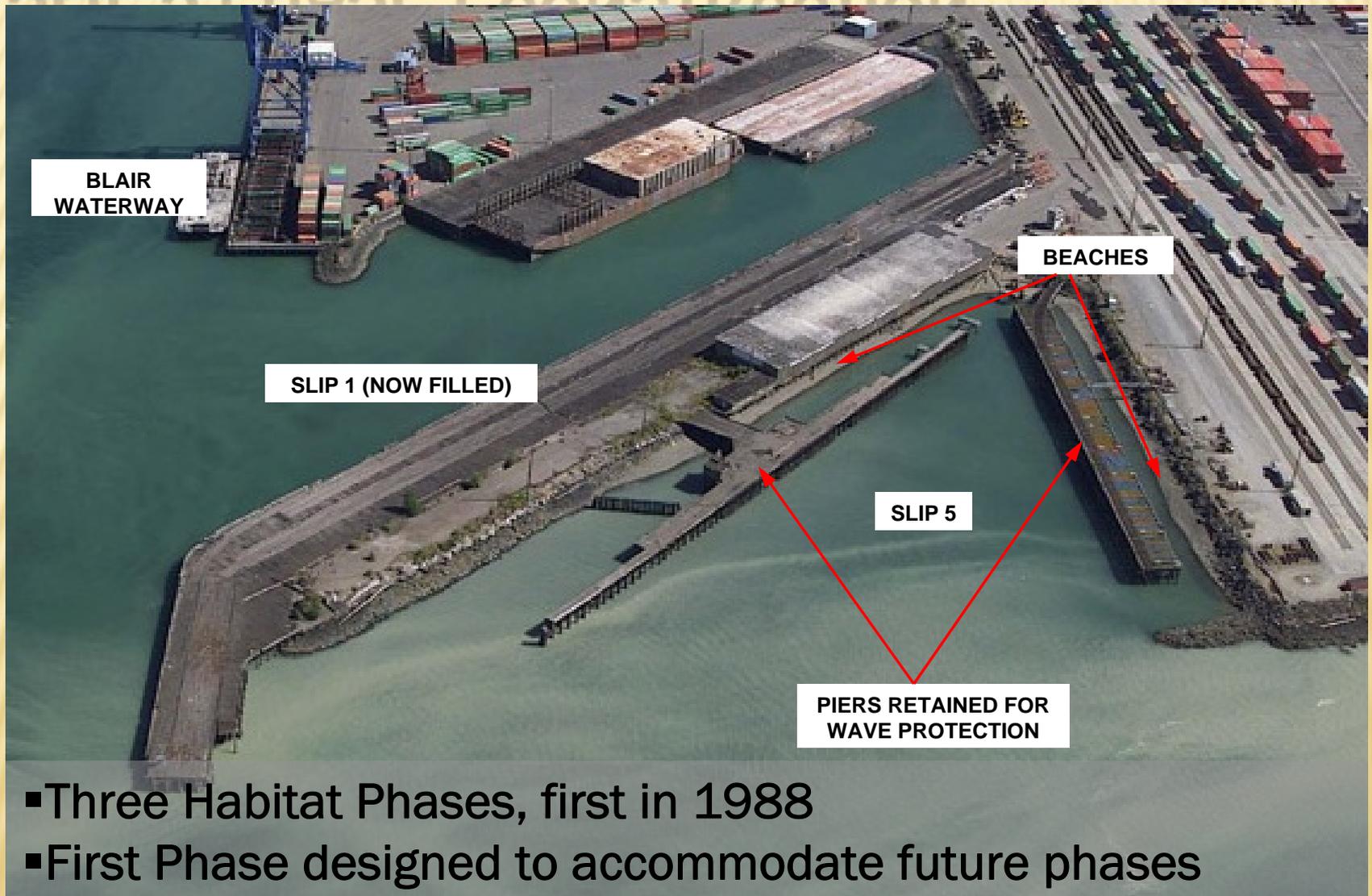


GOG-LE-HI-TE MITIGATION SITE



- High Value Habitat
- Multiple construction phases
- High unit cost due to municipal garbage

SLIP 5 PHASE 1 CONSTRUCTION



SLIP 5 AFTER PHASE 3 CONSTRUCTION



SLIP 5 PHASE 3 REEF



- Reef protects finer substrate behind
- Wide range of habitat types

CLEAR CREEK HABITAT AREA PHASE 1 AND 2

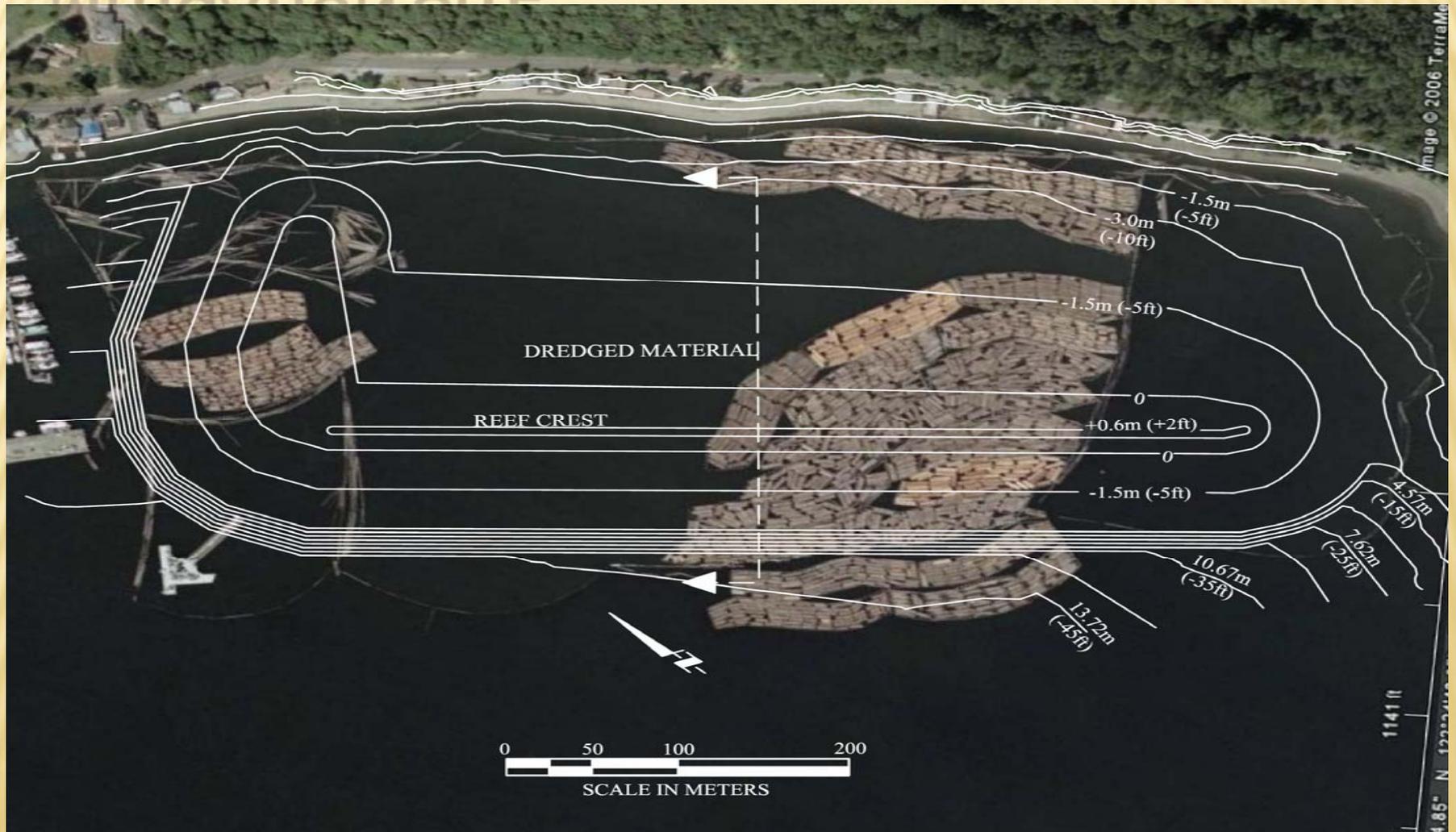


CLEAR CREEK HABITAT AREA PHASE 2



- Existing habitat incorporated into the site

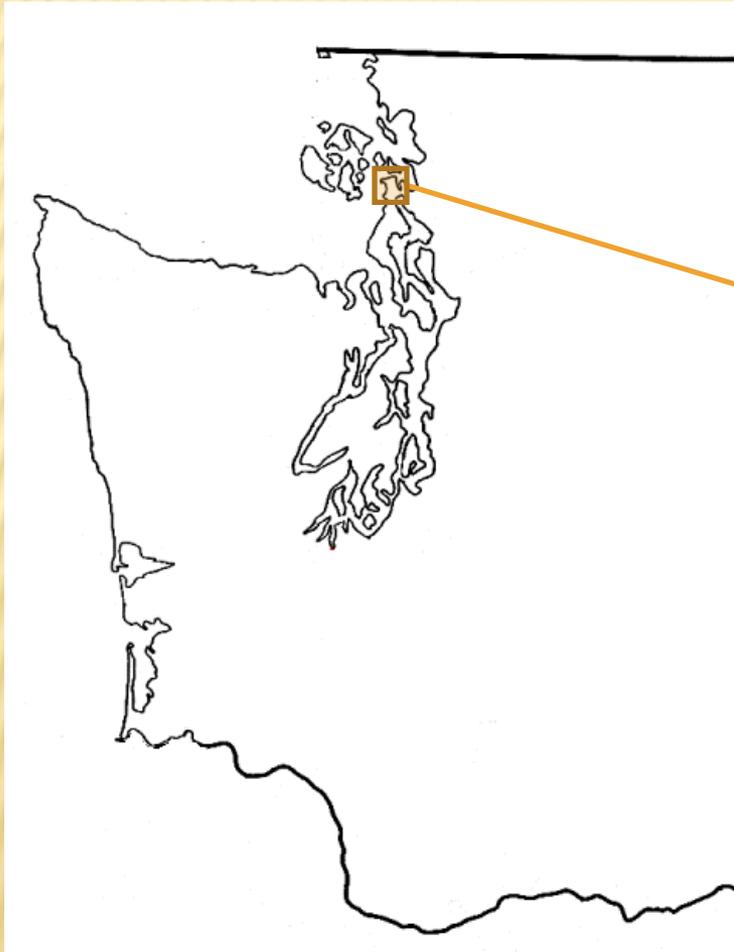
CONCEPTUAL DESIGN OF THE SALTCHUCK MITIGATION SITE



PORT OF ANACORTES

PROJECT AREA

Project Pier 1



DREDGING THE

Project Pier 1

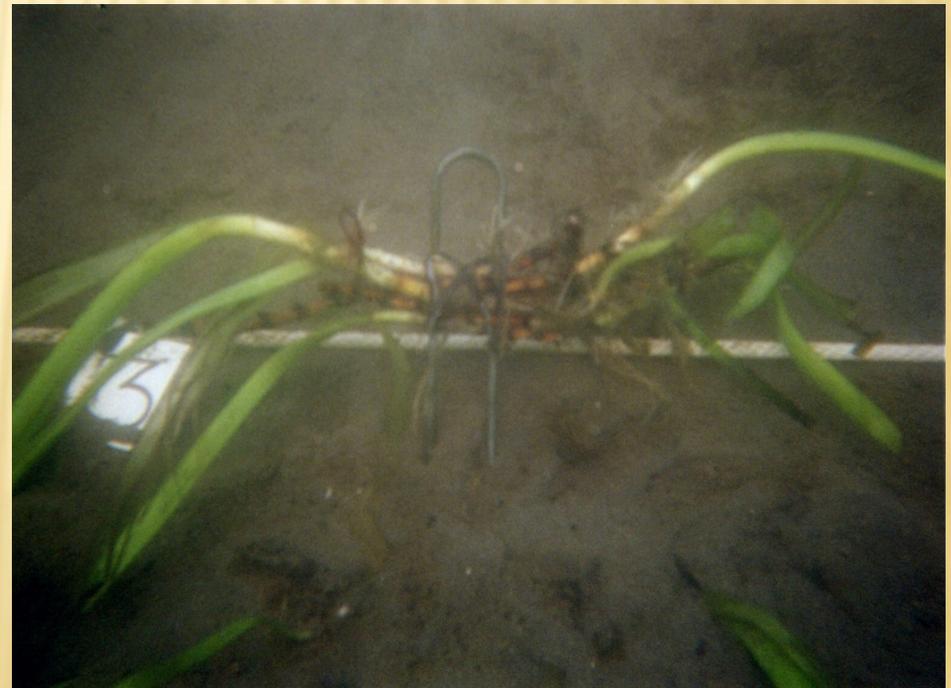
SWINOMISH CHANNEL



FIDALGO BAY EELGRASS MITIGATION SITE

Project Pier 1

- Mitigation site built in Fidalgo Bay using Swinomish Channel dredged material in fall of 2006
- Bed elevation raised about 5 feet using 60,000 cubic yards of fill
- Eelgrass planting June 11-19, 2007



WHAT THE PORT ACCOMPLISHED AND HOW

Project Pier 1

- Implemented an eelgrass mitigation project under RCW 90.74.
- Addressed eelgrass mitigation needs for DCI project.
- Provides additional mitigation credit for future projects – “mitigation line-of-credit”.
- Protected excess mitigation credit through Corps permit.



BACKGROUND

The DCI project had three kinds of long-term habitat impacts:

- Conversion of aquatic habitat to upland by in-water fill
- Conversion of intertidal and shallow sub tidal habitat (MHHW to -10 ft) to sub tidal habitat (below -10) by dredging
- Loss of eelgrass habitat by dredging

Primary Challenges

- Eelgrass mitigation
- Substantial mitigation on Guemes Channel as a condition of using Fidalgo Bay
- No net loss of aquatic habitat area
- Agencies' uncertainty about the success of eelgrass mitigation
- Residual agency concerns about the Fidalgo Bay Plan (attempted mitigation bank)



Opportunities:

- Fidalgo Bay Plan had identified a site for eelgrass mitigation
- Port of Bellingham's Drayton Harbor eelgrass site was recognized as successful
- Clean sand available from Swinomish Channel



What it is not :

- Specific mitigation banking statute
- An involved process
- No federal tie in



What is it ?:

- The result of WPPA-sponsored legislation
- Facilitates innovative mitigation approaches, including advance compensation
- Has broad application
- Directs WDFW to consider proposals under these provisions at applicants request
- Necessary due to failures in innovation and mitigation banking
- Desirable for an applicant that has recurring mitigation needs
- Minimal process

PORT'S PROCESS

Project Pier 1

- Negotiated mitigation package that generated agency interest
- Addressed stumbling blocks in Fidalgo Bay Plan
- Developed five page MOA with WDFW
- Submitted permit applications for Swinomish Channel dredging and mitigation construction
- Corps captured mitigation credit in Swinomish Channel decision document
- DCI permits issued, WDFW followed MOA, Corps applied credit from Swinomish permit
- Port will monitor eelgrass site; when credits are demonstrated, they can be applied to other projects using same process

ELEMENTS OF PORT'S MOA

Project Pier 1

- WDFW may not entertain MOAs in the future, information likely to be in the Mitigation Plan
- Application of mitigation credit
- Basis of mitigation credit
- Accounting of mitigation credit

KEYS TO SUCCESS

Project Pier 1

- Highly desirable mitigation
- Understand agency fears and needs
- Limit application of credits
- Be clear and precise about how to account for and apply credits
- Provide strong technical case that credits are available (monitoring)



WHY IS RCW 90.74 SUCCESSFUL?

- Allows flexibility that supports creative and opportunistic solutions
- Minimal process
- Few constraints
- A good project justifies itself
- Can address unique agency concerns

WHAT ARE THE DRAWBACKS?

- Not used enough – little track record with process
- Do direct federal tie in
New Corps guidance

HOW TO KEEP IT SUCCESSFUL AND MAKE IT MORE EFFECTIVE

- Don't constrain it or supersede it with other processes
- Bring in the Corps
- Use it!