

Meridian & ERBA Deliver Consensus White Paper to Improve Ecological Outcomes in Stream Mitigation: Leadership Roundtable

Problem Statement and Recommended Solutions Whitepaper Seeks to Encourage Innovation and Improve Ecological Outcomes in 404 Stream Mitigation after EPA Decision

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Adam Riggsbee, ERBA VP

-- Following today's informational webinar hosted by Meridian Institute and supported by the Walton Family Foundation and the Ecological Restoration Business Association (ERBA), Meridian and ERBA circulated a consensus white paper in response to the challenges ahead for wetlands and stream restoration markets. Problem Statement and Recommended Solutions for Encouraging Innovation and Improving Ecological Outcomes in 404 Stream Mitigation is now open to stakeholders in wetlands protection and stream mitigation work and policymakers.

This consensus document was developed through a multistakeholder, collaborative process, according to Meridian who brought experts together. The experts included mitigation bankers, academics, and environmental groups. "We identified agreed-upon policy and programmatic challenges in the current 404 stream mitigation market and opportunities to address and encourage innovation and better support ecologically complex stream systems," said Robyn Paulekas, senior program manager of the Meridian Institute.

"Over time, restoration markets have increasingly focused on channel form and stability instead of the suite of physical, biological, and chemical processes that support complex ecological systems," noted Adam Riggsbee, vice president of the board of ERBA. "This consensus initiative was prompted by collective recognition of how current training resources and policy mechanisms reinforce the emphasis on form and stability, limiting viable restoration approaches for 404 stream mitigation."

Section 404 of the Clean Water Act established a permitting program for the dredging and filling of navigable waters that is regulated and permitted by the U.S. Army Corps of Engineers and the

Environmental Protection Agency (EPA). "This market-based approach to restoration enables developers to purchase 'credits' for the restoration of a wetland or stream to offset the unavoidable impacts of development projects, such as road construction, public utilities, infrastructure expansion, on aquatic resources in a different location," said Riggsbee.

As a result of this legislation, many companies over the last 20 years have been involved in ecological restoration, creating an extensive restoration economy—including more than \$25B in economic output and 225,000 jobs, according to a 2015 PLOS One published study.

The Problem Statement articulates challenges that the influential group of experts engaged in the consensus process agreed upon and identified as issues that are essential to improving programmatic functions and ecological outcomes in the 404 stream mitigation market.

Key findings include:

- 1. There is a range of approaches to restore streams that can result in positive ecological outcomes in particular settings, but the full range of approaches is not being used in section 404 stream mitigation.
- 2. The current emphasis on channel form and stability for the mitigation review process can create barriers to proposing alternative approaches.
- 3. Current planning, monitoring, and evaluation overemphasize metrics tied to channel form and stability instead of the suite of physical, biological, and chemical processes which support ecological outcomes.
- 4. Current mitigation training resources do not cover a broad range of stream restoration approaches.
- 5. Existing policy mechanisms that allow the flexibility to apply a range of restoration approaches are underutilized.

The Recommended Solutions propose strategies for addressing the challenges identified in the Problem Statement. Solutions are organized into four key categories, including Learning and Training; Measuring, Permitting, and Crediting; Regional and Watershed Approaches; and Joint Guidance and/or Regulatory Guidance Letters.

The solutions associated with the fourth set of solutions, Joint Guidance and/or Regulatory Guidance Letters, are already underway. The consensus document was shared with leadership at the U.S. Army Corps of Engineers and the Environmental Protection Agency on July 10, 2023 with the hope of initiating a Regulatory Guidance Letter to support policy changes that better encourage innovation. Consensus participants remain committed to engaging the greater stream restoration community to share information from this process and further the proposed solutions.

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