

Advisor's Group Meeting Minutes

November 27, 2007

Tacoma Municipal Building, Room 434

10am-3pm

Attendees:

Yolanda Holder
Jennifer Thomas
Bill Leonard
Doug Peters
Sharon Stragier
Kim Harper
Gretchen Lux

Lauren Driscoll
Mary Heinrich
Steve Erickson (via phone)
Sarah Cooke
Kristin Swenddal
Ron Schultz

Facilitator: Lauren Driscoll

Note Taker: Yolanda Holder

Warm up, Review Agenda and Revise as necessary

1. Added Watershed Characterization presentation by Susan Grigsby
2. Added "Old Business" discussion
3. Moved Language Related to Local Approval to after lunch

Watershed Characterization Presentation, by Susan Grigsby

Susan Grigsby gave a PowerPoint presentation for this portion of the meeting.

Ecology has spent time to look at the big picture. This characterization allows people to take a landscape view of their environment. The watershed characterization helps to understand how the physical, chemical, **water**, and sediment come into a watershed and then eventually leave.

The results from a watershed characterization can be used as a planning framework. The result shows where you can prioritize areas for protection and restoration. Site selection and service area are large reasons to use a characterization. The watershed characterization is one good tool to use to show the watershed processes, and could be used as background information for ecological need.

Bill: He feels the watershed characterization hasn't been a useful tool from a business standpoint.

Mary: This tool could be used in local areas for zoning purposes.

Jennifer: This is a helpful tool, but it is only a part of what is needed by the bank sponsor.

Bill: This tool would be a disincentive for the banker, because it would be one more thing that is needed from them that isn't needed for other types of mitigation. It may actually decrease the size of a bank's service area.

Kim: This tool was used for establishing the service area on the Clark County project.

Gretchen: The tool was not applied to determine service area, but the concepts of the Watershed Characterization tool that relate to how you identify areas of the landscape that have similar hydrologic functioning were used to identify the service areas across Clark county. This can be helpful to identify what are the watershed processes across the landscape and what benefits would be received by having a bank in an area. Looking at hydrologic processes is useful to help determine if we've received a good proposal.

Bill: Would this be a specific requirement, if it's not readily available?

Lauren: Recapping the conversation: It would be a useful tool, but the overall price may be a deterrent. At this point, we're not looking at having this as a requirement for banking.

Mary: She feels this tool should be a requirement for the counties by Ecology, prior to bank establishment.

Jennifer: It is a very course level tool, and banking is a small portion of overall mitigation projects. The process and method is relatively new, within the last 5 years.

Bill: We've hit on some important items. There are a number of issues with mitigation banking including a lack of clarity or specific guidance related to general mitigation. What's the role of the watershed tool – to determine when and where it's appropriate to move functions off-site? These are important to banking, but also to general mitigation. We need to keep this in mind when we're discussing banking. Some of these items are bigger policy issues and do not pertain to banking only, but to mitigation as a whole.

Site Selection

Lauren: Review section 173-700-320 of the draft rule. Are there items we've missed, items that should be removed, or any items that should be highlighted as a priority or as a requirement?

Bill: What about easements? This information seems to be missing in the rule. It came up during Springbrook Mitigation Bank and it is critical.

Kim: Underlying legal restrictions.

Bill: Legal right or legal restriction.

Mary: What about FEMA? We should look at and know where the FEMA sites are.

Lauren: Flood information is located in 173-700-320 (2)(1)

Mary: Is the bank well sited based on FEMA.

Advisor Group Decision: Insert 'FEMA sites' in section (2)(k).

Ron: Suitable in what context? He would like to see a definition for this in the rule text.

Gretchen: She's looking at "suitable" from an Ecologic standpoint.

Jennifer: She sees this word "suitable" as a negotiating point between the banker and the MBRT.

Bill: He would like clarity in the text.

Jennifer: Land use compatibility.

Sarah: She made the following suggestion for rule language changes:
173-700-320 (1) Mitigation banks must be planned and designed to be self-sustaining over time. The department and the MBRT shall carefully consider ecological sustainability and suitability land use compatibility and ecological suitability when determining if a site is an appropriate location for a mitigation bank.

Note: (page 8 of the draft rule) “**Sustainability**” means the ability of the aquatic system to persist in the landscape ~~be self-maintaining and self-regulating~~. Sustainable bank sites must have sufficient buffer areas to protect the site from degradations due to activities on adjacent lands.

Lauren: Add sub headings within the rule and break portions up with clarification.

Sarah: (a) and (b) would go under the new subheading 3. (d) would be land use for water rights.

Bill: Some points are overkill. (a) is good, but (n) and (o) are minutia.

Mary: There should be some kind of a base level requirement and not have these listed as questions, but as requirements.

Lauren: 1st sentence in sub (1): Mitigation banks must be planned and designed to be self-sustaining over time.

Steve: You do need the laundry list somewhere within the rule.

Jennifer: What’s the need for the list, since there noted as considerations?

Steve: Because they’re items to be considered and looked at by the MBRT. They would have some rationale to possibly state this site is appropriate or not.

Bill: He would collapse these and be more descriptive.

Steve: The laundry list doesn’t state it cannot move forward if items on the list come up on the site.

Gretchen: Should there be a stronger map on which items are needed for the bank including weighting, instead of having everything on a list at the same level.

Sarah: Site history is needed.

Bill: (m) and (a) could be combined.

Ron: Land use designation is a major issue for the conservation commission. Are there locations appropriate for specific land use designations, such as agricultural lands? With the conservation commission, they don’t feel that creating a bank on any agricultural land is OK.

Lauren: She passed out the Draft Ag Sub committee meeting minutes.

Bill: This is an issue which isn’t unique to banking only, but to mitigation as a whole.

Lauren: The Ag information shows how we’ve been framing the thought process of looking at ag lands of long-term significance.

Sarah: She's been reviewing the language and she's consolidated language that we've talked about – Land use suitability and ecological suitability - into like topics, etc. She read off her changes for the categories with her specifications. She removed (n) and (o). She'll e-mail this information to the group.

173-700-320 (2) Land Use Suitability: Considerations shall include, but are not limited to:

- ~~(a) Whether the site includes areas that can be restored to wetland conditions;~~
- ~~(b) Whether the site possesses the physical, chemical and biological characteristics to support the bank goals and objectives;~~
- ~~(c) Whether the size and location of the bank is appropriate relative to the ecological features found at the site, such as sources of water;~~
- (a) (d) If the bank sponsor has obtained any necessary long-term water rights for the site, if necessary;
- ~~(e) The wetland functions and values that the site has the potential to provide;~~
- ~~(f) Whether the bank site can provide increased or improved wetland functions and restore ecological processes within the basin or the watershed;~~
- ~~(g) If the bank site has a high potential to connect or complement existing wetlands;~~
- (b) (h) The types of unavoidable impacts that are anticipated to use bank credits for compensatory mitigation;
- (c) (i) Whether the site and bank objectives are compatible with surrounding land-uses lying both up and down gradient;
- (d) (j) Whether the bank site can be protected over time from direct, indirect, and cumulative impacts due to current and foreseeable future land-uses;
- (e) (k) Whether the bank site is consistent with existing planning documents, such as watershed, zoning, easements, or comprehensive land-use plans, FEMA floodplain status, and critical areas rules;
- (f) (l) Whether the bank site contributes to the improvement of identified management problems within the drainage basin or watershed, such as sedimentation, water quality degradation, or flood control;
- (g) (m) What the historical land-uses were at that site (chemical, industrial, archeological);
- ~~(n) The presence and quantity of invasive species on the site;~~
- ~~(o) The existence of a native seed bank on the site;~~
- ~~(p) Whether the process of establishing the bank at the site will compromise ecologically significant aquatic or upland resources, cultural sites, or habitat for threatened, endangered, or candidate species; and~~
- ~~(q) The degree of long-term maintenance necessary for the site.~~

~~(3) The establishment and use of mitigation banks in or adjacent to areas of national, state, or regional ecological significance is encouraged if the establishment and operation of the mitigation bank does not compromise the protection or functioning of the ecologically significant areas.~~

(3) Ecological suitability: Considerations shall include, but are not limited to:

(a) ~~(2)(a) Whether~~ The site will includes areas that can be restored to wetland conditions that can be sustained them over time;

(b) ~~(2)(b) Whether~~ The site will possesses the physical, chemical, and biological characteristics to support the bank goals and objectives to support a sustainable wetland and upland;

(c) ~~(2)(c) Whether~~ It is determined that the size and location of the bank is appropriate relative to the ecological features found at the site, such as sources of water;

(d) The site has the potential to provide high performance for most functions; and can provide increased or improved wetland functions and restore ecological processes within the basin or the watershed;

(e) ~~(2)(e)~~ If the bank site has a high potential to connect or complement existing wetlands;

(f) ~~(2)(f)~~ Whether the process of establishing the bank at the site will compromise ecologically significant aquatic or upland resources, ~~cultural resources~~ or habitat for threatened, endangered, or candidate species; and

(g) ~~(2)(g)~~ The degree of long-term maintenance necessary for the site.

~~(4) (3) The establishment and use of mitigation banks in or adjacent to areas of national, state, or regional ecological significance is encouraged if the establishment and operation of the mitigation bank does not compromise the protection or functioning of the ecologically significant areas.~~

Sarah: She has a question pertaining to sections:

173-700-320 (2)(l) - Is the bank sited in a flood area? We need to know the flooding status.

173-700-320 (2)(q) - Does this include weed maintenance?

Ron: Couldn't this be broken out even more.

Mary: She would like the language to state the minimum requirements.

Bill: If this is to be used by the banker, he would like this text in affirmative statements i.e. "The site must have these..."

Lauren: "Support wetlands that can be sustained over time."

Bill: Depending on the location of the site, the term "sustained over time" may be difficult. Having this term as a requirement may be difficult.

Ron: For Ecology there must be minimum standards. How do you base the decision that a bank can move forward?

Bill: In wetland mitigation banking there will always be a requirement to create, restore or enhance to move forward. He doesn't see a preservation only bank moving forward.

Lauren: She's still struggling between the urban and the rural bank. What would be an unsustainable site in an urban area?

Bill: Self-mitigating, self-maintaining, self-sustaining. He feels there would be banks in an urban area that would be self-maintained.

Kristin: Isn't there going to be maintenance on all the sites.

Mary: She feels there should be text regarding legal ownership of the water rights. She worries about banks being put in lower elevations, because they may be gone in the future. We are allowing someone to destroy wetlands and we need to ensure we're requiring the correct items.

Kim: We can build flexibility in some sites for the potential water levels over time. We can't build a site that is "bomb proof".

Bill: This is a general mitigation issue, not just for banking. This discussion needs to take place for overall mitigation.

Jennifer and Bill: There will always be weeds on site. We should describe a site in the best of circumstances. What we want to see on a site.

Sarah: Without ongoing maintenance, weeds will come back in 5 years.

Bill: At least plant a plant species that would work and prosper on a site.

Ron: The maintenance plan and the design of the system should address the issues of weeds. The ag community is very concerned about invasive species and weeds on neighboring sites as well.

Kim: Reed canary grass is very difficult to fight and this would be a long-term battle.

Ron: The farmer may have to deal with weeds/invasives, etc. coming from a neighboring property i.e. they never had a problem with "x" weed until the bank was developed next door.

Jennifer: There should be some way for the MBRT to say "No" to a bank. What's the minimum requirement of a bank?

Lauren: You must sustain wetlands, and there is no size threshold.

Jennifer: There should be some way to say "No".

Lauren: Unless we write specific text into the rule requirements, we can't.

Jennifer: The rule doesn't give you this option at this time. There should be some way to get to a yes or no.

Theresa: The only location to really say no to a project seems to be at the end of the public review process

Jennifer: This is a long way into the banking process to tell a banker no. They have already spent a lot of money up to this point.

Kristin: Possibly stipulate at a minimum a site must have ...

Lauren: That is one way we'll approach the process. Do we have minimum standards for the bank site?

Bill: If they don't meet the minimum requirements, can't we encourage projects to go towards concurrent mitigation instead of banking?

Mary: Some people don't have the business information to decide on a bank site.

Steve: You will meet people in the banking industry that are business people and looking for the quick money.

Ron: Ecology has the professional staff that can determine the minimum requirements.

Bill: We need to look at ecological viability and economic viability. Where can we develop the site which is ecologically viable yet economical for the bank sponsor? There are items that have come up earlier - multiple banks in one service area and people having unrealistic expectations. The banks may end up failing due to the business end.

Lauren: The economic point is good information that can be contained in the guidance.

Mary: The watershed analysis and the zoning should be layered over each other and this information should be used to determine if a bank should be created.

Kim: There is no one that says I can't build a bank in a location where a bank already exists. It is my decision.

Sharon: There are a lot of wetlands that have not been mapped.

Bill (audience): To create a bank because of economic viability sets you up as being on the economic end of profit/loss. A banker will go for the least expensive land, which usually ends up being the agricultural lands. Besides giving guidelines, there should be parameters. You should give incentives for a bank in an urban area. A mitigation bank could be 100s of acres of ag lands.

Kim: A base requirement is to determine whether this type of wetland is appropriate for its geomorphic setting. Is it an appropriate HGM type?

Bill: He would like some wiggle room in the HGM to get a wetland.

Kim: When you are writing the rule, you need to have specifics – yet have it broad enough to have banks in all areas. We don't have a large list of requirements - the appropriate HGM, a persistent aquatic system, etc.

Ron: After listing the minimum requirements, then list the items to review.

Language Related to Local Approval

Lauren: Local governments are invited to participate in the MBRT, but in the past they didn't have enough staff to participate in the banks. However, within the past couple of years, the local governments have become more involved in the bank process and have sat on the working MBRT group. How in the rule do we get them involved?

Lauren: The rule currently states that SEPA is done after Ecology has made a decision.

Gretchen: The language also states the MBI won't be signed without local approval.

Theresa: The local entity who is involved at the beginning of the process may be different than the local signing the document. You may be inviting the local planning department to sit on the MBRT, but they may not be the appropriate entities to be involved. It may not be until the signatory portion of the MBI that the local councilperson gets involved. The locals should be involved through the whole process including the signatory of the MBI.

Mary: That is a problem with counties. A lot of time the signatory is not involved with what is actually going on at the employee level.

Theresa: The local permitting authority for short-term or long-term planning is usually not the same person that would be the signatory. The signatory is usually the councilperson. How do you invite the local government? Who from the local agency would take charge? Who would assign them? How do you ensure the local staff involved is notifying the signatory prior to the end of the process?

Bill: We haven't had a problem yet. We've worked with the planning teams and they have taken a back seat on some items or decisions, but are ok at the point of signing.

Jennifer: If you have a pre-application, the local would have to be involved or at least know what is going on.

Theresa: A pre-application isn't going to have the locals go to the council member.

Lauren: Who would go to the local when we get an application in a jurisdiction? Is this Ecology or the bank sponsor?

Theresa: The bank sponsor should be going to the local and should be providing some written documentation.

Steve: He feels this should be coming from Ecology.

Kim: This would happen at the prospectus level then.

Mary: You would want a formal agenda item at the local level. The correct entity would be aware of a bank if they had a hearing with the bank as an agenda item.

Theresa: One of the rule requirements should be the sponsor must show documentation that they have gone to the locals and provided them notification of the bank.

Lauren: Should there be a part in the rule that identifies that the bank prospectus cannot be submitted unless there is a letter from the local jurisdiction saying they are aware of the project. Who at the local agency - the planning commission, the head planner or ?

Theresa: She mentioned, Jennifer Aylor stated they [Wildlands] wouldn't go forward with a bank without the local approval.

Kim: On approval of the prospectus, it states we will notify the state, feds, local jurisdictions to participate in the MBRT.

Lauren: What if Ecology's legal end drafted a template letter that we are aware a mitigation bank is proposed in the area?

Bill: We have previously discussed that Ecology would be a co-lead on SEPA at the beginning of the process, and then SEPA would move on to the locals.

Gretchen: The locals would start their phase near the public notice. Ecology's conceptual SEPA documents could be adopted into the locals technical SEPA.

Jennifer: Between the administrative and the executive staff, we try to find out what is the local approval process. The banks should be held to the same standards and not have to go through another SEPA process.

Steve: A mitigation bank by nature is a programmatic action.

Jennifer: She's concerned that having another SEPA process would be a disincentive for the bankers. There are layers upon layers of requirements for the bank sponsors.

Steve: He has a different view point - we are to protect resources for the public. One way to do that is by SEPA. It is also done by programmatic EISs.

Lauren: If they aren't consistent with the MBI, then they are not in compliance.

Steve: He doesn't see anything for unavoidable impacts or the state rule must comply with the federal rule. Were the impacts really unavoidable?

Lauren: Consistency with federal rule is in the guidance.

Mary: As this process continues, CTED should have the responsibility to ensure the locals have the money to ensure this process is done. The rural areas that have limited resources wouldn't be hit with more banks. There is no other way to handle this. We are getting conflicting information from the state and if this would have been worked into the codes it would have been done more simply.

Theresa: The mitigation prospectus checklist includes a section that the planning department has reviewed the local agency requirements and the project is consistent with the local regulations.

Lunch

Credit Generation

Gretchen: We should try to be consistent with the 2006 Wetland Mitigation Guidance Document. Should we look at anything differently as far as credit ratios using this document?

Lauren: The rule writing team tried to look at the bank site and dividing up the activities on the site. The table is located in WAC 173-700-354. The credit is based on a universal credit. A specific type of wetland, the functions provided by the type, and the habitat it provides. A regulator or applicant could look at the conversion rate based on the acreage. The credit ratios were derived by using half of the mitigation ratios.

The banks have high standards, and the credits are released over time when the performance standards are met. There is a reduction in temporal loss. The credits are used after the banks are mature.

Sarah: The wetland credit conversion rates are the same regardless of the wetland rating.

Sarah and Jennifer: They made the following suggestions for changes to the credit ratios.

173-700-354 Wetland credit conversion rates The ranges for establishing conversion rates for wetland areas are as follows:

If the mitigation activity is:	The conversion rate can range from: Acre credit : Acre mit. activity
Restoration	1:1 to 1:2
Creation	1:1 to 1:5
Enhancement Structure	1: 3 2 to 1:6
<u>Rehabilitation Restoration</u>	<u>1:2</u>
Preservation: In combination with restoration or creation of wetlands	1:2 to 1:10 <u>(Provide specifics of processes)</u>
Preservation alone	1:5 to 1:20 <u>Case by Case</u>

Bill: You get a temporal loss because the credits aren't released until the performance standards are met.

Sarah: The credit conversion rate needs to be defined for Preservation: In combination with restoration or creation of wetlands and Preservation alone. This can be done by the following options:

1. Narrowing how the range is determined and specifying criteria for each step in the range.
2. Provide set ratios and then give more at the end, if the mitigation has achieved high functions or some other way to measure - actually get more credits.

Lauren: We looked at half the credits of the mitigation guidance credit table. Recognizing that all banks may not want to go that route, we also have Section 359 which allows the bank sponsor to use an approved alternative method.

Jennifer: This is the most critical part of the rule from a banker's view. She would like to see more predictability with the credit ratios.

Lauren:

1. Section 173-700-355 has no criteria, how do those play into determining credits.
2. How can we provide early data to determine the credits to the sponsor?

Jennifer: There has to be incentive for the banker. You wouldn't have banks that would be primarily enhancement. You force a banker to go to ag lands to be financially beneficial.

Ron: What's the rationale for such high preservation ratios compared to enhancement ratios.

Lauren: Part of the better ratios on preservation is going toward the economic end. You can log a mature cedar forest. The cedar forest could be cut down and forested for money and then they could re-forest and get a better ratio. Ecology is moving to a higher preservation ratio.

Bill: There is a lack of predictability until a banker is already too far into the bank process. Sometimes you are a couple of years into a project, prior to knowing what credits you would receive.

1. Tighten up the ratios so they are not so broad.
2. Be more descriptive on what needs to happen at a bank site to achieve a specific ratio.

Sarah: You would know up front, all parties may not be happy with it, but at least they would know.

Bill: It has to be economically favorable to go this way.

Kim: The ratios are guidance and the banker's can negotiate the amount.

Sarah: She would like to see the ratios up front.

Mary: How do these compare with Oregon's program?

Jennifer: Oregon has a set ratio. If you do this on the site, this is the ratio you would receive.

Lauren: If you have a set ratio, you don't take into consideration what is being done on a site and the functional lift.

Sarah: Why can't you take the guidance and apply it to the rule.

Gretchen: There should be a better way to get to a ratio decision. We could minimize the range and provide specific guidance on what's needed to achieve the high end compared to the low end.

Jennifer: The credit ratio seems to be a moving target. I have insecurity pertaining to the credit ratio.

Lauren: The insecurity of the credit ratios is due to using the half of the ratio in the credit table of the guidance.

Jennifer: We still need to look at the Economic viability for credit ratios.

Bill: The lower end of the ratio is a way to weed out the bad sites, because it's a disincentive to banking.

Gretchen: Look at preservation and enhancement.

Jennifer: No net loss and functional lift.

Sarah: They enhance with planting a few trees.

Jennifer: The bankers have to show the functional lift, so if you can't do it – you wouldn't do banking anyway. The functional enhancement should be tied to the watershed characterization.

Sarah: With the range in enhancement, if you can show the functional lift you would be on the lower side of the range.

Gretchen: How would I distinguish between functional enhancement and strait enhancement?

Sarah: We're setting a timeline using the functional score.

Mary: She wants a guarantee of every 5 years in perpetuity.

Kim: We don't have a functional system that is fine tuned to use it in this manner.

Lauren: Is the main issue with a specific ratio only with enhancement?

Gretchen: She feels it's an appropriate range, but it should have specifications for what is needed to achieve a specific number within the range.

Sarah: She feels that if we give twice as good of a ratio by doing the bank, you're now on the opposite end – everyone will want to do a bank.

Audience: Banking won't happen in WA if you don't apply stimulants. There appears to be no willingness on the state/fed side of the table.

Jennifer: We are proposing 100 acres of wetlands – so, we're looking for the homeruns.

Gretchen: Half of the guidance ratio should be considered an incentive not a disincentive. It is an achievable incentive because of the long-term protection. There are instances where the type of proposal is not appropriate in the landscape. That is why preservation can be useful or enhancement may be useful.

Kim: If you start with a thought process of 1:1 or 2:1, than receiving a ratio of 4:1 will appear to be a disincentive. Our job is to show no net loss. We try to give an appropriate ratio for the function and functional lift happening on the site. She favors having a range.

Mary: Creating mitigation banking is the incentive. You could do this with a guaranteed minimum. Possibly at the back-end you could give more credits for doing a good job i.e. completing a construction job prior to deadline. However, she has an objection to section 173-700-356 Conversion rates for uplands and buffer areas.

Audience: You need to keep in mind who you are writing the rule for.

Sarah: The credit ratio between restoration/creation, enhancement or preservation is incredible. The disincentive is to not do enhancement.

Gretchen: We are looking at the draft rule. The ratios were based on what the guidance was at that time. Are the conversion rates good how they are?

Jenny (Audience): Can't we control the loss of wetlands on the permit project end.

Lauren: The same ratio is used on the permit end.

Bill: There seems to be an assumption that we are always meeting no net loss with concurrent mitigation, to say that we are doing something worse with banking isn't accurate. The credit ratio in the guidance is guidance and not policy. The banker needs greater clarity on the credit ratio early in the process. Incentives will be a tougher point.

Lauren: Credit generation should be an incentive.

Bill: Greater predictability with the credit generation would be considered an incentive.

Ron: The credit generation table should be an incentive. Mitigation banking is a tool towards no net loss. The bankers want to create a bank if it's economically worth it. The state and feds want a bank to ensure no net loss. Preservation alone isn't an incentive.

Audience: It would be a fool's errand if you write a rule where the bank sponsor wouldn't make money.

Ron: If you make it too easy than everyone would go to a bank and not worry about impact.

Sarah: The new ratios from Ecology - 24:1, 12:1, 8:1 are huge disincentives. You could establish a lower ratio up front and then higher credits at the end.

Jennifer: There is no guarantee that we can sell the credits. The option of holding credits till the end may not be an incentive. Mitigation banking is voluntary.

Mary: This is a regulatory program. You are creating a bank because impacts have happened and are happening on wetlands.

Sarah: It takes 10 yrs to create a bank.

Bill (Audience): Banking is hit twice. The credits they receive upfront and then the credits are determined on the project end.

Jennifer: She would like single credit ratios with the credits provided once the performance standards are met.

Restoration and Creation 1:1

Processed Based Enhancement 1:2 to 1:3 - 1:2 (process restoration) to 1:3 (acreage) for enhancement.

Preservation to be determined

Sarah: We need to provide the banker's assurance, so they're not waiting a couple of years to find out what their credit ratios will be.

Lauren: We have a couple of options:

1. Set ratios
2. Have a best ratio and a worst ratio and define the criteria for each ratio

Jennifer: Whatever you can do to get away from the negotiation and unreliability.

Bill: We need to identify what we are trying to get to, to attain the better ratios.

Theresa: There are already exceptions written into the rule and we can keep these.

Kim: She doesn't like the negotiation process either, but she doesn't agree with a set ratio.

Gretchen: She would like to see the best objective for a site.

Bill: He wants to broaden the discussion to also include on-site and off-site mitigation.

Ron: The way we're breaking this down to the rule within the local jurisdiction.

Bill: We can't control what is in the local code.

Theresa: When the local code is re-written this can be used as a tool, but may not currently be in there local code. Our local code (City of Tacoma) doesn't have language which includes mitigation banking, so it isn't recognized. You would need to go through the permit process and show how the mitigation would be done off-site. The mitigation ratios can not go outside of their codified ratio.

Gretchen: Our guidance document shows why there are ratios higher than 1:1, it's based on the temporal impact.

Theresa: You may have functional loss as well as temporal loss.

Lauren: We need to do this for the environmental concerns and it would also provide predictability for the bankers.

ACTION: Advisor Group Members review WAC 173-700-502 and send Lauren any comments by Thursday and she'll provide it to the local governments at the upcoming training this Friday.

Kim: Are there any instances with local governments not wanting to input language into their CAOs regarding banking?

Gretchen: It is a new thought process. Some locals still feel the impact should be compensated on-site.

Theresa: It is very hard for some people to understand that an impact may not be taken care of on site.

General

Gretchen: She has accepted a position with DOT.