# Reflections on Public Mitigation Banking: St. Petersburg's Experience with the North Shore Seagrass Mitigation Bank

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The viewpoints expressed herein are solely the presenter's opinions and are not those of the City of St. Petersburg.

Photo Credit: The Nature Conservancy

#### Presentation Outline

- Seagrass Overview
- Trends in Seagrass Coverage in Tampa Bay
- St. Petersburg's North Shore Seagrass Mitigation Bank (SGMB)
  - Where is it?
  - How was the site selected?
- Permitting Update
- What makes a "public" bank different?
- Case Study: Charlotte Mecklenburg Co.

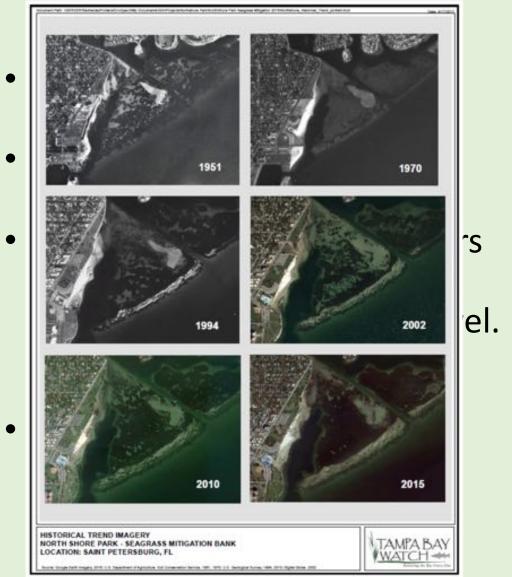
### Seagrass Overview

Seagrasses are a vital marine resource, functioning in:

- Nursery and habitat for fish and benthic organisms
- Structural support for algae
- Food web
- Sediment stabilization
- Nutrient cycling
- Water quality integration

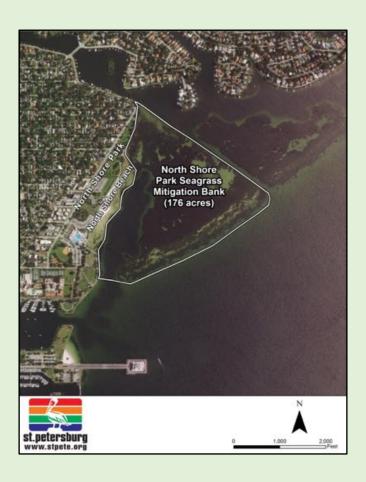


### Trends in Seagrass Coverage in Tampa Bay



#### North Shore SGMB Location





### Permitting Update

- SWFWMD
  - Legal/real property issues:
    - Agreeing on a sketch and legal
    - Obtaining title insurance
    - Needing a Property ID from the PCPAO
  - Funding/financial issues:
    - Release of credits
    - 10-year proposed term vs 30-year term for perpetual costs
    - Trust fund amount
  - Ecological issues:
    - Donor site
- USACE: Application has been deemed complete

### What makes a "public" bank different?

Some observations over the past couple of years ...

- Goals:
  - A little different calculus for the City
  - Profit important, but ...
  - Largest seagrass restoration project in the Gulf right now
  - Conservation (prior use) vs. preservation (protection from use)
    - Consider prior use
- Institutional:
  - Long-term steward: The "We're not going anywhere" Doctrine
  - Traditional steward of the "public trust"





## **Propeller Scars**



### What makes a "public" bank different?

- Institutional (cont.):
  - Ownership of submerged lands and adjacent uplands
  - Interagency cooperation (e.g., FDOT and the City)
  - In-house need for credits
    - Bridges, port expansion, etc.
  - In-house use of proceeds on WQ capital improvements
    - Stormwater
- Disadvantages:
  - Bureaucracy
    - Setting it up
    - Selling the credits
    - Spending the proceeds

### City's Ownership of Submerged Lands

- City was granted fee simple ownership of submerged lands in Tampa Bay by Florida in 1918
- Relatively rare instance of State giving up title to otherwise sovereign submerged lands
- Large grant of land needed to facilitate the SGMB

106 Chap. 7781 1918

LAWS OF FLORIDA.

CHAPTER 7781-(No. 56).

AN ACT to Grant the Water Front, Riparian Rights and Submerged Lands in Tampa Bay, in Front of that Property of the City of St. Petersburg lying between Coffee Pot Bayou and the South Line of 14th Avenue, South, Extended East, to which the State may have any Title or Right of Possession to the City of St. Petersburg, and the Individual Owners of Land Abutting Tampa Bay, between said Points.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That the State of Florida, hereby grants to the City of St. Petersburg and the several individual property owners, whose land lies on the east boundary of the incorporate limits of the city of St. Petersburg, adjacent to and abutting on Tampa Bay, in fee simple, absolutely, all lands owned or held by the State of Florida, in trust or otherwise, and lying or being within the corporate limits of said city of St. Petersburg, whether said lands are covered or partly covered by the tide, or otherwise, and including all lands that have been reclaimed or filled in by said City or said property owners, prior to the enactment of this Act.

Sec. 2. That this Act shall take effect upon its passage and approval by the Governor, or upon its becoming a law without his approval.

Approved Dec. 5, 1918.

### Case Study: Charlotte - Mecklenburg Co., NC



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- Stream and wetlands mitigation
  - "Umbrella" bank encompasses impacts by County, City, or School Board
  - Can only be sold (at cost) to Mecklenburg Co., City of Charlotte, or Charlotte-Mecklenburg Schools
  - Highly localized service areas for stream mitigation based on 8-digit USGS HUC codes
  - Stream credits are sold by the linear foot
    - Range: \$397-\$502/linear foot (2016 USD)
  - Wetlands credits are sold by the acre
    - \$71,201/acre (2016 USD)
  - Disposal of surplus property process requires 60-day notice under NC law

### Thank you!

- Tampa Bay Watch and all of the City of St. Petersburg's partners
- Stetson University College of Law
- Environmental Law Institute

