



# In-Lieu Fee Mitigation: Review of Program Instruments and Implementation Across the Country

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# The Environmental Law Institute

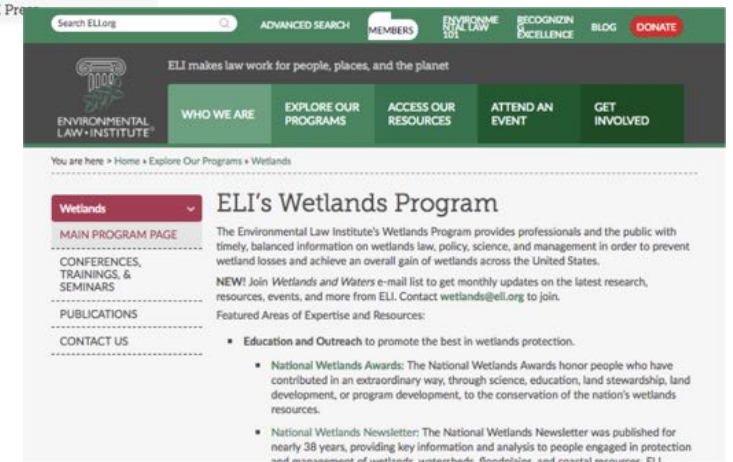
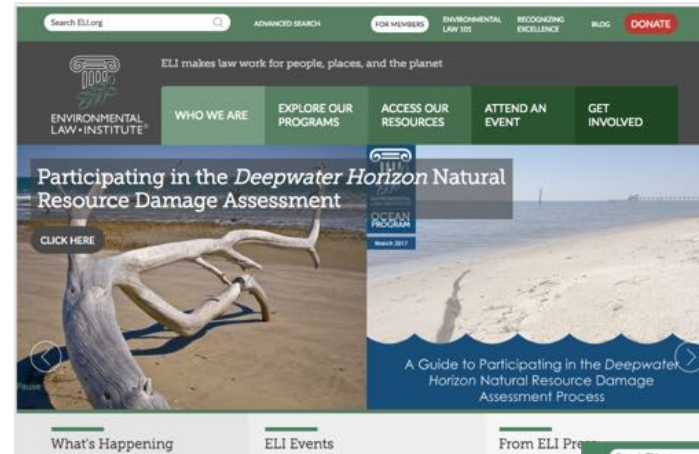
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# Our Study

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- Goals
  - Transfer of knowledge
  - Improved effectiveness
  - Improved protection and restoration
- Methods
  - Document Review
    - Program Instruments
    - Other relevant documents and appendices
  - Interviews
    - Phone interviews
    - 41 of 58 currently approved programs
- Funded by EPA Wetland Program Development Grant



# Results

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- Program Administration
  - Stakeholder participation
- Watershed Approach
- Service Areas
- Credits
- Fees
- Mitigation Projects
  - Project Approval
  - Project Prioritization
- Financial Assurances
- Project Monitoring
- Long-Term Management
- Data Management
- Audits



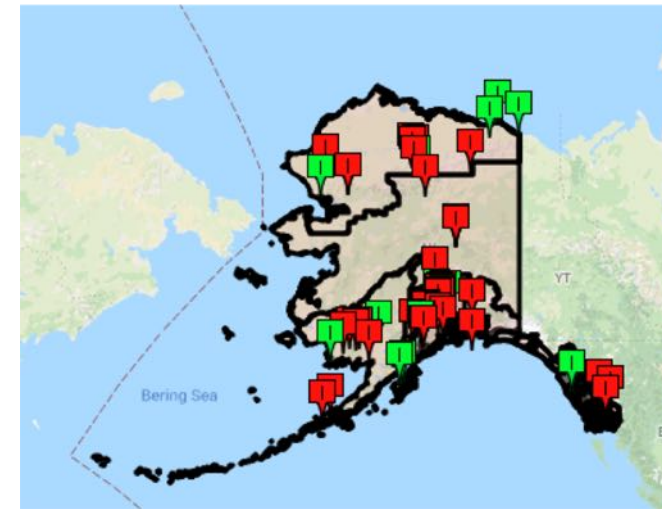
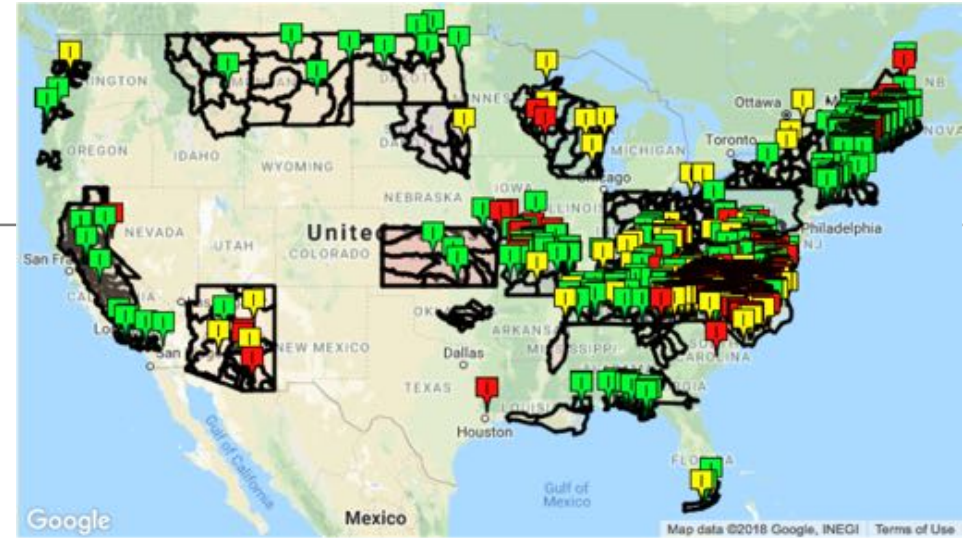
# Results

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- Program Administration
  - Stakeholder participation ✓
- Watershed Approach ✓
- Service Areas ✓
- Credits
- Fees
- Mitigation Projects
  - Project Approval
  - Project Prioritization ✓
- Financial Assurances
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- Long-Term Management
- Data Management
- Audits ✓

# ILF Mitigation 101

- 58 currently approved programs; about 11% of compensatory mitigation annually
- 56% non-profit sponsors; 44% public agencies
- Programs are found across the country
- Programs vary in size and scope



Program Name	Credits Offered
Arizona Game and Fish Department ILF Mitigation Program	Riparian, Wetland
California State Coastal Conservancy - Calleguas Creek ILF Program	Tidal influence aquatic resource and buffer, Non-tidal influence aquatic resource and buffer
Coachella Valley ILF Program	Wetland, Stream
Connecticut ILF Program	Emergent wetlands, Scrub-shrub wetlands, Forested wetlands, Open water, Submerged aquatic vegetation, Stream, Mudflat, Upland
Ducks Unlimited New York ILF Program	Wetland, Stream
Ducks Unlimited Vermont ILF Program	Wetland, Stream
Georgia-Alabama Land Trust ILF Program	Wetland, Stream
Great Land Trust	Wetland (Slope/Flat, Riverine, Tidal/Marine Palustrine, REV)
Everglades National Park	Wetland (Palustrine Emergent)
Hood Canal Coordinating Council	Wetlands (Habitat, Hydrology, Water Quality, Marine/Nearshore)
Kentucky Department of Fish and Wildlife Resources ILF Program	Wetland, Stream
Keys Restoration Fund ILF Program	Tidal wetlands (mangrove and salt marsh), Non-tidal (Freshwater) wetland, Seagrass

# Credits

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- A credit is “a unit of measure (e.g., a functional or areal measure or other suitable metric) representing the accrual or attainment of aquatic functions at a compensatory mitigation site. The measure of aquatic functions is based on the resources restored, established, enhanced, or preserved.”
  - Advance Credits
  - Released Credits
- Types of Credits
- Number of Credits



Program	Fee Category	Pricing Per Unit
Coachella Valley ILF Program	Restoration/Rehabilitation	\$224,500.00/acre
	Enhancement	\$187,450.00/acre
	Buffer	\$144,900/acre
Connecticut ILF Program	Housatonic River	\$7.56
	Southwest Coastal	\$9.12
	Southcentral Coastal	\$7.45
	Connecticut River	\$10.11
	Thames River	\$10.80
Georgia-Alabama Land Trust ILF Program	Thames River North of I-95 and Southeast Coastal	\$7.97
	Upper Savannah, Upper Coosa, Etowah, and Tennessee Wetlands	\$44,000.00/CR
	Upper Chattahoochee Wetlands	\$55,000.00/CR
	Upper Oconee and Upper Ocmulgee Wetlands	\$49,500.00/CR
	Withlacoochee Streams	\$104.50/CR
	Tennessee and Lower Flint: Middle Flint/Lake Blackshear Streams	\$121.00/CR
Hole in the Donut ILF Mitigation Product, Everglades, FL	Satilla: St Mary's River Non-Tidal Streams	\$88.00/CR
	Federal UMAM	\$32,500.00/CR
Keys Restoration Fund ILF Program	State Acre	\$12,759.61/CR
	Wetlands	\$217,800.00/CR
Maine Natural Resources Conservation Program ILF Program	Seagrasses	\$1,089,000/CR
	Calculator for all	Varies

# Fees

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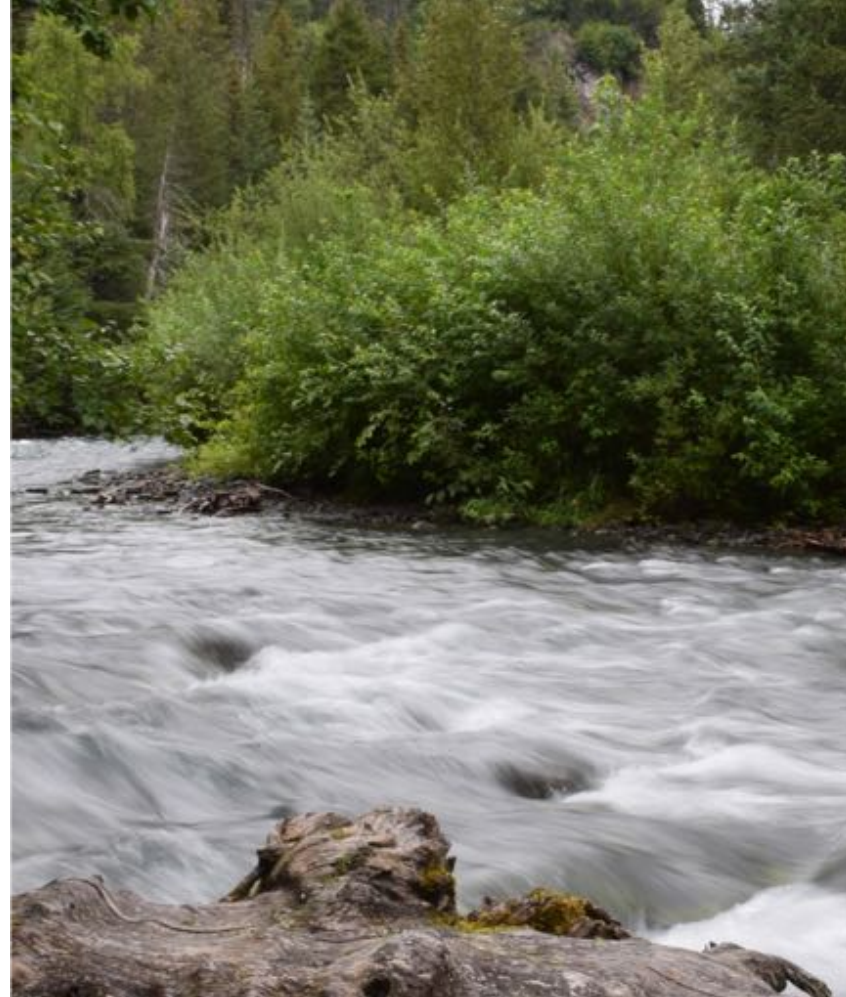
- Programs determine fees
- must be based on “full cost accounting”
  - Fixed fees
  - Formula
  - Calculator
- comparisons across programs are difficult, but may be able to identify trends
- fee evaluation and adjustment

# Long-Term Management

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- regulations require that compensation sites are protected (by appropriate real estate mechanism) and managed in perpetuity
- regulations require the ILF instrument include a long-term management plan
- the plan must include a description of the annual costs of long-term management
  - Calculator
  - Past experience
  - Percentage





Questions