

Luster, Tom

From: Stockdale, Erik
Sent: Thursday, February 17, 2000 4:42 PM
To: Hellwig, Raymond; Luster, Tom
Subject: meeting with Jim Kelley, re: 3rd runway public comments

Hi Ray & Tom:

I met with Jim Kelley (Parametrix) on Tuesday, Feb. 15 at NWRO. Jim asked me to meet with him to discuss some of the public comments received on my favorite horizontal landing surface project. I thought I would summarize the meeting for you.

The issues we spoke about were raised in comment letters by Sarah Cooke and Andy Castelle. Both raised the question of how wetland mitigation ratios were being calculated. Jim and I spoke about how Ecology defines enhancement, creation and restoration as elements of mitigation. We spoke about how Ecology does not give full credit for enhancement because enhancement takes place in existing wetlands where some wetland functions are already being provided, albeit at much depressed levels. Enhancement often comes at the expense of other wetland functions. The discounted ratio also accounts for the net loss in wetland acreage.

I asked Jim what definitions he based his report on; he said he looked at the Paine Field wetland mitigation banking agreement.

I agreed with Sarah and Andy's claim that the Port was not calculating the ratios correctly, at least at the in-basin sites. I believe the Port is claiming lower credit at the Auburn site, consistent with the way Ecology does. At first Jim said perhaps they needed to change the ratios at the Auburn site. I told Jim I thought the document needed to be corrected to be consistent with the way Ecology has addressed the matter all along.

We looked at the Ecology document titled "How Ecology Regulates Wetlands" (Ecology publ. no. 97-112, Feb 98). Pages 13-17 describes Ecology's approach to mitigation, but oddly enough, neither that section nor the document defines enhancement, creation and restoration. The table at the top of page 16 clearly indicates that half the credit is given for enhancement. The footnote to the table reads:

"For wetland enhancement the ratios are doubled. Enhancement as compensation for wetland losses results in a net loss of wetland area and the net gain in wetland function from enhancement is usually less than from creation or restoration."

After the meeting I sent Jim the definitions for those terms from the draft wetland mitigation banking rule:

- **"Compensatory mitigation"** means the restoration, creation, enhancement or in exceptional circumstances, preservation of wetlands or other aquatic resources, or

both, for the purpose of compensating for unavoidable adverse impacts to wetlands or other aquatic resources which remain after all appropriate and practicable avoidance and minimization has been achieved.

- **"Creation"** means the establishment of wetland area, functions, and values in an area where none previously existed.
- **"Enhancement"** means actions taken within an existing degraded wetland or other aquatic resource to increase or augment one or more functions. Enhancement can also include actions taken to improve the functions provided by a buffer or upland area.
- **"Restoration"** means actions taken to intentionally re-establish wetland area, function and values where wetlands previously existed, but are currently absent because of the absence of hydrology or hydric soils. Restoration can also include the re-establishment of historic wetland HGM classes on sites which have been altered due to human activities to a different HGM class, and which have significantly degraded, or low levels of functions and values.
- **"Preservation"** means the permanent protection of ecologically important wetlands or other aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation may include protection of upland areas adjacent to wetlands as necessary to ensure protection or enhancement of the aquatic systems, or both.
- **"Function assessment"** means an assessment of the degree to which a wetland is performing or is capable of performing, specific wetland functions. Function assessments include the use of scientifically-based quantitative and qualitative methods developed for assessing functions, as well as the use of best professional judgement for determining the degree to which a wetland or other habitat is performing or is capable of performing, specific functions.

I also told Jim that the "prior converted wetlands" at Vacca Farm meet the wetland criteria in the State of Washington wetland delineation manual, are regulated as wetlands by the State (under RCW 90.48) and therefore need to be included in the enhancement category for ratio calculation. As we have discussed internally and with the Port on several occasions, this is where there will be a difference in wetland acreage between the way the Corps/EPA apply 404 and the State applies RCW 90.48. The State is not bound by the exclusion provided to certain agricultural lands in the Food Security Act manual. The PCC label does not reflect wetland functions and resulted from political compromise in Washington D.C. with the agricultural lobby.

I told Jim that the ratio issue needs to be clarified so that the more important issue can be discussed; that is, how the wetland mitigation package will mitigate for functions lost as a result of the project. I realized that the Port's proposal may fall short of the 1:1 in basin goal we had set as our minimum target. What is important is a narrative description of "best professional judgment" of the adequacy of the mitigation design. I expect more controversy over this.

I told Jim that there is an in-basin mitigation opportunity Ecology and EPA identified as desirable to the Port. The Port has, to date, not considered it. That is the headwater wetland in the Walker Creek basin. There is an undetermined amount of fill that can be removed from that wetland. (This may be a mitigation opportunity the Port can purchase to raise their ratio to 1 to 1). If the PCHB asks me if the Port pursued all in-basin mitigation opportunities, I will have to say no.

Another area where the in-basin mitigation needs to be clarified is where wetlands occur within the proposed 100-foot buffer on Miller Creek. I told Jim that the wetlands need to be subtracted from the 100-foot buffer calculation. I recall raising this issue several times at meetings with the Port. The Port can't calculate wetland as upland buffer.

Jim asked me if I agreed with the comments on the function assessment method used by the Port. I agree with the adequacy of the assessment conducted by the Port. The HGM-based method mentioned by Sarah was just released by Ecology. It was not available at the time that the Port conducted its studies, so the comment is irrelevant. Moreover, the SAM method Sarah mentions (developed by Sarah) is very simplistic and is no where as complete as the evaluation method used by the Port.

Jim asked me if I agree with a comment raised by the USFWS regarding the need to set invasive plant species to no more than 5 percent cover in the mitigation sites. I agree with Jim that it is very difficult to control invasives at the 5 percent level. And in some cases it is not desirable. For example, in forested communities, once the trees get above the height of invasives, the weeds don't present a problem. In emergent wetlands, however, invasive control is much more problematic. I suggested Jim separate invasive species from non-native species and discuss the control issue in more detail in the final plan. I suggested the performance standard for invasive control be dependent on wetland class (higher in forested than emergent).

Jim asked if we wanted 95% engineering drawings before we can review the final plan for 401 certification. I told him I struggle with what "percent completion" of engineering vs. general mitigation plans really means. I told him I don't need a bid document (95% engineering drawings) in hand for review. What I do need is a plan that is detailed enough so that someone without the understanding of the project (but with training in wetland mitigation design) can review the document, go to the mitigation site, and be able to determine if the plan is being implemented. I told him the plan needs better graphical representation of the mitigation design. The drawings at Auburn will be made larger to provide more detail. I told him the draft mitigation plan will need one more round of review & edits before we march down the road of final submittal.

Several people have raised the question of whether the buffers at the Auburn site are adequate. Buffers are dependent in part on the land use intensity adjacent to the mitigation site. We spoke about the future development potential of the southwest corner of the mitigation site. He said it will likely be park/low intensity open space. I agree with the proposal to have 60-foot buffers on south side; some of the wetland will act more like buffer in that area, but proposal will provide a significant amount of internal habitat than is currently provided at the impact areas. Much of the habitat being

filled is so fragmented that it is all edge habitat. The provision of internal habitat at Auburn is a significant element of the mitigation design.

We spoke about qualifications of contractors. Can we stipulate that they have demonstrated performance in mitigation installation?

I told Jim we will restrict the use of the mitigation area so it can't be used for off-site regional stormwater control. He said the Port expects this restriction. My understanding is there is interest in the area to use the site for regional stormwater storage.

The Port has OK'd a meeting with Sarah Cooke and Jim. I think it would be beneficial for Sarah to meet with Jim to discuss the details of the plan. I don't think Sarah understands the complexity of the plan yet.

Am out of time. Pls. call if you have questions.

Erik

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