



*County of Gloucester
Codes Compliance Office - Environmental Programs
P. O. Box 329
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MEMORANDUM

To: Garrey Curry, Asst. Co. Administrator for Community Development; Site Plan Coordinator

From: Scott Rae, Environmental Programs Administrator

Subject: Executive Summary request- Wetlands Banking, "York River Wetlands Bank"-generated emails

Date: February 04, 2014

Recent emails have been broadly distributed among York River municipalities regarding the York River Wetlands Mitigation Bank (YRBank). Staff has prepared the following summary to provide base information and additional resources.

The YRBank is located in Hanover County. Similarly available 'banks' include the [Middle Peninsula Environmental Properties, Inc.](#) located in Gloucester and the [Pamunkey Farms Wetland and Stream Mitigation Bank](#) located in New Kent. Each of these banks used the consulting firm of Williamsburg Environmental Group (WEG) to assist in either administration or development; the broadly received email was from representatives of WEG.

The creation of wetland mitigation banks is permitted under a multi-jurisdictional approval group of state and federal entities that include the Army Corps of Engineers, Marine Resources Commission, Department of Environmental Quality, and more, to include local reviews typically performed (zoning, site plan, erosion and sediment control, etc.).

Wetland bank coverage areas, also referred to as watersheds, are identified by a hydrologic unit code (HUC) that is a multi-digit number identifying the water body within which they drain. Gloucester is in the York River watershed and the Bay Coastal watershed (Piankatank River and Mobjack Bay). The number is principally important for state and federal 'accounting' purposes.

Wetlands are distinguished primarily as tidal and non-tidal with varying qualifications of sub-wetlands under each. Development that may impact wetlands during construction must demonstrate through the permit process that those impacts be 1) avoided, 2) minimized, 3)

abated, 4) offset with purchased wetland credits or 5) offset through payment of an in-lieu fee. Wetland mitigation banks trade on 'credits' wherein the value of each wetland subcategory maybe considered against the value of another wetland.

Some local public projects have participated or proposed to use wetland mitigation banking. The Page School site has completed the process and the Public Utilities facility yard anticipates working through the process. The purchase of credits is a formal documented process resulting in the exchange of deeds for a fee between the purchaser and provider. Credits can be purchased on a per-acre, per-square foot, or per-credit with rates set by the market.

Gloucester County, under the review and administration of the Board of Supervisor appointed Wetlands Board, may authorize tidal wetland impacts resulting from approved shoreline erosion control projects. Board authorization is predicated upon the applicant's payment of an *in-lieu* fee; a fee in-lieu of purchasing a credit for the development of a wetland area. This option is only available to applicants if they can effectively show that the impact from the development project could not be avoided, minimized, or otherwise abated (wetland creation on an area near or adjacent the project site).

The in-lieu fee process was established for small impacts that would not generate enough income to a wetland bank for the deed process or areas in which a wetland bank had not yet been created. Accumulated in-lieu fees paid to Gloucester County are absorbed into the General Fund with the presumption that the funds will eventually be used for wetland restoration, enhancement, or similar improvements. The Gloucester County Wetlands Board has worked hard to permit projects without resorting to the in-lieu fee. In-lieu fees approved during county budget adoption refer to the market-rate of wetland impacts as varying between \$12 - \$15 per square foot of impact.

A good general explanation of the wetland mitigation process from the owners of the wetlands mitigation bank located in Gloucester may be found at the following web link: http://middlepeninsulaenvironmentalproperties.com/wetlands_mitigation.php.