

**South Carolina Mitigation Association**  
Executive Committee  
Meeting Minutes  
September 8, 2020

**Opening**

The regular meeting of the Executive Committee of the South Carolina Mitigation Association was called to order at 9:00 AM via Zoom by Allen Conger, SCMA President.

Attending:

Allen Conger  
Tara Disy Allden  
Tommy Cousins  
Doug Hughes  
Daniel Johnson  
Kristin Knight-Meng  
Ross Nelson  
Sydni Redmond  
Ryan Smith  
Jack Smith  
Adrienne Graham

**I. Approval of Previous Meeting Minutes**

Daniel Johnson made a motion to accept the minutes of August 11, 2020. Tommy Cousins seconded the motion, which carried.

**II. Financial Report**

Ross Nelson reviewed the financial report noting cash assets were over \$100,000. Expenses have increased as a result of bringing Capitol Consultants on as a management firm, but Mr. Nelson commented that he thought hiring them was a very good decision. All other expenses are in line with what was expected for the year. Adrienne Graham will follow up again with Stantec on their membership and send contact information to Allen Conger for the other outstanding membership invoices. Mr. Nelson will close the TD Bank account as soon possible. Ms. Graham noted financials included the bank statement and reconciliation reports.

Mr. Conger challenged the Executive Committee to propose conferences, after the pandemic restrictions have ended, that the SCMA may participate in to solicit membership and to demonstrate to stakeholders that we are actively participating in the mitigation community.

**III. Quarterly Meeting**

- Mr. Johnson has confirmed Lorianne Riggin with SCDNR and Greg Jennings with Jennings Environmental PLLC to speak at the October 28<sup>th</sup> meeting at 10:00 AM. They will introduce the statewide Stream Quantification Tool (SQT) development funded by an EPA grant and describe the upcoming revisions to the IRT's stream Standard Operating Procedure (SOP), which should incorporate the SQT. Ms. Riggin may reach out to David Wilson (USACE) to

call in to answer questions on the revisions to the stream SOP. They also will discuss the recently published South Carolina regional curves, which Dr. Jennings will present.

- Mr. Johnson will solicit questions in advance of the Quarterly Meeting to provide to speakers. The Executive Committee should send these to Mr. Johnson to screen and send to the speakers.
- Mr. Johnson will send Ms. Graham a brief description of the presentation for an eblast for the meeting by next week.
- The meeting will be for members only.

#### **IV. Member Care**

- Mr. Conger solicited the Executive Committee for any suggestions about any additional services the SCMA should be providing to demonstrate value.
- The SCMA's budget should be spent "wisely and best" to get its name out there at regulatory and technical events to show good value.
- The Executive Committee should submit ideas to Mr. Conger and Ms. Graham about ideas to promote the Association.

#### **V. Old Business**

- The SCDOT Partnership meeting was held August 11 and the minutes were posted on the website member's only section. Ms. Graham sent them to the Executive Committee during the meeting.
- One highlight of the meeting with SCDOT was the discussion about the Catawba Basin culvert replacement project for mitigation that SCDOT is initiating. One important question is whether this proposed mitigation by SCDOT is functionally equivalent and if everyone within the State are being held to the same standards.
- Following the SCDOT meeting, Mr. Nelson spoke about his company's (American Mitigation) consulting arrangement with SCDOT to develop the program, write the prospectus document and the MBI. The SCDOT solicited costs from several organizations through procurement prior to contracting with American Mitigation. SCDOT was upfront that they did not intend to use this to supplant mitigation bank credit. It is more of a tool to be used when credits are not available in a watershed to offset impacts for small projects. The project will be a single-client in-lieu fee (ILF) program - the SCDOT will both manage the program and be the only user of the credits produced by the program. This project will serve the Upper Catawba, Lower Catawba and the Wateree watersheds. This combination of watersheds was chosen because the Southeast Aquatic Resource Partnership (SARP) had listed it as a high priority basin for culvert replacement.
  - Mr. Nelson confirmed the SCDOT normally cannot put conservation easements on private land but the way SARP and US Fish and Wildlife Service view this type of activity is that there is a benefit accrued by the entire system when you reconnect streams that are otherwise disconnected. Therefore, they support a credit methodology that would allow for a credit production about 1,000 feet up and down downstream of the culvert crossing even if it is occurring outside of the SCDOT right-of-way. The ILF prospectus should go on notice in about a month.
  - Doug Hughes recommended another discussion on the impact of using these credits in certain situations. Mr. Ross confirmed he spoke to the SCDOT about adhering to the mitigation hierarchy and they agreed it would be followed. This project is a stop gap for the SCDOT if and when a situation arises, and they do not have credits available. The mitigation community must monitor and ensure the SCDOT follows the language in the hierarchy. The SCDOT seems to want to develop a tool that allows them to use

- maintenance funds for projects that have ecological benefit to generate credits that they can use in situations where projects are being delayed because credits are not available.
- The SCDOT used the ILF format as a result of their available funding source and the Corps pushed them towards using this structure.
- Mr. Nelson will recuse himself when the SCMA comments on the project.
- There is language in the prospectus that will allow for an advance credit release but the SCDOT is prepared to implement three projects immediately upon approval of the program so in essence there would not be an advance credit release.
- In the areas where the SCDOT manipulates the stream itself, the credits will be similar to the credits a mitigation bank would produce. It may be slightly less credits per foot due to the lack of private easement protection. The benefit is the information that is coming out of SARP on how much stream benefit accrues to replacement of the undersized culvert. Mitigation providers should push for maximizing the net benefit to the entire system even if it extends off our projects.
- The SARP has a methodology for assessing culvert conditions in the Southeast. The SCDOT is working with them to develop a scoring sheet on pre and post survey to show the stream is set up and is functioning. This feeds into the credit methodology and will be the standard.
- Instream work will be on a case-by-case basis.
- Mr. Conger commented that consistency is crucial in all aspects of the mitigation process.
- Mr. Nelson said it is possible that this program will be monitored and, if successful, will be a model for other DOTs in the US. The SCMA should stay involved in the program.
- Another discussion point at the SCDOT meeting was the level of credits expected of the solicitation. The SCDOT stated the solicitations were at the level they intended.
- Mr. Conger said the SCDOT wants to hear from the SCMA before the solicitation.
- The forthcoming SCDOT demand model will allow the mitigation community to see the anticipated credits.
- Mr. Nelson asked at what point does the Association provide a formal response to the SCDOT on the way they are procuring these credits. He suggested that after this round of solicitations, the SCMA pull together a list of comments and suggestions for the SCDOT to review before the next round in a formal letter. Mr. Conger said the Partnership Committee will take the lead on this response.
- In other old business, Mr. Johnson will send the draft letter for the U.S. Army Corps of Engineers back to the working group today (related to on-site preservation where there is a reduction in the mitigation requirements for preserving onsite wetlands).
- The organization chart has been revised with the Executive Committee's comments. Mr. Conger and Sydni Redmond will continue to work on the Partnership Committee. Mr. Nelson volunteered to serve on the Partnership Committee. The organizational chart will be sent to the membership and posted in the member's only section of the website asking for other members to become involved.
- The SCDOT meetings will continue on a bi-monthly basis.
- Mr. Conger asked the Executive Committee to provide proposals for the fee structure at the October meeting. This will also be discussed at the Quarterly Members Meeting. This must be in place prior to invoicing in December. The primary issue is the non-voting fee level. This was created for members that will not pay for the \$1,000 level but wanted to participate.
- Tara Alden will reach out to Chris Ryan to have the Technical Committee discuss changes in delineations as a result of the WOTUS rules.

**VI. Adjournment**

- Mr. Nelson made a motion to close the meeting at 10:10 AM. Mr. Johnson seconded the motion, which carried.

Next Meeting: October 13, 2020 at 9:00 AM.

Minutes submitted by: Kristin Knight-Meng

Approved by: Executive Committee 10.13.2020