

MITIGATION RATIO

1. Lacks the value/function of the wetlands/water quality
2. How buffers fit into ratio
3. Will the Corps accept ratios with buffers, etc.
4. Took incentive off on-site mitigation
5. Layout – credit for creating buffers
6. Put more emphasis on protection urban wetlands
7. Do we accomplish no net loss if we allow preservation/buffers
8. Need flexibility to go outside 14 digit HUC
9. Hard to find mitigation location within 14 digit HUC
10. No incentive to do mitigation first
11. What is the incentive to enhance versus just preserve
12. If cannot preserve cat 1 wetlands, why can mitigate with a cat 1
13. Avoidance versus preservation
14. After the fact mitigation/permit ratio's not addressed
15. Should not say upland buffer required
16. More credit mitigation closer to 14 digit HUC
17. Specify what due diligence is to find remediation site
18. MORPC will be working in central Ohio to find possible mitigation locations
19. Incentive – mitigate first
20. Incentives to mitigate in 14 digit HUC (specifically urban watershed)
21. See surrounding States' ratios

UPLAND BUFFER

1. Keep focus on water quality, not upland buffer – land management
2. How much is enough – distance
3. Internal islands – should count
4. Credit for buffer around an avoided wetlands in (B)(2)
5. “Good” buffer – do not use qualitative language
6. Have an appendix that describes what the qualitative terms mean
7. How to mitigate 1:1 for larger wetlands
8. Language should avoid jurisdictional issues

IN-KIND VERSUS OUT-OF-KIND

1. EPA – intent to expand definition of in-kind
2. For low-marginal quality wetlands, ratio should be less if we provide a higher quality wetland
3. Encouraging out-of-kind: higher cost, increase incentive by lowering the ratio.
4. Definition of in-kind does not include preservation – it should
5. How would this system function in future compared to what you are doing now? (EPA will probably allow out-of-kind a lot).
6. In one ODOT project, many wetlands of all different categories can be impacted. How would a mitigation plan to satisfy Ohio EPA be developed?

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7. Will the new system really support the riverine system? I support the in-kind systems (would the new system be practical and achieve the water quality goals/standards?)
8. Provide flexibility in performance criteria/standards. (Hard to predict due to the biological nature of the system; develop a contingency plan.)
9. Would there be a separate class for wetland mitigation? (Performance standards)
10. D2 – compelling economic reasons could be used to push toward out-of-kind, if not clear who and what.
11. Parameters should not be a moving target – it creates a dangerous game (another argument is to allow for goals to move – flexibility for performance)
12. Definition is wide open. Object to cost situation – if you can afford it, then mitigate it. Wording is not clear. Object to wording – if you can afford to impact it, then you could afford to mitigate it.
13. Can the new system/rule make it more difficult to go to bank? (C2C) – match the criteria for each bank . . . river bank ... (different tier approach before exploring mitigation banking opportunities).
14. Are you saying that new banks will require new mitigations of out-of-kind?
15. Approximately 60% of northwest banks require Level 1 mitigation.
16. Financially, it is difficult to have banks in every watershed unless you allow people to use them.
17. By less flexibility and more complicated rules, we will impact development in Ohio; development is important for Ohio.
18. Is MBRT doing anything to facilitate the process to provide a bank in each zone/district (14)?