

**Advisor's Group Meeting**  
**October 17, 2007**  
Tacoma Municipal Building, Room 434  
10am-3pm

**Attendees:**

Yolanda Holder  
Doug Peters  
Mary Heinrich  
Victor Woodward  
Bill Leonard  
Sarah Cooke

Carol Smith  
Theresa Dusek/Brian Coombs  
Gail Terzi  
Lauren Driscoll  
Gretchen Lux

**Facilitator:** Lauren Driscoll

**Note Taker:** Yolanda Holder

**Warm-up, Review Agenda and Revise as necessary**

The Financial Assurances discussion and the Credit Release Schedule discussion were swapped on the schedule due to numerous attendees needing to leave early today.

**General**

Gretchen asked the attendees to review the topic list [provided as a handout] and provide us with any comments, changes or additions.

**Carol:** She asked when the rule will be developed to a point to review the written documentation. If there are any issues, we would need time to review and work it out.

**Bill:** He would also like some additional time to review the written document in case there are discrepancies.

**Lauren:** We would like to develop a complete final draft document and provide it to the Advisor's Group to review, and then after we receive your comments we would then go out to CR 102 for public comment. However, if it's preferred, we could provide sections of the rule to the group as they are completed.

**Bill:** He wouldn't like the document in pieces. If you get close to a final draft, he would like to review it at that time. He would like to have approximately 1-2 months to review the document.

**Carol:** After receiving the final draft, we would need time to meet and resolve any discrepancies. A 2 month review time would provide us the time to resolve any issues.

**Bill:** How do you plan to resolve any differences as there is potential to have discrepancies?

**Lauren:** I realize that we may not come to a consensus on some topics; and if so, Ecology will make the final decision. Provide us guidance and recommendations; we will address them in the final draft. In addition to the Advisor's Group, we would like to get this out to the public to get their feedback as well. You may also comment during the public comment period.

**Carol:** Can we show both sides of any issues to the public?

**Lauren:** Yes, we could write it in such a way to show both sides.

**Gail:** We'll be coming out with the federal rule and the state rule needs to be consistent with it. We will be reviewing both the federal rule and the state rule to ensure consistency between the two documents.

**Lauren:** We'll provide the Advisor's Group a draft timeframe showing 60 days for the group to review the draft rule.

**Bill:** When you send the Advisor's Group the draft rule, be clear on what you want us to do with the document and what the MBRT is going to do with that information.

**Lauren:** Our expectation is the Advisors Group will provide us with specific draft language, as well as conceptual comments.

**ACTION:** Advisor's Group members need to send any additional discussion topics that still need to be covered to Yolanda by 10/26/07.

### **Service Area (173-700-310 to 311)**

Section 310 contains some of the process elements, similar to the federal language, this section should be based on the functions.

**Sarah:** She feels this text is written too loose, specifically the underlined text:  
173-700-310 (3) The extent of the service area must be based on the functions provided by the bank and the distance from the bank site that the ecological functions can reasonably be expected to compensate for impacts to wetlands. The department must consider the hydrologic and biotic criteria as identified in WAC 173-700-311 when designating a service area.

She made the following comments and language recommendations for 173-700-311:

1. Actual scores or categories? 173-700-311 (1) The functions provided by the bank;
2. Is there going to be an ability to break apart functions so some functions need to be mitigated on-site? 173-700-311 (2) Whether and how far the ecological and hydrological benefits of the bank extend beyond the bank site location;
3. Is maintenance of some functions not feasible on a temporal basis (sustainable)? 173-700-311 (6) The ecological sustainability of the bank site; [as identified in WAC 173-700-503 Use of credits for fish habitat and hydrologic functions \(fix title of 173-700-503\)](#)
4. 173-700-311 (9) Consideration of the types of impacts to wetlands or other

aquatic resources that may be compensated through the use of credits from the banks as identified in WAC 173-700-503 Use of credits for fish habitat and hydrologic functions (fix title)

**Victor:** The rule should be written so anyone reading the rule should be able to understand and determine what the likely service area will be.

**Mary:** Ecology or the locals should have an overview of the bank service areas. Within the application process it should be determined if there are too many credits available within one service area compared to the possible impacts within the service area. Another entity needs to determine the service area.

**Sarah:** She questions if we don't need a 'certificate of need' process. She also feels this decision should not be made by the banker, but by a separate entity using the WRIA as a starting point.

**Lauren:** Who should that entity be?

**Mary:** Ecology or someone else. It should be another entity, and not the banker that determines the service area. There should be criteria for determining if a bank is needed within an area.

**Victor:** Regarding the issue of a number of banks within a service area, he believes this will work itself out on its own, simply due to the nature of supply and demand. Usually, service areas wouldn't overlap, because there isn't the demand. A banker wants to select an area where they would be able to sell the credits.

**Bill:** For example, we wouldn't construct a bank, if there are already credits available from another bank.

**Gail:** The bankers will usually ask for one area, and then the MBRT reviews the information and determines what would be appropriate for the bank and the functions they would provide. In the past, we have used HUCs and WRIsAs to help with this decision as well.

**Mary:** She would like to see a certification process on the necessity of a bank in a specific area. She would like to see a certification process similar to a hospital; they have to ensure there is a need for a hospital in the area. We shouldn't create more wetlands than is needed in the zoning.

**Gail:** Developing a bank is the banker sponsor's risk. Just because there is a bank in an area it doesn't necessarily make a need in that area

**Steve:** He feels that if you have a bank in an area, you will have more projects permitted.

**Gail:** Just because there is a bank, it doesn't mean a project would receive an expedited permit review. The alternative analysis dictates that you do sequencing (avoidance and minimization) and the presence of a bank does not ease the need to do this.

**Gretchen:** Is the nationwide permit process different in intensity for mitigation alternatives compared to an individual permit?

**Gail:** The permit process is project manager specific, but it doesn't have to do with mitigation banks.

**Sarah:** She feels there are some functions that should not be broken apart from the impact site and sent off-site. Will there be information specified that certain functions must be kept on-site? And should this information be listed in the rule? What happens if a new project manager comes into play and they allow all functions to go off-site? Most of my concern about banking would go away if we had a process that required those critical functions to remain on the site.

**Bill:** Responding to Sarah's comment, it is not an easy thought process to jump to a bank. We go to banks with functions that can be moved off-site.

**Steve:** He doesn't feel that DOT is typical of what we would be allowing to go to banks. With respect to the current status of the CWA and the uncertainty about jurisdiction, there is no certainty about what the alternatives analysis will suffice to get to avoidance in the future.

**Lauren:** Please review section 173-700-503 of the rule and see if you have any specific language suggestions.

**Sarah:** She read text from the section.

(1) Impacts to hydrologic functions and fish habitat may not be mitigated with credits from a bank that is located in a different WRIA from the impact site, unless the permitting agency(ies) determines that the use of credits from a bank is appropriate, and consistent with all other applicable laws, including but not limited to the Endangered Species Act and local recovery plans.

(2) Generally, impacts to salmonid fish habitat and hydrologic functions should be mitigated in the same stream reach or sub-basin, respectively, as the impact site.

Why are we limiting what must be mitigated on site to fish habitat and hydrologic functions? The rule should expand to include water quality and essential wetland habitat that cannot be moved off-site (such as habitat for amphibians, and aquatic macroinvertebrates). Any essential low mobility wildlife habitat, severing corridors... We need to be sure we aren't saving something in a subdivision.

**Bill:** WQ isn't shown here and it should be. We shouldn't force someone to create a postage stamp wetland, when there is a possibility it would not survive. Protecting habitat on-site in an urbanizing environment may not get us what we want in the end.

**Carol:** She agrees with what Sarah, Steve and Bill have been saying. We need to be careful that we don't leave long stretches of critical stream corridors unprotected by allowing mitigation to all go off site. What happens to a bank site if the bank sponsor goes bankrupt, the site may not be maintained appropriately.

**Theresa:** The federal over site and individual permits – if a mitigation bank was in the Puyallup river basin by the Port of Tacoma they have been limiting the amount of projects because they don't have mitigation opportunities. With banking as an alternative the perspective will shift from avoidance during the alternatives analysis to use of bank credits.

**Mary:** Sarah is worried about separating functions. She feels extra mitigation requirements shouldn't be put on banks that aren't put on other types of mitigation. That may set up an uneven playing field for applicants.

**Sarah:** This approach is taken with other types of mitigation and she wants to ensure it's also handled within banking.

**Gail:** Water Quality functions should be kept on site. 404 is one way to ensure this happens, and Ecology has numerous processes to ensure this happens. Habitat functions may go off-site with banking.

**Victor:** There are a lot of functions that can not go off site. We should demonstrate and stipulate that some functions can go off-site. Open the flexibility to have mitigation in the best places.

**Sarah:** Hydrologic and fish issues, what about water quality and aquatic. Section 503 WQ and essential wildlife habitat that can't move off-site.

**Gretchen:** How would the language be qualified in the rule to protect the habitat?

**Steve:** Severing corridors should be addressed with low mobility species. Fragmentation should be easier to handle.

**Carol:** She agrees with Sarah and Bill. It is a complex issue and sometimes even the mobile habitat would have a difficult time to reach the off-site mitigation site. The value systems may be different for the mobile habitats along the way to this off-site mitigation site.

**Bill:** He strongly agrees with Sarah, but it will be difficult to capture the information within the rule.

**Sarah:** If it's not specified in the rule, staff without background information may not be able to fulfill the best mitigation possible.

**Mary:** She finds it difficult to believe that mitigation would properly happen on-site.

**Gail:** We need to level the playing field. If you are doing work on-site you may need financial assurances.

**Gretchen:** There are two different things to consider here – parsing out how to do mitigation and the importance of avoiding and minimizing on certain sites. What are the items that can go to a bank (off-site) and what items will be protected on-site. We don't want to protect on-site to the point that a non-functioning wetland is created.

**Bill:** He recommended language -

Water quality and quantity functions should be mitigated on-site or in-basin to the maximum amount practicable. Critical habitat functions should also be mitigated on-site to the maximum point practicable.

**Victor:** We don't know about the permits being applied for, so as a banker, this is all happening prior to the bank involvement.

**Bill:** Some of the smaller projects may not have done this first, but if we provide them a template or checklist on how they are mitigating for the different items. I'm not stating we should be getting a break for the ratio.

**Gail:** Victor has valid points, and we are writing a rule to help the process along.

**Lauren:** We want to write the rule with language that contains room for different types of projects.

**Mary:** You're putting this in the bank rule, but this information is actually for the permitted project and not for the bankers. Those permitted project entities may not be reading the bank rule. It feels like this information is in the wrong place. This appears to be asking for extra mitigation that hasn't been asked for before.

**Steve:** When an applicant applies for a permit and goes through the process, the regulator should be reading the rule.

**Victor:** Most local jurisdictions will be reading their own rule and may not be reading the banking rule.

**Steve:** Local regulators could be looking to Ecology for possible mitigation alternatives.

**Sarah:** [Insert a connector in section 311 that will refer us to 503. Also, section 503 would need to have a new title.](#)

**Lauren:** [In Section 311\(9\) - we could make a reference to 503.](#)

**Bill:** You want to ensure the rule isn't too restrictive, that projects think it's too difficult to use a bank.

**Gail:** Potential, critical functions that need to stay on site.

**Bill:** There are some functions that can go off site and some functions that can not.

**Mary:** Maybe the step is to analyze the existing bank. Can you do "X" on your bank, to mitigate for this at my project.

**Victor:** Some of these items will happen at the project time, not at the bank time. Applicants have to go through a process to see if the bank would work for them at the permit time.

**Theresa:** We don't want the rule trying to control what the locals are doing to avoid impacts. You may be able to replace the WQ issue, because the bank may be close to the impact site and it could work. [Be careful not to have the language too restrictive.](#)

**Lauren:** We can spend another 15 min. on the criteria or we can do comments and move into credit release. Let's try to finish up with service area later in the day.

Gretchen provided a handout from Sky Miller which comments on the topics left to cover. She read Sky's comments. We did spend a lot of time working on prospectus earlier in the Advisor's Group meetings. The consensus was that the prospectus should be a fatal flaws analysis. A decision on the service area would not be made at the prospectus stage, but the service area is proposed by the banker in the prospectus. The public is given the opportunity to comment during the prospectus public notice.

**Mary:** She thought the service area should be determined prior to an application being submitted. Should there be a set service area, if you had enough already you wouldn't accept more banks for a certain area. It would be part of the community planning process.

**Gail:** The feds can't say you need to go here and set-up a bank. We could tell them they should look at the viability of a bank in a certain area. The financial assurance covers if a bank fails, so it appears it's a win-win for the area.

**Steve:** It would need to be written into the GMA for the community planning process to get the level of detail of selecting sites within the area.

**Mary:** There are classifications of the wetlands. You should be able to take your soils map and the zoning. If the zoning states development, there's the potential of needing mitigation.

**Steve:** Essentially you almost have the process.

**Gretchen:** The topic of local need seems to keep coming up. Please review Section 173-700-311(8) Local needs and requirements, such as consistency with land-use or watershed management plans.

Do we need additional language?

## **Credit Release**

Gretchen provided a handout with information on credit release. Please review the handout and review Sky's comments.

**Bill:** Of course WSDOT would always want more credits released earlier. So far, the delayed release of credits hasn't tied up any projects or caused us any problems. The private bankers may have different realities.

**Victor:** The demand is slow developing; he hasn't run into a problem. He doesn't feel these schedules are out of line. The credit release schedules are larger than other areas around the country. He doesn't think the demand is so great that they would run out of credits. Out-of-state bankers may see this differently.

**Gretchen:** 0 year credits are given when the MBI is signed.

**Victor:** He feels getting the conservation easement in place is a large item and justifies the release of credits. There is money tied to this document and once this is signed they are tied to the land in perpetuity.

**Lauren:** Section 173-700-370 to 376. The first section states the credit release will happen over time and there are stipulations for the release. Before construction, after construction, when hydrology has been met and then after. Does this framework make sense and if not, what do we need to do to change it.

**Sarah:** The language needs to be clarified. If those reading the rule can't easily understand it – we need to fix it. Up to 50% may be released – is this on top of the 40% that's already been released? Is it cumulative?

173-700-373 Credit release – after construction (1) Up to forty percent of the total

potential credits may be released when the department, in consultation with signatory agencies, approves:

**Sarah:** Possibly showing it graphically or in a table e.g. Credit release 3 stages:

- Reconstruction – min/max
- After construction - min/max
- Hydrology - min max

**Steve:** Rearrange it. Credit release is at three stages - Pre-construction, after-construction and meeting performance standards. Credits shall be released as follows including the sub-headings under each section.

**Victor:** The hydrology being 50%

**Gretchen:** The table she provided doesn't show the actual credit release table.

**Sarah:** Have the 3 major categories and then the sub-categories with the credits below. Have the totals listed.

**Gail:** Each of the performance standards is worth "X" amount of credits.

**Gretchen:** We could have a table to clarify in the rule.

**Gail:** ...as you reach ...you could achieve up to "X" amount of credits, cumulatively.

**Lauren:** We should keep text loose enough for different types of banks and different performance standards. We need to clean up the language. Are the major categories clear, if we could come up with a table? Should we have top-end caps in the rule?

**Sarah:** Why is hydrology being separated out?

173-700-374 (1) Up to fifty percent of total potential credits may be released when the department, in consultation with signatory agencies, determines that the hydrologic performance standard(s), at a minimum, has been attained.

**Gail:** The hydrology determines the type of wetland is on site. We should explain it better in the rule.

**Lauren:** You can be very clear on hydrology in the rule or it can be spelled out in the performance standards. Should it remain in the rule and be called out?

**Gail:** Yes, but we should clarify better.

**Sarah:** She has read the bank information and she feels in general the credit release is good.

**Victor:** He feels a lot of the time the credit release is in the regulators hands.

**Lauren:** There are specific credits tied to performance standards. Banks can receive a portion of the credits when a year performance standard has been met, rather than not releasing the credits until all the performance standards have been met for that year.

**Gail:** It gets cumbersome with a portion of a credit for each performance standard.

**Sarah:** None of our systems are all or nothing, so it is difficult to have it that way for the banker.

**Mary:** Can you have credits that are never released if a bank didn't achieve certain standards? Is there ever really a time when you would walk away from credits?

**Victor:** Yes, potentially due to the amount of effort you can spend on a certain issue i.e. Reed Canary Grass. Expense of effort is weighed against potential credit(s).

**Lauren:** Please review Section 620 adjusting in total credits and when the agencies decide to suspend future use of credits.

**Mary:** This piece would be good to touch on for public knowledge and training – not providing all credits if the bank doesn't live up to the performance standards.

**Gail:** If a percentage of credit release is tied to performance standards, a bank couldn't pick and choose which performance standards they want to try to meet based on cost, etc.

**Meeting Schedule:** November 27, 2007 at Tacoma Municipal Bldg, Room 434

## **Lunch**

### **Financial Assurances (FA)**

The attendees were given some time to read and review the Financial Assurance document Gretchen had previously provided via e-mail.

**Steve:** What is being asked by the local agency for a financial assurance?

**Lauren:** They need to show they have the funds available.

**Theresa:** Bonding or Letters of Credit are usually acceptable. We would accept a check that can be put in an account and held.

**Steve:** There should be some commitment, what if funding changes?

**Gail:** Sometimes they have to set up a separate fund which is earmarked for the bank.

**Theresa:** Why is the financial assurance reduced following the years of achievement up to year 7 and not year 10?

**Gretchen:** There is the final release of credits at the end of year 10.

**Mary:** Depending on who holds the easement, whether or not they have the funds to do the long-term management. Let the public know this is assured funds in perpetuity.

**Theresa and Steve:** [Revise Section 173-700-395 \(4\)\(a\) Payment of property taxes, stormwater fees, utility assessments.](#)

**Victor:** He provided a handout to the group showing how the financial assurances have changed from when they first began banking until now. Someone will ultimately be given the task of long-term maintenance with an endowment fund. Originally our FA was the amount that could cover the cost of the bank, not with covering the cost of monitoring reports, etc. It feels over the top and unnecessary. Presuming the bank will be successful, once a Conservation Easement (CE) is put on the site. Cows could not be on the site most of the year.

**Steve:** You would tie the FA to what would be done on the site if you walked away.

**Victor:** The CE would be tied to the bank. His current FA is based on the formula he was told to use by the MBRT pertaining to the cost of establishing the bank.

**Gail:** Victor's site could come back to a natural site or it could go into just Reed Canary Grass. The FA isn't going away, but we need to get this figured out. The Seattle Corps will be meeting with the Portland Corps regarding the issue. What do we do with a bank that gets their first chunk of credits and then walks away?

**Steve:** Would phasing or step-down help to mitigate the issue?

**Victor:** Our \$400K would go down after the first year.

**Gail:** After the as-built we need to go back and review what is needed to maintain the bank. No financial assurances are OK if the credits would be released after the 10 year monitoring.

**Mary:** She feels the FA is necessary.

**Gail:** You have a CE on the property.

**Mary:** The 2<sup>nd</sup> property in Skagit is 800 ac, but the bank is only 300+ ac. We'll pay you market value. They paid double for those acres. Are they really expecting to receive 4x the amount they paid from the credit release?

**Gail:** Yes, they are.

**Gretchen:** We don't stipulate anywhere in the rule – what the banker pays for the land.

**Steve:** Development potential on a portion of the property, the double-dipping. All development potential should be extinguished and able to be used elsewhere.

**Victor:** You don't know what the issues are originally.

**Mary:** The developer is using the mitigation bank to do development that would normally not be available at that location due to zoning.

**Steve:** Our concern is the banker buys the land and then the development is transferring the rights.

**Mary:** She feels the mitigation bank *is* development.

**Steve:** We are going to allow development over here, because you can mitigate it over here.

**Gretchen:** The transfer of development rights is a local issue.

**Brian:** It is up to the jurisdiction, if they don't want the development there. There could be a covenant that you could purchase the land, but it could not be used for x, y and z.

**Lauren:** It is a local issue, and I don't believe there is anyway we could input text within the state or federal rule to cover this.

**Gretchen:** We only have regulation on the bank; we don't have regulation over the remainder of the acreage not within the bank.

**Lauren:** It is a very fine line for the state to have language in the rule on local regulations.

**Gail:** Most of the locals require performance bonds, why do the feds ask for this too. She doesn't know if the requirement is happening yet on the local level.

**Steve:** In the rule can we state, if the local government has a requirement in place for funds, can the MBRT waive the FA.

**Gail:** If the banker defaults, we pull the funds and pay a non-profit organization to get the bank up-to-par. Some of the endowment funds currently in place don't have enough funds to re-establish a bank, years down the road due to inflation, etc.

**Victor:** Restoration strategies may change based on the impact.

**Lauren:** The purpose of the FA isn't functional lift. For example, something happens on the site and the banker says I'm not going to do the work – that's when the state would step in and use the FA and the banker would not receive those credits.

**Gail:** Each bank could be different, type of bank, what has defaulted, when the default happened. Who would get the credits if the bank was brought up to reaching the performance standards?

**Doug:** Functional lift for the credits that have been released and the bank for all the credits that are anticipated to be released.

**Gretchen:** If the FA only covers what's been released, it would be difficult to calculate to try to parse out by year and credit released.

**Brian:** The amount of credits released – the money is there to ensure the performance standards are met on the bank and the amount of credits released shouldn't matter.

**Gretchen:** The value of the financial assurance - the amount to cover the credits that have been released or an amount to cover the whole bank?

**Lauren:** There are 3 FA: construction, monitoring and contingency actions (difficult to figure the amount).

**Gail:** They have specific performance standards, why also have FA

**Victor:** Contingency

**Gail:** How much, amount of step-down.

**Lauren:** You have to set up an endowment fund with the conservation easement holder and the steward. Instead of a large endowment amount possibly have an amount based on credits. You can pay upfront or over time. You get into year 5 and the invasive species takes over the site and you decide you don't want to move forward on the bank. If you don't have the FA how do you ensure establishment of the bank?

**Victor:** The steward is waiting in the wings until the bank is established. The endowment would not be fully funded at the start; it is funded with the sale of credits.

**Lauren:** It currently states the maintenance must be included for the life of the bank.

**Gail:** Each site would be different.

**Brian:** What if you paid the money right before the credits were released?

**Gail:** What if all you have is a conservation easement and the banker leaves after the 1<sup>st</sup> credits are released?

**Brian:** You could pay the "bond" amount for the amount of credits prior to release. He doesn't feel a bank should be held to a higher amount than the maintenance of those credits. You are ensuring the equivalent to construction of the bank or the funding to construct it.

**Gail:** The FA would be stepping-up instead of stepping-down,.

**Gretchen:** With this model, you could have a plus and minus. You would put up the FA prior to the credit release, but as that part of the bank showed it was working – the funds would then step-down.

**Victor:** The amount of the endowment fund to the long-term manager.

**Lauren:** [Within section 395 there should be a reporting requirement for the amount of the endowment fund. Section 700 also needs text regarding reporting.](#)

**Victor:** He would need to think about Brian's suggestion further.

**Brian:** There office does approx. 150% for inflation, etc.

**Gretchen:** We do an extra 20% for contingencies in establishment. We would need funds for the monitoring.

**Brian:** Our amount is for both maintenance and monitoring. The contingency funds would still be kept separate. Part of the 150% is for inflation or for costs for someone to do the monitoring or to pay staff to do the monitoring. Installation of the site would be one bond at 150%. The bond is released once it's constructed. A separate bond of 150% would be for the maintenance and monitoring. This bond could be released at year 3 if 80% of the performance standard has been met.

**Victor:** Could this text be taken out and be worked into the template? It's very difficult to get a good bid for a cost 10 years down the road.

[Section 173-700-395 \(5\) The bank must provide department two estimates for the costs of annual maintenance of the bank site.](#)

## **Public Access**

Trails are a big issue the MBRT works with. Hunting or hunting blinds sometimes comes up in the CE. Education – how do you bring groups in, curriculum, program, etc.

**Steve:** The CE should clearly protect the functions for which the bank is selling credits. Any other uses within the CE should not degrade the functions and biological conservation values of the bank.

**Gail:** There is usually a push for public areas. In California there would be differing views on public use vs Washington's views.

**Brian:** These uses shall be secondary, but who will make sure this happens?

**Lauren:** The conservation easement holder would need to be determined depending on location and what public use is proposed.

**Brian:** If the site is urban vs rural - there should be some allowance for public use.

**Victor:** They have to pay taxes on it, so value to the land for public use including hunting should be looked at.

**Carol:** If hunting is allowed, there should be reduced credit because it reduces the ecological habitat. There should be a limit to the public access

**Steve:** Allowed use should be spelled out in the instrument. Is it appropriate at all and if so, does it decrease the amount of credits.

**Brian:** He doesn't feel there should be a reduction in credit, but a restriction on the use.

**Carol:** If there's public access, wouldn't that increase your maintenance?

**Lauren:** It would decrease the amount of credits, due to the addition of buffers (which receive no credits) around the trails, etc.

**Victor:** The rule states there may be some credits tied to education, but usually this doesn't work out.

**ACTION:** The MBRT will provide a rough draft of the credit release.

**ACTION:** The MBRT will provide a rough draft of the time frame of the draft rule.

## **Wrap-up**