

**Technical Advisory Group
Position Paper**

Subject: Mitigation Banks

Participant: ___ Chuck Courtney, Doughty, Thomas Ries, Lee Cook, Mark Sramek, Hodgson

Deleted: ___

Deleted: Hodgson

Issue: Hillsborough County currently has very few mitigation banks other than for transportation projects. Should the Environmental Protection Commission consider taking steps to encourage the development of private and/or public banks?

Deleted: .

YES

Deleted: ¶

Absolutely, this is a great idea and should be encouraged on a watershed/regional scale.

Yes, definitely. But it will/can be difficult to encourage both public and private banks in the same area. Private banks typically cannot compete with public banks due to land costs. Also, since public lands are already in preservation, there is more net benefit to encouraging private banks. This is a good way to reward good land stewards and offer conservation opportunities and options to private landowners vs. development.

Formatted: Font color: Blue

Sorry for the delay in responding. I have contacted both the St. John's Water Management District and Corps of Engineers (COE) Palatka and West Palm Beach field offices. At this point, I have obtained the following information concerning COE's involvement in mitigation banking, and think potions may be germane to our sub-committee. Further, I have a call in to Ms. Tori White, COE West Palm Beach, who had worked extensively on mitigation banks here on the Florida gulf coast. I am hoping she will be able to participate in a sub-committee meeting (via conference) in next month's meeting. I'll keep you posted. For now, here is the web link with additional resources embedded at this site:

<http://www.saj.usace.army.mil/regulatory/permitting/mitigation/mBanks.htm>

Thanks,

-Mark S.

727-824-5311

Hodgson: Yes, both public and private mitigation banks should be developed in Hillsborough County. Banks should be well distributed throughout the county, should be focused on preserving existing habitats now, rather than on complex re-engineering to acquire credits in the future.

Deleted: ¶

Formatted: Font color: Blue

Deleted: St Johns

Deleted:

Formatted: Indent: Left: 72 pt, No bullets or numbering

Formatted: Font color: Blue

Formatted: Font color: Blue

Formatted: Indent: Left: 72 pt

Formatted: Font color: Light Blue

Deleted: Urban planning has been going on for a while, ecosystem planning needs to catch up. Net benefits include the isolation of created wetland types of particular local value (eg wading bird foraging near rookeries and nesting habitats), Diversified wildlife corridor protection (upland and wetland pres, creation and restoration)and mosaic of habitat creation, TMDL regional planning in large treatment areas or reclaimed water wet weather storage lagoons can be placed upstream of protected or created wetlands in banks to assure hydrology and combine public benefits, focuses private \$ in larger, easier

- List and provide examples of systems used by Federal, State or other local agencies that could serve as a model.

The state's ERP program has a good template for mitigation banking, but should be compared to St. John's River Water Management District or South Florida Water Management District to ensure consistency.

Meaning examples of Banks?? The EPA is currently developing rules for compensatory mitigation that appear to be a good model.

Hodgson: EPCHC should be knowledgeable about and evaluate banks throughout Florida, and nationwide. The banking industry developed in the early 1990s, and discussions reported from the many regional and national conferences since then provide a template for evaluation.

- What is the Net Environmental Benefit, if any?

Potential creation of greenways corridors

Net positive wetland creation up front, impacts to occur later.

Potential Water Quality and Quantity benefits that can be designed in that would be in addition to the wetland creation benefits.

Easier to maintain.

More likely to succeed long term (my opinion)

Large regional systems, especially if targeting critical habitats (i.e. isolated freshwater – coastal wetlands) provide better ecological functions while protecting and establishing identified habitats of importance.

See above. Net benefit is preservation of larger tracts of land vs. small mitigation parcels that are typically NOT managed in the long term.

Hodgson: preservation of existing habitats, hydrology, functions, etc. Reduction in risk.

➤ What are the positive attributes of mitigation banking?

Cost efficiency.

Time expedient (after creation) for development

Flexible

Mitigation banks can serve multiple purposes, from flood control in upper reaches of watersheds, to water quality benefits and flood control in lower reaches.

Larger functional systems, better tracking and maintenance potentials.

See above. Restoration and preservation opportunities on large, ecologically viable tracts that will be managed in the long term. Much more stringent rules apply to banks than to individual site mitigation projects, and no credits may be release until certain goals are met, unlike individual projects, where often the impacts occur, but there is no mitigation for some time, if ever.

Hodgson: rational review and planning, cost and time efficiency, collective oversight.

➤ What are the negative attributes of mitigation banking?

Potentially not enough will be available.

Permitting hurdles, Potentially cost prohibitive

Potential for large scale failure.

Potential loss of wetlands in the highly urbanized centers where many of these systems are likely to be impacted.

The loss of local systems that are replaced by regional ones. However, this would likely happen anyway under the current system.

Hodgson: regulatory authorities have implemented regulations that discourage wise mitigation banking, use flawed science, and lack accountability. Insufficiently trained staff have oversight.

- How could these negative attributes be addressed? DENY PERMITS THAT PROPOSE TO IMPACT IMPORTANT LOCAL WETLAND RESOURCES.

Provide Incentives.

Bond monitoring/maintenance.

Hodgson: better training and good science.

Encourage some onsite mitigation if possible and if ecologically sound (i.e. functional) at a minimum of 1:1, and the balance could be addressed in a bank.

➤ Should the EPC choose to encourage banks what would the recommended mechanism be?

Follow SWFWMD's Lead

A special permit that mimics the state rules with provisions noted above.

Formatted: Indent: Left: 0 pt

Deleted: areas,

Deleted: ¶

Deleted: ¶

Deleted: <#>Permitting Flexibility¶

Formatted: No bullets or numbering

Deleted: /Consolidation

Deleted: Unified

Formatted: No bullets or numbering

Deleted: <#>Market place competition¶

Deleted: . . .

Deleted: <#>Bank failure (multiple potential reasons)¶

<#>Spatial consolidation (if enough banks aren't created)¶

<#>¶
¶

Formatted: Font color: Blue

Deleted: <#>Bonding(LOC or other financial) and permit enforcement¶
<#>Market the banking opportunity, proactive selection of desirable locations and purchase¶

Deleted: permit incentives

Formatted: Indent: Left: 0 pt

Deleted: ¶
¶

Deleted: ...

Deleted: <#>Cooperate and plan fully with SWFWMD to encourage public participation, but do not duplicate efforts¶
<#>Cooperate fully with ELAP program, but at arms length to select desirable sites...¶

Deleted: . . .

Not sure what's meant by "mechanism"?? Keep it simple. Review proposed Fed rules and go with those.

Hodgson: blend of above recommendations.

- Where could it be written into the Wetland Rule, Chapter 1-11? Or should it be implemented into the Basis of Review?

Is there need for rule to be written? Can it mimic/copy SWFWMD?

Hodgson: consult staff attorneys.

- Provide suggested language

Review existing language; however, generally encourage offsite mitigation if functionality would be demonstrated to be greater than an onsite system, while still providing a portion onsite especially if it's adjacent to an existing system. (i.e. expand a functional wetland.)

Don't know. Perhaps a legal issue for the attorneys.

Hodgson: consult staff attorneys.

- What would be the Standard Operation Procedure (SOP)?

Mimic existing SOPs

No need to reinvent the wheel here. Use what's working for State and Feds.

Hodgson: consult staff attorneys.

- How should the fees be adjusted for the monitoring and maintenance reports?

If already accomplished through SWFWMD, why would fees be necessary?

The applicant would need to frequently (monthly) monitor the system, similar to current rules, with inspections from EPC staff prior to the release of any credit units with nominal cost for each staff inspection!?

Not sure what's meant?? Fees to EPC to review reports? Do they do that now??

Other comments, questions or concerns:

Encourage if functionally proven.

Encourage onsite (minimum 1:1) if viable.

Target critical habitats

Suggest an internal policy to ENCOURAGE the development and use of private banks. Don't reinvent the wheel. Use procedures and guidelines set up by state and federal agencies otherwise the local process could be too burdensome for many applicants.

Hodgson: re-evaluate application of UMAM to mitigation banks, modify where known flaws exist.

Deleted: <#>Adopt SWFWMD criteria by reference¶

Formatted: Indent: Left: 144 pt

Formatted: Font color: Auto

Formatted: Indent: Left: 90 pt

Formatted: Indent: Left: 0 pt

Deleted:))

Deleted:

Deleted: <#>Work out a share with SWFWMD to prevent duplication¶
¶
¶

Deleted: . .

Deleted: <#>No new fees, focus permitting through SWFWMD¶
<#>Use interlocal agreement with SWFWMD to divide responsibilities¶

Formatted: Font color: Blue

Deleted: ¶

Formatted: Font color: Blue