



STATE PROPERTIES COMMISSION

47 Trinity Avenue, S.W., Suite G02 Atlanta, Georgia 30334

POLICY

TITLE: SPC 07 - Land Management: Saltmarsh Mitigation Credits to State Agencies

ADOPTED: December 11, 2012 (Effective: January 1, 2013)

REVISED:

1. References

O.C.G.A. § 50-16-61 (Governor's Power to Regulate Public Property)

O.C.G.A. § 12-5-280 (Coastal Marshlands Protection Act of 1970)

2. Definitions

(a) Saltmarsh Mitigation Banks: Under Section 404 of the U.S. Clean Water Act, unavoidable impacts to saltmarsh wetlands require compensatory mitigation (restoration, enhancement, establishment/creation, or preservation of the aquatic resource) to replace the functions lost through development and other impacts. Mitigation banks are permitted and administered by the Army Corps of Engineers (COE) with guidance from the Environmental Protection Agency, and are the most common method of compensatory mitigation.

(b) Saltmarsh Mitigation Credits: Credits generated by a mitigation bank as determined by the COE which quantifies the functions or acres restored or created by mitigation activities; the amounts and releases of credits are verified through milestone achievements and preservation of the aquatic resource, and may include site visits.

3. Purpose

Describe how State departments, agencies, and authorities will seek saltmarsh mitigation credits

4. Policy Statement

When the State allows restrictions on State-owned tidally influenced properties such that a mitigation bank is permitted by the COE, and the State in fact establishes, constructs, operates, maintains and monitors a saltmarsh mitigation bank, credits may be released by the COE. Agencies that have development impacts to saltmarsh wetlands require the compensatory mitigation under the Federal Clean Water Act.

A State department, agency or authority's request for saltwater mitigation credits shall be submitted to SPC, which will gather necessary information for presentation to the Governor's office for approval.

- (a) State department, agency, or authority sends a written request to the State Properties Commission care of SPC Executive Director, 47 Trinity Avenue, Suite G-02, Atlanta, Georgia 30334.
- (b) The request shall name the mitigation bank and permit number, have a county map and an area map showing the location of the mitigation bank, the number of credits requested, and the reason/need for and timing of the credits requested by the State entity.
- (c) The Governor or his/her designee shall issue a letter to the department, agency, or authority responding to the request for credits.

5. Attachments

Attachment 1: O.C.G.A. § 50-16-61

Attachment 2 O.C.G.A. § 12-5-280

O.C.G.A. § 50-16-61

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*** Current Through the 2014 Regular Session ***

TITLE 50. STATE GOVERNMENT
CHAPTER 16. PUBLIC PROPERTY
ARTICLE 3. GOVERNOR'S POWERS GENERALLY

O.C.G.A. § 50-16-61 (2014)

§ 50-16-61. General supervision and office assignment

The Governor shall have general supervision over all property of the state with power to make all necessary regulations for the protection thereof, when not otherwise provided for. He shall assign rooms in the capitol to all officers who are required to hold their offices there and, in the absence of any legislative provision, designate the purpose to which other rooms shall be applied.

HISTORY: Orig. Code 1863, § 71; Code 1868, § 65; Code 1873, § 62; Code 1882, § 62; Civil Code 1895, § 123; Civil Code 1910, § 146; Code 1933, § 91-402.

O.C.G.A. § 12-5-280

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*** Current Through the 2014 Regular Session ***

TITLE 12. CONSERVATION AND NATURAL RESOURCES
CHAPTER 5. WATER RESOURCES
ARTICLE 4. COASTAL WATERS, BEACHES, AND SAND DUNES
PART 4. COASTAL MARSHLANDS

O.C.G.A. § 12-5-280 (2014)

§ 12-5-280. Short title

This part shall be known and may be cited as the "Coastal Marshlands Protection Act of 1970."

HISTORY: Ga. L. 1970, p. 939, § 1; Ga. L. 1992, p. 2294, § 1.