

TWG: COMPENSATORY MITIGATION

Meeting: #8

Date: December 6, 2018

Time: 10:00 am

Attendees:

- | | |
|---|---|
| <input type="checkbox"/> Robert Anderson, Fennemore Craig | <input type="checkbox"/> Spencer Kamps, Home Builders Association of Central Arizona |
| <input type="checkbox"/> Joe Bardswich, Golden Vertex Corp | <input checked="" type="checkbox"/> Dave Kimball, Gallagher & Kennedy |
| <input checked="" type="checkbox"/> Amanda Best, Westland Resources | <input checked="" type="checkbox"/> Keith Knutson, Arizona Game and Fish Department |
| <input type="checkbox"/> Michael Byrd, Prescott Creeks | <input checked="" type="checkbox"/> Shawn Lowery, Arizona Game and Fish Department |
| <input checked="" type="checkbox"/> Mark Edelman, Arizona State Land Department | <input checked="" type="checkbox"/> Amanda McGennis, Arizona Chapter Associated General Contractors |
| <input checked="" type="checkbox"/> Julia Fonseca, Pima County Sustainability | <input type="checkbox"/> Myron Smith, KGHM |
| <input type="checkbox"/> Angela Garcia, Salt River Pima-Maricopa Indian Community | <input type="checkbox"/> Brenna White, Department of Interior, National Park Service |
| <input checked="" type="checkbox"/> Jonathan Horst, Tucson Audubon Society | |
| <input type="checkbox"/> Bob Iannarino, Psomas | |

Guests and Proxies

- | | |
|---|---|
| <input type="checkbox"/> Lee Decker, for Dave Kimball, Gallagher & Kennedy | <input type="checkbox"/> Jennifer Ward, for Joe Bardswich, Golden Vertex Corp |
| <input type="checkbox"/> Scott Thomas, for Robert Anderson, Fennemore Craig | |

Staff Support:

- Andy Koester, ADEQ David Lelsz Heidi Welborn Theresa Gunn, GCI Kelly Cairo

North Carolina Mitigation Program

Tim Baumgartner, Director of NC DEQ Mitigation Services, provided an overview of North Carolina's statewide mitigation program. The following are the highlights of the discussion

- The program started to provide mitigation alternative for developers. Once NCDOT became unable to meet their mitigation requirements the program expanded to become the only ILF in the state.
- As the ILF, the agency originally provided the design, bid, build, monitoring and acquisition for the sites.
- To offset concerns about a state agency competition with mitigation banks, the agency now issues an RFP and staff are contract managers and stewards of the program.
 - Multiple bidders for each project; most are mitigation banks
 - Mitigation banks are paid on task basis instead of needing to complete the project first
 - Having the private sector deliver the projects put the risk of project failure and repairs on the successful bidder, not the agency

- Majority of the mitigation is in streams.
- 85% of the demand is due to DOT projects.
- Corps is not longer doing conservation easements in North Carolina
- NCDEQ has a stewardship program (outside of the mitigation division) which reviews development plans for potential impacts to the mitigation site
 - Projects pay an endowment to the stewardship program to maintain the sites
- The mitigation program is also used by non-404 state programs
- In the future, NC would like to consider ESA impacts and offsets
- The NC IRT allows out of kind, out of watershed mitigation on a case by case basis where mitigation within the watershed is limited
- Current NC administration is not interested in assuming the 404 program
- NC has a large program
 - 15-20 RFPs annually
 - 30-60,000 sq. ft of stream mitigation
 - 160-170 active programs at any one time
 - 500-600 completed projects
 - 29 staff include project managers, science analysis, management, procurement and budget
- The IRT members include the Corps (serves as chair), DEQ, Wildlife Management Association, USFW, Coastal Manager and EPA
 - Corps manages the IRT but NCDEQ staff has frequent contact with the group
 - Bi-monthly meetings with field visits
 - DEQ interfaces 2-3 times each month
 - Important to have the Corps staff visit the project sites before spending money
- Only pay \$28,00-\$50,000 for maintenance; NC only requires maintenance of the easement boundary
 - In comparison 50-60% of the AZ GF credit cost is form long term maintenance
 - Once the 5-7-year maintenance program is met the project is closed and the stewardship program preserves the boundary
- Mitigation is based on performance of the stream and less about the land surrounding the project
- Ratios are 1:1 for restoration; 1.5-2.5:1 for enhancement and 5.1+:1 for preservation
- NC is bound by a watershed planning process and spatial restrictions which make it difficult to locate mitigation
 - Mostly enhancement and stream repairs
- Corps has 2 mitigation staff that make most decisions (not permit writers)

White Paper

Amanda volunteered to accept the non-substantive changes in the paper and send a new version to the group. Members should review the final draft before the next meeting.

Next Meeting

- December 20, 10 am