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

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- contributed in an extraordinary way, through science, education, land stewardship, land development, or program development, to the conservation of the nation's wetlands resources.
- · National Wetlands Newsletter: The National Wetlands Newsletter was published for nearly 38 years, providing key information and analysis to people engaged in protection ent of wetlands watersheds floodnialos and coastal resources ELL

# 30<sup>th</sup> Annual National Wetlands Awards

Nominate Wetland Leaders In: **Conservation** and Restoration **Education** and **Outreach** Landowner Stewardship Science Research State, Tribal, and Local Program Development **Business Leadership** 30th Anniversary Lifetime Achievement

Nominations due FRIDAY DECEMBER 14, 2018 Visit www.nationalwetlandsawards.org



## Our Study

#### 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

- 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



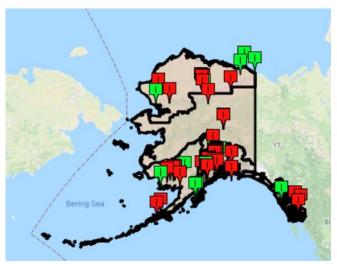
## Results

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

# 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	Riparian, Wetland	
Mitigation Program		
California State Coastal Conservancy -	Tidal influence aquatic resource and buffer, Non-tidal	
Calleguas Creek ILF Program	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	Wetland, Stream	
Resources ILF Program		
Keys Restoration Fund ILF Program	Tidal wetlands (mangrove and salt marsh), Non-tidal	
	(Freshwater) wetland, Seagrass	

## Credits

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
	Thames River North of I-95 and Southeast Coastal	\$7.97
Georgia-Alabama Land Trust ILF Program	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
	Satilla: St Mary's River Non-Tidal Streams	\$88.00/CR
Hole in the Donut ILF Mitigation Product, Everglades, FL	Federal UMAM	\$32,500.00/CR
	State Acre	\$12,759.61/CR
Keys Restoration Fund ILF Program	Wetlands	\$217,800.00/CR
	Seagrasses	\$1,089,000/CR
Maine Natural Resources Conservation Program ILF Program	Calculator for all	Varies

### Fees

- 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

 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