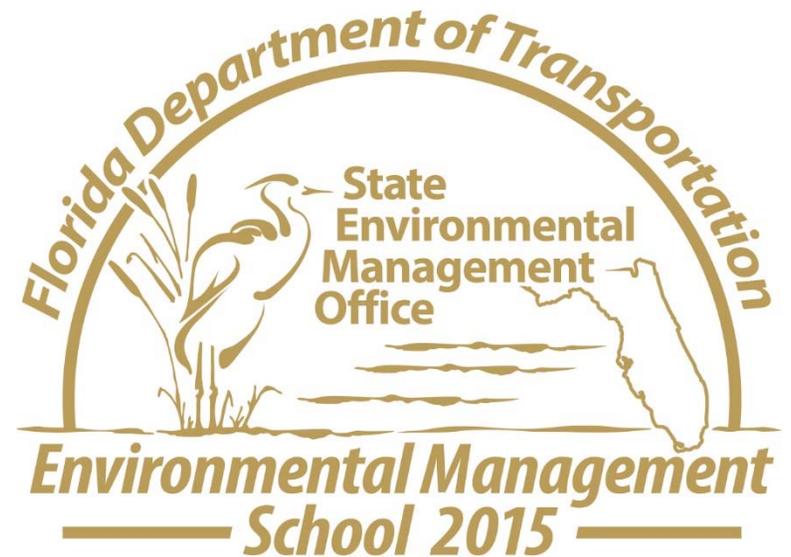


# Mitigation

*Presented by:*  
**Thu Clark**  
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# ***Mitigation – Federal (40 CFR 1508.20)***



Mitigation includes:

- Avoiding the impact...
- Minimizing impacts ...
- Rectifying the impact ...
- Reducing or eliminating the impact ...
- Compensating for the impact by replacing or providing substitute resources or environments

40 CFR Part 230 - Compensatory Mitigation for Losses of Aquatic Resources; Final Rule 2008

## ***Mitigation – State (ERP Handbook)***

The state agencies use the terms elimination and reduction prior to the requirement for mitigation.

Mitigation usually consists of restoration, enhancement, creation, preservation, or a combination thereof.

# ***Uniform Mitigation Assessment Method (Ch. 62-345, F.A.C.)***

Determines the amount of mitigation needed to offset adverse impacts to wetlands and other surface waters and to award and deduct mitigation bank credits

## ***Mitigation requirements for specified transportation projects ( s. 373.4137, F.S.)***

“... to offset the adverse effects of these transportation projects be funded by the Department of Transportation and be carried out by the use of mitigation banks and any other mitigation options that satisfy state and federal requirements in a manner that promotes efficiency, timeliness in project delivery, and cost-effectiveness.”

# ***Mitigation Bank Credits***

- ◆ Federal Credits – RIBITS
- ◆ State Credits – DEP and WMD
  - Credits are purchased after an ITB
  - Use MFMP to purchase credits
  - Obtain ledger from the Banker

# ***Mitigation Services***

- ◆ DEP or the WMD
- ◆ FDOT must submit project inventory to the WMD by July 1<sup>st</sup>
- ◆ DEP or WMD develops a mitigation plan by March 1<sup>st</sup> of the following year
  - DEP or WMD invoices for mitigation services
  - No longer paying cost per impact acre
  - Mitigation services based on UMAM

# *Permittee Responsible*

- ◆ When the other two options are not available, the Department must develop an appropriate mitigation plan
  - Plan, Design, Construct, Monitor and Maintain the mitigation site

# *When is all this done?*

- ◆ EST Screening – ETAT comments
- ◆ PD&E – look for mitigation opportunities; coordinate with agencies
- ◆ Design – continue agency coordination; refine and finalize during permitting

# ***Documentation of Mitigation***

- ◆ PD&E – included in technical reports, final Environmental Document and is identified as a commitment
- ◆ Design – becomes a permit condition
- ◆ Providing documentation to the regulatory agencies
  - Proof of credit purchase
  - Documentation that mitigation services have been completed by WMD
  - As-builts for FDOT built mitigation; monitoring reports

# ***Keys to Mitigation Success***

- ◆ FDOT is the permittee and therefore responsible for mitigation
- ◆ Look at mitigation options early, refine as the project advances
- ◆ Coordinate mitigation option with regulatory agencies
- ◆ For WMD Services – go on site visits, review monitoring reports – verify that mitigation work is being completed
- ◆ Track mitigation credits purchased – especially advance credit purchases

# ***Resources***

- ◆ Section 373.4137, F.S.
- ◆ Environmental Mitigation Payment Processing Handbook – Oct 2014
- ◆ Uniform Mitigation Assessment Method – 62-345, F.A.C.
- ◆ ERP Applicant’s Handbook Vol 1 – Part III
- ◆ 40 CFR Part 230 - Compensatory Mitigation for Losses of Aquatic Resources

# *For More Information*

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