

Mitigation Program DRAFT Report Comments on Draft Report

Chapter Number	Page / Section	Comment/Concern	Recommended Change	Source of Comment	Consultant Response
General Comment		Part of the inventory process should include which city division manages the land, existing covenants and restrictions		Parks Dept. (G. Austin)	This comment is outside the scope of this project, but we will forward this comment to Renee LaCroix. We encourage you to reiterate your comment as part of the inventory process.
General Comment		The “human” component should be addressed in any comprehensive mitigation plan. If we refer to state environmental protection laws (see RCQ 43.21C.010), the RCW states that the purpose of SEPA is to “...declare a state policy which will encourage productive and enjoyable harmony between humankind and the environment” and to “...stimulate the health and welfare of human beings...to enrich the understanding of the ecological systems and natural resources important to the state and nation.” Along this theme, we feel that the comprehensive mitigation program should provide provisions for public access. Public trails serve as maintenance access as well. The importance of access may be vital to the success of the area being preserved. Areas that are unattended with no public access component are prone to illegal dumping, camping, and other degrading activities. Education and public access can also be the catalyst to teaching the importance of conservation and protection.		Parks Dept. (G. Austin)	<p>Comment noted. The City, citizens, and regulatory agencies will need to decide how the “human” component fits with the mitigation program. This discussion will be most critical during drafting of the program instrument.</p> <p>Typically, the most cost effective and land efficient way to create a mitigation area is to have a single compact area with a single buffer. This type of arrangement allows the most credits per land area compared to a more fragmented or sinuous arrangement.</p>
General Comment		Future mitigation banks or in-lieu fee programs should include all of Bellingham as service area (i.e. everything that drains to the Bay)		Parks Dept. (G. Austin)	At this point, the service area is envisioned as encompassing all land within the City of Bellingham and (hopefully) more. However, the exact boundaries of the service area will be important as individuals determine whether and/or how to move forward with a mitigation program. If the program is implemented using a pilot, the pilot may require a smaller initial service area.
General Comment		Overall, [the draft report] does a good job of laying out what the options are and dialing in on a recommendation and a path forward. I agree with the in-lieu fee system.		Planning Dept. (S. Sundin)	Comment noted.
General Comment		<p>Include the opportunity to do a phased implementation that could take the following forms:</p> <ol style="list-style-type: none"> 1) Pilot first then full blown program OR 2) Use the program only for Cat III / Cat IV wetland and buffers then expand OR 3) Use the program for Cat II – IV wetlands and buffers with low habitat scores then expand upwards to others. <p>Cat I and II wetlands (especially those with higher scores) are worth being tracked through the normal permitting process and most developers get that, I believe.</p> <p>Further, making the program only available for “lower class”</p>		Planning Dept. (S. Sundin)	<p>Comment noted. Program phasing and eligibility will be important points of discussion during development of the program instrument.</p> <p>It is common for the majority of impacts to be buffer impacts. It is also common for the majority of impacts to be associated with Cat III wetlands with low habitat scores (these are the majority of wetlands in our landscape).</p> <p>Clarification: we recommend all wetlands still</p>

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		wetlands MAY help with state/fed approvals. Over the last ~two years it seems as though we have processed quite a few CA permits for buffer impacts to wetlands that are Cat III or IV and that have low habitat scores (didn't do a TMARK search but could)			be tracked just like through a normal permitting process. It is useful to know where impacts occur and where mitigation is done to ensure "no net loss" of ecological function. Clarification: the mitigation program will not change the Mitigation Sequencing or eligibility criteria in the CAO. Once a project has already met these code requirements and still has "unavoidable impacts" that must be mitigated, then the program kicks-in. Rather than completing traditional permittee-responsible mitigation, they could use the program. The program could have additional eligibility criteria.
General Comment		The mitigation, monitoring, and staff time devoted to what are turning out to be remnant, isolated and low value low rated wetlands is becoming impractical – especially when money could be devoted to wetland / buffer improvements that we identify as more important to protect and restore natural processes.		Planning Dept. (S. Sundin)	Comment noted. A mitigation program has the potential to address these widely-understood problems.
Exec Summary	I / Para. 1		Insert: "Unfortunately, <u>some</u> past approaches..."	Parks Dept. (G. Austin)	Incorporated recommended change
Exec Summary	I / Paras 1 & 2	"Watershed approach" issued multiple times in Exec. Summary. Document is intended for a variety of readers that may not know the definition.	Define "watershed approach" in Executive Summary. Suggested revision: "Mitigation banks and in-lieu fee programs are generally more consistent with the 'watershed approach.' <u>Mitigation that takes into consideration the entire drainage basin, i.e. the 'watershed approach,' tend to have more habitat and water quality value.</u> They also have a higher potential..."	Parks Dept. (G. Austin)	Defined "watershed approach" but used language from Ecology Publication #09-06-032 "Selecting Wetland Mitigation Sites Using a Watershed Approach"
Contributors	II	Many will contribute to this report. Contributors should probably be included in the Acknowledgement section instead.	Delete the Contributors Section	Parks Dept. (G. Austin)	"Contributors" was probably an inappropriate title. We changed the title of this section to "Prepared By."
1.0	1.1	The first sentence is a broad statement- not all citizens understand land use and functional ecosystems.	Revise the use of "citizens".	Parks Dept. (G. Austin)	Yes, the statement is broad. Not all citizens understand land use and functional ecosystems, but based on their voting record, City policies, and grass-roots efforts; the majority of citizens appear to understand wise land use is a benefit for current and future generations. Hopefully this document helps explain how wise land use extends to critical areas and mitigation.
1.0	1.1		Insert: "...and the <u>City Council</u> 2009 Legacies and Strategic Commitments."	Parks Dept. (G. Austin)	Incorporated recommended change
1.0	1.2 /	Clearly state the need for this document. We understand the		Parks Dept.	Added language in Sections 1.1 and 1.2 to

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	1	strategy is an alternative approach, but at the end of the document it isn't clear why the alternative approach is needed.		(G. Austin)	clearly state past problems and the goals of a mitigation program.
2.0	2.1 / 2		Insert: "table 1 outlines the steps as defined in the SEPA implementing rules (<u>Washington Administrative Code [WAC] Chapter 197-11-768</u>)..."	Parks Dept. (G. Austin)	Incorporated recommended change
2.0	2.2 / 3	Gender neutrality	Change all references from "his" to "their"	Parks Dept. (G. Austin)	Incorporated recommended changes
2.0	2.2 / 3	There is an important distinction between the mitigation banks and in-lieu fee programs that should be spelled out in this table. Mitigation banks are unique because the mitigation is completed in advance of the impact. In-lieu fee programs are implemented after the impact. Table 2 provides a good "at a glance" description of each program. Therefore, this important distinction should be included in the table.	Add language to the "mitigation bank" and "in-lieu fee" program descriptions.	Parks Dept. (G. Austin)	Inadvertent omission, incorporated recommended change
2.0	2.2 / 4	Provide source reference for the figure or insert a reference number that can be correlated back to the references (or resources) section of the report.	Provide reference.	Parks Dept. (G. Austin)	Provided source reference under each figure.
2.0	2.3 / 5	Again, the term "watershed" is used multiple times but is not defined. In one paragraph, the term "watershed context" is actually used to define the term watershed.	Replace "watershed context" with: "...a watershed approach is based on selecting a mitigation site based on its ability to restore ecological processes within a drainage basin with a common outlet," or some other similar wording.	Parks Dept. (G. Austin)	Revised last paragraph on Page 5 and first paragraph on Page 6 to include a definition for "watershed context" using the term "drainage basin" and language from Ecology Publication #09-06-032 "Selecting Wetland Mitigation Sites Using a Watershed Approach"
2.0	2.3 / 5	7 th line, it isn't clear to us what the arrows suggest.	Clarify	Parks Dept. (G. Austin)	Replaced arrows with commas. Commas convey the same message with more clarity.
2.0	2.3 / 5		Recommend adding "Department of..." to Ecology	Parks Dept. (G. Austin)	We inadvertently omitted a full reference prior to using the abbreviation "Ecology." We added a full reference on page 6.
2.0	2.4 / 6	First highlighted box: "least expense" to whom?		Parks Dept. (G. Austin)	The goal is that the mitigation program would reduce costs for the community as a whole (developers, citizens, tax payers, homeowners, business owners, etc). However, many of the details of exactly how this will be achieved depends on how the program is structured and is yet to be determined.
2.0	2.4 / 7		First bullet, insert: "buy-in"	Parks Dept. (G. Austin)	Incorporated recommended change
2.0	2.4 / 7		Second bullet, revise "Distinguishes" to "Distinguish"	Parks Dept. (G. Austin)	Incorporated recommended change
3.0	3.1 / 8		Remove duplicate parentheses after "multiple areas"	Parks Dept. (G. Austin)	Incorporated recommended change
3.0	3.1 / 8	Use the word "have" instead of "require" when talking about risk.	Revise to read: "...the bank can often <u>have higher risks and require significant upfront capital.</u> "	Parks Dept. (G. Austin)	Incorporated recommended change
3.0	3.1 / 8		Recommend adding "Mitigation" to banks in first line.	Parks Dept. (G. Austin)	Incorporated recommended change

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3.0	3.1 / 9	Figure 4 should be made larger to be legible.	Increase the size of Figure 4.	Parks Dept. (G. Austin)	Incorporated recommended change
3.0	3.1 / 10	Awkward sentence, recommend alternative wording.	Revise “Credits will be released on a pre-determined schedule. The exact credits are not known at the time of this report, but the total credits are expected to exceed 500 with less than 20 initial credits released for Phase 1A.”	Parks Dept. (G. Austin)	Revised to improve clarity,
3.0	3.2 / 12	Simplify the wording.	Replace “Mitigation sites can but don’t have to be identified...” with “Mitigation sites <i>may</i> be identified...”	Parks Dept. (G. Austin)	Incorporated recommended change
3.0	3.2 / 12	An in-lieu fee program will be run by a gov’t or non-profit organization. If Bellingham is the sponsor, what agency will oversee Bellingham’s program.		Parks Dept. (G. Austin)	An in-lieu fee program can be sponsored by government or non-profit natural resource management entity. The a single dept./program within the City of Bellingham would qualify. The exact entity has not been identified yet and is up for discussion. However, the Interagency Review Team (IRT) reviewing the in-lieu fee application will want to see how Bellingham is able to guarantee the solvency and independence of the sponsor from the rest of the City so its funds won’t be “raided” and the program will last in perpetuity. Bellingham would need to show the Dept. or program responsible for the in-lieu fee program has legal “separation.” Other jurisdictions have examples of how to achieve this separation.
3.0	3.2 / 12		Add caption and make the photograph bigger.	Parks Dept. (G. Austin)	Photo only included to make report more interesting, not worthy of credit or analysis.
3.0	3.2 / 14		Add caption and make the photograph bigger.	Parks Dept. (G. Austin)	Photo only included to make report more interesting, not worthy of credit or analysis.
3.0	3.3 / 14	On all city letterhead and media, the city is referred to as “Mount” not “Mt”	Change “Mt. Vernon” to “Mount Vernon”	Parks Dept. (G. Austin)	Incorporated recommended change
3.0	3.3 / 16	Line work conflicts in upper part of map and legend looks unfinished.	Revise Figure 7	Parks Dept. (G. Austin)	I obtained a cleaner version of the original graphic which helped simplify the line work.
3.0	3.3 / 16		Birch Bay Bullet, Remove “in the process of”, “purpose of the” and “is to”. Add an “s” to use.	Parks Dept. (G. Austin)	Incorporated recommended change
3.0	3.3 / 17	Font size should be consistent in all graphics.	Change font sizes in graphics.	Parks Dept. (G. Austin)	Graphics are from a variety of sources. The graphics are in jpg or pdf format with imbedded text that cannot be altered. We adjusted the graphics as much as possible to keep a consistent look.
4.0	4.1 / 17	Do you want to talk about the approval process in the same order the programs were presented earlier in the report?		Parks Dept. (G. Austin)	Yes, incorporated recommended change
4.0	4.1 / 18	IRT was defined on page 8, maybe reiterate what IRT is here (10 pages later) since this is being written for the public.		Parks Dept. (G. Austin)	IRT is used sporadically throughout the document, but we agree the primary use of the acronym is under Section 4.0 and it would help

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					readers to re-define it under this section. Incorporated recommended change
4.0	4.2 / 18	I don't think "support" is the word to use. Support evokes promotion. This isn't really about the promotion of economic development. What you are reporting is an easing of barriers (almost facilitation, but not quite) to economic development, by making the process more predictable and less onerous to the developer in the long term.	Revise term "support"	Parks Dept. (G. Austin)	We agree a more accurate description is that the mitigation program removes unnecessary barriers to economic development rather than supports economic development. We changed the language to better communicate this point.
4.0	4.2 / 19	Are in-lieu fee programs designed to be self-sustaining with no additional governmental input in excess of the upfront startup costs.		Parks Dept. (G. Austin)	The intent is for both banks and in-lieu fee programs to be financially self-sustaining. Both require additional funds beyond the start-up costs for management and implementation throughout the life of the program. These ongoing costs should be incorporated when designing the financial structure of the program. However, there can be unforeseen circumstances that result in unexpected costs- this should be planned for with a contingency plan/fund as well as legal limitations in the instrument itself. We incorporated additional language under Risks to the Sponsor to better explain this risk.
4.0	4.2 / 21		Insert: "In addition, Bellingham is in the process of completing an inventory and prioritization for its natural resources, <u>which will facilitate</u> selection of in-lieu fee mitigation sites within the City limits."	Parks Dept. (G. Austin)	Incorporated recommended change
4.0	4.3 / 21		Insert, second bullet: add a parenthesis after the word "program"	Parks Dept. (G. Austin)	Incorporated recommended change
5.0	5.2 / 25	I gather that \$450,000 will be spent before any in-lieu fee program actually constructs a mitigation project. Q: How is the initial outlay of \$450,000 funded? Is any of the initial outlay paid back to the funding source after permittees begin paying into the in-lieu fee program?		Parks Dept. (G. Austin)	At this point, Public Works is proposing to fund the initial program implementation; however, this may change in the future. Perhaps some of the implementation costs will be re-paid by selling mitigation credits, but this is yet to be determined. It is unlikely that all of the costs can be tracked as dollar for dollar reimbursement. Instead the intent is that the program will ultimately save the community more than it costs by creating a more cost/time efficient system that will reduce the cost of future permitting, feasibility studies, mitigation implementation, mitigation monitoring, mitigation maintenance, permit enforcement, etc.