



May 20, 2024

PAK USA Camas, LLC  
Attention: Taz Khan  
3993 NW Currawong Court  
Camas, WA 98607

RE: 13<sup>th</sup> Street Gas Station WDFW Comment Response | (SEPA23-12)

Dear Mr. Khan:

Please find below our responses to comments received from the Washington Department of Fish and Wildlife (WDFW) in an email dated February 28, 2024. Comments are stated or paraphrased below in *italics* followed by ELS responses in regular font. This memorandum will address comments by Amaia Smith related to oak impacts and mitigation.

#### ECOLOGY COMMENTS

*WDFW recently published a guidance document, Best management practices for mitigating impacts to Oregon white oak priority habitat, that describes the significance of Oregon white oaks and identifies best management practices (BMPs) for avoiding, minimizing, and mitigating impacts to this important habitat and is considered best available science. The actions identified in this guidance document can be implemented under the existing critical areas ordinance and is the new standard for evaluating projects that involve Oregon white oak.*

*This SEPA notice identifies a priority Oregon white oak on site and states it will be removed for this project. WDFW wants to ensure that the project proponent explored design alternatives that avoid and minimize impacts to the Oregon white oak, as required by CMC 16.51.170 – Mitigation sequencing. If impacts to the Oregon white oak cannot be avoided and is subsequently removed for this project, WDFW recommends updating the mitigation to align with our newly published guidance document. A 6:1 mitigation ratio, as proposed, will result in a net-loss of ecological function due to the life history of Oregon white oaks. Furthermore, we recommend that the proponent explores on-site and off-site options prior to purchasing oak credits from a mitigation bank.*

The project application with the City of Camas was deemed Technically Complete on December 19, 2023 and the 2023 ELS reports were completed prior to the release of the updated WDFW guidance. As such, the mitigation plan was designed according to the current guidance at the time of submittal, WDFW's *Management Recommendations for Washington's Priority Habitats, Oregon White Oak Woodlands* (Larsen and Morgan 1998). The project meets the minimum standards for parking and other CMC required improvements and the size and layout of the

property restrict any onsite oak mitigation potential. The project also meets mitigation standards required by CMC and the Terrace Oak Bank's (Bank) Mitigation Banking Instrument (MBI).

The preferred mitigation sequencing of first avoidance, then minimization, and finally compensation for unavoidable impacts was taken into consideration during the project design process. The engineering team tested several layouts to avoid oak impacts to the maximum extent practicable, originally placing the convenience store on the western property line. However, *CMC 18.09.030-Table 1* states that parcels zoned Business Park (BP) must have a 50-foot setback for the rear yard, which placed the convenience store in the center of the site. Additional requirements include a turning radius large enough for fuel truck maneuvering, tank filling, and other deliveries. This layout did not allow access or the required interior circulation routes to accommodate fuel trucks and other large turning radius vehicles. To allow necessary ingress, egress, and circulation, the convenience store was moved to the east. Design review standards require the building be located as close as possible to the roadway and a driveway is required around the outside of the store for a drive-thru car wash. Due to the single oak tree being located in an area of the site needed for the driveway, avoiding Oregon white oak impacts altogether is not feasible.

The oak's functional values were assessed during the August 2023 site visit completed by ELS. The oak canopy is not connected with other oaks in the area and thus is considered an individual tree rather than part of a woodland. Due to the location of the oak within the City boundaries and lack of habitat connectivity, wildlife not adapted to urban conditions are not likely to be present. Therefore, removing the oak would likely result in habitat loss and a food source only for birds and small mammals that are well adapted to urban conditions. The onsite oak does not provide habitat for other priority species that should be replaced onsite. The use of the Bank will ensure that habitat functions common to urban areas can be fully replaced. Habitat functions will be impacted for species common to urban areas, which can be fully replaced at the Bank. The habitat functions lost from the proposed oak removal correspond directly with the habitat creation purpose, goals, and objectives at the Bank which identifies 13.93 acres of existing Oregon white oak woodland WDFW Priority Habitat that will be restored to pre-agricultural conditions through creation, enhancement, and preservation.

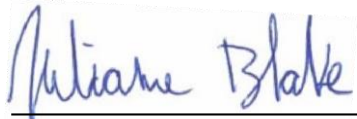
The Corps' 2008 *Compensatory Mitigation for Losses of Aquatic Resources, Final Rule* recommends purchasing mitigation bank credits for ecological considerations (lower risk of failure and lower temporal loss of resources and services) and to avoid the maintenance and contingency issues and outright failures that often accompany permittee-responsible mitigation sites. The lower risk of failure and lower temporal loss of resources and services can also be applied to oak mitigation. According to the WDFW guidance released in January 2024, *Best management practices for mitigating impacts to Oregon white oak priority habitat*, "any plan for compensatory mitigation must address both the physical loss of oak habitat and the temporal loss in ecological function, as many of the critical ecological functions oaks provide are only provided by mature trees, with trees gaining functional capacity as they age. Thus, the loss of functional mature trees can take many decades to replace with young seedlings or saplings." Mitigating onsite or offsite rather than purchasing Bank credits would require the installation of

young seedlings or saplings and lost functions would take decades to replace. Furthermore, there is not adequate space available within the study area to fully compensate for oak habitat losses utilizing onsite mitigation. Use of the Terrace Oak Bank substantially lowers the risk of failure and temporal loss of resource functions and services over newly established, permittee-responsible mitigation sites, and offsite mitigation is anticipated to be more meaningful and beneficial to the watershed's habitat functions by consolidating mitigation into one larger area rather than having smaller isolated mitigation sites. Therefore, purchasing Bank credits will adequately compensate for lost habitat functions.

An additional site visit was completed on April 2, 2024 to gather data during the normal wet portion of the growing season to identify whether wetlands were present in the project vicinity. The *Critical Areas Report for 13<sup>th</sup> Street Gas Station* completed by ELS in October 2023 was revised to include the findings from the April 2024 site visit. Subsequently, the *Bank Use Plan for 13<sup>th</sup> Street Gas Station* completed by ELS in October 2023 was also revised to include the updated critical areas information. For more information regarding the onsite oak's functional values and other critical areas in the project vicinity, please see the *Critical Areas Report for 13<sup>th</sup> Street Gas Station - Revised* (ELS 2024) and the *Oak Bank Use Plan for 13<sup>th</sup> Street Gas Station – Revised* (ELS 2024).

If you have any further questions or need additional information, please contact me by phone at (360) 578-1371 or by email at [Julianne@eco-land.com](mailto:Julianne@eco-land.com).

Sincerely,



Julianne Blake  
Biologist III