

Mitigation Banking Through Public Private Partnerships

Tetra Tech EC, Inc. and the South
Florida Water Management District
Loxahatchee Mitigation Bank



Mitigation Banking

- Benefits of Mitigation Banking
- What is a Public Private Partnership
- History of SFWMD banking program
- Banker responsibilities
- SFWMD responsibilities

Mitigation Banking

Chapter 373.4135 Florida Statutes

- Mitigation banks
 - provide ecological value due to the improved likelihood of environmental success associated with their proper construction, maintenance and management.

Mitigation Banking

- Mitigation banks provide a mitigation alternative to on-site or off-site permittee responsible mitigation
- Mitigation banks do NOT alter permitting requirements
- Mitigation banks affect only the approval or acceptance of a mitigation plan
- Mitigation banks do not increase the likelihood that a project will be approved

Mitigation Banking

The history of the development of the Loxahatchee Mitigation Bank through a public private partnership with the South Florida Water Management District

Public Private Partnership

- **Public-private partnership** describes a government service or private business venture which is funded and operated through a partnership of government and one or more private sector companies
- PPP involves a contract between a public sector authority and a private party, in which the private party provides a public service or project and assumes substantial financial, technical and operational risk in the project

The Establishment of the Loxahatchee Mitigation Bank

- The Department of Environmental Protection and the water management districts were directed by the legislature to participate in and encourage the establishment of private and public mitigation banks and regional offsite mitigation areas (ROMA)
- Emphasize the restoration of historically present ecological communities rather than the alteration of landscapes to create wetlands

Chapter 373.4135 F.S.

373.4135 Mitigation banks and offsite regional mitigation.--

- (1) The Legislature finds that the adverse impacts of activities regulated under this part may be offset by the creation, maintenance, and use of mitigation banks and offsite regional mitigation. *Mitigation banks and offsite regional mitigation can enhance the certainty of mitigation and provide ecological value due to the improved likelihood of environmental success associated with their proper construction, maintenance, and management. Therefore, the department and the water management districts are directed to participate in and encourage the establishment of private and public mitigation banks and offsite regional mitigation.* Mitigation banks and offsite regional mitigation should emphasize the restoration and enhancement of degraded ecosystems and the preservation of uplands and wetlands as intact ecosystems rather than alteration of landscapes to create wetlands. This is best accomplished through restoration of ecological communities that were historically present.

(emphasis added)

Mitigation Banking

- The South Florida Water Management District launched its mitigation banking program in January 1995
- Objectives:
 - To identify, permit, ecologically restore, manage and monitor identified sites
 - To support a watershed approach to ecosystem restoration
 - To generate revenue for the acquisition, restoration and management of other priority sites

SFWMD

Mitigation Banking Program

- SFWMD developed site selection criteria and prioritized sites
- The District selected two sites: the Loxahatchee Mitigation Bank in SE Florida and the Corkscrew Bank in SW Florida.

The Loxahatchee Mitigation Bank

- Located in Palm Beach County, Florida.
- 1,254-acre parcel located within the ecologically significant East Coast Buffer, adjacent to the Arthur R. Marshall Loxahatchee National Wildlife Refuge.
- The Bank ultimately will result in the restoration of degraded wetlands within the historic limits of the Florida Everglades.

SFWMD Mitigation Banking Program

- SFWMD issued a Request for Proposal for private entities to own and operate the mitigation banks
- Tetra Tech selected as the successful bidder for the Loxahatchee Mitigation Bank
- SFWMD/Tetra Tech entered into a contract for the operation of the Loxahatchee Mitigation Bank

Implementing the SFWMD's restoration objectives with a public / private contract

- Tetra Tech will:
 - Design, permit and construct the mitigation bank
 - Restore the land/ecosystems
 - Maintain the land until final success is reached and the land is turned over to the SFWMD
 - Fulfill regulatory reporting responsibilities
 - Market and sell mitigation credits
 - Establish a long term management fund
 - Provide a revenue stream to the SFWMD from the sale of credits to permittees in the local watershed

Implementing the SFWMD's restoration objectives with a public / private contract

- The SFWMD:
 - Conducted real estate acquisition and filed the conservation easement
 - Assisted Tetra Tech through the permit process
 - Continues to support Tetra Tech with the regulatory agencies
 - Will assume long term management of the site after final success is reached
 - long term management is funded by Tetra Tech

Benefits of Mitigation Banking

- Stronger likelihood of successful mitigation
- Mitigation occurs prior to impacts being offset
- Ecosystem is restored, habitat is created, land is protected
- Long term maintenance fund is established by the Banker

Benefits of Mitigation Banking

- The Banker assumes the financial, technical and operational risk in the project
- The public entity receives ecologically restored habitat and a long term management fund
- The public entity receives a revenue stream

Thank you.

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