

FLORIDA HOUSE OF REPRESENTATIVES

FINAL BILL ANALYSIS

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BILL #: [CS/CS/HB 1175](#)

TITLE: Mitigation Banks

SPONSOR(S): Duggan

COMPANION BILL: [CS/CS/SB 492](#) (McClain)

LINKED BILLS: None

RELATED BILLS: None

FINAL HOUSE FLOOR ACTION: 87 Y's 26 N's **GOVERNOR'S ACTION:** Pending

SUMMARY

Effect of the Bill:

The bill revises requirements related to mitigation banking. Specifically, the bill:

- Creates a standardized schedule for releasing mitigation credits and removes the requirement that the Department of Environmental Protection (DEP) and water management districts (WMDs) determine the release schedule on a case-by-case basis based on statutorily enumerated factors.
- Allows permit applicants to use mitigation credits from outside a mitigation service area when an insufficient number or type of credits are available within the impacted area and DEP or a WMD determines such mitigation is necessary.
- Requires DEP or a WMD to verify the availability, or lack thereof, of mitigation banking credits within the impacted watershed.
- Establishes multipliers that must be applied for out-of-service-area and out-of-kind mitigation credits.
- Requires all mitigation banks to provide an accounting of mitigation credits to DEP or a WMD, which must be compiled and submitted to the Governor and Legislature.

Fiscal or Economic Impact:

The bill may have an indeterminate negative fiscal impact on DEP associated with the reporting requirements of the bill. The bill may have a positive fiscal impact on mitigation bankers who may be able to sell out-of-service-area or out-of-kind credits to individuals under the new regulations of the bill. The bill may also have a positive fiscal impact on developers that are able to proceed with projects through the use of out-of-service-area and out-of-kind credits.

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ANALYSIS

EFFECT OF THE BILL:

CS/CS/HB 1175 passed the House as [CS/CS/SB 492](#). (Please note that bill section parentheticals do not contain hyperlinks to bill sections for Senate bills.)

Mitigation Bank Credit Release Schedule

Beginning July 1, 2025, the bill creates a standardized schedule for releasing [mitigation credits](#) that have been awarded to [mitigation banks](#) through a permit approved by the Department of Environmental Protection (DEP) or a water management district (WMD) and removes the requirement that DEP and WMDs determine the release schedule on a case-by-case basis based on statutorily enumerated factors. The bill requires DEP or a WMD to release the credits as follows:

- 30 percent of credits must be released for the recordation of the conservation easement and establishment of financial assurances required by the mitigation bank permit.
- For preservation-only assessment areas, 100 percent of the awarded credits must be released for recordation of the conservation easement and the establishment of financial assurances required by the mitigation bank permit.
- 30 percent of awarded credits must be released following completion of initial construction activities as established by the mitigation bank permit.

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- 20 percent of awarded credits must be released in increments as monitoring indicates interim performance criteria established by the mitigation bank permit are being met.
- 20 percent of awarded credits must be released upon meeting the final success criteria established in the mitigation bank permit. (Section 1)

The bill authorizes a mitigation bank applicant to propose an alternative credit release schedule, which DEP or a WMD is required to consider. Once the modification of a credit release schedule is requested by a mitigation bank permittee, the bill requires DEP or a WMD to modify the credit release schedule to conform it to the release schedule established in the bill if such permitted mitigation bank has not yet had mitigation credits released for the completion of construction activities. The bill prohibits DEP or a WMD from altering, changing, or modifying any other provision of the mitigation bank permit that is unrelated to the credit release schedule. (Section 1)

The bill revises a provision that prohibits a mitigation credit from being released for freshwater wetland creation until the success criteria established in the mitigation bank permit are met. Instead, the bill prohibits such credits from being released until the success criteria established in the mitigation bank permit for initial construction activities are met. (Section 1)

Mitigation Service Area

The bill specifies that a mitigation bank service area established by DEP or a WMD is deemed to implement a plan that provides regional ecological value, and the use of credits from such mitigation banks to offset impacts within that bank's service area is considered to have met the [cumulative impact requirements](#) for wetland and surface waters. (Section 1)

Out-of-service-area Credits

The bill authorizes credits released from a mitigation bank to be used to offset impacts resulting from a project if the project meets current established mitigation requirements and the out-of-service-area criteria established by the bill. (Section 1)

If the requirements to determine that a project is not contrary to the public interest are met and there is an insufficient number or type of credits available within banks whose permitted mitigation bank service area overlays in whole, or in part, the regional watershed where the impacts associated with a proposed project are located, the bill allows a permit applicant to apply for a one-time use of credits from a mitigation bank outside the mitigation bank service area to offset impacts of the project. DEP or a WMD must have determined the mitigation service area lacked the appropriate credit type, and priority must be given to mitigation banks whose permitted service area fully includes the impacted site. If the number of credits within a mitigation service area only partially offsets the impacts associated with a proposed project in the mitigation service area, the bill authorizes the permit applicant to use out-of-service-area credits to account for the difference between the released credits available in the mitigation bank service area and the credits required to offset the impacts associated with the proposed project. (Section 1)

Once the amount of mitigation required to offset the impacts of a project is determined, and DEP or a WMD determines that out-of-service-area or out-of-kind mitigation is necessary, the bill requires DEP or a WMD to contact all mitigation banks with a mitigation service area encompassing the location of the proposed impacts within seven business days and request an accounting of available credits, including out-of-kind credits. The accounting may not include credits reserved for other permit applicants. (Section 1)

The bill requires mitigation banks that have been contacted by DEP or a WMD to provide the accounting within 15 business days of the request. The bill prioritizes the use of out-of-kind, in-service-area credits, where it is deemed appropriate by DEP or a WMD, over the use of out-of-service area credits when mitigation banks within the area of the proposed impacts report to DEP or a WMD that such credits are available from those banks. The use of out-of-service area credits may not be authorized until the use of all out-of-kind credits occurs, as authorized by DEP or a WMD. If a mitigation bank does not reply within 15 business days, it is presumed credits are not available from that bank. (Section 1)

Once DEP or a WMD has received the accounting from the mitigation banks, the bill requires DEP or a WMD to determine if sufficient credits are available to offset impacts associated with the proposed project and notify the permit applicant of such determination within 15 business days. The bill authorizes a permit applicant, and no other entity, to rely on such determination for a period of six months beginning on the date DEP or a WMD notifies the permit applicant of such determination, but only for purposes relating to the pending application producing such determination and not any extensions, renewals, or modifications of any permit issued to that pending application, or for any other permit application. (Section 1)

The bill requires DEP or a WMD to apply a proximity factor to determine the adequacy of mitigation credits by applying multipliers to the credits in the following manner:

- A 1.0 multiplier must be applied for use of in-kind credits within the service area.
- A 1.0 multiplier must be applied for use of in-kind and out-of-service-area credits when the service area overlays part of the same regional watershed as the proposed impacts only after DEP or a WMD has established that there is a credit deficiency.
- A 1.2 multiplier must be applied for the use of in-kind and out-of-service-area credits located within a regional watershed immediately adjacent to the regional watershed overlain by a bank service area in which the proposed impacts are located only after DEP or a WMD has established that there is a credit deficiency.
- A .25 multiplier must be applied for each additional regional watershed boundary crossed when in-kind credits are not available to offset impacts in the regional watershed immediately adjacent to the regional watershed overlain by a mitigation bank service area in which the proposed impacts are located, as established by DEP or a WMD. This multiplier only applies after DEP or a WMD has established that there is a credit deficiency
- An additional 0.50 multiplier must be applied after any other required multipliers if the mitigation used to offset impacts entails out-of-kind replacement. (Section 1)

The bill specifies that the use of multipliers meets the cumulative impact requirements for wetland and surface waters. (Section 1)

Annual Reporting

Beginning July 1, 2026, and each July 1 thereafter, the bill requires every mitigation bank in the state to submit an accounting of the number and type of credits the mitigation bank has available for sale to DEP or a WMD. The accounting may not include names of parties who have reserved credits or the contract price paid for the credits. The bill requires DEP or a WMD to compile the information to provide an assessment of the state's mitigation banking system and submit a report to the Governor and Legislature by October 1, 2026, and each October 1 thereafter. (Section 1)

Effective Date

Subject to the Governor's veto powers, the effective date of the bill is July 1, 2025. (Section 2)

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate negative fiscal impact on DEP associated with providing a report to the Governor and Legislature as required by the bill.

PRIVATE SECTOR:

The bill may have a positive fiscal impact on mitigation bankers who may be able to sell out-of-service-area or out-of-kind credits to individuals under the new regulations of the bill. The bill may also have a positive fiscal impact on developers that are able to proceed with projects through the use of out-of-service-area credits.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Regulation of Surface Waters and Wetlands

The Department of Environmental Protection (DEP) regulates activities in, on, or over surface waters, as well as any activity that alters surface water flows, through environmental resource permits (ERPs). ERPs are required for development or construction activities typically involving the dredging or filling of surface waters, construction of flood protection facilities, building dams or reservoirs, or any other activities that affect state waters.¹ ERP applications are processed by either DEP or one of the state's water management districts (WMDs) in accordance with the division of responsibilities specified in operating agreements between DEP and the WMDs.²

Cumulative Impact Requirements

DEP and WMDs are required to consider the cumulative impacts upon surface water and wetlands in the same basin when determining whether to grant or deny an ERP.³ These considerations include the cumulative impacts of:

- The activity for which the permit is sought.
- Projects that are existing, wetland or surface water alteration activities that are under construction, or projects for which permits or determinations of wetland delineation have been sought within that basin.
- Activities that are under review, approved, or vested as a development of regional impact,⁴ or other surface water or wetland alteration activities that may reasonably be expected to be located within surface waters or wetlands in the same drainage basin, based on the comprehensive plans of the local governments having jurisdiction over the activities, or applicable land use restrictions and regulations.⁵

Mitigation

Mitigation serves as the third step in a sequence of permitting actions, which must be followed to offset the adverse impacts to surface waters resulting from the construction activities allowed by an ERP.⁶ When evaluating a proposed project for permitting, DEP or a WMD must consider whether the project is not contrary to the public interest or clearly in the public interest.⁷ If a project is contrary to the public interest or cannot be considered as clearly in the public interest, an applicant may still be granted a permit if the applicant proposes mitigation for such activities.⁸

Mitigation usually consists of restoration, enhancement, creation, preservation, or a combination thereof and is accomplished by providing onsite mitigation, offsite mitigation, or purchasing mitigation credits from permitted mitigation banks.⁹ The ecological benefits of mitigation compensate for the functional loss resulting from the ERP impact.¹⁰

Mitigation Banking

Mitigation banking is a practice in which an environmental enhancement and preservation project is conducted by a public agency or private entity (banker) to provide mitigation for unavoidable environmental impacts within a

¹ South Florida WMD (SFWMD), *Environmental Resource Permits*, <https://www.sfwmd.gov/doing-business-with-us/permits/environmental-resource-permits> (last visited Mar. 10, 2025).

² DEP, *Submerged Lands and Environmental Resources Coordination Program*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination> (last visited Mar. 10, 2025).

³ Section 373.414(8)(a), F.S.

⁴ A development of regional impact means any development that, because of its character, magnitude, or location, would have a substantial effect upon the health, safety or welfare of citizens of more than one county. Section 380.06, F.S.

⁵ Section 373.414(8)(a), F.S.

⁶ Environmental Protection Agency (EPA), *Wetlands Compensatory Mitigation*, available at https://www.epa.gov/sites/production/files/2015-08/documents/compensatory_mitigation_factsheet.pdf (last visited Mar. 10, 2025).

⁷ Section 373.414(1), F.S.; See section 373.414(1)(a), F.S., for the criteria DEP or a WMD must consider to determine if something is contrary to the public interest or clearly in the public interest.

⁸ Section 373.414(1)(b), F.S.

⁹ *Id.*; section 373.4135, F.S.

¹⁰ DEP, *Mitigation*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/mitigation> (last visited Mar. 10, 2025).

defined region referred to as a mitigation service area. The bank is the site itself, and the currency sold by the banker to the ERP applicant is a credit.¹¹ A mitigation bank can be established and operated in phases if each phase independently meets the requirements for the establishment and operation of a mitigation bank.¹² Mitigation banks are authorized by a state permit, which is issued by either a WMD or DEP depending on the location of the bank and the activity it mitigates, and by the United States Army Corps of Engineers.¹³

The uniform mitigation assessment method (UMAM) provides a standardized procedure for assessing the ecological functions provided by surface waters, the amount that those functions are reduced by a proposed impact, and the amount of mitigation necessary to offset that loss.¹⁴ The UMAM evaluates functions by considering an ecological community's current condition, hydrologic connection, uniqueness, location, fish and wildlife utilization, time lag, and mitigation risk. The UMAM is also used to determine the degree of improvement in ecological value of proposed mitigation bank activities.¹⁵

To obtain a mitigation bank permit, the applicant must provide reasonable assurance that the mitigation bank will:

- Improve ecological conditions of the regional watershed.
- Provide viable and sustainable ecological and hydrological functions for the proposed mitigation service area.
- Be effectively managed in perpetuity.
- Not destroy areas with high ecological value.
- Achieve mitigation success.
- Be adjacent to lands that will not adversely affect the long-term viability of the mitigation bank due to unsuitable land uses or conditions.¹⁶

The applicant must also provide reasonable assurances that:

- Any surface water management system that will be constructed, altered, operated, maintained, abandoned, or removed within a mitigation bank will meet the requirements of part IV of ch. 373, F.S., which regulates management and storage of surface waters, and adopted rules.
- The applicant has sufficient legal or equitable interest in the property to ensure perpetual protection and management of the land within a mitigation bank.
- The applicant can meet the financial responsibility requirements prescribed for mitigation banks.¹⁷

An applicant applying for a permit to establish a mitigation bank must provide documentation of financial responsibility and financial assurance mechanisms for the construction and implementation of the bank, and the perpetual management and maintenance of the bank.¹⁸ This can be achieved by obtaining a surety or performance bond, irrevocable letter of credit, or insurance policy. The banker must demonstrate continuous fiscal responsibility until all of the permit conditions are completely satisfied and approved for release by DEP.¹⁹ Further, the financial responsibility mechanisms must guarantee that the banker will perform all of its obligations under the permit.²⁰

[Mitigation Credits](#)

¹¹ "Mitigation credit" means a standard unit of measure that represents the increase in ecological value resulting from restoration, enhancement, preservation, or creation activities. Section [372.4136\(19\), F.S.](#)

¹²Section [373.4136\(2\), F.S.](#)

¹³ DEP, *Mitigation and Mitigation Banking*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/mitigation-and-mitigation-banking> (last visited Mar. 10, 2025).

¹⁴ DEP, *Uniform Mitigation Assessment Method (UMAM)*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/uniform-mitigation-assessment> (last visited Mar. 10, 2025).

¹⁵ *Id.*

¹⁶ Section [373.4136\(1\), F.S.](#); rule 62-342.400, F.A.C.

¹⁷ *Id.*; see also rule 62-342.700, F.A.C.

¹⁸ Rule 62-342.700(3), F.A.C.

¹⁹ *Id.*

²⁰ *Id.*

The number of potential credits permitted for the bank and the credit required for ERPs are determined by DEP or a WMD.²¹ The credits are awarded to the proposed mitigation bank, or a phase of such bank.²² A banker may apply to modify the mitigation bank permit to obtain additional mitigation credits.²³ Once DEP or a WMD has approved the total number of credits for a mitigation bank, the credits must be released in a schedule as prescribed in the mitigation banking permit.²⁴ This release can include a portion of credits released for sale or use prior to a mitigation bank meeting all of the performance criteria specified in the mitigation bank permit.²⁵ The release schedule for a specific mitigation bank or phase must be related to the actions required to implement the bank, such as site protection, site preparation, earthwork, removal of wastes, planting, removal or control of nuisance and exotic species, installation of structures, and annual monitoring and management requirements for success.²⁶

Mitigation Service Areas

DEP and WMDs are responsible for establishing mitigation service areas for each mitigation bank permit.²⁷ A mitigation service area is the geographic area within which mitigation credits from a mitigation bank can be purchased.²⁸ When determining the boundaries for a mitigation service area, DEP or a WMD must consider certain factors²⁹ and must use regional watersheds³⁰ to guide the establishment of such areas.³¹ Generally, mitigation credits may only be withdrawn and used to offset adverse impacts in the mitigation service area.³² However, if an applicant for an ERP is required to engage in mitigation activities, and meets the cumulative impact requirements for impacts on surface waters and wetlands within the same drainage basin, the following exceptions apply, allowing an applicant to obtain credits from outside their mitigation service area:

- Projects with adverse impacts partially located within the mitigation service area.
- Linear projects, such as roadways, transmission lines, distribution lines, pipelines, railways, or seaports.
- Projects with a total adverse impact of less than one acre in size.³³

Federal Mitigation Banking Regulations

For projects requiring a federal permit, a U.S. Army Corps of Engineers district engineer determines the mitigation required in a mitigation bank permit based on what is practicable and capable of compensating for the aquatic resource functions that will be lost as a result of the permitted activity.³⁴ In general, the required mitigation should be located within the same watershed as the impact site and where it is most likely to successfully replace lost functions and services, taking into account watershed scale features such as aquatic habitat diversity, habitat connectivity, relationships to hydrologic sources, trends in land use, ecological benefits, and compatibility with adjacent land uses.³⁵

Federal Mitigation Bank Credits

When permitted impacts are located within the service area of an approved mitigation bank, and the bank has the appropriate number and resource type of credits available, the permittee's compensatory mitigation requirements may be met by securing those credits from a mitigation bank.³⁶ An approved instrument, including an approved mitigation plan and appropriate real estate and financial assurances, must be in place before credits can be used to

²¹Section [373.4136\(4\), F.S.](#)

²² *Id.*

²³ *Id.*

²⁴ Section [373.4136\(5\), F.S.](#)

²⁵ Section [373.4136\(5\)\(a\), F.S.](#)

²⁶ Section [373.4136\(5\)\(b\), F.S.](#)

²⁷ Section [373.4136\(6\), F.S.](#)

²⁸ Section [373.403\(21\), F.S.](#)

²⁹ Section [373.4136\(6\)\(a\), F.S.](#)

³⁰ "Watershed" means the land area that contributes to the flow of water into a receiving body of water. Section [373.403\(12\), F.S.](#)

³¹ Section [373.4136\(6\)\(b\), F.S.](#)

³² Section [373.4136\(6\), F.S.](#)

³³ Section [373.4136\(6\)\(d\), F.S.](#)

³⁴ 33 C.F.R. §332.3(a)(1) (2025).

³⁵ 33 C.F.R. §332.3(b)(1) (2025).

³⁶ *Id.*

compensate for authorized impacts.³⁷ Mitigation bank credits are not released until specific milestones associated with the mitigation bank site's protection and development are achieved.³⁸

Federal Mitigation Service Area

A federal mitigation service area is the watershed, ecoregion,³⁹ physiographic province, or other geographic area within which the mitigation bank is authorized to provide compensatory mitigation required by U.S. Army Corps of Engineers permits.⁴⁰ The U.S. Geological Survey uses a coding system called a hydrological unit code (HUC),⁴¹ which assigns a two-, four-, six-, eight-, 10-, or 12-digit code for an area to reflect a region, subregion, basin, sub-basin, watershed, or sub-watershed.⁴² The service area must be appropriately sized to ensure that the aquatic resources provided will effectively compensate for adverse environmental impacts across the entire service area.⁴³ For example, in urban areas, a U.S. Geological Survey 8-digit HUC watershed or a smaller watershed may be an appropriate service area.⁴⁴ In rural areas, several contiguous 8-digit HUCs or a 6-digit HUC watershed may be an appropriate service area.⁴⁵ Delineation of the service area must also consider any locally-developed standards and criteria that may be applicable.⁴⁶ The economic viability of the mitigation bank may also be considered in determining the size of the service area.⁴⁷

U.S. Army Corps of Engineers Proximity Factor Tool

The U.S. Army Corps of Engineers developed a proximity factor tool that may be used when there are insufficient mitigation credits within the approved mitigation bank service area. The tool is used to assess the number of credits required for any compensatory mitigation proposed outside of approved mitigation bank service areas.⁴⁸ The proximity factor is based on ratio multipliers for multiple variables.⁴⁹ The tool is only applied when the U.S. Army Corps of Engineers has determined that mitigation outside of the approved mitigation service area is the most environmentally preferable mitigation option.⁵⁰

The proximity factor tool applies the following multipliers:

- No multiplier if the impact site is outside of a mitigation bank service area boundary, but within the same 8-digit HUC that contains the mitigation bank location.
- A 1.5 multiplier if the impact site is outside of a mitigation bank service area boundary and one 8-digit HUC away from the mitigation bank service area boundary.
- A 0.25 multiplier for each additional 8-digit HUC away from the mitigation bank location.

³⁷ 33 C.F.R. §332.3(b)(2) (2025).

³⁸ *Id.*

³⁹ Ecoregions are areas where ecosystems, including the type, quality, and quantity of environmental resources, are generally similar. A Roman numeral classification scheme has been adopted for different hierarchical levels of ecoregions, ranging from general regions to more detailed. EPA, *Ecoregions*, <https://www.epa.gov/eco-research/ecoregions> (last visited Mar. 18, 2025).

⁴⁰ 33 C.F.R. §332.8(d)(6)(ii)(A) (2025).

⁴¹ "HUC" means the hydrologic cataloging unit assigned to a geographic area representing a surface watershed drainage basin. Each unit is assigned a two- to 12-digit number that uniquely identifies each of the six levels of classification within six two-digit fields. United States Geological Survey (USGS), *Hydrologic Unit Codes (HUCs) Explained*, <https://nas.er.usgs.gov/hucs.aspx> (last visited Mar. 18, 2025).

⁴² EPA, Hydrologic Unit Codes: HUC 4, HUC 8, and HUC 12, available at <https://enviroatlas.epa.gov/enviroatlas/datafactsheets/pdf/Supplemental/HUC.pdf> (last visited Mar. 18, 2025). DEP, *About the Florida National Hydrography Dataset*, <https://floridadep.gov/dear/watershed-services-program/content/about-florida-national-hydrography-dataset> (last visited Mar. 18, 2025).

⁴³ 33 C.F.R. §332.8(d)(6)(ii)(A) (2025).

⁴⁴ EPA, Hydrologic Unit Codes: HUC 4, HUC 8, and HUC 12, available at <https://enviroatlas.epa.gov/enviroatlas/datafactsheets/pdf/Supplemental/HUC.pdf> (last visited Mar. 18, 2025).

⁴⁵ *Id.*

⁴⁶ 33 C.F.R. §332.8(d)(6)(ii)(A) (2025).

⁴⁷ *Id.*

⁴⁸ U.S. Army Corps of Engineers, *Standard Operating Procedure—Assessing a Proximity Factor for Compensatory Mitigation Required to Offset Unavoidable Impacts to Waters of the United States*, 1 (2023), available at <https://usace.contentdm.oclc.org/utls/getfile/collection/p16021coll15/id/1998> (last visited Mar. 18, 2025).

⁴⁹ *Id.*

⁵⁰ *Id.* at 3.

- A 0.75 multiplier if mitigation entails out-of-kind replacement (there is no multiplier if the mitigation entails in-kind replacement).
- A 0.25 multiplier if mitigation occurs within a different EPA Level IV Ecoregion.⁵¹

The sum of the applicable multipliers provides the proximity factor.⁵² The resulting proximity factor is then multiplied by the number of credits required by the U.S. Army Corps of Engineers to compensate for unavoidable adverse effects to aquatic resources.⁵³ The U.S. Army Corps of Engineers has the discretion to consider and approve use of the proximity factor tool on a case-by-case basis.⁵⁴

Mitigation should be performed within the same 6-digit HUC.⁵⁵ When assessing the location of the mitigation site relative to the impact site, the calculation starts at the 8-digit HUC that contains the mitigation bank site.⁵⁶

OTHER RESOURCES:

[Map of Mitigation Bank Service Areas](#)

[Interactive Map of Florida HUC Sub-Basins](#)

⁵¹ *Id.*

⁵² U.S. Army Corps of Engineers, *Standard Operating Procedure—Assessing a Proximity Factor for Compensatory Mitigation Required to Offset Unavoidable Impacts to Waters of the United States* at 1, 4, available at <https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll15/id/1998> (last visited Mar. 18, 2025).

⁵³ *Id.*

⁵⁴ *Id.* at 5.

⁵⁵ *Id.* at 5.

⁵⁶ *Id.*