

SECTION 1 - Fundamental Requirements of Mitigation Banks

FUNDAMENTAL REQUIREMENTS OF MITIGATION BANKS in the State of Florida

The following are the minimum requirements that will be used by the Mitigation Bank Review Team (MBRT) during their initial evaluation of all mitigation bank proposals. It is important for prospective bankers to take note that mitigation bank proposals failing to meet any one, or more, of the following requirements are not likely to receive federal or state authorization as a mitigation bank.

Pursuant to Chapter 373 Florida Statutes, and the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks, the applicant must provide reasonable assurance that the proposed mitigation bank:

- 1) will improve ecological conditions of the regional watershed;
- 2) will provide viable and sustainable ecological and hydrological functions for the proposed mitigation service area;
- 3) will be effectively managed in perpetuity;
- 4) will not destroy areas with high ecological value;
- 5) will achieve mitigation success;
- 6) will be adjacent to lands that will not adversely affect the perpetual viability of the mitigation bank due to unsuitable land uses or conditions;
- 7) will meet the requirements of all other applicable state or federal law;
- 8) will be implemented to ensure that any surface water management system constructed, altered, operated, maintained, abandoned, or removed within the mitigation bank will meet the requirements of state and federal law;
- 9) applicant has sufficient legal or equitable interest in the property to ensure perpetual protection and management of the land within a mitigation bank; and,
- 10) can meet the financial responsibility requirements prescribed for mitigation banks.

It should be noted that the Florida MBRT discourages the establishment of a mitigation bank based solely on exotic plant removal. This is due primarily to the inability of a bank of this type to adequately compensate for the loss of a suite of wetland functions which normally occurs at an impact site.