

Presenter	Blair Goodman Tidewater Environmental Services, Inc.
Type	oral presentation
Category	Policy and Regulation Changes
Title	<i>Application of the New Mitigation Rule in South Carolina – Lessons Learned and Still Learning</i>
Abstract	<p>On April 10, 2008, the US Environmental Protection Agency and US Army Corps of Engineers issued new guidance for mitigation for unavoidable impacts to waters of the US. The mitigation rule has been far-reaching in its effects to projects that require mitigation and how mitigation is accomplished. Agencies, private companies, and non-profit organizations continue to adapt to the new regulations as the Interagency Review Team determines how the regulations will be applied within the US Army Corps District. In particular, the application of the mitigation rule has significant effects on the timelines and costs of mitigation banks that were not approved prior to July 9, 2008, the deadline for mitigation banks to be “grandfathered” under the previous mitigation guidance. Through the ongoing development of stream and wetland mitigation banks in South Carolina, the presentation will cover the lessons learned in relation to the mitigation rule. For example, while the mitigation rule outlines twelve components of a complete mitigation plan, four have emerged as key components: site selection (including watershed approach), mitigation objectives, performance standards, and monitoring requirements. The presentation will discuss the connection between these components, including the extent of baseline monitoring and watershed knowledge necessary to successfully implement these components in a mitigation plan. With anecdotes and information from ongoing mitigation projects in South Carolina, the presentation will address “real life” timelines and the planning required for approval of mitigation projects. A final objective of the presentation is to initiate discussion of the variability of the mitigation rule as it is applied in other Districts in the Mid-Atlantic Region.</p>