

# County In-Lieu Fee Mitigation Project

## Use of Land Resources White Paper

Onsite mitigation is the most logical when it can be done, since the wetland damage is compensated for in the functional watershed. Offsite mitigation can take different forms, such as a "mitigation bank," or an "in lieu fee mitigation area."

A mitigation bank is typically undertaken by a private sector entrepreneur (mitigation bank) for a profit. <u>An area is located and wetland functions are restored, created or enhanced. When the work has been completed the mitigation bank is allowed to sell credits</u>.

In-Lieu Fee (ILF) mitigation is an approach to mitigation where a permittee pays a fee to a third party instead of conducting onsite mitigation or buying credits from a wetland mitigation bank. It provides the same replacement of wetland functions as a mitigation bank except that the <u>work is done as funds are collected</u>.

The entity proposing to operate the ILF program must be a government agency that has demonstrated a long-term:

- Understanding of the natural resource functions,
- Financial commitment,
- Management obligation, and
- Oversight by both Federal and State of Florida agencies.

The fee charged by an ILF represents reimbursement for operations only, no profit. Mitigation fees collected from one permittee's project are combined with fees collected from other permittees' projects to generate the funds to create the ILF mitigation area.

The greatest benefit of the ILF mitigation operation is that it can be custom fitted to a natural resource area or location that needs restoration, and can be utilized by the public for a direct impact. The second benefit is that it does not require local tax dollars to operate. It is funded by development dollars collected. A third benefit is that money spent by a local government on "outside mitigation banks" can be redirected to remain in the local area.

Big Cypress Basin is isolated from the Everglades and Everglades Area. Within this functional watershed, various forms of matter, including water, are in constant cyclic flow. Through these processes, an abiotic (non-living) template of air, water and soil exists, upon which life can exist. The physical template of the functional watershed structure is ultimately determined by varying combinations of climatic, geomorphic and hydrologic processes.

Considered together, the natural biodiversity of plants, animals and microbes functions in many ways to enhance the health and quality of life enjoyed by human society. In view of the likely continued population growth, and the resultant alteration of the functional watershed's fragile natural ecosystem, greater efforts must be made to conserve biodiversity as a natural and essential treasure and consider what our biocapacity is locally. A good start point would be to discuss what it is for our functional watershed.

Focus must shift from efforts to maintain existing ecological conditions toward the challenging task of managing—or even facilitating—inevitable system transformations. Management strategies must be robust enough to cope with a wide range of possible conditions and must incorporate multiple opportunities for adjustment in response to variability and change—monitoring, experimentation and a capacity to evaluate and modify management actions.

#### Conclusions:

An ILF Mitigation Program would have the potential to create several large-scale conservation projects throughout the functional watershed. Once an inventory of natural functions was completed, it would be possible to streamline the mitigation of wetland resources to create less of a demand on the government agencies involved and save developers time in planning for traditional mitigation projects. We must decide:

- Is the use of out-of-county commercial mitigation that violates the "no-net-loss" proper mitigation for wetland impacts? Or would a county ILF Mitigation Program be a better use of the mitigation funds?
- Is the traditional mitigation of "in kind" wetland resources a better ecological model, because it seeks replace an ecologically habitat similar to the original impacted wetlands?
- Would historic flowway restoration be the best fit?
- Is the ILF program better for ecological services or should we continue to pursue traditional mitigation of "in kind" wetland loss?

### The county has:

- Reviewed the geo-spatial and temporal database of the Horsepen Strand Conservation Area phase I study.
- Performed enhancements needed to conduct hydrologic-hydraulic modeling and evaluation of the existing stormwater conveyance, retention and hydroperiod functions of the study area—Map area.

#### What it hasn't done:

- No focus on the connectivity of wetland features between the Golden Gate Main Canal and Faka Union Canal.
- No Surface and Groundwater Integrated Model—an integrated hydrologic/hydraulic model of the study area must be developed at a grid scale of approximately 500 feet utilizing the input data and boundary conditions of the Collier County Existing Conditions Model developed for the Collier County Watershed Management Plan.
- Alternatives or recommended plans:
  - a. Develop preliminary engineering and design drawing for the hydraulic features included in the recommended plan including preliminary cost estimates.



b. Develop an in-lieu fee mitigation program implementation strategy that includes funding and participating agency responsibilities. The implementation strategy for the recommended plan must include a preliminary environmental assessment to demonstrate the benefits and impacts to be required for a conceptual level of environmental resource permitting.

It might be time for an Interlocal Agreement with Big Cypress Basin for hydrology and Collier Soil and Water Conservation District as the land manager.

Where do we begin? Rewrite the Atkins Report so that it delivers the preliminary engineering to obtain US Army Corps of Engineers approval as an ILF Mitigation Program—Task 3 of their Statement of Work.