

# **SIXTH ANNUAL ELI-STETSON WETLANDS WORKSHOP**

**Andrew Zodrow  
Sr. Assistant Counsel**

**Environmental Protection Commission  
of Hillsborough County**

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# SIXTH ANNUAL ELI-STETSON WETLANDS WORKSHOP

**The Role of Public Mitigation Banks and Programs**



# MITIGATION BANK OPTION ROMA / IN LIEU FEE

**U.S. Army Corps of Engineers preference to use  
Mitigation Banks rather than In Lieu Fee or ROMA  
option**



# CHAPTER 373.4135(1)(b), F.S.

## 2012 FLORIDA LAW

**A governmental entity may not create or provide mitigation for a project other than its own unless:**

**(1) the governmental entity uses land that was not previously purchased for conservation and**

**(2) unless the governmental entity provides the same financial assurances as required for mitigation banks permitted under Sect. 373.4136, F.S.**



# CHAPTER 373.4135(1)(b), F.S.

## EXCEPTIONS

1. Mitigation banks permitted before December 31, 2011, under s. 373.4136;
2. Offsite regional mitigation areas established before December 31, 2011, under subsection (6);
3. Mitigation for transportation projects under ss. 373.4137 and 373.4139;
4. Mitigation for impacts from mining activities under s. 373.41492;



# CHAPTER 373.4135(1)(b), F.S.

## EXCEPTIONS

5. Mitigation provided for single-family lots or homeowners under subsection (7);
6. Entities authorized in chapter 98-492, Laws of Florida;
7. Mitigation provided for electric utility impacts certified under part II of chapter 403; or
8. Mitigation provided on sovereign submerged lands under subsection (6).



# **PUBLIC OWNED MITIGATION BANK EXAMPLES**

**“Hole in the Donut” - Everglades National Park – operated  
by Federal Government**

- Credits are established for use by private  
developers within the service area**
- Previously was In Lieu Fee and ROMA**



# QUASI-GOVERNMENTAL MITIGATION BANK

**Utility: Florida Power and Light – Everglades  
Mitigation Bank (EMB)**





# **PUBLIC PRIVATE PARTNERSHIPS**

**Loxahatchee Mitigation Bank – SFWMD land but operated by Tetra Tech**



# CONCLUSION



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**Sr. Assistant Counsel**  
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