**Technical Advisory Group**
**Position Paper**

**Subject:** Mitigation Process

**Participant:** ____COURTNEY_____Thomas Ries_____Lee Cook, Hodgson

**Issue:** To evaluate the current mitigation process and discuss possible changes to streamline the program while keeping the integrity of wetlands protection.

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

State ERP, but keep avoidance and minimization as first step and of coarse the jurisdiction (protection ) of isolated less than 0.5-acre systems.

Hodgson: review exemplary mitigation scenarios reported from conferences and literature.

- What are the positive aspects of the current Mitigation Process?

Protection of isolated (< 0.5 acre) systems.

That each proposed impact area is reviewed individually regardless of size.

Hodgson: existence of a process.

- What are the negative aspects of the current Mitigation Process?

Limited flexibility- no prevision of non type-for-type options.

Too much time is spent on very small, negligible and truly unavoidable impacts and mitigation requirements are too much. Need to concentrate on impacts to higher quality systems.

DO NOT allow destruction of perfectly good native upland habitat to mitigate for minor impacts or impacts to poor quality wetlands

Hodgson: flawed restoration science, failure to incorporate known life history requirements of target wildlife species.

- How could these negative attributes be addressed? See above.

Yes, the rule could be changed to provide more flexibility for the reviewer; when obviously beneficial for the environment.

Hodgson: use leading restoration models and wildlife science.

- How could the current mitigation process be improved?
  - Quality Control
    - Automatic denials for incomplete submittal? May not be a good a idea as it could cause unnecessary negative perception of the EPC.

      Within standard time frames- yes

      1.Application checklist? Would be helpful Might help. Current "form" is difficult.
    - Inconsistency between engineering plans and consultant plans?

      This shouldn't be the case- only one set of signed and sealed plans should be reviewed.

      This is probably not something the EPC can control.
  - Mitigation Committee meeting process?

    Okay; with more suggested solutions provided; instead of having the applicant having to guess what will work Often too involved. I was involved with permitting a 0.2 acre stream crossing impact for upland access that required 6 EPC staff members to review. This was not an appropriate use of EPC resources.



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Should there be a new application? Yes, that would help.
- Provide suggested language

- What would be the Basis of Review for a mitigation project from start to finish?
  - Provide suggested language.

- What are the positive and negative attributes of "Enhanced Mitigation"? Don't know what this is. Hodgson: needs further discussion.
- Should the quality of a wetland be justification to impact it? After avoidance and minimization have been addressed, yes, and if mitigation can be provided to offset impacts.
  Not a justification, but definitely a basis to determine mitigation options.

Hodgson: wetlands should be evaluated as systems; most 'degraded' wetlands can be improved, and 'degradation' is a short-sighted perspective on wetland functioning. When wetlands are 'degraded', regulatory agencies should look more assertively for the cause(s) of the degradation throughout the relevant area and implement landscape level changes.

Other comments, questions or concerns: Stop wasting EPC and applicant's time on looking at DITCHES in the field.

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