

WETLAND RULES WORKGROUP

January 9, 2007

Meeting Notes

Attendance: copies of the sign in sheets are available on request

Meeting Materials Available on the Website:

1. John Mack's Power Point presentation (not yet available)
2. Mick Micacchion's Power Point presentation

Questions/Comments and Solutions identified by the stake holders during the wetland group meeting:

Issue A: Ohio EPA Staffing and Skills

1. How will these indices be practically applied in the regulatory program?
2. Are Ohio EPA permit reviewers qualified to evaluate VIBI and Amphibian IBI reviews, both in the office and in the field?
3. Will the 401 regulators be sufficiently trained to understand the IBI's?
4. OEPA needs to have in place the personnel to adequately verify/review IBI's scores prior to implementation.
5. Enforceability!

Solutions identified by the stake holders to address the above questions or comments:

1. Increase fees for staffing.
2. Training, retention, increase expertise and coordinate with other agencies.
3. Money for research.
4. Keep it scientific, not just a regulatory program.
5. Develop guidance documents and standard forms.
6. Standardize the format and worksheets (use same set of submittal)
7. A single regulatory person should evaluate the worksheet. (Quality Assurance by consistent review from regulatory perspective)

8. EPA increase fines (monetary penalty)
9. Government funded person.
10. Speed up learning curves.
11. Increase staffing level to carry out this program.
12. Increase training for 401 coordinators (expert and project management)
13. EPA do all the mitigation project and get funding for it (centralized program to do it all)
14. Standardize permit conditions.
15. Funded positions to review documents.
16. Develop a certification program (certification to do the work)
17. Training certification.
18. Simplify the program so everyone understands up-front.
19. Review regulatory program by external customers.

Issue B: Skills of Regulated Communities

1. Skill levels needed to perform and understand various IBI's is extensive. This raises concerns for compliance.
2. IBIs need to be usable by a broad range of technically capable consultants.
3. QA/QC in process- how will this be addressed?

Solutions identified by the stake holders to address the above questions or comments:

1. Certification for consultants and communities.
2. Training opportunities.

Issue C: Policy and Regulations (How it will be applied to regulatory documents)

1. Who defined what amphibian (or sensitive species) habitats had regulatory

significance?

2. The system is too complicated and the relationships between the parts have not been fully thought out, i.e. relation of TALUs to data required in permitting.
3. Science shows that mitigation and especially mitigation banks don't work. Antidegradation is not being met.
4. Will the USACE adopt these practices?
5. What if Sandy Ridge was evaluated by a broad metric? In other words, this area of science is too new to be put into rules.
6. How will IBI and TALUs be used to address TMDL's issues?
7. It seems that use of VIBI and Amphibian IBI is subjective, which is difficult to plan for permitting, especially when permit applications are to include the proposed mitigation.
8. Will the VIBI scoring ranges for the TALUs change as further data is collected, becoming a moving target for mitigation?
9. Need to develop IBI's for mitigation wetlands that compares successful mitigation to new mitigation.
10. IBI just a good tool to measure - does not necessarily mean that the mitigation wetland will perform as required.
11. Application of VIBI targets for site by site.
12. I am not in agreement that these metrics are fully capable of measuring mitigation parameters. Not comparing apples to apples.
13. Has consideration been made to collection of more data prior to placing these rules into affect?
14. If the IBIs are required (proposed) to monitor and measure health of mitigated wetland, why not require them for the initial wetland assessment for impacted wetland. This way, you would truly be replacing what is lost.

Solutions identified by the stake holders to address the above questions or comments:

1. This is a solution to evaluate mitigated sites.
2. Incorporate better tools.

3. Standards to compare mitigated wetlands with wetlands that are impacted (apple to apple comparison)
4. Collaborative efforts to look at the design sites.
5. Input from Ohio EPA to provide feedback on the evaluation/sites.
6. Document the experience that Ohio EPA staff have (share knowledge and learn from past experience).
7. Identify evaluation criteria up-front (mitigation)
8. Identify the 401 permit, add on to 404 report.
9. Leave it the way it is.
- 10.2 agencies (OEPA & COE) coordinate and collaborate on permit conditions and mitigation reports (impact).
11. Revert to higher standards if OEPA & COE requirements conflict (whichever is higher).
12. More clarification on policy.
13. No VIBI for mitigation.
14. Trajectory goal, monitoring goals for 5 years.
15. Simpler measures for mitigation and ensuring that it is in a wetland.
16. Government to buy the land.

Issue D: Cost and Timing

1. Cost to conduct monitoring activities.
2. More time will be needed and this contradicts the directions from the legislators to speed up the process.
3. Time and costs associated with performing the detailed IBI studies.
4. Impact to permitting schedule.
5. Is there a need for these detailed studies? Much of the data gathering is time and labor (therefore cost) intensive. Do the benefits of the data out weight the

costs or could simple, less-costly studies be done to obtain the same or similar results?

6. Please explain how the program will work if some evaluations can only be performed successfully at certain times of the year, i.e., Amphibian IBI.
7. We should be able to set useable mitigation goals based on ORAM and not have to do VIBI.
8. Cost associated with using VIBI or Amphibian IBI for mitigation monitoring, both money and time.
9. There should be a simpler Level 3 metric (e.g. FQAI) that can be applied more efficiently.
10. How has OEPA accounted for the cost, both externally and internally, of the proposed VIBI and Amphibian IBI evaluations?
11. Has there been an analysis of the costs associated with using these new metrics and associated mitigation requirements?
12. Do these methods represent the most cost effective, efficient way by which to monitor wetland mitigation success?

Please note that solutions for this topic will be explored at a later point of the process since this topic is common for all other criteria.

The following information from last year (2006) was identified during the meeting:

- 23 isolated wetland permits
- 94 404 permits
- 284 acres of mitigation
- Cost increase from 2004 to 2006: \$16,000/acre to \$24,000/acre

Next meeting on March 13 at ODOT facility (main entrance, Room GA)