



To: Mr. Chris Beale, Senior Planner, City of Puyallup

From: Chris Berger, PWS, and Charlie Sharman, Confluence Environmental Company

A handwritten signature in blue ink, appearing to read "Chris Berger".

A handwritten signature in blue ink, appearing to read "Charlie Sharman".

Date: April 25, 2025

Re: Review of the Upper Clear Creek Mitigation Bank to use for Mitigation to Satisfy City of Puyallup Critical Areas Regulations

Confluence prepared this consistency memo to determine whether Vector Development Company's proposed purchase of credits from Upper Clear Creek Mitigation Bank (the Bank) to mitigate impacts to a Category III wetland and a wetland buffer is consistent with Puyallup Municipal Code (PMC). The impacts and credit purchases would result from the construction of two new warehouse buildings as part of the Freeman Road Logistics Project (the Project), as described in a critical areas report prepared by Anchor QEA (Anchor QEA 2024).

PMC 21.06.980(3) states the following requirements for mitigation banks:

(3) Wetland Mitigation Banks. Credits from an approved wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:

(a) The wetland mitigation bank is certified by the director and by state resource agencies with wetland jurisdiction;

(b) The director determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and

(c) The proposed use of credits, including replacement ratios, is consistent with the terms and conditions of the wetland mitigation bank's certification. Certified wetland mitigation bank credits may be used to compensate for impacts located within the service area specified in the certification.

Confluence reviewed the Bank's Mitigation Banking Instrument (MBI) (Port of Tacoma and GeoEngineers, Inc. 2020) and WAC 173-700 (Wetland Mitigation Banks) to determine whether

(a) the Bank is certifiable, (b) the Bank provides appropriate compensation, and (c) the proposed use of credits is consistent with the terms and conditions of the wetland mitigation bank's certification. Confluence has determined that all three conditions are true.

CERTIFICATION AND APPROPRIATE COMPENSATION

Confluence reviewed the MBI in the context of WAC 173-700 (Wetland Mitigation Banks) and determined the Bank provides appropriate compensation for the impacts, and thus we recommend that the director may certify the Bank to satisfy PMC 21.06.980(3)(a) and (b) for the Project.

WAC 173-700 provides "an efficient, predictable statewide framework for the certification and operation of environmentally sound banks" (WAC 173-700-100), including requirements for the content of an MBI (WAC 173-700-222). The Department of Ecology and U.S. Army Corps of Engineers created a submittal checklist, among other guidance documents, to ensure new mitigation banks adhere to the requirements defined in WAC 173-700-222 (Ecology 2025). Confluence reviewed the MBI's adherence to this checklist and determined the MBI satisfies the requirements. The checklist is available in Attachment A.

Upon our review, the MBI is complete, thorough, and established in accordance with the best available science for wetland mitigation. In our professional judgement, the Interagency Review Team (IRT) (in this case composed of the Department of Ecology, U.S. Army Corps of Engineers, National Marine Fisheries Service, and other federal, tribal, state, and local stakeholders) satisfactorily approved the bank. Therefore, we recommend that the Bank can be certified by the director for use by this project.

CONSISTENCY WITH THE MBI

Confluence reviewed the proposed use of credits in the context of the MBI and determined the proposal is consistent with the terms and conditions of the Bank's certification, as summarized in Table 1.

On behalf of Vector Development Company, Anchor QEA proposes the purchase of 0.03 Universal Credits to mitigate for 0.03 acres of impact to a Category III wetland (a 1:1 ratio), and 0.076 Universal Credits to mitigate for 0.38 acres of impact to a wetland buffer (a 0.2:1 ratio) (Anchor QEA 2024, p. 47).

Per Table E1 in the MBI, the approximate ratio of Universal Credits to impact acreage typically required by the MBI's IRT is 1:1 for Category III wetlands. Additionally, "[s]ince one Universal Credit is generated for every 5 acres of forested upland buffer restoration, a ratio of '0.2:1' for

Critical Area buffer impacts results in a ‘1:1’ ratio for area on the ground of permitted buffer impact to buffer restoration at the Bank” (Port of Tacoma and GeoEngineers, Inc. 2020, p. E-5). Thus, Anchor QEA’s proposed mitigation ratios for Bank Credits: Impact Acreage for the Category III wetland and the wetland buffer are appropriate and in compliance with the MBI.

Table 1. Proposed mitigation and Compliance with the MBI

Resource impacted	Impact Area (Acres)	Proposed Credit Purchase	Proposed Mitigation Ratio*	MBI Recommended Mitigation Ratio*	In Compliance?
Category III Wetland	0.03	0.03	1:1	1:1	Yes
Wetland Buffer	0.38	0.076	0.2:1	0.2:1	Yes
* Ratio of Bank Credits: Impact Acreage					

It is also worth noting that while the Bank is only in Year 8 out of 10 for performance monitoring, the MBI controls temporal impacts by releasing credits over time. The use ratios stay the same. (Rettmann, M., pers. comm., 2025)

CONCLUSION

In conclusion, the proposed credit purchase complies with PMC because (a) the Bank is certifiable in accordance with WAC 173-700; (b) the Bank is satisfactorily approved by its IRT, and; (c) the proposed credit purchase follows the Bank’s MBI’s recommended ratios for Bank Credits: Impact Acreage for Category III wetlands and wetland buffers. Confluence recommends that the City of Puyallup certify the Upper Clear Creek Mitigation Bank for the Project and allow the proposed purchase of credits.

REFERENCES

- Anchor QEA. 2024. Freeman Road Logistics Critical Areas Report. Prepared for Vector Development Company, Kirkland, Washington, by Anchor QEA, Seattle, Washington.
- Ecology (Department of Ecology). 2025. Templates & guidance documents. Washington State Department of Ecology, Olympia, Washington. Available at: <https://ecology.wa.gov/water-shorelines/wetlands/mitigation/wetland-mitigation-banking/templates-guidance-documents> (accessed on April 25, 2025)
- Port of Tacoma and GeoEngineers, Inc. 2020. Upper Clear Creek Mitigation Bank Mitigation Banking Instrument: Pierce County, Washington. Tacoma, Washington. Available at: <https://fortress.wa.gov/ecy/ezshare/sea/MitigationBanking/UpperClearCreek/MBI.pdf>

Mr. Chris Beale
April 25, 2025



Rettman, M. 2025. Port of Tacoma. Email to C. Sharman, Confluence Environmental Company,
March 19, 2025. Email address: mrettman@portoftacoma.com



ATTACHMENT A

Submittal Checklist: Mitigation Banking Instrument

The following list includes the minimum technical elements required in the Mitigation Banking Instrument (MBI). Depending on the bank proposal additional documentation may be requested by the Interagency Review Team (IRT).

- Cover page** including bank name, Sponsor name, name of person or company which prepared the MBI, and submittal date.

MBI Basic Agreement (BA)

The BA contains legal and template language that should not be changed. The following list identifies bank-specific details that should be included in the BA.

1. The goals and objectives of the Bank (consistent with Appendix A);
2. Location and ownership of site;
3. Project description;
4. Bank overview;
5. Financial assurance amounts:
 - a. Construction and monitoring and maintenance; and
 - b. Fully-funded long-term endowment.
6. Brief summary of service area (as detailed in Appendix E).

Appendix A, General Bank Information (baseline conditions)

1. The goals and objectives of the bank (consistent with MBI BA);
2. Site location including city or county, proximity to existing roads and other landmarks, and a vicinity map showing location of the proposed site(s);
3. A description of existing conditions of the bank site(s) including, but not limited to: *(Note from Confluence: Additional information was provided to the IRT in a Resource Folder prepared by the Sponsor that is not considered part of the MBI, but citations are provided in section A7.0 of the MBI)*
 - a. Local land use or zoning designation;
 - b. Current uses;
 - c. Presence of liens, rights-of-way, easements, or other encumbrances such as mineral rights;
 - d. The landscape position of the site including water resource inventory area (WRIA), basin, and subbasin location;
 - e. Wetland types present on the site including [WA Wetland Rating System](#),¹ Cowardin classification and hydrogeomorphic (HGM) class of each wetland;
 - f. Other aquatic resources such as streams and ditches;
 - g. Other habitat types present;

¹ Information regarding the WA Rating System can be found on Ecology's website at: <https://ecology.wa.gov/Water-Shorelines/Wetlands/Tools-resources/Rating-systems>

- h. Technical information on wetland delineations, soil types, vegetation, hydroperiod, and water sources, including surface water features, stormwater discharges, and ground water information;
 - i. An analysis of functions provided by existing on-site wetlands;
 - j. Adjacent land uses that might affect the bank's function;
 - k. Site constraints, conflicts, or known risks that could affect bank development or function;
 - l. Identification of all buildings, structures, and other built features that are currently on-site;
 - m. Identification of all buildings, structures, and other built features that would remain on the site after construction;
 - n. Identification of existing mitigation sites and whether they will remain on-site after construction; and
 - o. Detailed site map(s) that includes, but is not limited to:
 - i. Total area of site;
 - ii. Location, delineated boundaries, size, and number of existing wetlands;
 - iii. Location of all streams, ponds, and other aquatic features on and adjacent to the site;
 - iv. Location and type of all known water control features on and adjacent to the site; and
 - v. Location and types of rights-of-way, easements, or other encumbrances.
4. The rationale for site selection addressing the considerations listed in the Federal Rule §332.3(d), Washington Administrative Code (WAC) 173-700-303, and Ecology's *Selecting Wetland Mitigation Sites Using a Watershed Approach*:
- a. [\(Western Washington\)](#);² or
 - b. [\(Eastern Washington\)](#).³
5. Documentation of water rights for the proposed bank, if required; *(This is not documented in Appendix A; Confluence assumes this was not required)*
6. An evaluation of historic, cultural, and archaeological resources on the bank site;
7. Documentation of the ownership of bank lands; and
8. Exhibit A:
- a. A legal description of the bank site; and
 - b. Corresponding site survey map stamped by a licensed surveyor.

Appendix B, Bank Development Plan and Design

² <https://fortress.wa.gov/ecy/publications/summarypages/0906032.html>

³ <https://fortress.wa.gov/ecy/publications/summarypages/1006007.html>

1. A statement of how the bank meets any watershed restoration needs and how its design and location are ecologically appropriate;
2. A detailed description of the proposed bank site including, but not limited to:
 - a. The bank size;
 - b. The Cowardin and HGM classes, WA Wetland Rating System, and sizes of wetlands and other aquatic resources proposed;
 - c. A description of the non-credit generating perimeter buffers for the site and any other habitats provided on the site;
 - d. The functions to be provided by the bank and level of increase over existing conditions;
 - e. Detailed site design plans and specifications to include grading plans, planting plans, and specifications for any structures; and
 - f. Construction timing and schedules, including any proposed phasing.

Appendix C, Bank Objectives and Performance Standards

1. Performance standards for determining bank success.

Appendix D, Credit Generation and Award Schedule

1. The potential number and types of credits to be generated by the bank and a credit description(s) consistent with WAC 173-700-310; and
2. Credit release including a schedule for the phased release of credits.

Appendix E, Procedures for Use of Mitigation Bank Credits and Debit Use

1. A description and map of the service area and accompanying rationale that demonstrates the service area is ecologically appropriate;
2. A description of any restrictions on use of credits; and
3. Credit tracking and accounting procedures including reporting requirements.

Appendix F, Establishment Period Monitoring, Reporting, Maintenance, and Remedial Action

1. Monitoring plan and associated figure(s);
2. Reporting protocols and schedule, including a clear statement of responsibility for conducting the monitoring and reporting; and
3. An adaptive management plan and statement of responsibility for adaptive management activities.

Appendix G, Long-Term Protection and Management

1. Long-term management plan for the bank; and
2. Provisions for permanent protection of the bank site such as a conservation easement.

Appendix H, Financial Assurances *(No Appendix H is included in the MBI. However, Financial Assurance Requirements are established in MBI Basic Agreement, Section III.C)*

1. Provisions for financial assurances.

Figures/Maps: the following list includes **the minimum** figures/maps needed for all banks. This list repeats those figures mentioned above under the individual Appendices. Depending on the bank proposal additional figures/maps may be requested by the IRT.

Figures/Maps Appendix A

1. Vicinity map;
2. Existing conditions site map(s)(aerial map base layer) indicating the following:
 - a. Total area of site;
 - b. Location, delineated boundaries, size, and number of existing wetlands;
 - c. Location of all streams, ponds, and other aquatic features on or adjacent to the site;
 - d. Location and type of all known water control features on or adjacent to the site; and
 - e. Location and types of rights-of-way, easements, or other encumbrances.
3. Adjacent land uses/Parcel Map;
4. Topographic Map;
5. Cowardin vegetation communities;
6. Hydroperiod/hydrology;
7. Soil survey;
8. Historic aerial photos, if appropriate; and
9. Exhibit A: Site survey map stamped by a licensed surveyor.

Figures/Maps Appendix B

1. Detailed site design plans (11x17 overview of site design and detailed design sheets);
2. Grading plans
 - a. Clearing and grading overview, including detailed design sheets, if necessary);
 - b. Cross sections/typicals.
3. Planting plans; and
4. Hydrology graphs/charts.

Figures/Maps Appendix E

1. Service area(s) map.

Figures/Maps Appendix F

1. Monitoring plan figures.

Reference Material

Rules

- [Federal Rule on Compensatory Mitigation for Losses of Aquatic Resources](#)⁴
- [Washington State Final Wetland Mitigation Bank Rule](#)⁵

Websites

- [Environmental Protection Agency-Compensatory Mitigation](#)⁶
- [US Army Corps of Engineers, Seattle District, Regulatory Program-Mitigation](#)⁷
- [Washington State Department of Ecology-Wetland Mitigation Banking](#)⁸

⁴ https://www.epa.gov/sites/production/files/2015-03/documents/2008_04_10_wetlands_wetlands_mitigation_final_rule_4_10_08.pdf

⁵ <http://apps.leg.wa.gov/wac/default.aspx?cite=173-700&full=true>

⁶ <https://www.epa.gov/cwa-404/compensatory-mitigation>

⁷ <http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory.aspx>

⁸ <https://ecology.wa.gov/Water-Shorelines/Wetlands/Mitigation/Wetland-mitigation-banking>