



TECHNICAL MEMORANDUM

Prepared for: Mark Rettmann
Environmental and Planning
PO Box 1837
Tacoma, WA 98401

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Prepared by: Grette Associates^{LLC}
2102 North 30th Street, St. A
Tacoma, WA 98403

File No.: 323.005

Re: City of Tacoma Biodiversity Area Review and Mitigation Proposal

Grette Associates (Grette) has prepared this technical memorandum at the request of the Port of Tacoma (Port) to assist with addressing the City of Tacoma's recommendations that were provided to the project team during the March 31, 2023 meeting to discuss the City's previous comments (dated November 23, 2022) in their review of the *Off-Dock Container Yard and Stormwater Project: Wetland Delineation Report* (Grette Associates 2021)¹.

This technical memorandum is intended to summarize the City's March 31st recommendations regarding compensatory mitigation for the undeveloped area within Parcel 72 that may be subject to the biodiversity area development standards defined in Tacoma Municipal Code (TMC) 13.11.510. This memo was prepared to serve as an addendum to the *Off-Dock Container Support Facility Project – Critical Areas Preservation Ordinance Analysis* (Grette Associates 2022) that was prepared in support of the project. Please note that based on discussions that occurred during the March 31st meeting, it was determined that the most efficient and timely permit approach was to assume that the undeveloped area in question (see attached) would likely be considered a regulated biodiversity area. No formal determination was completed.

Per TMC 13.11.520 and 13.11.550, biodiversity area development and modification standards are intended to maintain large patches of native vegetation that provide wildlife habitat and general ecological services. As detailed in the *Off-Dock Container Support Facility Project – Critical Areas Preservation Ordinance Analysis* (Grette Associates 2022), no practicable alternatives exist which would completely or partially avoid impacts to the undeveloped areas within the Project site. As such, the project cannot adhere to the biodiversity area modification requirements defined in TMC 13.11.550.

When a proposed project cannot meet the minimum biodiversity area standards and modification requirements, the project may utilize innovative mitigation per TMC 13.11.270.M² when it is

¹ Please note that the project name has changed to *Port of Tacoma Off-Dock Container Support Facility*. Project Number LU22-0140.

² Please note that innovative mitigation reference stated in TMC 13.11.550.F appears to be inaccurately referenced. The innovative mitigation requirements are defined in TMC 13.11.270.M, not in TMC 13.11.270.L.

adequately demonstrated that equal and/or improved habitat conditions will be established (TMC 13.11.550.F). Per TMC 13.11.270.M, innovative mitigation projects are based on the best available science and include but are not limited to advance mitigation and preferred environmental alternatives. The Director shall consider the following for approval of an innovative mitigation proposal (shown in italics):

1. Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas;

The potential biodiversity area on the Project site that is outside of the regulated wetland and wetland buffer area is approximately 0.9 acres in size. The proposed compensatory mitigation for impacts to the potential biodiversity areas on the project site will be provided through the use of the Port's *Lower Wapato Creek Advance Mitigation Site Use Plan for Port of Tacoma's Off-Dock Container Support Facility* (the "Use Plan"; Port of Tacoma 2021a).

The buffer areas associated with Wetland A and Wetland B that are proposed to be developed by the Project are approximately 2.8 acres in size. Approximately 1.6 acres of that buffer area is developed and not providing any buffer function. The 1.6 acres of developed wetland buffer at the Project site is being mitigated for under the Use Plan. The proposed innovative mitigation approach will utilize the 1.6 acres of excess buffer mitigation to address the approximately 0.9 acres of potential biodiversity area impacts within the Project site. The Lower Wapato Creek Advance Mitigation Site (Lower Wapato Creek AMS) includes a large, complex network of interspersed habitats within the approximately 18.5-acre site, including estuary, freshwater, and realigned creek channels which benefit anadromous fishes.

In summary, the proposed innovative mitigation approach will incorporate the 1.6 acres of wetland buffer that is being established at the Lower Wapato Creek AMS which is not being utilized to address the existing wetland and buffer impact. This innovative approach will create a large system of natural areas in comparison to the preservation of approximately 0.9 acres of forested area at the Project site that contains a significant amount of non-native vegetation and is more ecologically beneficial than the creation, enhancement, or preservation of many individual smaller habitat areas.

2. The applicant demonstrates that long-term protection and management of the habitat area will be provided;

The Lower Wapato Creek AMS will be protected and maintained in perpetuity as a habitat area. An advance mitigation agreement was finalized with WDFW in March 2021; an agreed order was finalized with Ecology in June 2021; and an Ecology-approved restrictive covenant was recorded with Pierce County in March 2022. After the site completes the performance monitoring period, it will enter into the Port's long-term stewardship program to ensure its ongoing success. See the Lower Wapato Creek Habitat Project Advance Mitigation Plan for additional details (Port of Tacoma 2021b).

3. There is clear potential for success of the proposed mitigation at the proposed mitigation site;

The Port has a long history of successfully creating and maintaining habitat mitigation sites. The Project site is located within the service area of the Lower Wapato Creek AMS and the Lower Wapato Creek Habitat Project-Advance Mitigation Plan (Port of Tacoma 2021a) specifically defines the Project site as one of the sites the Lower Wapato Creek AMS is intended to address. The Lower Wapato Creek AMS has been modeled to provide high-quality Category I estuarine

wetland, freshwater wetlands, and densely vegetated upland buffers. Ten years of performance monitoring will be implemented to ensure the site meets performance standards and adaptive management and contingency actions will be implemented as necessary. See the Lower Wapato Creek Habitat Project Advance Mitigation Plan for additional details (Port of Tacoma 2021a).

4. Mitigation according to TMC 13.11.270(E) is not feasible due to site constraints such as parcel size, stream type, wetland category, or excessive costs;

As detailed in the *Off-Dock Container Support Facility Project – Critical Areas Preservation Ordinance Analysis* (Grette Associates 2022), no practicable alternatives exist which would completely or partially avoid impacts to the undeveloped areas within the project site. Please refer to this document for more details.

5. A wetland of a different type is justified based on regional needs or functions and values;

Not applicable. This document is intended to address the 0.9 acre of potential biodiversity area impacts situated within the Project site.

6. The replacement ratios are not reduced or eliminated; unless the reduction results in a preferred environmental alternative; and

No mitigation ratio to address critical areas (including biodiversity areas) is defined in the innovative mitigation requirements outlined in TMC 13.11.270.M. Per TMC 13.11.270.M, innovative mitigation must offer an equivalent or better level of protection of critical area functions and values, including vegetation diversity and habitat complexity. Such innovative mitigation proposals must demonstrate special consideration for conservation and protection measures for anadromous fisheries.

As summarized in the *Off-Dock Container Support Facility Project – Critical Areas Preservation Ordinance Analysis* (Grette Associates 2022), the understory within the non-wetland forested areas contains significant amounts of non-native vegetation and does not provide quality habitat. Utilizing the Lower Wapato Creek AMS will ensure no net loss and will establish a forest vegetation community that will provide high quality vegetation diversity and complex habitats, including wetlands and anadromous fish habitat within the Wapato Creek floodplain. In Grette's professional opinion, this innovative mitigation approach will achieve elevated ecological functions in comparison to the habitats that exist within the Project site.

7. The Public entity cooperative preservation agreements such as conservation easements are applied.

Public entity cooperative preservation agreements have been applied. Please see the response to #2 above and refer to the *Off-Dock Container Support Facility Project – Critical Areas Preservation Ordinance Analysis* (Grette Associates 2022) for more details.

In conclusion, utilizing the Use Plan will exceed the mitigation necessary to address the wetland and wetland buffer impacts that will result from the Project. As summarized above, this excess (1.6 acres) is sufficient to mitigate for any potential biodiversity area impacts (i.e., 0.9 acres of non-wetland/buffer undeveloped area) and will ensure that the project will achieve higher biodiversity area functions and value through an innovative mitigation approach.

If you have any questions, please contact me at (253) 573-9300, or by email at chadw@gretteassociates.com.

Regards,



Chad Wallin
Biologist

References:

Grette Associates, LLC. 2021. Port of Tacoma: Off-Dock Container Yard and Stormwater Project – Wetland Analysis Report. Prepared for Moffatt & Nichol. October 2021.

Grette Associates, LLC. 2022. Port of Tacoma's Off-Dock Container Support Facility Project (USACE Ref. No. NWS-2020-557-WRD) – Parcel 87 Stormwater Clarification Request. Technical Memorandum. February 2, 2022.

Port of Tacoma. 2021a. Lower Wapato Creek Advance Mitigation Site Use Plan for Port of Tacoma's Off-Dock Container Support Facility. Prepared by the Port of Tacoma. October 27, 2021.

Port of Tacoma. 2021b. Final Advance Mitigation Plan: Lower Wapato Creek Habitat Project. June 1, 2020. Revised March 2021.

