

Mitigation Plan and Preservation Analysis

for the

Indian River Mitigation Project Site

Requested Action

The Southeast Alaska Land Trust (SEAL Trust) seeks formal approval from the U.S. Army Corps of Engineers (Corps), with Interagency Review Team (IRT) concurrence, of the proposed Indian River Mitigation Project Site under SEAL Trust's In-Lieu Fee (ILF) Program. The SEAL Trust seeks the release of wetland credits for this Mitigation Project against existing compensatory mitigation obligations in the Baranof-Chichagof Islands HUC.

Introduction

The Corps and IRT provided non-objection for SEAL Trust to proceed with this mitigation project at its July 14, 2014 meeting. SEAL Trust is working in cooperation with The Conservation Fund to pursue a fee-simple purchase of approximately 10.3 acres owned by Sheldon Jackson College, located in the lower Indian River watershed in Sitka, Alaska (Lot 6 within the Sheldon Jackson Subdivision of U.S. Survey 407-B). SEAL Trust intends to donate its fee-interest in the 10.3-acre parcel to an appropriate private or public landowner in exchange for a conservation easement.

The Conservation Fund will contribute to the acquisition of the Sheldon Jackson property and SEAL Trust will manage the overall project and pay additional land transaction costs. SEAL Trust will cover the stewardship fee necessary to provide long-term protection under a negotiated conservation easement. The conservation easement will provide permanent protection and active SEAL Trust stewardship of the Indian River Mitigation Project Site's wetlands and other conservation values.

Objectives

The approximately 10.3-acre Indian River Mitigation Project Site would protect both wetlands and riparian buffer adjacent to the lower Indian River. A detailed report prepared by R&M Engineering-Ketchikan in 2012 entitled, *Wetlands Delineation Report of Indian River Subdivision Lot 6 Tract B USS 407* found the following:

Palustrine, Forested	7.12 acres
Riverine, Upper Perennial	<u>3.18 acres</u>
Total:	10.30 acres

The method of compensation is preservation through a conservation easement held by SEAL Trust in perpetuity.

Site Selection

1. The goal of the mitigation site is to provide appropriate mitigation to fulfill the sale of advance credits for wetland impacts within the same eight-digit USGS Hydrologic Unit Code (Baranof-Chichagof, 19010203).
2. The Indian River is a productive anadromous stream supporting pink, coho, chum salmon, and steelhead. It also supports Dolly Varden char, rainbow trout and cutthroat trout. The intake structure and part of the flume that provides water for the Sitka Sound Science Center operated hatchery is on this property.
3. The SEAL Trust Board endorsed the proposed mitigation site at its 6/23/2014 meeting.

4. Sheldon Jackson College is seeking to sell this relatively large private inholding in the lower Indian River to pay off its final debts and go out of existence. The landowner's willingness to sell to SEAL Trust provides a timely opportunity to secure the conservation of approximately 10.3 acres of riverine habitat and palustrine forested wetlands.

Site Protection Instrument

A conservation easement, held by SEAL Trust (a non-profit, conservation organization), will provide long-term site protection as it would clearly identify the natural resource values being protected, the prohibited uses, the allowable uses only to the extent the uses do not impair the underlying conservation purposes, and would include provisions for SEAL Trust approval of allowable uses, regular monitoring, and enforcement. A conservation easement is recorded and legally remains in effect on the land in perpetuity.

Baseline Information

Considerable information is available on the wetlands contained on the Sheldon Jackson College parcel (R&M Engineering-Ketchikan, *Wetland Delineation Report & City and Borough of Sitka, Indian River Corridor and Watershed Master Plan*).

Indian River is cataloged by ADFG for coho, pink, and chum salmon, steelhead, and Dolly Varden char. Indian River also supports cutthroat trout and rainbow trout. The river, which lacks fish barriers (the dam for the hatchery water intake structure does not block fish passage) provides excellent fish habitat with spawning habitat located in the lower and middle reaches and rearing habitat primarily in the middle and upper reaches (*Indian River Corridor and Watershed Master Plan*). Dolly Varden char and cutthroat trout move freely into and out of the Indian River. Two of the perennial tributaries to the Indian River that are on the mitigation site are also catalogued as anadromous, primarily for coho rearing.

Water sampling in Indian River indicates good water quality with minimal contamination. The *Indian River Corridor and Watershed Master Plan* notes important wetland functions for groundwater discharge, sediment/toxicant retention, nutrient export, riparian support, salmonid habitat, surface hydrologic control, wildlife support, and recreation.

Other wildlife in the lower Indian River includes raptors, waterfowl, songbirds, several small mammals, brown and black bear, Sitka black-tailed deer, and wolves.

Determination of Credits

SEAL Trust is seeking 1.5 wetland credits be released to fulfill the sale of 1.5 advance credits (mitigation debits) SEAL Trust currently holds in the Baranof-Chichagof Islands HUC (19010203).

Mitigation Work Plan

The work plan for this mitigation project entails a collaborative partnership whereby SEAL Trust, with financial assistance from The Conservation Fund, purchases the approximately 10.3 acre parcel from Sheldon Jackson College. SEAL Trust intends to donate its fee-interest in the 10.3-acre parcel to an appropriate private or public landowner in exchange for a conservation easement.

The Conservation Fund will contribute to the acquisition of the Sheldon Jackson property and SEAL Trust will manage the overall project and pay additional land transaction costs. SEAL Trust will cover the stewardship fee necessary to provide long-term protection under a negotiated conservation easement. SEAL Trust will actively steward the mitigation project site for its conservation values under the terms of the conservation easement.

The work plan will include the Trust's due diligence steps for ensuring sound real estate transactions as directed by the national standards and practices of the Land Trust Alliance. SEAL Trust hired Carson Dorn, Inc. to conduct a Phase 1 Environmental Assessment and found no contamination occurs on or near the property. SEAL Trust also performs a thorough review of the property's title records to ensure a sound real estate transaction without any encumbrances that could jeopardize the legal standing of property and its long-term protection.

Maintenance Plan

The mitigation project site is to be acquired for preservation in its natural condition. No wetland restoration, enhancement, or creation is proposed as part of this mitigation plan, so no maintenance of constructed elements will be necessary.

Performance Standards

The riverine and forested wetland habitats are to be acquired for preservation to meet the following ecological standards:

- a) the habitat remains in a natural condition;
- b) the habitat maintains its functions because it is not damaged by prohibited land uses or by overuse of allowable human lands uses; and
- c) the habitat maintains its natural condition through cooperation with the landowner, future land owners, and adjoining landowners.

Monitoring Requirements

As holder of a conservation easement on the mitigation project site, SEAL Trust will at a minimum conduct annual site monitoring visits. If prohibited uses, or overuse of allowable uses are detected, SEAL Trust will work closely with the landowner to address enforcement issues to prevent damage to the wetlands. As opportunities arise, SEAL Trust will coordinate with public agencies, the City and Borough of Sitka, the Sitka Sound Science Center, or other nonprofit organizations on scientific research or habitat investigations within the general area.

Long-term Management

SEAL Trust will provide long-term management of the mitigation project site through:

- a) no changes to the underlying protections in the conservation easement;
- b) regular monitoring of the mitigation project site with follow-up actions, as needed, to address trespass, human overuse, or prohibited uses causing damage;
- c) regular interaction with the landowner, to remind the landowner of the preservation status of the mitigation project site;
- d) interaction with the Sitka Sound Science Center, ADFG, City and Borough of Sitka, and the public to explain the underlying preservation status of the mitigation project site; and
- e) budgeting for the annual or extraordinary costs for stewardship via use of the Stewardship Fund maintained by SEAL Trust.

Adaptive Management

The mitigation project site will be acquired for protection in its natural condition. No adaptive management will occur if the Indian River alters its stream channels, increases flooding, or destroys wetland habitat in the general vicinity of the mitigation project site.

Financial Assurances

SEAL Trust calculates stewardship fees for each mitigation project site it protects and deposits ILF monies to cover the fee into its professionally managed Stewardship Fund. The Indian River Mitigation Project stewardship fee will be conservatively estimated so that its contribution to the SEAL Trust Stewardship Fund generates future income sufficient to finance annual site monitoring, coordination with the landowner on follow-up actions, and the occasional need for resolution of violations or legal defense of the terms of the conservation easement.