

RESOLUTION NO. 2020-03

A RESOLUTION ESTABLISHING PROTECTION AND USE POLICIES FOR THE CITY OF BELLINGHAM'S MITIGATION BANK PROPERTIES.

WHEREAS, federal, state, and local law requires mitigation for the wetland and stream impacts caused by development; and

WHEREAS, the City Comprehensive Plan Policy EV-14 encourages the development of mitigation options such as a wetland mitigation bank to meet City Council's Legacies and Strategic Commitments and wetland and stream mitigation requirements under federal, state, and local law; and

WHEREAS, City Council has directed staff to pursue the establishment of a City mitigation bank; and

WHEREAS, the US Army Corps of Engineers and Washington State Department of Ecology are the federal and state regulatory agencies that authorize new mitigation banks in the State of Washington through their review and approval of an applicant's Mitigation Banking Instrument; and

WHEREAS, the City submitted a Bellingham Umbrella Mitigation Bank Prospectus to the US Army Corps of Engineers and Washington State Department of Ecology on April 2, 2018 to begin the process of establishing a Bellingham Mitigation Bank ("Mitigation Bank"); and

WHEREAS, the goals of the Mitigation Bank are to improve the ecological success of mitigation projects, achieve regional restoration goals, address the mitigation needs for public and private entities, reduce costs associated with mitigation, coordinate mitigation efforts, and streamline the mitigation process; and

WHEREAS, the City has begun acquiring properties to use for its Mitigation Bank; and

WHEREAS, the US Army Corps of Engineers and Washington State Department of Ecology require the City to manage the Mitigation Bank properties in a manner that preserves their ecosystem services and permanently protects the properties from adverse impacts; and

WHEREAS, many human activities associated with public access can adversely affect the ecological functions of a Mitigation Bank property;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLINGHAM:

SECTION 1. The City Council establishes the following protection and management policies for the City of Bellingham's Mitigation Bank properties:

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

1. Injuring, damaging, defacing, or destroying Mitigation Bank properties is prohibited. This prohibition applies to all aspects of the natural environment, including biological and chemical processes.
2. Written permission from the Public Works Director is required prior to any public access to Mitigation Bank properties.
3. Bicycles and electric-assist vehicles are prohibited on Mitigation Bank properties.
4. Trails are prohibited on Mitigation Bank properties. Exceptions include: 1) those designated in the Mitigation Banking Instrument; 2) those authorized by the Public Works Director; and 3) the proposed trail identified in the PRO Plan within and along the eastern perimeter of the Bear Creek Corridor Mitigation Site.
5. Dogs and other domestic animals are prohibited from Mitigation Bank properties.
6. Hunting is prohibited on Mitigation Bank properties.
7. Injuring, damaging, defacing, or destroying City signs or structures on Mitigation Bank properties is prohibited.
8. Written permission from the Public Works Director is required prior to collecting, gathering, or harvesting natural resources or other materials on Mitigation Bank properties.
9. The following acts are prohibited by any person unless authorized in writing by the Public Works Director, or authorized by law:
 - a. Place, erect, or maintain a structure or obstruction of any kind on Mitigation Bank properties;
 - b. Deposit or store any refuse, debris, vegetation, personal property, litter, or any other material on Mitigation Bank properties;
 - c. Mow, prune, cut, clear, plant on, or otherwise alter or disturb vegetation on Mitigation Bank properties; and
 - d. Operate a motor vehicle on Mitigation Bank properties.

SECTION 2. The Council directs staff to follow these policies to manage and protect the Mitigation Bank properties.

SECTION 3. The policies in this resolution may be supplemented by additional permanent protections required by the Mitigation Banking Instrument approved by US Army Corps of Engineers and Washington State Department of Ecology.

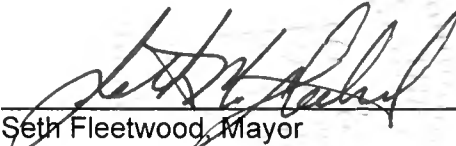
PASSED by the Council this 27th day of January, 2020.



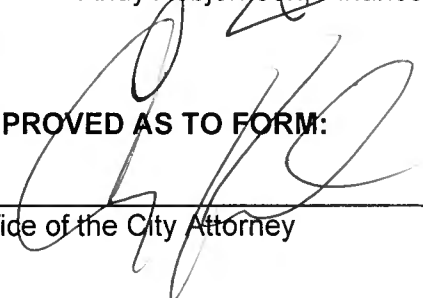
Gene Knutson, Council President

APPROVED by me this 5th day of February, 2020.

City of Bellingham
City Attorney
210 Lottie Street
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360-778-8270


Seth Fleetwood, Mayor


ATTEST:
Andy Asbjornsen, Finance Director


APPROVED AS TO FORM:
Office of the City Attorney

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City Attorney
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