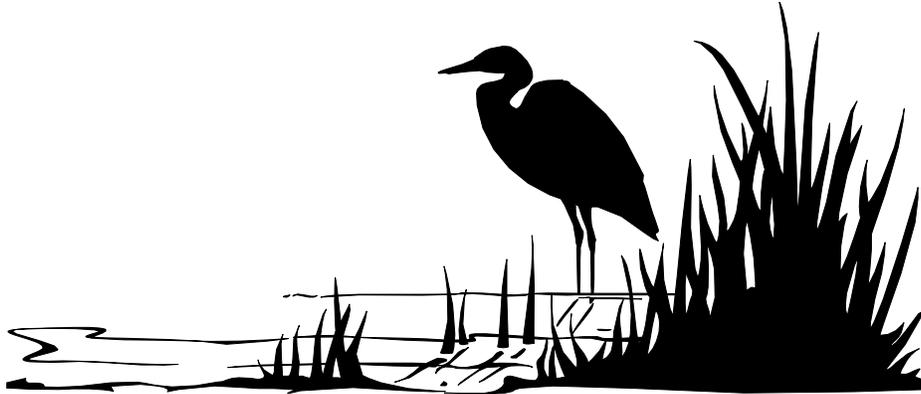


**South Carolina Mitigation Bank Review Team
Guidelines for Siting Preservation Mitigation Banks**



A. Issue Background

Preservation banks are mitigation banks which derive the essence of their credits from the perpetual protection and preservation of designated wetland areas and associated upland buffers. The interagency Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (Federal Register, March 6, 1995, pp. 12286-12293) declares that the objective of a mitigation bank is to provide for the replacement of the chemical, physical and biological functions of wetlands and other aquatic resources which are lost as a result of authorized impacts. Because it is difficult to achieve such functional replacement through strictly preservation actions, the Federal guidance states that preservation may be authorized as the sole basis for generating credits in mitigation banks only in exceptional circumstances. Suggested consideration criteria include whether the proposed preservation areas (1) perform physical or biological functions, the preservation of which is important to the region, and (2) are under demonstrable threat of loss or substantial degradation due to human activities that might not otherwise be expected to be restricted.

In July of 1996, the Joint State/Federal Administrative Procedures for The Establishment and Operation of Wetland Mitigation Banks in South Carolina was published. These procedures track well with the Federal guidelines' conservative approach to the role of preservation in mitigation banking and specify that such banks must enhance a State Priority Management Area to be acceptable, and then would be allowed on a case by case basis. These procedures define Priority Management Areas as:

". . . areas of the State identified by State and Federal natural resource agencies as specific target areas for the preservation, restoration and/or enhancement of natural resource values. While a specific list has not been compiled at this time, these areas may be associated with wildlife refuges, heritage trust sites, national estuarine reserves, wildlife habitat focus areas, outstanding resource waters and similar habitat management programs areas. High risk wetlands associated with rapidly growing urban areas may also be included in this category. For the present, any questions regarding potential mitigation sites and their association with priority management areas should be brought before the MBRT."

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In an effort to provide additional guidance for the appropriateness of a particular preservation bank, the MBRT has adopted the following working guidelines. These are based on available guidance documents and lengthy discussion and consideration. In general, it is the opinion of the MBRT that preservation mitigation banks should complement or represent a component of landscape or ecosystem scale plans for important natural resources, elements of which are currently represented by State Priority Management Areas.

B. Working Guidelines

These guidelines establish four key criteria to be satisfied in order to meet appropriateness expectations of the MBRT. Passage of these guidelines represents the minimum required for a project to be considered as a suitable preservation mitigation bank. Key criteria are as follows.

1. Is the proposed site associated with a Priority Management Area (PMA) and does it consist primarily of wetlands?

State Priority Management Areas consist of the following. This list will be used until a more specific list or map is available. At such time it may be used in association with the more specific list or map.

- a. Core areas of designated wildlife focus areas.
- b. Unique and rare habitats identified by State or Federal resource agencies [e.g., rare & endangered species habitat, old growth (>200 years) forest].
- c. “Important Wetlands of South Carolina” as designated in the USFWS Regional Wetlands Concept Plan, Southeast Region, 1992 under the Emergency Wetlands Resources Act.
- d. Areas associated with existing high resource value protected areas (e.g., those natural area SCDNR Heritage Trust Sites, National Monuments, National or State parks, forests or refuges, Nature Conservancy, Audubon, or other conservation group Sanctuaries which would be biologically enhanced through creation of a mitigation bank in their proximity).
- e. High value aquatic systems (e.g., State designated trout streams, State designated wild and scenic river corridors, ORW waters, estuarine reserves).
- f. Approved Heritage Trust priority protection projects.
- g. Certain high risk and high quality wetlands associated with rapidly growing urban areas and wetlands associated with “impaired waters” as identified pursuant to Section 303(d) of the Clean Water Act.

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2. Does the proposed site enhance the PMA?

To meet this criterion the site should possess a position in the landscape such that it fulfills one of the following.

- a. Adjacency to the PMA to the extent that such adjacency enhances PMA functions (e.g., habitat, water quality, flood control).
- b. Connectivity (e.g., Does the proposed bank site serve as a corridor connecting two PMA's?)

3. Are the resources associated with the proposed bank under demonstrable threat of loss or substantial degradation due to human activities that might not otherwise be expected to be restricted?

The existence of a demonstrable threat will be based on clear evidence of proposed destructive land use changes or habitat alterations which are consistent with local and regional land use trends and are generally not the consequence of actions under the control of the bank sponsor. Demonstrable threats from timbering will generally be limited to 80 year old or older forests. However, in extraordinary circumstances, the benefits of long-term regrowth and perpetual management of an area as old growth forest within the context of a landscape scale perspective may be considered for protection of younger forests.

4. Does the proposed site represent a significant benefit to natural resources and/or public use and enjoyment of this resource?

In order to satisfy this criterion, a minimum score of 105 points from the following matrix is required (i.e. 75% of the maximum possible).

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RATING FACTORS		POINTS				
		0	5	10	15	20
Forest Age in Years ¹		2 ≤ age < 5	5 ≤ age < 10	10 ≤ age < 40	40 ≤ age < 80	80 ≤ age
Functional Importance and/or Uniqueness of Resources ²		Low		Medium		High
Existing Impact Conditions ³		Moderate		Minimal		None
Buffers Width in Feet ⁴		width < 50	50 ≤ width < 75	75 ≤ width < 150	150 ≤ width < 300	300 ≤ width
Public Use Type Categories A, B, and C ⁵		None		One Type	Two Types	Three Types
Magnitude ⁶	For Streams, Total Length in Miles	0 < length < 0.5	0.5 ≤ length < 1.0	1.0 ≤ length < 2.0	2.0 ≤ length < 5.0	5.0 ≤ length
	For All Others, Total Area in Acres	0 < area < 50	50 ≤ area < 200	200 ≤ area < 500	500 ≤ area < 1000	1000 ≤ area
Protection Mechanism ⁷				Cons. Easement		Cons. Owner

Cons. = Conservancy Organization

1. The forest age factor should be excluded when considering non-forest systems (e.g., emergent, scrub-shrub, and certain pocosins). In these circumstances, a score of 90 may be considered passing for Criteria #3. Forest age will be determined by a specific forestry methodology or by a professional forester.
2. The extent to which a proposed site qualifies for a low, medium or high functional importance and/or uniqueness rating will be determined on a case by case basis through consensus of the MBRT using best professional judgement. Factors such as contributions to biodiversity on an ecosystem scale, and high performance levels of functions, which make important contributions to landscape, and/or human values will be considered. Should more specific appropriate criteria for this factor be developed by the MBRT in the future, such criteria would be adopted for use.
3. Sites with major impacts will generally not be accepted as suitable preservation bank sites although they may be valuable as restoration sites. The following definitions are extracted from the Mitigation SOP and are subject to change. Major impacts means Mitigation SOP Class 5&6 (long term and more than minor or permanent). Examples given in SOP are: wetlands with major ditching; impounded streams; wetlands that have been extensively cleared; permanent fills; excavations in wetlands; cleared utility line easements in wetlands. Moderate impacts means Mitigation SOP Class 3&4 (short term and more than minor or long term and minor). Examples given in SOP are: existing large temporary access roads; major dewatering (e.g. temporary stream realignment); wetlands with minor ditching; low rise, fish passable weirs; wetlands with minor selective clearing. Minor impacts means Mitigation SOP Class 2 (short term and minor). Examples given in SOP are: existing small temporary access roads; minor dewatering (e.g. temporary coffer dams).
4. Buffers on non-linear systems should consist of upland areas juxtaposed to the wetland system they are buffering and completely encircle it. Table buffer sizes are minimum rather than average widths. Point evaluation for linear systems will be determined by the MBRT on a case by case basis based on site-specific geomorphic and topographic information. Note that the inclusion of buffers does not change the character of the bank from a preservation to an enhancement bank.
5. Public use type categories are defined as follows. Type A means educational value. Type B means scientific research. Type C means public access.
6. The term *stream* as used here means waterbodies 1st - 4th order in size. Stream length refers to properties on both sides of the stream unless the other side is already protected.
7. Conservancy Easement or Ownership will generally be required for establishment of Mitigation Banks. Deed restrictions are generally an inadequate protection mechanism for establishment of Mitigation Banks and will normally not be allowed. Conservancy Organizations must meet minimum qualification requirements as set forth by the MBRT.