

Public Input Meeting

Proposed Central New York Wetland Mitigation Bank

March 20, 2017

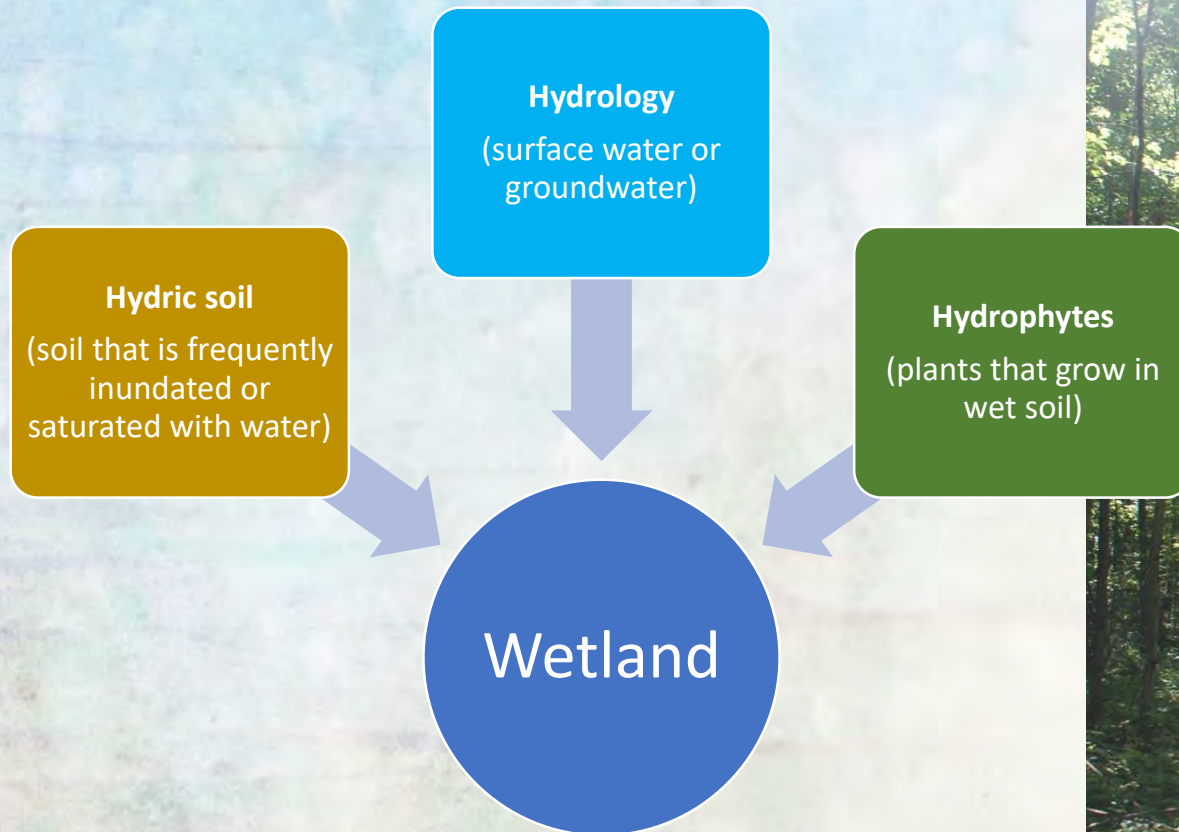


WORKING LANDS
INVESTMENT PARTNERS, LLC



*What in the world is **wetlands** mitigation?*

What is a *wetland*?



What are wetland *benefits*?



- Flood and storm control
- Wildlife habitat
- Groundwater protection & recharge
- Recreation
- Pollution treatment
- Erosion control
- Education and research
- Open space and aesthetic value
- Nutrients for freshwater food cycles
- Fish nursery grounds and sanctuary

What is *wetland mitigation*?

- Wetlands are protected by federal and state laws
- Proposed impacts to wetlands must be avoided, then minimized
- Unavoidable impacts must be ***mitigated***, or compensated for
- Accomplished by wetland creation, restoration, enhancement, and preservation
- Goal is no net loss of wetland functions and values (benefits)
- Mitigation plan developed through federal and state permitting processes



A circular inset image on the left side of the slide shows a wetland bank. The bank is covered with fallen branches, leaves, and debris. The water is murky and reflects the sky. The background of the slide is a light blue sky with soft, white clouds.

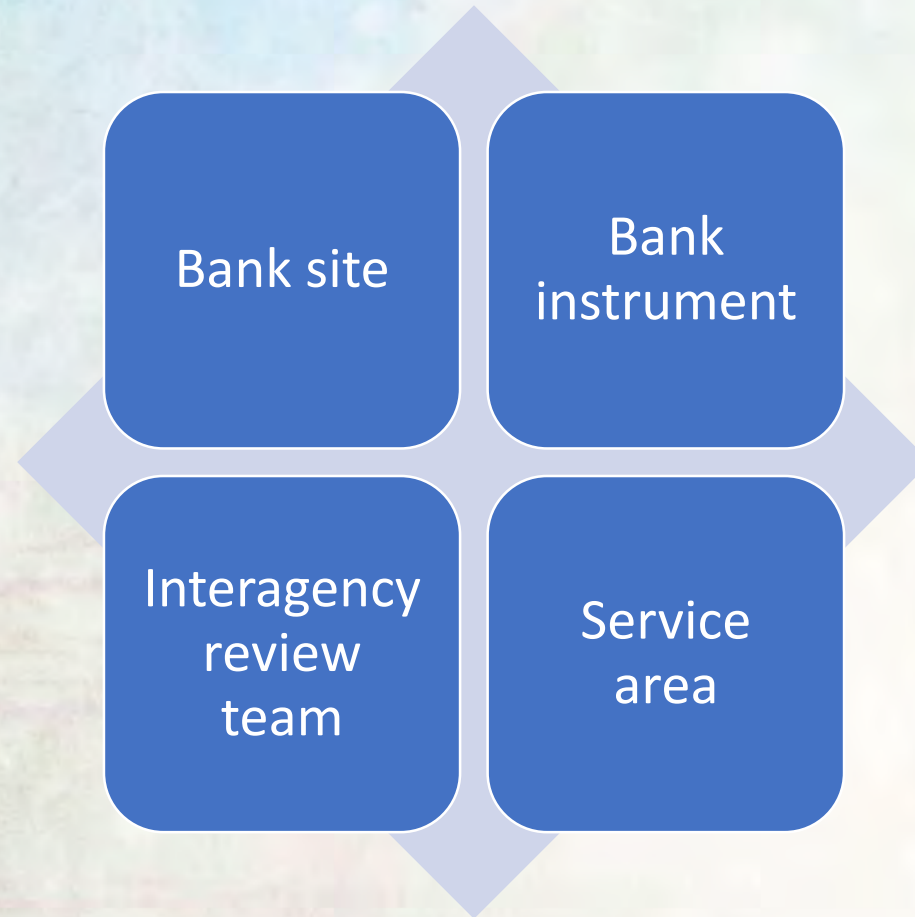
What is a wetland mitigation bank?



Federal definition of wetland mitigation bank

A wetland, stream, or other aquatic resource that has been restored, established, or (in certain circumstances) preserved for the purpose of providing compensation for unavoidable impacts to aquatic resources permitted under Section 404 or a similar state or local wetland regulation. A mitigation bank may be created when a government agency, nonprofit organization, or other entity undertakes these activities under a formal agreement with a regulatory agency.

4 distinct components of a mitigation bank



Bank site



- Physical acreage restored, established, enhanced, or preserved

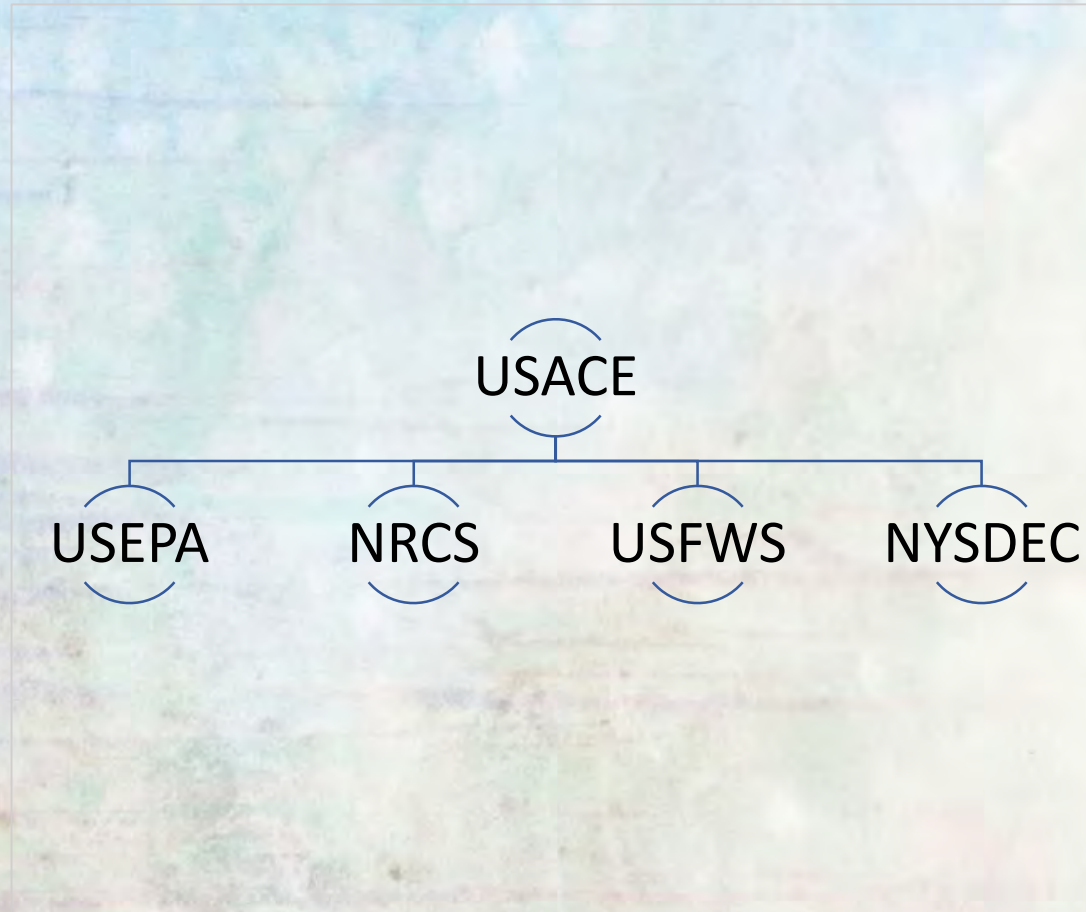


Bank instrument

legal agreement between bank owners and regulators

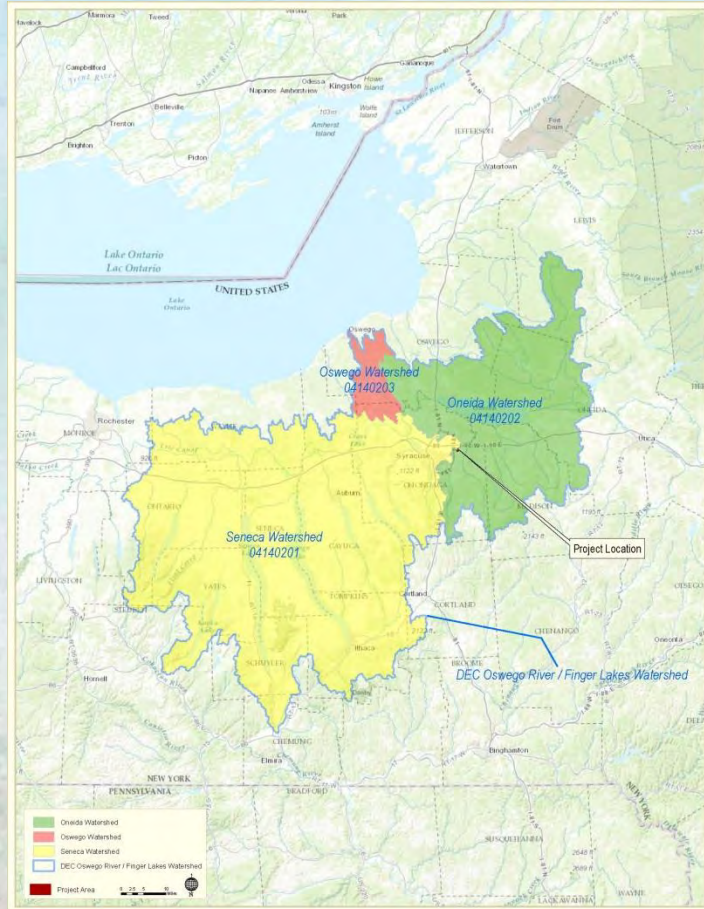
- Bank name, location, sponsor
- Bank objectives
- Site selection factors
- Proposed service area
- Sponsor's legal responsibility
- Site conditions
- Mitigation work plan
- # and type of credits
- Site protection instrument
- Financial assurances
- Performance standards
- Monitoring and reporting plan
- Credit release criteria
- Accounting procedures
- Maintenance plan
- Adaptive management plan
- Long-term management plan
- Default provisions
- Bank closure plan
- And more!

Interagency Review Team



- Team that provides regulatory review, approval, and oversight of bank
- Chaired by US Army Corps of Engineers
- Other members include US Environmental Protection Agency, Natural Resources Conservation Service, US Fish and Wildlife Service, and NYS Department of Environmental Conservation

Service Area



- The geographic area in which permitted impacts can be compensated for at a given bank (watershed approach)
- Proposed service area for CNYMB is Oswego River/Finger Lakes Watershed
- Analysis of USACE-issued permits in proposed service area 2010-2013 identified estimated need for 5 acres/year of compensatory wetland mitigation

A circular inset image on the left side of the slide shows a natural wetland scene. It features a shallow stream with a sandy and rocky bed, surrounded by dense vegetation and fallen branches. The water is slightly rippled, and the surrounding area is covered with fallen leaves in shades of yellow, orange, and red, suggesting an autumn setting. The background of the slide is a light, textured blue-grey.

*How does wetland mitigation
banking work?*

Here's how it works

Instead of multiple small mitigation projects ("permittee-responsible")...

Applicant	Impacted Wetlands	Mitigation Required	Mitigation Plan
A	0.5 acres	1.5 acres	Onsite
B	0.6 acres	1.2 acres	Offsite
C	1.2 acres	2.8 acres	Onsite

Mitigation banking creates fewer, larger mitigation projects

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A	0.5 acres	1.5 acres	CNY Bank
B	0.6 acres	1.2 acres	CNY Bank
C	1.2 acres	2.8 acres	CNY Bank

Process and timing for approval to develop a bank

This proposal is currently in Phase I of the process required to receive approval to create a wetland mitigation bank. The bank instrument will identify the timeframe for establishing and operating the bank, if approved. A 10-year timeframe can be estimated to construct the bank, meet performance standards, and sell the credits. The site will then be managed in perpetuity to protect the resource.

Compensatory Mitigation Rule Timeline for Bank or ILF Instrument Approval*

		Event	# of Days**	
Phase I		Optional Preliminary Review of Draft Prospectus	30	DE provides copies of draft prospectus to IRT and will provide comments back to the sponsor within 30 days.
		Sponsor Prepares and Submits Prospectus ~DE must notify sponsor of completeness w/in 30 days of submission~		
Phase II	Day 1**	Complete Prospectus Received by DE		
	Day 30	Public notice must be provided within 30 days of receipt of a complete prospectus	30	
	Day 60	30-Day Public Comment Period	30	
	Day 90	DE must provide the sponsor with an initial evaluation letter within 30 days of the end of the public comment period.	15	DE distributes comments to IRT members and sponsor within 15 days of the close of the public comment period.
Phase III		Sponsor Considers Comments, Prepares and Submits Draft Instrument ~DE must notify sponsor of completeness w/in 30 days of submission~		
	Day 1	Complete Draft Instrument Received by IRT Members		
	Day 30	30-day IRT comment period begins 5 days after DE distributes draft instrument to IRT members	30	
	Day 90	DE discusses comments with IRT and seeks to resolve issues ~ # of days variable~	60	Within 90 days of the receipt of a complete draft instrument by IRT members, the DE must notify the sponsor of the status of the IRT review.
Phase IV		Sponsor Prepares Final Instrument ~Sponsor provides copies to DE and all IRT members~		
	Day 1	Final Instrument Received by DE & IRT		
	Day 30	DE must notify IRT members of intent to approve/not approve instrument within 30 days of receipt.	30	
	Day 45	Remainder of time for initiation of dispute resolution process by IRT members	15	IRT members have 45 days from submission of final instrument to object to approval of the instrument and initiate the dispute resolution process.
INSTRUMENT APPROVED/NOT APPROVED, or DISPUTE RESOLUTION PROCESS INITIATED				

EPA/Corps draft 4/02/08

Total Required Federal Review (Phases II-IV): ≤225 Days

*Timeline also applies to amendments

**The timeline in this column uses the maximum number of days allowed for each phase.

Examples of existing banks



Advantages of mitigation banking

as compared to traditional permittee-responsible mitigation

- Greater certainty about outcomes
- Extensive financial, planning, and scientific resources
- Reduced permit processing times
- More cost-effective mitigation
- Efficient use of agency resources in review and compliance monitoring



Disadvantages of mitigation banking



- Pay to Pollute?
- Social Justice?
- Bankers skip town?
- Loss of wetlands?
- Other concerns?

Examples of on the ground results

2005



2009



2011



Ecological Restoration: Before, During, After




After




A circular inset image on the left side of the slide shows a wetland bank. The bank is covered with fallen leaves in shades of yellow, orange, and red, along with some green vegetation. A large, fallen log lies horizontally across the middle of the bank. The background of the slide is a light, hazy image of a wetland area with water and distant trees.

*Why is a wetland bank being
proposed for Central New York?*



Economic development is linked to environmental stewardship

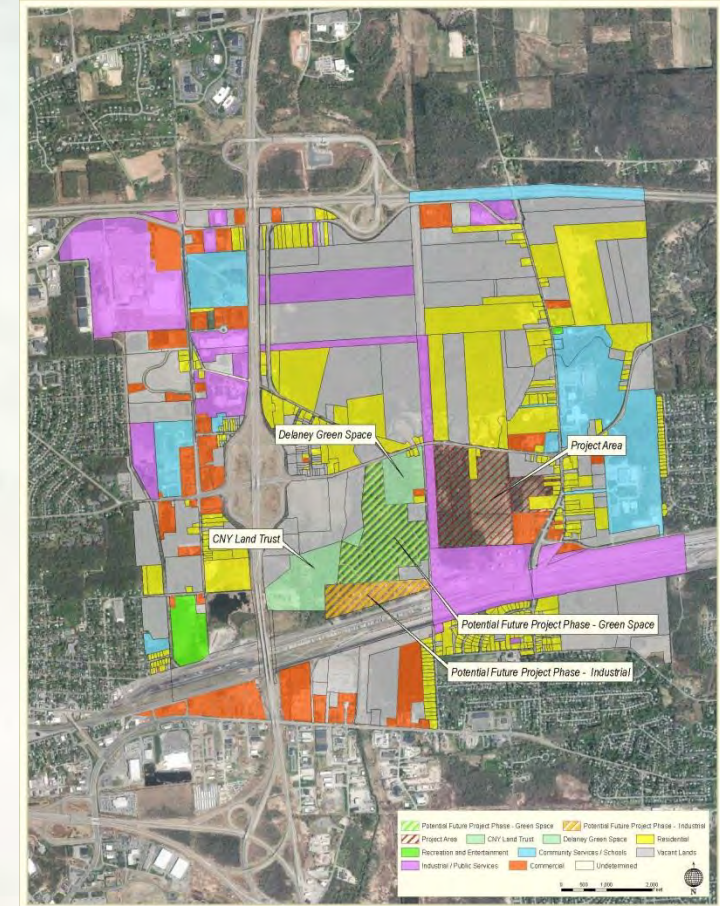
- Demand analysis indicated an estimated 5 acres/year of compensatory mitigation needs in watershed service area
- Local development plans and proposals also suggest potential need for wetland mitigation
- DeWitt Industrial Development corridor requires offsets for actual economic development – see map
- Proposed site lends itself to ecological restoration
 - Degraded wetland ecosystem

A circular inset image on the left side of the slide shows a stream with fallen leaves and branches. The water is murky and brown, reflecting the surrounding environment. The stream is bordered by a dirt bank with some green vegetation and fallen leaves. The background of the slide is a light blue sky with soft, white clouds.

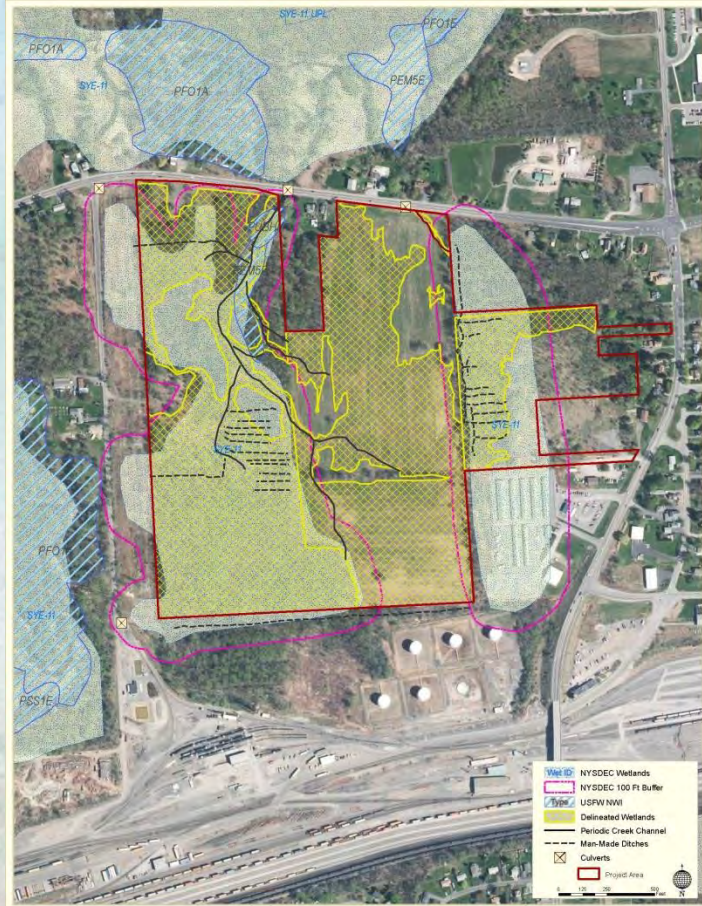
*What are the characteristics of
the proposed pilot project?*

Site & Setting Description

- 90-acre site
- Bordered by:
 - Kirkville Road
 - Residential/commercial lots along Fremont Road
 - CSX rail yard
 - Girden Road/utility easement
- 66-acre site west of Girden Road holds Butternut Creek stream corridor

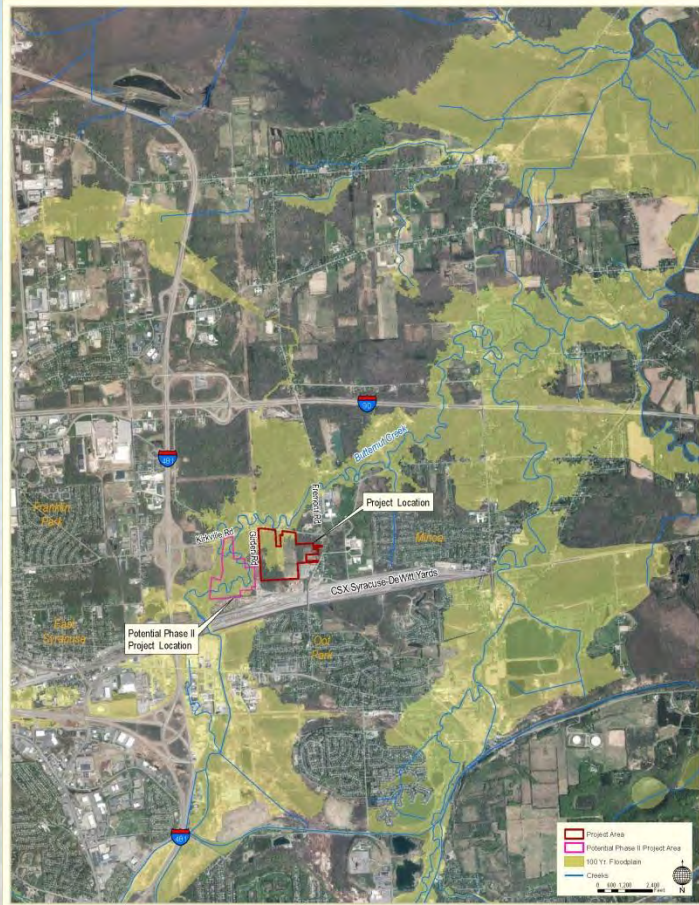


Most of existing site currently wetlands



- Wetland delineation completed by AES in 2015 & 2016
- 64.6 acres of wetlands mapped
- Two portions of a large NYSDEC regulated wetland onsite
- Central agricultural area – has emergent wetlands
- Natural and man-made drainages throughout site

Site Characteristics



- In Butternut Creek floodplain
- Potential habitat for federally protected bat species
 - Endangered Indiana bat maternity roost site within 225 yards of site
 - Threatened northern long-eared bat winter hibernaculum located within 5 miles
- Four state-protected native plant species onsite
 - Black Alder, Turtle-heads, Cinnamon fern, Royal fern



Restoration Opportunities

Examples of wetland degradation and restoration



Examples of wetland degradation and restoration

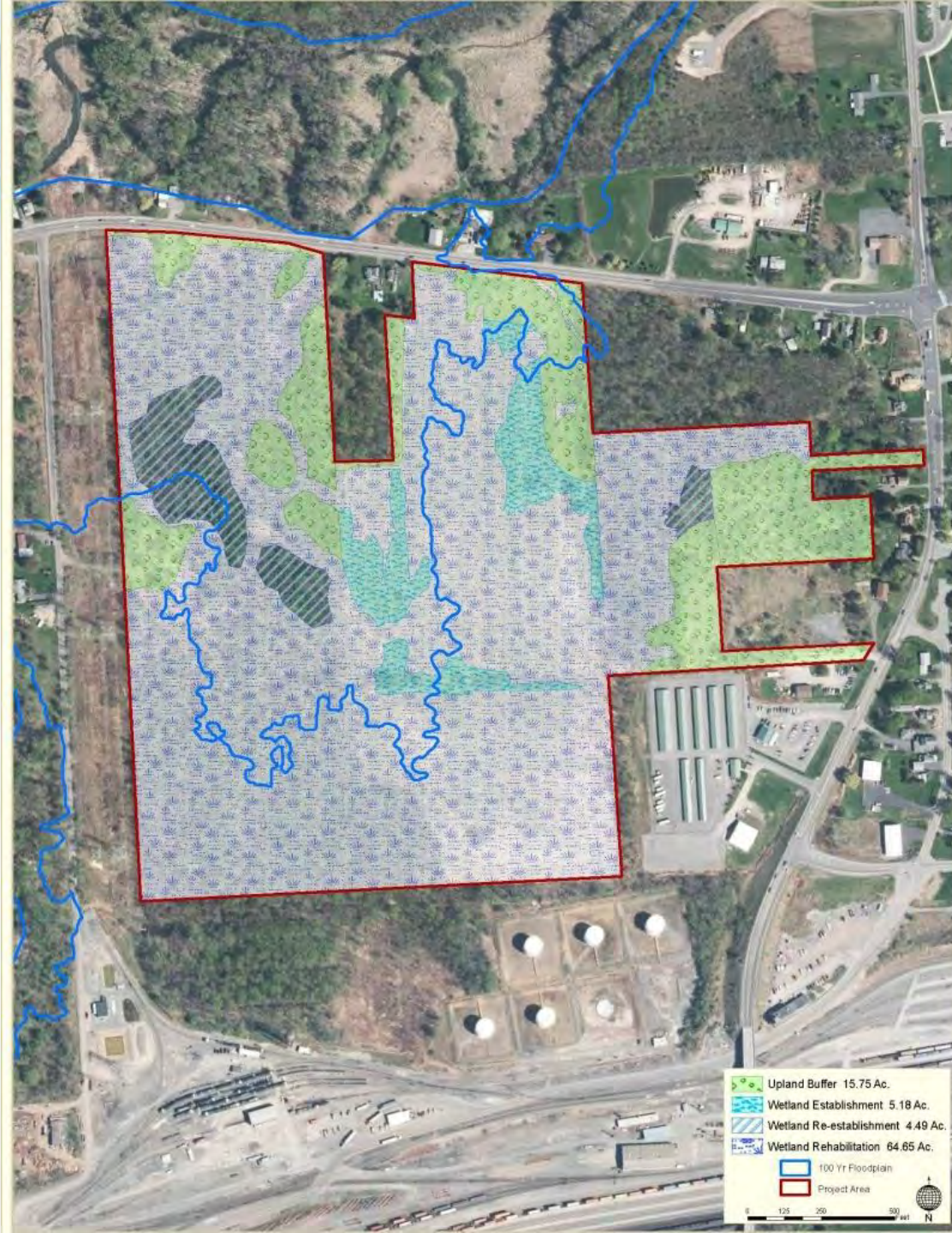


Examples of wetland degradation and restoration



Restoration Opportunities

*Most of the area in the proposed mitigation bank site is in wetlands. Opportunities for **wetland rehabilitation** – or improving wetland functions – exist throughout the site. In some areas, opportunities to **create new wetland areas** or **re-establish wetlands** that have been drained or filled also exist. **Upland buffers** can also be created or enhanced.*



Restoration Opportunities

Drainage ditches have been used at the proposed mitigation bank site to drain the wetlands. Plugging ditches would allow for restoration of hydrology.



Restoration Opportunities

There are dump sites in both the eastern and western wooded wetland areas that are regulated by the NYSDEC. Cleaning up the dump sites would allow for a healthier wetland ecosystem.



Restoration Opportunities

*Invasive species are found throughout the proposed mitigation bank site—shown here, common reed (*Phragmites australis*) in emergent wetland in central agricultural field at the proposed mitigation bank site. Removal of invasive species and native species plantings would improve the quality of wildlife habitat provided by the wetlands.*

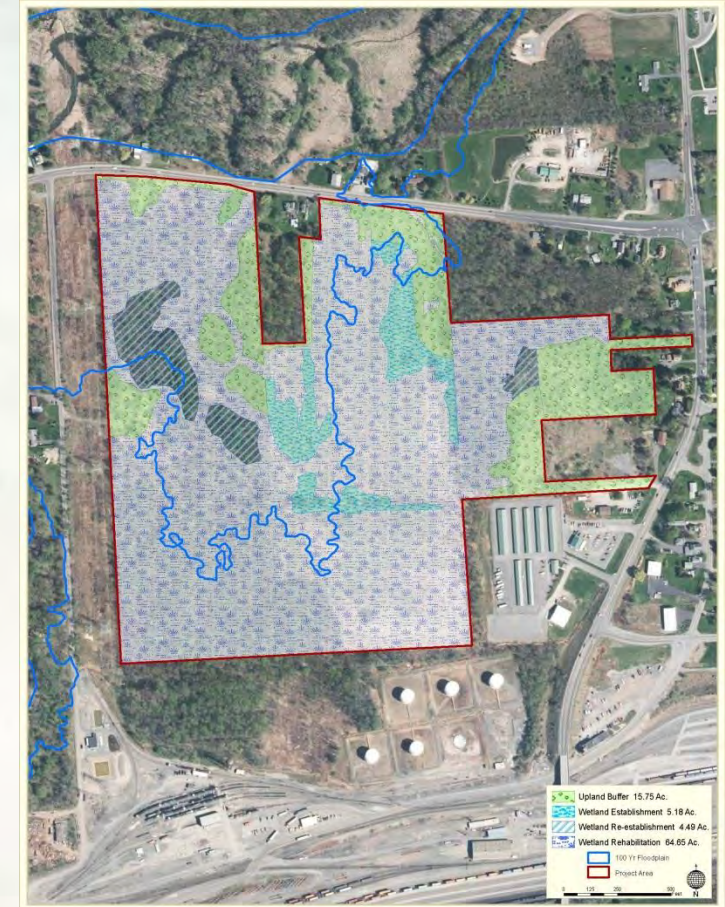


A circular inset image in the top-left corner of the slide. It depicts a small stream or creek flowing through a wooded area. The water is shallow and clear, reflecting the sky. The banks are covered with fallen leaves in shades of yellow, orange, and red, along with some bare branches and twigs. The background of the slide is a light, pale yellowish-green color.

Potential Development Scenarios

How will the ultimate use of this site be determined?

- This proposal is for use of the site as a wetlands mitigation bank
- Formal process for approval of a wetlands mitigation bank has begun
- Any other type of development proposal for the site would require separate federal, state, local approvals/permits
 - Clean Water Act Section 404, National Environmental Policy Act, New York State Freshwater Wetlands Act, New York State Environmental Quality Act, other
- There are no other active proposals at this time



A circular inset image on the left side of the slide shows a stream with fallen leaves and branches. The water is murky and brown, reflecting the surrounding environment. The leaves are mostly yellow and orange, indicating autumn. The branches are dark and tangled. The background of the slide is a light, hazy landscape with a body of water and distant hills.

Public Input Opportunities

Next Steps for Public Input

- Formal process to gain approval for a wetlands mitigation bank has begun
- Please provide comments to be considered
 - Comment cards available tonight
- An additional 30-day comment period will be provided this spring
 - Advertised via public notice
- Please check box on sign-in sheet if you want to be on public notice mailing list



PLEASE USE THE SPACE BELOW TO TELL US YOUR COMMENTS REGARDING THE CENTRAL NEW YORK MITIGATION BANK

NAME (PRINT) _____

ADDRESS (PRINT) _____

Please leave your comments with the meeting conductors, email or mail your comments to:

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Comments, Questions, Discussion

THANK YOU FOR PARTICIPATING!