



STATE PROPERTIES COMMISSION

270 Washington Street, Suite 2-129, Atlanta, Georgia 30334

POLICY

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

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

REVISED: December 12, 2017

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) Mitigation Banks: Under Section 404 of the U.S. Clean Water Act, unavoidable impacts to 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) 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 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, or 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 wetlands require the compensatory mitigation under the Federal Clean Water Act.

A State department, agency or authority may request use of any accrued mitigation credits as follows:

- (a) State department, agency, or authority sends a written request to the State Properties Commission care of the Executive Director, 270 Washington Street, Suite 2-129, 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 written response to the department, agency, or authority.

5. Attachments

Attachment 1: O.C.G.A. § 50-16-61

Attachment 2 O.C.G.A. § 12-5-280