

# HB 1574 Commission to Study Land Development

Summary of Progress to Date of the  
Definitions Subcommittee

## Secondary Impacts

- Primary Functions
  - 1- Water Quality
  - 2- Water Quantity
  - 3- Wildlife
  
  - Other Functions/Values not considered at this time

# Water Quality

- Sediment/Shoreline Stabilization
  - Sediment Trapping
  - Nutrient Attenuation
  - Production Export (Nutrient)
- 
- Duplicate Functions/Values

# Water Quantity

- Flood Control Potential
  - Groundwater Recharge/Discharge
- 
- Duplicate Functions/Values

# Wildlife

- Fish and Shellfish Habitat
- Wildlife Habitat
- Threatened or Endangered Species Habitat
  
- Duplicate Wildlife Functions/Values

In order to make a definition of “Secondary Impacts”, will we use set parameters to define when secondary impacts are present?

- The general answer was “yes”, it would be best to have set parameters so that anyone designing any project would know that they not only had to address direct impacts, but also address secondary impacts in the design.
- What kind of parameters?
  - Standards-based parameters: set goal for chemical, physical, & biological secondary impacts, for which a secondary impact is assumed if exceeded.
  - Proximity-based parameters: if the project boundary is within the proximity of a particular resource, a secondary impact must be assumed.

# Secondary Impacts to Water Quality (example of standards-based parameters)

- Sediment Trapping
- Chemical
  - Runoff of toxic substances shall not exceed chronic criteria.
  - Phosphorus discharge of less than 10 mg/L.
- Physical
  - Runoff turbidity shall not exceed 10 NTUs.
- Biological
  - Runoff shall not exceed Chronic Aquatic Life Criteria for Ammonia

## Problems Associated with Standards-Based Parameters for Secondary Impacts

- The ability of the wetlands and associated surface waters to meet and maintain state water quality standards, and to support and maintain a balanced, integrated, and adaptive community of organisms having a species composition, diversity, and functional organization comparable to that of similar natural habitats of the region.
- HB 222
- Watershed Management Bureau  
Administrative Rules ENV-Wq 1703.19  
Biological & Aquatic Community Integrity
- Runoff must be tested to determine if parameter is exceeded.
- Level of engineering/assessment detail required is extensive.
- Difficult to understand by the regulated public.
- Difficult to regulate and enforce.
- Will be subject for litigation.

## Secondary Impacts to Water Quality (example of proximity-based parameters)

- Sediment Trapping
- Does not mean a project can not be built, only that secondary impacts must be addressed.
- If the project is within 100 feet of a perennial stream and will disturb soil of more than 1 acre in size, the project will have a secondary impact that shall be mitigated or designed to avoid the impact.

## Secondary Impacts Mitigation

- Sediment Trapping – avoidance of sediment entering a wetland or a waterbody. Trapping the sediment before it negatively impacts the wetland or waterbody by forms of mitigation.
- Avoidance – move the project away.
- Reduce the disturbance footprint to less than 1 acre.
- Propose construction siltation controls and as-built sediment controls to trap sediment.

# Proximity Details

Wetland Function	Multiple Functions vs. Few Functions	Proximity Distance Changes
Wetland Size	Large Size vs. Small	Project Type, Size, Density
Wetland or Waterbody Type	Multiple Types vs. Monoculture	Forms of Mitigation

What kind of parameters should be used to define “Secondary Impacts”

- Standards-Based Impacts
- Proximity-Based Impacts
- Pros & Cons?
- Pros & Cons?
- Discussion
- Discussion
- Alternatives?