

Mitigation

In the Face of Rising Tides

As project proponents take measures to adapt to sea level rise through additional fill, an increased need for mitigation is likely. Mitigation has generally been provided on a project-by-project basis, resulting in smaller, potentially less effective and productive restoration projects. The Commission may consider promoting more regional mitigation opportunities. This approach may provide an opportunity to create more extensive habitat restoration projects that are resilient to sea level rise.

Current Policy Approach To Compensate For Adverse Impacts:

1. Mitigation should be as close to the impact site as practicable.
2. Mitigation should be provided prior to, or concurrently with impacts.
3. Mitigation amount & type is based on:
 - Probability of success
 - Expected time delay of benefits
 - Type and quality of the ecological functions of the proposed mitigation site as compared to the impacted site.
4. Mitigation banking should only be considered when no mitigation is practicable on or proximate to the project site.

“What should mitigation achieve?”

Policy Issues

- The permitting process includes balancing impacts and benefits. With the uncertainty associated with changing conditions, this balance becomes difficult to determine.
- Some mitigation projects may not reach their goals due to sea level rise. Should the Commission intervene, and if so, what is expected lifespan of a mitigation project?
- Adaptively managed projects may require additional fill to improve resilience to sea level rise, such as in tidal marsh, yet that may require additional mitigation to compensate.
- Currently there is a preference for on-site mitigation, but at what point does regional mitigation make sense in terms of size and cost of mitigation?



Potential Solutions

- Modify or exempt mitigation requirements for habitat restoration and nature-based or green shoreline protection projects.
- Require monitoring that informs the region's understanding of how these projects are responding to sea level rise as well as adaptation thresholds and strategies to ensure the mid to long-term viability of these projects.
- Encourage regional planning via Pre-Application coordination.
- Consider establishing incentives for projects to create, or at least identify, upland migration areas.
- Amend policies to make it easier to approve mitigation after completing an ART adaptation planning process.
- Include project ecosystem service benefits such as economic (e.g., flood protection, erosion control) and social (e.g., aesthetic benefits, recreational opportunities) effects when determining mitigation requirements.



Pros / Cons

- Increased regional resilience by approaching issues based on likelihood of success rather than proximity to project impact.
- Lack of available space and variety to accommodate the regional mitigation in some areas.
- Regional scale mitigation sites may result in less restoration and mitigation in some communities.

Discussion Questions

1. Is there anything about how this issue is framed that concerns you?
2. Considering this topic only, what do you envision as a positive outcome for the region?
3. Would you identify this issue as your top priority to address in the short-term?