

Appendix A Mitigation

A-1 Introduction

Where this Master Program refers to “mitigation” or “compensatory mitigation”, this appendix applies, in addition to any specific requirements from sections of the SMP applicable to the project.

A-10 General Provisions

A-10-010 Compensatory mitigation shall only be allowed when the proposed mitigation replaces the impacted functions identified in the critical area or shoreline report and shall be identified in the mitigation management report in compliance with Section A-10-050, below.

A-10-020 The order of preference for proposed mitigation shall be first, on-site and like-in-kind, second, the mitigation shall be proposed within the shoreline jurisdiction of the City of Moses Lake as found in this SMP’s Restoration Plan; and least preferable, the compensatory mitigation may be proposed within the watershed as identified on any finalized watershed plan.

A-10-030 Compensatory mitigation shall be allowed only after mitigation sequencing is applied and higher priority means of mitigation are determined to be infeasible. The requirements for compensatory mitigation must include provisions for:

1. Mitigation replacement ratios or a similar method of addressing the following:
 - a. The risk of failure of the compensatory mitigation action;
 - b. The length of time it will take the compensatory mitigation action to adequately replace the impacted critical area’s functions and values;
 - c. The gain or loss of the type, quality, and quantity of the ecological functions of the proposed restoration or enhancement area as compared with the impacted critical area.
2. Establishment of performance standards for evaluating the success of compensatory mitigation actions;
3. Establishment of long-term monitoring and reporting procedures to determine if performance standards are met; and
4. Establishment of long-term protection and management of compensatory mitigation sites.

A-10-040 Performance Standards. The following performance standards shall apply to compensatory mitigation projects:

1. Mitigation planting survival will be 80% for the first year, and 70% for each of the 4 years following.
2. Mitigation must be installed no later than the next growing season after completion of site improvements, unless otherwise approved by the Administrator.
3. Where necessary, a permanent means of irrigation shall be installed for the mitigation plantings that are designed by a person experienced in designing and installing irrigation systems, as approved by the Administrator. The design shall meet the specific needs of riparian and shrub steppe vegetation.
4. Monitoring reports must include verification that the planting areas have less than 20% total non-native/invasive plant cover. Invasive plant species include those on the state noxious weed list, or considered a noxious or problem weed by the Natural Resources Conservation Services or the Grant County Weed Board.

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5. Monitoring reports shall be submitted to the Community Development Department one year after mitigation installation; three years after mitigation installation; and five years after mitigation installation. The length of time required for monitoring reports may be increased by the Administrator on a case-by-case basis when longer monitoring time is necessary to establish or re-establish functions and values of the mitigation site. Monitoring reports shall be submitted by a qualified person knowledgeable about plants. The report must verify that the conditions of approval and provisions in the management and mitigation plan have been satisfied.
6. Mitigation sites shall be maintained to ensure that the mitigation and management plan objectives are successful. Maintenance shall include corrective actions to rectify problems, include rigorous, as-needed elimination of undesirable plants; protection of shrubs and small trees from competition from grasses and herbaceous plants; protection of plants from damage by animals such as beavers; and replacement of dead plants.
7. Sequential release of funds associated with the surety agreement shall be reviewed for conformance with the conditions of approval and the mitigation and management plan. Release of funds may occur in increments of 1/3 for substantial conformance with the plan and conditions of approval. Verification of conformance with the provisions of the mitigation and management plan and conditions of approval after one year of mitigation installation shall also allow for the full release of funds associated with irrigation systems, clearing and grubbing, and any soil amendments. If the standards that are not met are only minimally out of compliance and contingency actions are actively being pursued by the property owner to bring the project into compliance, the City may choose to consider a partial release of the scheduled increment. Non-compliance can result in one or more of the following actions: carry over of the surety amount to the next review period, use of funds to remedy the nonconformance, scheduling a hearing with the Planning Commission to review conformance with the conditions of approval and to determine what actions may be appropriate.
8. Prior to site development and/or building permit issuance, a performance surety agreement acceptable to the City Attorney must be entered into by the property owner and the City. The surety agreement must include the complete costs for the mitigation and monitoring, which may include but is not limited to: the cost of installation, delivery, plant material, soil amendments, permanent irrigation, seed mix, and three monitoring visits and reports by a qualified professional. The Community Development Department must approve the estimate for said improvements. The surety shall be for 150% of the estimated cost.

A-10-040 Credits from a certified mitigation bank may be used to compensate for unavoidable impacts.

A-10-050 Mitigation Monitoring Report

1. For projects regulated by the Department of Ecology and/or the U.S. Army Corps of Engineers, monitoring reports must meet the requirements of the regulating agency.
2. For projects not regulated by the Department of Ecology or the U.S. Army Corps of Engineers, monitoring reports shall include the following:
 - a. Monitoring Report Details
 - i. Project name
 - ii. Who prepared the monitoring report (name, address, phone number) and their qualifications
 - iii. Who the report was prepared for (name, address, phone number)
 - iv. Date of the monitoring report, including the time period for which the monitoring activities occurred

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- b. Brief Description of the Mitigation Project
 - i. Location (address)
 - ii. Goals and objectives of the mitigation project
 - iii. Dates when phases construction of the mitigation project was completed (excavation, planting, installation of irrigation, etc)
 - iv. Area (acres or square feet) and type(s) of wetland or aquatic resources being monitored
 - v. Who completed the mitigation activities (name, address, phone number)
- c. 8 ½" by 11" Map of the Mitigation Site
- d. Summary of Management Actions (Maintenance and Contingency) Taken at the Site
- e. Summary of Monitoring Results
 - i. List of performance standards for the mitigation project
 - ii. Table of monitoring results compared to performance standards for the specified target dates
 - iii. Summary of field data taken to determine compliance with performance standards
 - iv. Photos from the most recent monitoring visit
 - v. Summary of any problems or significant events that occurred that may affect the ultimate success of the mitigation