



## Exchange

June 21, 2012

12:00 Noon to 4:00 PM

### EDC Exchange for Local and Tribal Agencies In Lieu Fees, Mitigation Banking and Local Discussion for MassDOT Wetlands Initiatives

In projects that will impact waters of the United States (wetlands, for example), the permitting process under Section 404 of the Clean Water Act currently constitutes a major component of the project development and delivery process. This initiative proposes expanded use of in-lieu fees and mitigation banking in order to save time and expedite project delivery.

An **in-lieu-fee program** is an agreement between a regulatory agency (state, federal, or local) and a single sponsor, generally a public agency or non-profit organization. Under an in-lieu-fee agreement, the mitigation sponsor collects funds from an individual or a number of individuals who are required to conduct compensatory mitigation required under Section 404 or another state or local wetland regulatory program.

A **mitigation bank** is a wetland, stream, or other aquatic resource area that has been restored, established, enhanced, or (in certain circumstances) preserved for the purpose of providing compensation for unavoidable impacts to aquatic resources permitted under Section 404 or a similar state or local wetland regulation. A mitigation bank may be created when a government agency, corporation, nonprofit organization, or other entity undertakes these activities under a formal agreement with a regulatory agency.

Mitigation banks are a form of "third-party" compensatory mitigation, in which the responsibility for compensatory mitigation implementation and success is assumed by a party other than the permittee. This transfer of liability has been a very attractive feature for Section 404 permit-holders, who would otherwise be responsible for the design, construction, monitoring, ecological success, and long-term protection of the site.

*Join the Federal Highway Administration, MassDOT, other municipalities, and the Baystate Roads Program (LTAP) for: lunch, a local discussion on MassDOT Wetland Initiatives, and an FHWA webinar with discussion on In Lieu Fees / Mitigation Banking. Delivery methods will include live presentations, webinar presentations, and several interactive webinar question and answer periods. The event will be held in the Central Massachusetts Regional Planning Commission (CMRPC) Training Room at Union Station in Worcester. There is no fee to attend this EDC Exchange session, and local municipal agencies are strongly encouraged to attend. Food will be provided. Space is limited, so please register early. Webinar location:*

CMRPC Training Room  
Union Station  
2 Washington Square  
Worcester, MA 01604  
508.756.7717

### Agenda (Subject to Change)

11:30 am	Room Opens
12:00 pm	Lunch (provided)
12:45	MassDOT Wetland Initiatives
1:45	Break (Coffee, Snack)
2:00	National FHWA Webinar Part I
2:25	Local Q and A / Discussion
2:45	National Q and A / Discussion
3:00	National FHWA Webinar Part II
3:25	Local Q and A / Discussion
3:40	National Q and A / Discussion
4:00 pm	Adjourn

Please visit the Baystate Roads Program website to register for this free event:

[www.mass.gov/baystateroads](http://www.mass.gov/baystateroads)