

Phase 1A Site: Wetland area in the Nooksack River delta protected into perpetuity through a conservation easement and is being enhanced through the planting of willows and conifers.

For over 20 years wetland professionals have agreed that after mitigation sequencing (avoid, minimize, mitigate) has occurred, mitigation banking is a viable and potentially a more desirable alternative to conventional on-site mitigation of unavoidable wetland impacts associated with development because:

- Mitigation banks provide "advanced" mitigation (ecological benefits occur prior to impacts);
- The size and location of mitigation banks can provide more of an ecological "lift" than smaller, distributed mitigation efforts;
- Mitigation banks have a higher success rate—more accountability; and
- Mitigation banks are a more efficient use of permitting agency resources.



Blockhouse Site: Historic salt marsh areas in the Lummi River delta will be restored by re-establishing connection to marine waters and direct tidal influence.



If you have questions about the Lummi Nation Wetland and Habitat Mitigation Bank, please contact:

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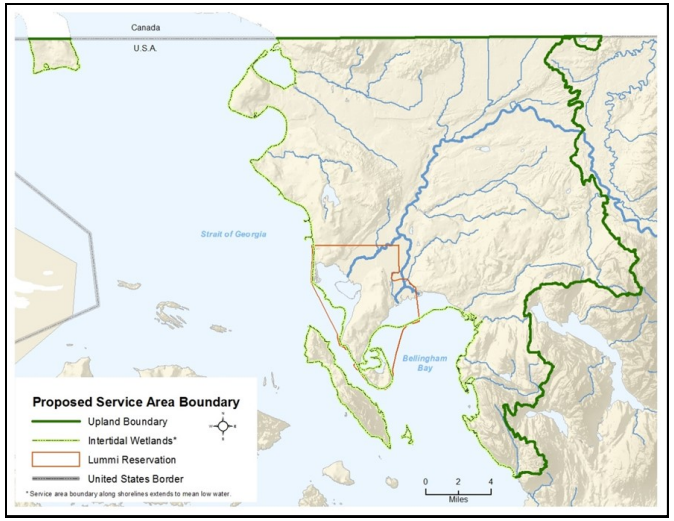
Access the Lummi Natural Resources Department mitigation bank website at:
https://www.lummi-nsn.gov/Website.php?PageID=66



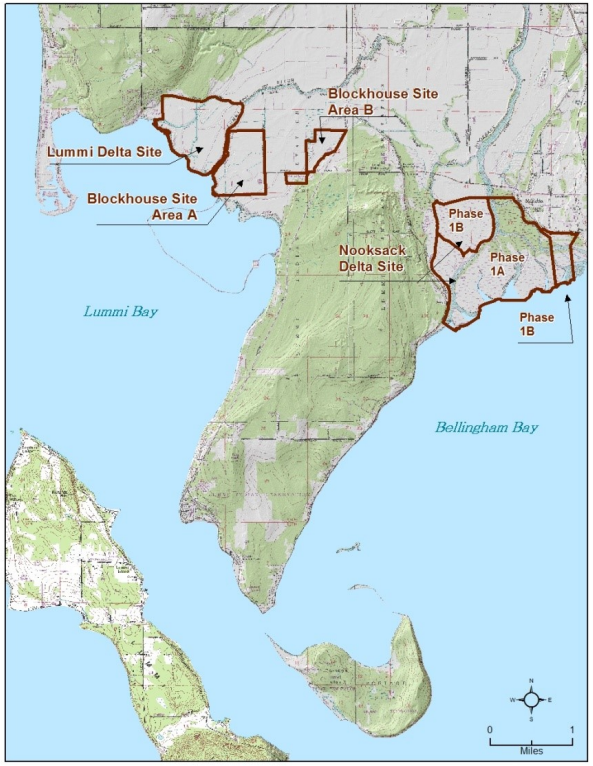
The Service Area for the Lummi Nation Wetland and Habitat Mitigation Bank includes the lowland areas of the Nooksack River watershed, certain coastal watersheds, Point Roberts, Lummi Island, and portions of the City of Bellingham.

Updated: January 1, 2027

LUMMI NATION Wetland and Habitat Mitigation Bank

Purpose:

The Lummi Nation Wetland and Habitat Mitigation Bank (WHMB) provides an administratively efficient, technically sound, and legally defensible mechanism to effectively mitigate for unavoidable impacts to wetlands and related habitat impacts occurring on the Lummi Indian Reservation and within the Bank service area.



The Lummi Nation WHMB is comprised of approximately 1,965 acres on three separate sites in the Lummi River and Nooksack River floodplains. The mitigation bank is being developed in phases—currently only Phase 1A is operational.

Process for Using Mitigation Bank Credits

- **Conduct Mitigation Sequencing**: Avoid and minimize impacts to wetlands and aquatic resources to the extent practicable.
- **Service Area Determination**: Determine if the unavoidable impacts to wetlands and aquatic resources are within the service area of the mitigation bank.
- **Mitigation Credit Determination**: Determine the number of credits needed to mitigate for impacts to wetlands and their buffers using the following table:

Resource Impact	Bank Credits : Impact Acreage
Wetland – Category I	Case-by-Case
Wetland – Category II	1.2:1
Wetland – Category III	1:1
Wetland – Category IV	0.85:1

- **Mitigation Credit Application Form**: Obtain a copy of the Lummi Nation WHMB Mitigation Credit Application form from the Lummi Nation Water Resources Manager or directly from the Lummi Natural Resources Department website. Submit the completed application to the Water Resources Manager.
- **Wetland Mitigation Bank Use Plan**: Develop a Wetland Mitigation Bank Use Plan following the Interagency Review Team Guidance document and submit the plan to the regulatory agencies with jurisdiction over the proposed project and the Lummi Nation Water Resources Manager.
- **Cultural Resources Protection**: An archaeological assessment of the proposed project impacts must be provided to the U.S. Army Corps of Engineers and the Lummi Cultural Resources Protection Division.
- **Obtain Regulatory Agency Authorization**: The regulatory agencies with jurisdiction over the proposed project must approve the use of the mitigation bank to offset unavoidable project impacts.
- **Obtain Lummi Nation Agreement**: The Lummi Nation WHMB Administration Panel must agree to allocate bank credits for the project.

Process for Obtaining Lummi Nation Agreement to Allocate Credits

- **Who decides which projects are allocated credits from the mitigation bank?** Pursuant to Lummi Indian Business Council (LIBC) Resolution 2011-037, the Lummi Nation WHMB Administration Panel, which is comprised of the Lummi Natural Resources Department Director, the Planning Department Director, and the Cultural Resources Protection Department Director, must reach consensus on the number and cost of credits to be allocated to a project.
- **What information is considered by the Administration Panel?** The Panel considers the cultural resources assessment, Economic Development Department input, the number of available credits, and recommendations presented by the Water Resources Manager in the form of a written summary report. The summary report includes information about the proposed project obtained from the completed Credit Application form and other sources.
- **How are decisions by the Administration Panel recorded?** A decision document that includes summary project information, the number of allocated credits, the cost per credit, and the number of available credits remaining is signed by all members of the Administration Panel.
- **How does the Applicant know that the Lummi Nation has agreed to allocate bank credits to a project?** A Credit Transaction Agreement is prepared by the Water Resources Manager and transmitted to the Applicant. This agreement is a sales contract that is not transferable. It identifies the number of credits allocated and the total cost of the transaction. This transaction agreement must be signed by the Applicant and returned with full payment within 60 days.
- **What happens after the Applicant pays for the mitigation credits?** A Credit Transaction Record signed by the Natural Resources Department Director on behalf of the Administration Panel is issued and recorded with the Whatcom County Auditor's Office. The recorded Credit Transaction Record is provided to the Applicant and proves the Applicant has complied with permit conditions that require the purchase of a specific number of credits from the mitigation bank.

Mitigation Credit Costs

- **How much do mitigation credits cost?** The current cost per credit is $400,000.
- **How was the cost per credit determined?** Various surveys report that other mitigation banks in the Puget Sound region charged between $200,000 and $300,000 per credit (as of 2010). A separate survey of 16 permittee-responsible wetland mitigation projects within or near the service area of the Lummi mitigation bank determined the average cost to be $540,000 per acre of impact (as of 2010).
- **Are there discounts available?** Yes. One of the goals of the mitigation bank is to support private and government supported residential housing for Lummi tribal members, municipal development by the Lummi government, and government-sponsored and individual Lummi member commercial development. All of these development activities are provided a discount.
- **How much are the discounts?** The available discounts are summarized in the following table:

Market	Discount Rate	Cost per Credit
Individual tribal member housing (non-commercial)	100%	$0
Tribal Government Housing Development Projects	50%	$250,000
Tribal Government Municipal Development Projects	50%	$250,000
Tribal Government Commercial Development Projects	25%	$375,000
Individual Tribal Member Commercial Development Projects	25%	$375,000
Non-Member Development Projects	0%	$500,000

- **Does revenue from credit sales directly fund the development of the mitigation bank?** No. The revenue from credit sales is deposited into the Lummi Nation General Fund. The Lummi Natural Resources Department must seek annual appropriations from the Lummi Indian Business Council pursuant to the Lummi Code of Laws Title 28 (Budget and Finance Code) to manage development of the mitigation bank.