

South Carolina Mitigation Association

Membership Quarterly Meeting

March 12, 2020 | 10:00 AM

Location: South Carolina Department of Transportation Headquarters, Columbia, SC

South Carolina Mitigation Association Members Present:

First Name	Last Name	Company Name	Email Address
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Adrienne	Graham	SCMA	agraham@capconsc.com

I. Opening

Allan Conger, president, welcomed everyone to the Quarterly Meeting of the SC Mitigation Association (SCMA) and noted that Doug Hughes and about 14 others had joined by telephone.

This meeting was in coordination with the SC Department of Transportation (SCDOT) at their facility.

Mr. Conger announced that SCMA was now managed by Capitol Consultants with Adrienne Graham serving as the Executive Director. Capitol Consultants will handle financials, meetings, record keeping, and communications including the website. This will allow the officers and Executive Committee to focus on the issues vital to the organization.

Mr. Conger acknowledged the current situation of COVID-19 just asking that everyone manage themselves within this context and be safe.

II. Presentation by SCDOT Environmental Services Staff

- Mr. Vince McCarron, GIS and Mitigation Analyst with SCDOT, presented the Advanced Mitigation Program. Mr. Sean Connolly and Mr. Jeffery Schwalk of SCDOT were also present to field questions. The upcoming solicitation is expected to include four watersheds, namely: Middle Pee Dee, Lower Savannah, South Fork Edisto, and Salkehatchie/Combahee. SCDOT is looking for the best fit for project management for this solicitation. Within each of the four watersheds, there will be solicitations for three separate ‘Lots’ for each watershed resulting in 12 awards total. Lot A is a required response for every bid; Lots B and C are optional. Each Lot will have a wetland and a stream credit need; companies must include both. The winners will be the low bids in terms of total wetland and stream cost, not individual stream or wetland credit costs.
- SCDOT did review solicitations from other states but created this unique approach with a different structure. Other states will be watching the process.
- This solicitation will address longer term demands. Lot A credits will be bought by SCDOT immediately as the credits become available. Lots B and C credits may be purchased further out within the 5-year period. The mitigation credits in Lot A are included in the Secretary of Transportation’s long-term plan.
- This is a competitive bid process. Although everyone is required to submit for Lot A to have the possibility of winning Lots B and C, it is possible to win B or C and not win A. It is not required to submit on Lots B and C.
- DOT anticipates purchasing all A, B and C credits eventually through the five-year awards. Companies are only held to the credit demands they submit. SCDOT will take Lot A credits down as soon as they are available. B and C credits are locked in at set rates, but are not necessarily guaranteed to be purchased.
- SCDOT has funds for Lot A credits in the near future. After these credits are sold and SCDOT is reimbursed, the SCDOT anticipates to have funds to purchase credits in remaining lots. A member of SCMA described this as an award and options contract.
- All projects in Lots B and C are part of a ten-year plan. There is no guarantee but the Lots are in the plan. Lots A, B, and C are independent amounts.

- Providers will be under contract to provide the credits. There will be 12 awards. Lot A credits are guaranteed. Based on the availability of funding, more credits will be called down. The funding from sources like the State Funds was meant for projects such as this.
- Damages for non-delivery of bank credits with the contractually-obligated time frame are expected to be incorporated will be associated with all contract for all Lots. Providers will have to calculate risk into their bids. SCDOT is working on a structure that will vary for each option.
- When asked about the timeline, Mr. McCarron responded that the Lots B and C credits will be required as fast as SCDOT could build bridges and roads.
- The awards will terminate in 2025. SCDOT is aiming for mid-May awards on all Lots. The dates for which credits must be available for Lot A will be clearly defined. Dates for Lots B and C may not be as clear.
- The solicitation will have all terms and conditions explained. The provider will guarantee credits at the price in the bid. SCDOT will buy the credits from Lot A when they are available but by a specific due date. SCDOT does not guarantee the purchase of credits from Lots B and C.
- SCDOT will release other solicitations during the time frame of this program. Some of these solicitations may use alternative funding.
- Mr. McCarron discussed the suggestions made by SCMA in November, including:
 - Timeline
 - Length of solicitation
 - Teaming
 - Service area
 - Future demand
 - Responsibility

SCDOT feels they have addressed these suggestions in this solicitation and presented the following information in a PowerPoint Presentation

- **Timeline** for credits to be delivered:
 - Middle Pee Dee 2021
 - Lower Savannah 2022
 - S. Fork Edisto 2022
 - Salkehatchie and Combahee 2022
 There was a Middle Pee Dee solicitation last year so it is first in the timeline for the new solicitation.

- **Estimated length of solicitation:** Bids will be due 60 days after the release of the solicitation. Lot A credits generally due after two years. The projects will end in five years. SCDOT would like to see the MBI two years from the award date.
- **Teaming** is welcome in the form of joint ventures, consortia, partnerships, and limited liability corporations. However, teams may not split the credits due for a Lot. One company must produce all the credits for one Lot and a partner company may produce the credits for another Lot.
- **Service Area:** IRT will provide guidance for all of the service areas. Additional service areas are allowed as approved by the IRT.
- **Future demand** will be published statewide and include the range of impacts with a GIS mapping-based presentation linear footage and acreage at some time in the future. SCDOT will publish these demands and keep them up to date. List of future projects will also be published, and may include county-funded projects if completed under SCDOT. For this solicitation coming up, there are specific projects identified for Lots A, but not for B and C.
- **Responsibility** - SCDOT is transparent and reaching out for information and impact. They believe the solicitation requirements are realistic. Documentation is important; land control must be documented as part of the upcoming solicitation.

SCDOT Q&A

- SCDOT expects to release the solicitation in two to three weeks.
- SCDOT originally stated a 45-day turn around. However, after further discussion with SCMA members, SCDOT may agree to 60 days (The sixty-day timeline was used in the SCDOT timeline graphic).
- Please contact Vince or Sean at SCDOT now with any questions. After the solicitation is released, please submit questions in writing and an amendment will be released to the public answering these questions and providing any other information.
- The SCDOT presentation ended at 11:00 AM.

III. SCMA Announcements

- Mr. Conger continued the Quarterly Meeting announcing changes in the Executive Committee this year as well as the agreement with Capitol Consultants previously discussed.

- There are changes coming from IRT and the Corps of Engineers. Members should please contact the SCMA committees with ideas. SCMA is a voice to the industry especially with changes to the SOP. Agencies are listening and soliciting input.
- The dates for the Quarterly Meetings for the year will be released soon.
- SCMA will use the website more moving forward. Communications, such as meeting notes, will be posted in a timely manner.

IV. Report from the SCMA Technical Committee

- Mr. Chris Ryan from Passarella & Associates presented a report from the SCMA Technical Committee (reference handout).
- The Charleston District recently underwent a peer review for all permitting and jurisdictional determinations (JDs); the report is forthcoming. The Corps is working to require fewer formal requirements for Approved JDs (AJDs). They will start issuing more ‘No Permit Required’ (NPR) letters, although they may require a delineation review.
- They are also looking to revise the language for Preliminary JDs (PJDs).
- They will start using an electronic submission policy doing delineation concurrences (DC), but unsure how DCs will be viewed (by other Governmental bodies) versus JDs.
- There has been a new General Permit added for impacts to freshwater wetlands adjacent to tidal wetlands. Nationwide Permits (NWP) will be reissued in 2020, two years earlier than anticipated, in order to make NWPs more consistent across the country.
- The updates to the District Standard Operating Procedure (SOP) for stream and wetland mitigation are still in progress, which will include a single-credit methodology for both streams and wetlands.
- It’s not known at this time how these SOP changes will affect existing banks.
- There is a stream and wetland working group formed of federal and state agencies that are involved in the update. David Wilson has indicated that the USACE will present the new SOP to SCMA before it goes to public notice. A draft wetland SOP may be done by the end of this year, while the stream update, potentially involving a Stream Quantification Tool (SQT), will happen no earlier than next year (2021).

- Mr. Conger mentioned that the Technical Committee will focus on the SQT. If anyone has any experience with this in other states, please contact the Technical Committee.

V. Final Announcements

- Ross Nelson reminded the membership to pay their dues. Mr. Conger added that this professional association provides significant value and asked those members currently paying at a lower level to consider upgrading to a Voting Member.
- Sean Connolly brought up that SCDOT is planning on hosting a Transportation and the Environment Conference in the fall (perhaps November); the location has not been set, but could be Charleston, Columbia, or Greenville. Advanced mitigation will be on the agenda. The conference will bring together nine different transportation agencies throughout the South.

Adjournment

The meeting adjourned at 11:26 AM.

Attachments:

SCDOT Power Point Presentation

Technical Committee Handout