

THE THOUGHT PROCESS FOR DEVELOPING A MITIGATION BANK

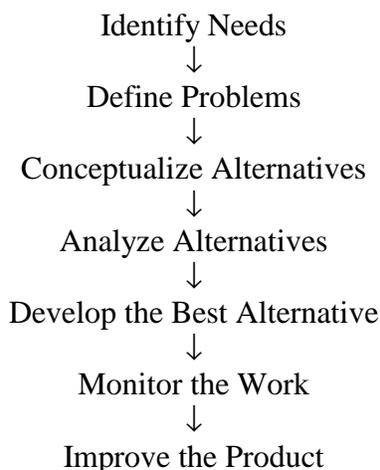
By Steven J. Coker

PURPOSE: Prepare a general statement of intent for the establishment of a Mitigation Bank.

The mitigation bank will be used to provide compensatory mitigation for impacts to the chemical, physical and biological integrity of waters of the United States resulting from human activities.

SCOPE OF WORK: The proponent should follow the guidelines and procedures administered by the South Carolina Mitigation Banking Review Team (SCMBRT). The general procedures of the SCMBRT are set forth in the document titled *JOINT STATE/FEDERAL ADMINISTRATIVE PROCEDURES FOR THE ESTABLISHMENT AND OPERATION OF WETLAND MITIGATION BANKS IN SOUTH CAROLINA*. This standard operating procedure is subject to periodic revision and is supplemented by other guidance materials available from the SCMBRT.

The overall objective will be the establishment of a mitigation bank. The general process which should be used to accomplish this goal is summarized as follows:



1. Identify Needs.

A statement of needs should be developed. For example, is there an identified need to improve surface water quality within certain water basins? If so, which water basins and what aspects of water quality need improvement? Is there a groundwater problem that needs improvement? Is there an identified loss of wildlife habitat in the region that needs action? Is there a need to preserve threatened areas now to prevent future degradation or losses? Is there a need to provide mitigation to facilitate development projects? These are examples of possible needs which might drive a project of this nature. The needs which drive this particular project should be stated and quantified.

2. Define Problems.

In light of the needs statement developed in step #1 above, problems and opportunities should be defined. For example, if the need is to improve surface water quality, then a logical problem which should be defined would be the causes for the degraded water quality. If the need is to prevent loss of habitat, then a problem that should be defined would be which species are experiencing a loss of habitat. If the need is to facilitate development, then problems which inhibit development should be defined. In order to develop solutions, such problems must be defined.

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3. Conceptualize Alternatives.

This step typically involves free-thinking, brainstorming of alternative approaches which might meet the identified needs.

4. Analyze Alternatives.

This step involves careful study of the possible alternatives identified during brainstorming. Each alternative is analyzed to determine if it is technically feasible, economically practicable, and how likely it is to succeed and to meet the identified needs in light of the known problems.

5. Develop the Best Alternative.

Based on the prior analysis, the best alternative is selected and developed for implementation. Normally this step includes various elements such as design, optimization, and construction. No later than at this step, the SCMBRT should be consulted regarding the development of the bank implementation and operations plan. A basic outline for elements of a banking plan is included in the SCMBRT standard operating procedure. Early in this step, a similar banking plan outline should be prepared specifically for the project and approved by the SCMBRT as a suitable working outline. After the basic plan has been received consensus agreement from the MBRT, the bank sponsor or the MBRT may prepare the documenting agreement.

a. Prepare the Documentation.

Formal documentation of the banking plan must be prepared and submitted to the MBRT for consensus approval. After the MBRT has given such approval, the documents must be officially accepted and signed by the participating member agencies and the bank sponsor.

b. Implement the plan.

After signing of the banking agreement, the bank sponsor must implement the plan. This may involve restoration work, planting, signing of a conservation easement, etc.

6. Monitor the Work.

When the selected alternative has been implemented it should be monitored in accordance with a pre-determined plan. Monitoring normally includes testing to determine success or failure of the effort relative to a set of clearly established criteria. The success criteria should be determined in light of the identified needs statements. Monitoring also includes preparation and submittal of reports with appropriate data, photographs, and narrative explanations. Depending on the banking plan, monitoring may be required for a number of years until final success or failure of the bank has been determined.

7. Improve the Product.

There may be opportunities or requirements to enhance, improve, or expand the overall project following completion of the work. This will depend on the identified needs, the alternative implemented, the monitoring reports, the defined success criteria, the conservation restrictions, specified contingency options, and other aspects of the approved bank plan.

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The General MBRT Process.

- A. Develop a written Banking Plan.
- B. Obtain approvals in the following order.
 - MBRT Consensus.
 - Owner and Agency Signatures.
 - District Engineer Signature.
 - Conservation Easement.
- C. Implement.
- D. Monitor.
- E. Report.
- F. Determine success or failure.
- G. Implement Contingency Measures if Needed.