



Overview of Mitigation Banking Program

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Regulatory Criteria Pertaining to Mitigation Banks

Robert M. Brown, Director

Environmental Resource Regulation Department

Mitigation Bank Legislative Intent

In 1993, the Florida Legislature directed the Florida Department of Environmental Protection and Water Management Districts to adopt rules governing the creation and use of mitigation banks:

- The permitting of the mitigation bank itself, and
- The use of mitigation banks by applicants to offset wetland impacts.

Mitigation Bank Legislative Intent

Promoted the consolidation of mitigation into larger areas to provide long-term, sustainable, regional ecological benefits:

- Minimize uncertainty
- Greater assurance of mitigation success
- Optimize opportunities to restore degraded habitats



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Criteria for Establishing a Mitigation Bank

A proposed mitigation bank must demonstrate:

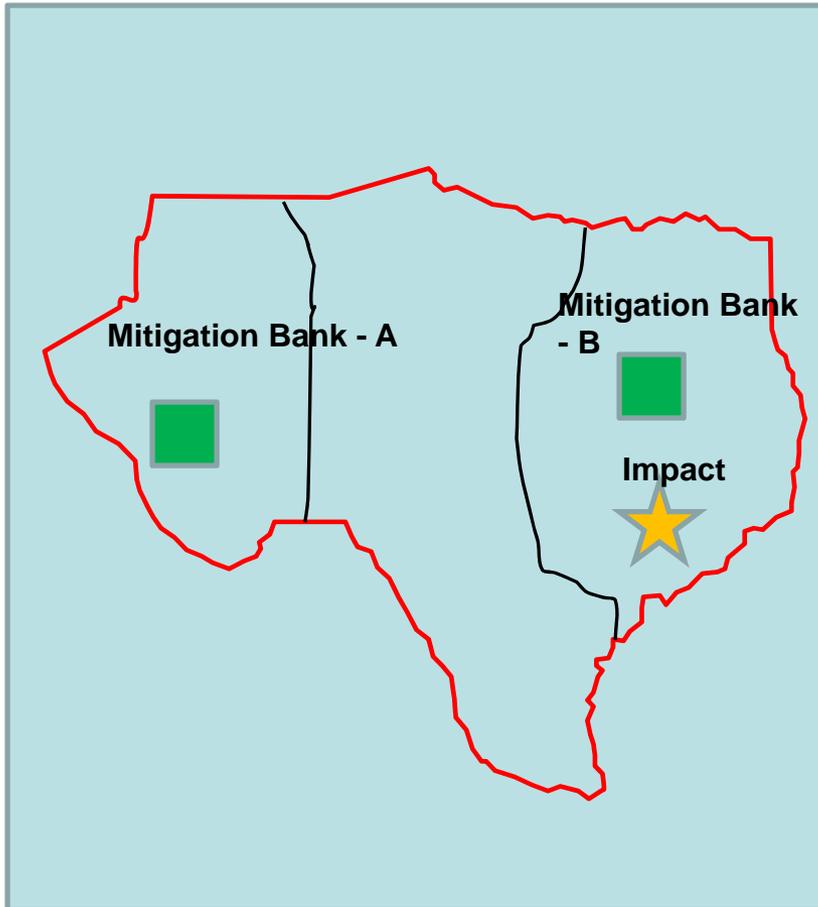
- a) Improve ecological conditions of the regional watershed;
- b) Provide viable and sustainable ecological and hydrological functions for the mitigation service area;
- c) Be effectively managed in the long-term;
- d) Not destroy areas with high ecological value;
- e) Achieve mitigation success; and
- f) Be adjacent to lands which will not affect the long-term viability and the Mitigation Bank.

What does an ERP for a Mitigation Bank Authorize?

A Mitigation Bank Permit grants state authorization and approval on:

- ❖ Design plans, criteria and specifications for activities intended to increase the ecological value of the site;
- ❖ Sequence and schedule of approved activities;
- ❖ Plan goals and criteria established to measure their achievement;
- ❖ The “Mitigation Bank Service Area”;
- ❖ The value of the activities and the amount of “credits” that the project may earn; and
- ❖ The schedule for completion of the activities and release of the credits.

What is a Mitigation Bank Service Area (MBSA)?



- ❖ Geographic area where a wetland impact may be mitigated
- ❖ District establishes MBSA when bank is permitted
- ❖ Located within a MBSA does not automatically imply that bank is sufficient or appropriate to offset wetland impacts
- ❖ MBSA may fall within more than one Water Management District and/or include more than one bank.

Use of a Mitigation Bank

Use of a Mitigation Bank is appropriate, desirable and a permissible mitigation option when the Mitigation Bank will offset adverse impacts of the project; and

- a) Onsite mitigation opportunities are not expected to have comparable long-term viability due to factors such as unsuitable hydrologic conditions or ecologically incompatible existing adjacent land uses or future land uses; or
- b) Use of the Mitigation Bank would provide greater improvement in ecological value than on-site mitigation.

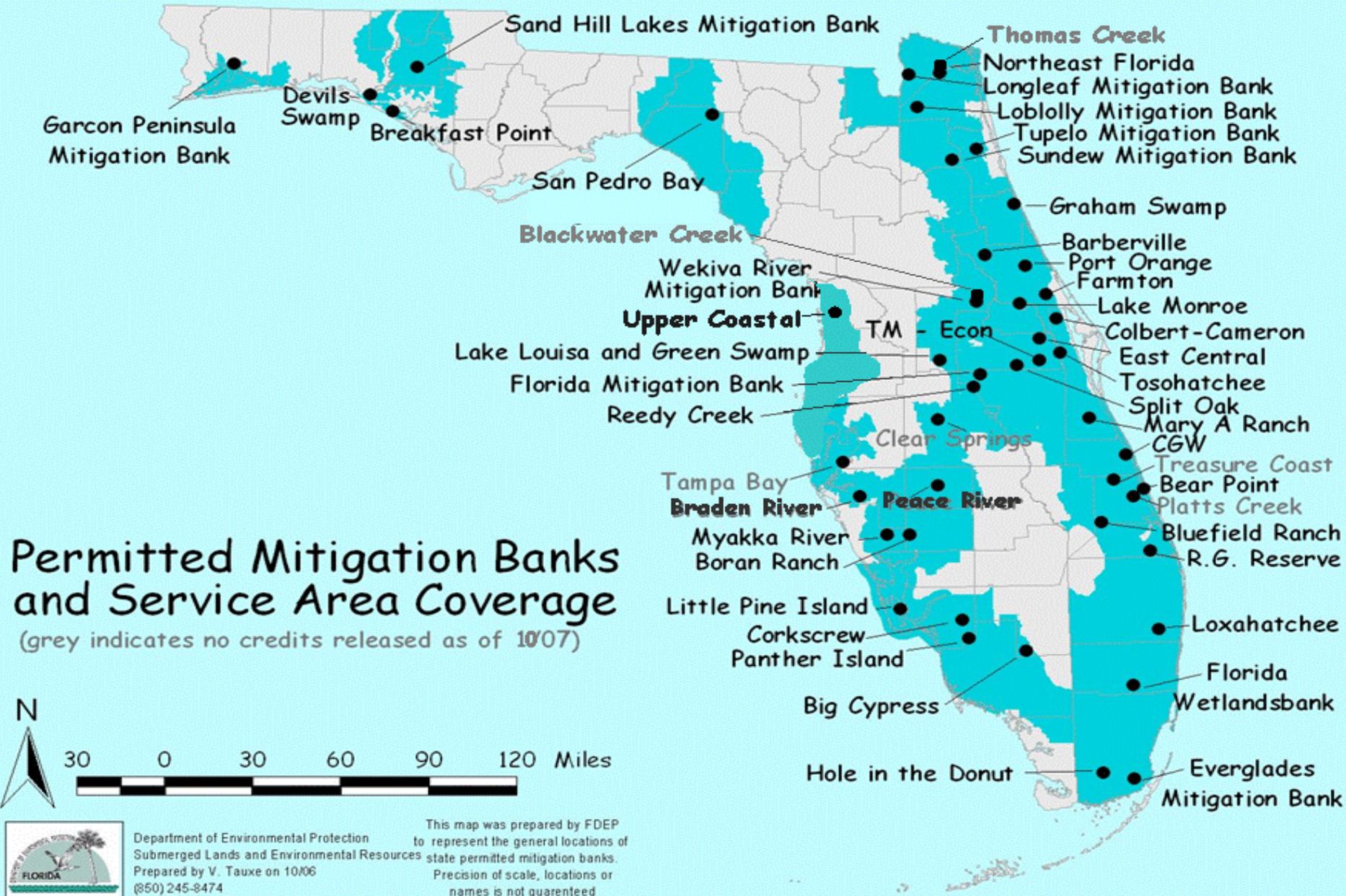
Credit System

- A mitigation credit is a standard unit of measure which represents the increase in ecological value resulting from restoration, enhancement, preservation or creation activities.
- For purposes of establishing a standard unit of measure, one mitigation credit is equivalent to the ecological value gained by the successful creation of one acre of wetland.
- Credits represent various habitat types and are titled to distinguish their type (i.e., freshwater forested, freshwater herbaceous, saltwater, mangrove, etc.).

Credit System (Cont'd)

- The banker, not the District, sets the price of credits. Based on an informal survey the Water Management Districts and Florida Department of Environmental Protection, credits have sold for prices ranging from \$30,000 (in southern SJRWMD) to \$145,000 (in northern SFWMD).
- The District does not direct applicants to a specific bank or mitigation option

PERMITTED MITIGATION BANKS AND SERVICE AREAS





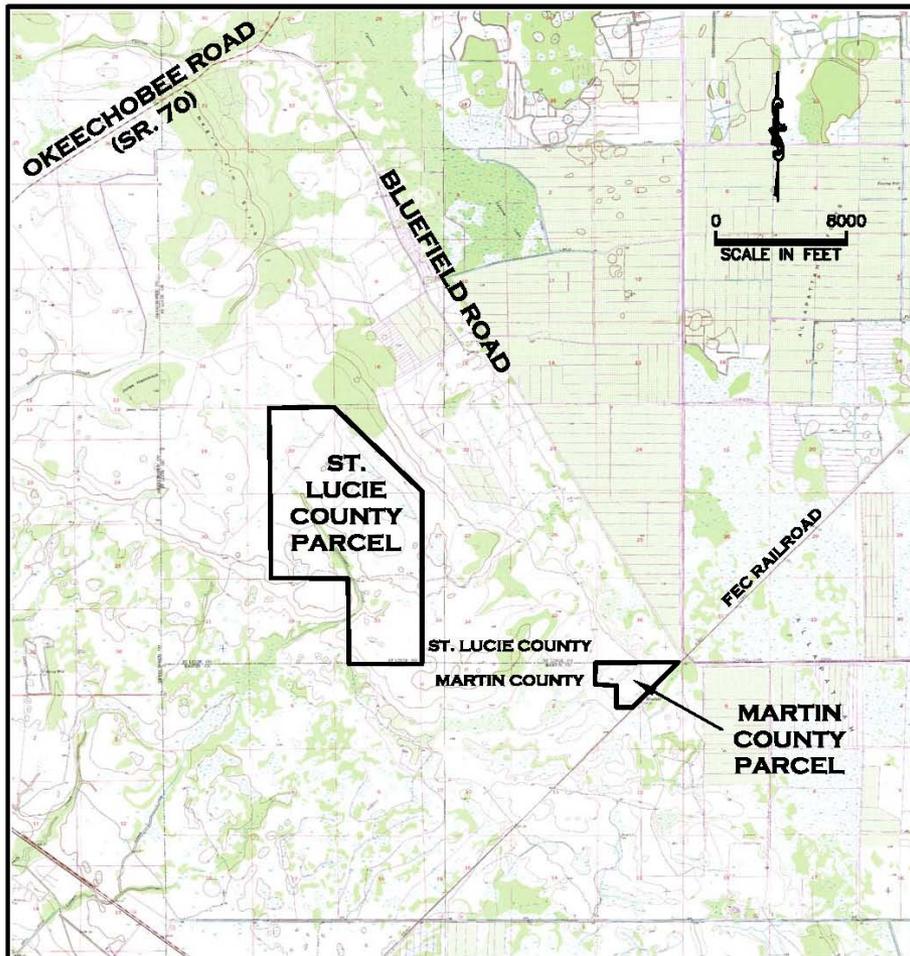
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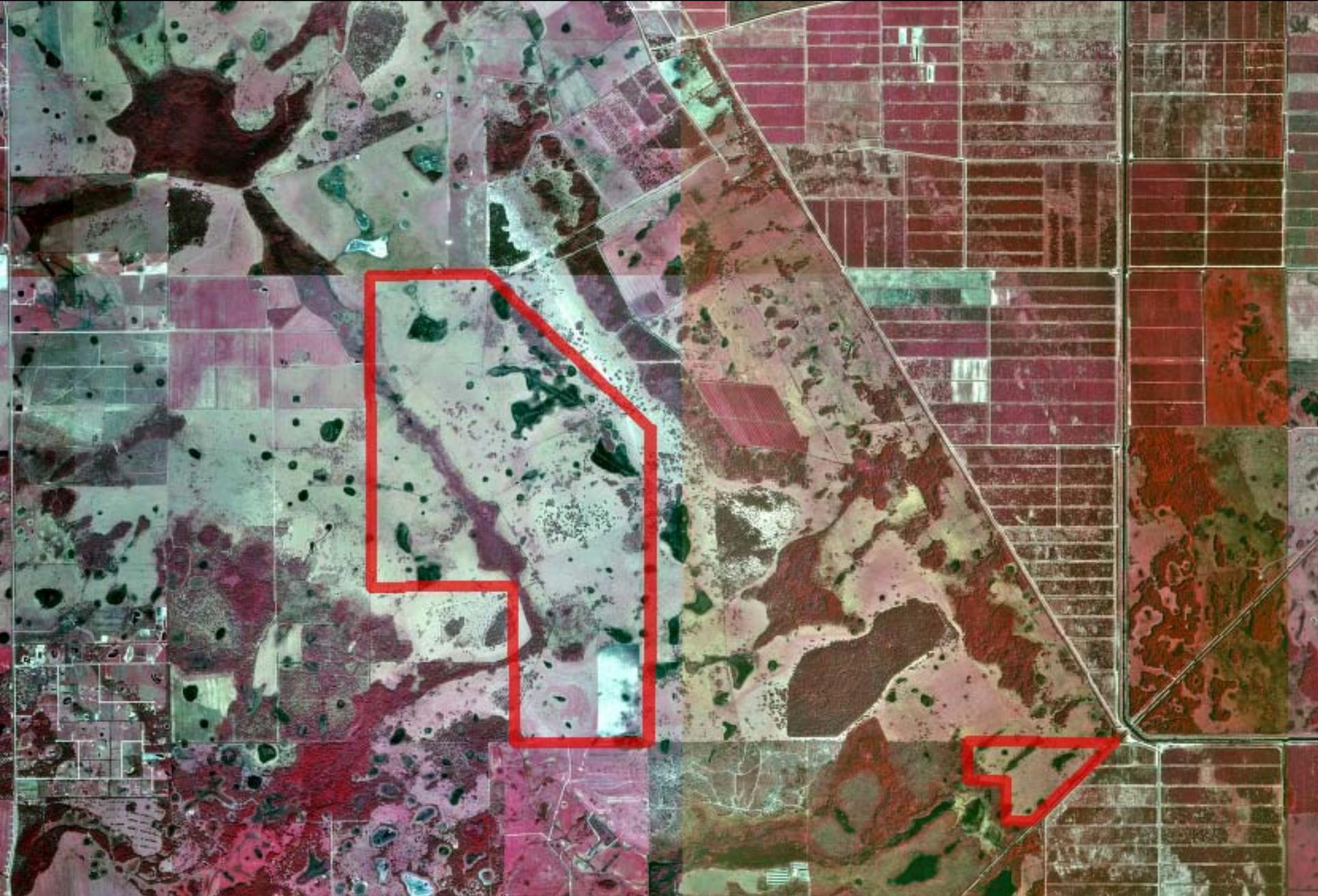


ST. LUCIE COUNTY PARCEL - USGS QUAD MAP "BLUEFIELD", SECTIONS 20, 21, 28 & 29, TOWNSHIP 37 SOUTH, RANGE 37 EAST, ST. LUCIE COUNTY, FLORIDA, LAT. 27°13'50", LONG. 80°38'34"
 MARTIN COUNTY PARCEL - USGS QUAD MAP "OKEECHOBEE 4 NW", SECTION 1, TOWNSHIP 38 SOUTH, RANGE 37 EAST, MARTIN COUNTY, FLORIDA, LAT. 27°12'11", LONG. 80°35'19"

BLUEFIELD RANCH MITIGATION BANK LOCATION MAP

BLUEFIELD.dwg LOCATION

	CONSULTANTS, INC. EW CONSULTANTS, INC. 2081 SE OCEAN BOULEVARD, SUITE 2B STUART, FLORIDA 34996 772-287-8771 FAX 772-287-2988 WWW.EWCONSULTANTS.COM	DEC 08	FIGURE 1







Wetland Mitigation Credits

229-896-4511

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Questions





District's Proprietary Role in Mitigation Banking

Marjorie Moore, Lead Scientist
Land Stewardship Division



Chapter 373.4135



Mitigation Banks:

- enhance mitigation certainty
- provide ecological value
- consolidate expertise and mitigation in one area
- WMD's directed to participate in and encourage private and public mitigation banks



DEP/SFWMD Joint Rulemaking Effort



- Encouraged each WMD to develop two mitigation banks
- District launched its mitigation banking program in January 1995
- Until 2005 SFWMD only wmd establishing banks



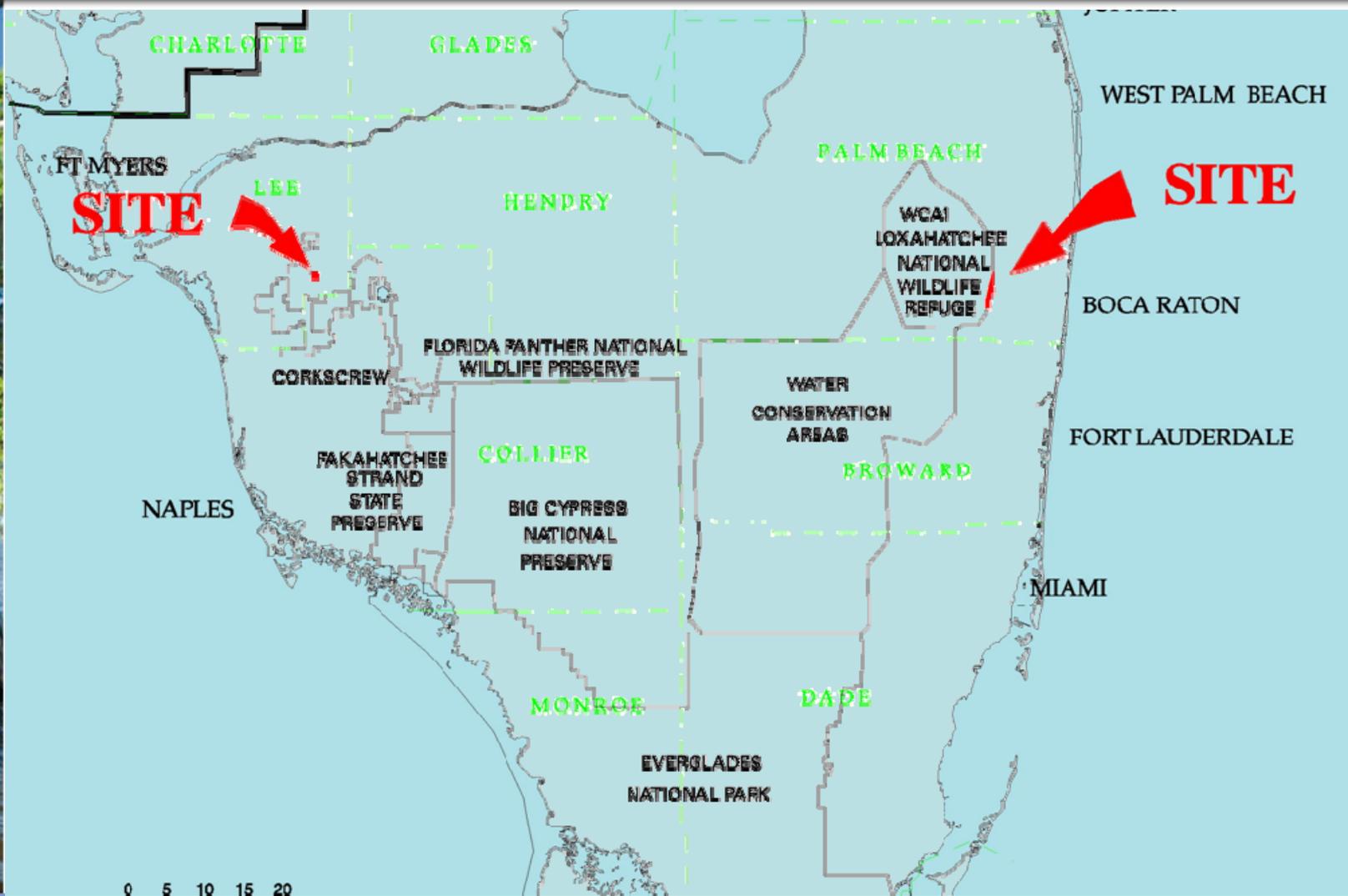
Site Selection Criteria



- Demand
- Adjacency
- Wildlife Habitat
- Credit Gain
- Ease of Acquisition



Site Selection





Hydrologic Features



HYDROLOGICAL CONTROL FEATURES AND FLOWS

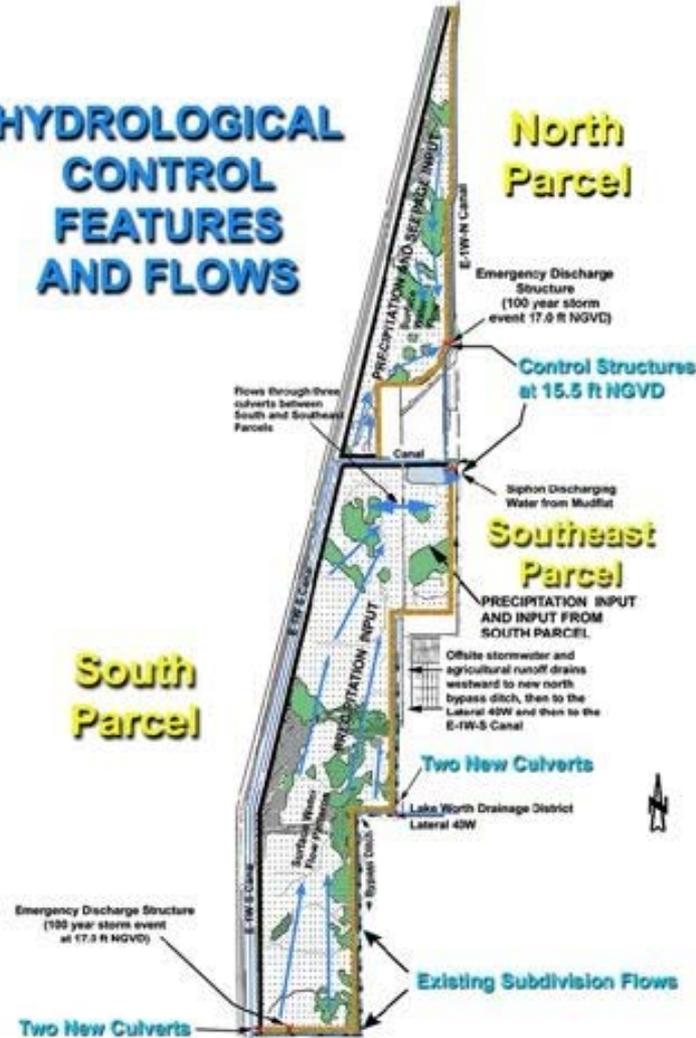




Photo Timeline



Year 25



Challenges of Mitigation Banking



- Growing pains
- Investment of time and \$\$\$
- Policy issue of banks on public lands
- Real estate issues
- Adjacent land use issues
- Issue of SFWMD as regulator and banker



Public-Private Contract



Banker:

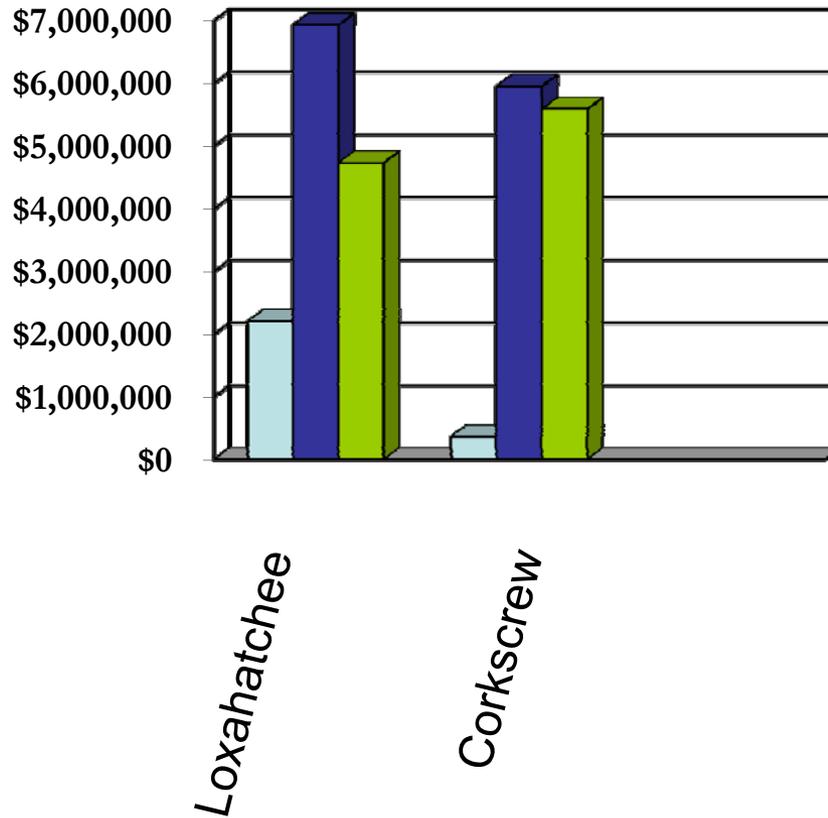
- Permits the project
- Restores the land
- Markets/sells credits
- Establishes a long-term management fund
- Provides a revenue stream to SFWMD

District:

- Acquires real estate, file conservation easement
- Assists banker through process
- Assumes long-term mgmt



Mitigation Banks Dollars and Sense



- Revenue provided
- Total revenue estimated
- Balance to be provided