



# WETLANDS MITIGATION:

## Acting Proactively in North

**A**ll coastal resource managers recognize the value of wetlands, which do everything from filtering pollution before it reaches streams and rivers, to protecting communities from floodwaters, to providing a breeding ground for fish and wildlife. The challenge is in balancing the need for economic development, which can impact wetlands, with protecting and enhancing the environment.

### What is different for each state is how to accomplish this mitigation.

The Clean Water Act requires all states to provide compensatory mitigation to replace unavoidable loss of wetland functions. Compensatory mitigation is defined as, "the restoration, creation, enhancement, or in exceptional cases preservation of wetlands and/or other aquatic resources."

What is different for each state is how to accomplish this mitigation.

North Carolina's Ecosystem Enhancement Program is being cited as a "national model" for wetlands mitigation. The program has received numerous national awards for innovation and was recently cited as one of the nation's top 50 innovative new government programs by a prestigious innovation-in-government competition.

What makes the Ecosystem Enhancement Program stand out, says Bill Gilmore, the program's director, is that it "partners with resource agencies in a capacity that goes beyond pure regulation" to address environmental impacts "proactively, not reactively."

#### Establishing Procedure

The Ecosystem Enhancement Program was established in July 2003 when the North Carolina Departments of Transportation, and Environment and Natural Resources, along with the U.S. Army Corps of Engineers, signed a memorandum of agreement to establish the program's procedures.

The program, housed under the Department of Environment and Natural Resources, uses existing state Board of Transportation funds to offset the unavoidable impacts of highway construction, and other infrastructure and economic development, "years in advance of when the compensation is needed," Gilmore says.

Other sources of funding, such as in-lieu fee payments, help the program accomplish additional goals, such as producing "the most environmentally beneficial mitigation possible" by focusing on the preservation and restoration of the highest-quality areas along impaired streams and rivers, he says.

Gilmore notes that program staff members and contractors are working with an expansive network of local and regional

conservation agencies and organizations to "assess, restore, enhance, and preserve natural resources throughout the state," and are working with local partners to develop and implement detailed watershed plans for the state's threatened or degraded watersheds.

For a nominal fee, developers, mitigation banks, and "anyone who needs compensatory mitigation" also can tap into the program's expertise and relationships with regulators to help fulfill their requirements.

#### Sharing the Numbers

According to the numbers provided by Tad Boggs, the organization's director of communications, the Environmental Enhancement Program's unique approach to compensatory mitigation is working.

In the two years since the program came on line, it has successfully worked with public- and private-sector partners to "set aside more than 30,000 acres for future generations, protecting 170 miles of streams and about 7,000 acres of wetlands," notes Boggs.

He adds that "an additional 11,000 acres of preservation areas are earmarked for protection and are under negotiation with landowners."

To protect water quality and enhance watersheds, the program and its private-sector partners are carrying out nearly 400 active restoration projects. These projects have so far resulted in 780,000



Photos courtesy of North Carolina Ecosystem Enhancement Program

# Carolina

linear feet of stream restoration and about 7,600 acres of wetland restoration, Boggs says.

He notes that the program has been working with local partners to bring 30 watershed plans to completion, or near completion.

## The Road to Success

A gauge that staff members are particularly proud of, Boggs says, is that since the program's inception, "not a single road-building project has been delayed because of mitigation problems."

"The program's mitigation efforts have helped to move forward nearly \$1.5 billion in road projects at a cost of about \$36 million—about 2.3 percent of the value of the projects," he says.

This is particularly important because it was delays of North Carolina Department of Transportation projects that were one of the impetuses for the program's creation, Gilmore explains.

During the mid-1990s, when mitigation was required for a road construction project, the Department of Transportation "planned, designed, and constructed mitigation sites themselves," Gilmore says. As a result of this "project by project" mitigation strategy, the state agency "started falling behind on major construction activities."

In 1997, the state founded the Wetlands Restoration Program under the Department

of Environment and Natural Resources. This wetlands-oriented mitigation program was "available to anyone who needed assistance with mitigation," Gilmore says.

Initially, both departments' mitigation programs functioned independently with different operating processes. In 1999, the Wetlands Restoration Program began assisting the Department of Transportation with its mitigation projects, but permit delays for transportation projects continued.

## A New Model

To address this situation, about 20 people representing state and federal agencies and other interest groups attended a weeklong cooperative process-improvement workshop in 2001.

"What came out of that workshop," Gilmore says, "was a gap analysis," which identified the need to address temporal loss of wetlands, and suggested replacing permit-by-permit mitigation with a more streamlined process that would provide mitigation in advance of project impacts. The group also recommended the state undertake comprehensive watershed planning and combine program management to create one comprehensive mitigation program.

Government officials spent two years developing a framework for implementing what would become the Ecosystem Enhancement Program.

## Accolades

Gilmore believes the program has "done pretty well. Overall, I think the program has succeeded."

Others seem to agree. Earlier this year, the program received the annual Environmental Excellence Award from the National Association of Environmental Professionals, and was cited as one of the nation's top 50 innovative new government programs by the Innovations in American Government Awards committee, which is sponsored by the Ash Institute for Democratic Governance and Innovation at Harvard University's Kennedy School of Government, and the Council for Excellence in Government in Washington, D.C.

The program's concept already had earned a 2003 award for innovation from the National Association of Development Organizations and has been recognized by the Federal Highway Administration for outstanding environmental stewardship, and as one of 15 Exemplary Ecosystem Initiatives nationwide.

What has led to the program's success, Gilmore says, is having the "mutual respect of and working relationships with the regulatory community and all the shareholders."

He adds, "The bottom line comes back to relationships. You have to tell what you are going to do and then do what you said." ❖

For more information on North Carolina's Ecosystem Enhancement Program, point your browser to [www.nceep.net](http://www.nceep.net). To view the memorandum of agreement, go to [www.nceep.net/images/Final%20MOA.pdf](http://www.nceep.net/images/Final%20MOA.pdf). You may also contact Bill Gilmore at (919) 715-1412, or [Bill.Gilmore@ncmail.net](mailto:Bill.Gilmore@ncmail.net).

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