



**San Juan County
Marine Resources Committee**
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DATE: April 17, 2009
TO: Critical Areas Ordinance Committee
FROM: San Juan Marine Resources Committee
SUBJECT: Marine Habitat Mitigation Recommendations

The San Juan Marine Resources Committee has discussed the topic of marine habitat areas mitigation and developed recommendations to the county to inform the current update to San Juan County's Critical Areas Ordinance. A summary of our conclusions, rationale and citations are provided below. This memo was approved at the MRC's April 15, 2009, meeting.

Recommendations:

1. Mitigation for marine habitat areas (including Pacific herring, surf smelt and sand lance, eelgrass, kelp habitat and feeder bluffs) should not be allowed. Impacts to these critical areas must be avoided.
2. In those limited, special circumstances where projects must proceed, such as projects that demonstrate a public benefit that outweighs the effects of the habitat loss, avoidance and minimization must still be the priority management alternative. Mitigation should be allowed for only these unavoidable impacts and not for private gain.
3. While mitigation may be the only feasible alternative to allow impacts of overriding public benefit projects (such as a ferry terminal) to be fully addressed, mitigation, or mitigation banking, must not be used to allow piecemeal impacts to critical habitats or to replace local oversight of mitigation sequencing. Where mitigation is allowed, on-site mitigation should be required unless conditions specific to the site preclude it. Where off-site mitigation is allowed by necessity, it must address the type and scale of the resource affected.

Rationale

The best available science does not support mitigation of marine habitat areas. Information on why a species or habitat does not currently occupy a location (proposed for mitigation) or if it was historically present there, is usually not available. Furthermore, attempts to re-establish a species or habitat type in a location where it has

been lost have had a very low success rate, especially when local or regional stressors are still present.

While information is available on specific human impacts that could be reduced or eliminated, those projects are restoration actions and do not qualify as mitigation as they do not provide a net gain of habitat but instead remedy a past loss. These impacts should be addressed, but through restoration, not mitigation, programs.

In addition, scientific consensus is building at the national level regarding the serious limitations of mitigation, and mitigation banking programs, for both terrestrial and marine habitats. Given this, along with the specific concerns cited above, the MRC cannot support a new marine habitat mitigation program in San Juan County.

Citations:

Thom, R.M. 1990. a review of eelgrass (*Zostera marina*) transplanting projects in the Pacific Northwest. The Northwest Environmental Journal. 6:121-137 University of Washington, Seattle WA.

Race, M.S. and Fonseca, M.S. 1996. Fixing compensatory mitigation: What will it take? Ecological Applications 6(1): 94-101.

Stamey, Mark T. 2004. An analysis of eelgrass transplantation performance in Puget Sound, WA, 1990 – 2000. Master Thesis