

Supplemental Wetlands Mitigation Ordinance OR 21-025, IM 21-051 Staff Report

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1

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MSB Assembly



What's the Problem?



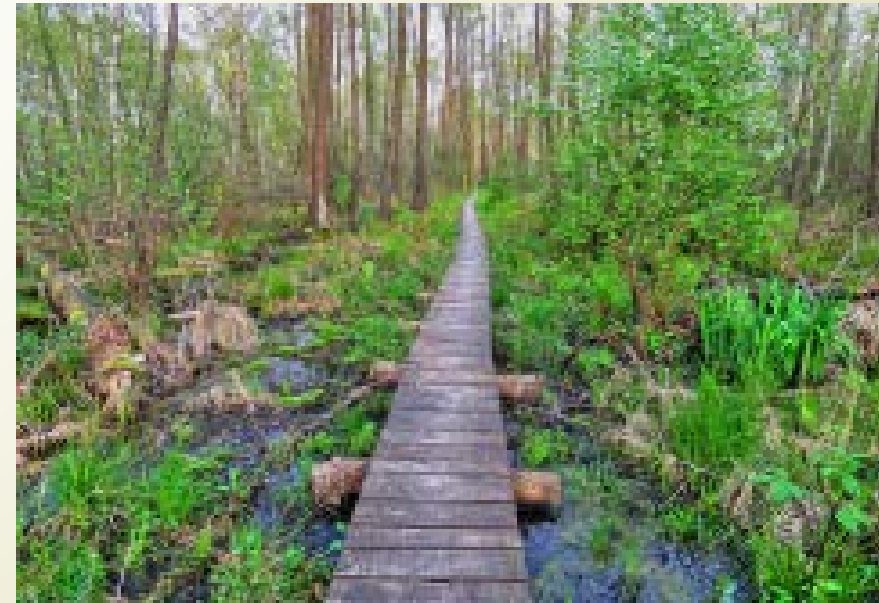
- The USACE recently has not always consistent in requiring full wetland mitigation as required by the CWA.
- The MSB Fish and Wildlife Commission in 2019 recommended exploring this issue.
- In 2019 MSB Assembly directed staff to develop a draft ordinance addressing wetland mitigation on larger developments.

How Did We Get Here?

- Inconsistency in USACE wetland mitigation process.
- Example: In 2018 USACE Crooked Creek wetland development permit:
 - Project Pipeline through MSB impacted 200 Wetland Acres.
 - USACE required only 5 A be mitigated within MSB.

3

- This stimulated a local discussion... *How can we support development that also offsets its impacts on wetlands in a way that maintains wetland functions?*



Wetlands Provide Free Services

➤ Wetlands Provide:

- Fish and Wildlife Habitat
- Flood Control
- Good Water Quality
- Recreation



➤ The MSB has invested millions dollars into the above:

- Fish Passage Culvert Program
- MSB Fish & Wildlife Commission work
- Mat-Su Basin Salmon Habitat Partnership work
- MSB Comprehensive Plan/Wetland Mgmt. Plan, etc.

SWMO & Wetlands



- Rationale:
 - Wetlands provide economic value to MSB
 - USACE decision-making is **not** always consistent
 - The SWMO requires fully mitigation/offset of lost Wetland functions from larger projects within the MSB.
 - At full buildout the SWMO will help retain the functions of 50% of the MSB wetland base.

MSB 17.31 Summarized

1. APPLICABILITY

- Applies to larger wetland projects that:
 - Require USACE Individual Permit, and
 - Impact 10+ acres jurisdictional wetlands.

2. APPLICATION REQUIREMENTS

- Uses USACE paperwork.

6

3. GENERAL STANDARDS FOR APPROVAL.

- Developer chooses an approved USACE mitigation option;
- Mitigation offset occurs in MSB; and
- Applicant documents this mitigation for MSB Wetland Permit.



SWMO Permitting Flow Chart

1. Developer applies for Individual Wetland Permit with USACE- Public Notice Issued

- MSB informs about MSB code 17.31



2. If project impacts 10+ acres of wetlands, MSB permit required

- Developer submits MSB application; provides all USACE documents.



3. Developer shows full mitigation offset within MSB of project impacts.

- MSB checks documentation; issues permit per MSB 17.31



What the SWMO doesn't do

➤ The SWMO Does NOT...

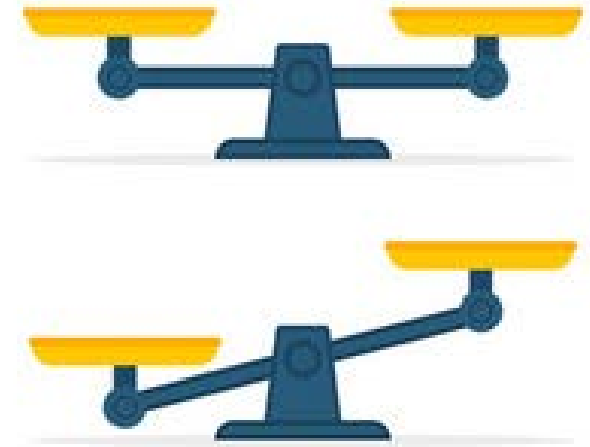
- Does NOT duplicate the USACE process, but uses that paperwork;
 - Instead sets a local land-use standard.
- Does NOT involve itself in the various **USACE** mitigation options.
- Does NOT apply to **most** wetland development projects.
- Does NOT apply to isolated, nonjurisdictional wetlands.



Evaluation

- Standards for Evaluating Draft OR 21-025:
 - Does it **implement** adopted MSB Comp Plans?
 - Does it **complement** prior MSB investments?
 - Does it **help** protect health, safety, property, infrastructure?
 - Does it **have** advisory commission support?
 - Does it **have** public support?
 - Does it **solve** the identified problem?

- Notable: **Robust public outreach effort**



Thank you

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