

BEACON REPORTER

Florida Association of Environmental Professionals



Florida Association of
Environmental Professionals

Summer 2026

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FROM THE PRESIDENT'S DESK

GINA CHIELLO



Dear FAEP Members and Friends

Summer has officially arrived—and FAEP is heating up right along with it!

Over the past few months, we've celebrated an incredible Annual Conference & Training Symposium, unveiled a fresh new look for our organization, and launched a brand-new membership platform. There's a lot to be excited about, and we're just getting started.

A Fresh Look for FAEP

If you joined us in Stuart, you were among the first to see FAEP's new logo! More than just a design refresh, our new brand reflects who we are as environmental professionals and where we're headed.

The outline of Florida keeps us grounded in the place we all work to protect. The flowing wave represents the vital role water plays throughout our state while honoring FAEP's long-standing connection to NAEP, whose iconic wave symbolizes movement, change, and the ever-evolving environmental profession. The rising sun represents optimism, innovation, and the bright future ahead, while the bold colors reflect the energy and passion of environmental professionals across Florida.

It's modern, vibrant, and distinctly FAEP.

"One of my favorite moments each year is recognizing the volunteers and leaders..."

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Our New Membership Platform is Live!

On June 1, we officially launched our new membership database, **Glue Up**.

If you haven't already, you should have received an email inviting you to activate your account.

Please take a few minutes to:

- Create your new password.
- Update your member profile.
- Explore the new member portal.

Once your profile is set up, you'll be able to renew your membership, register for events, access exclusive member resources, connect with fellow professionals, and keep your information up to date.

The new system was designed to make your FAEP experience easier and more connected than ever before.

Celebrating Excellence

One of my favorite moments each year is recognizing the volunteers and leaders who make FAEP such an incredible organization. Our success is built on dedicated members who generously give their time, talent, and enthusiasm to strengthen our profession and support one another. Congratulations to this year's award recipients!

FAEP Service Award

- **George Sprehn** has been a dedicated leader in the Southwest Chapter for more than a decade, consistently supporting membership development and strengthening relationships throughout the organization. As George shared, "My greatest takeaway has always been the people."
- **Michael Cobb** recently concluded an impressive five-year tenure as Northwest Chapter President while serving on the FAEP Board. Mike reflected that his favorite part of volunteering was creating opportunities for members to connect, learn, and build lasting professional relationships.

Hasbrouck Award

- Congratulations to **Elva Peppers**, whose 15 years of dedicated service to the Tallahassee Chapter and longstanding commitment to FAEP exemplify the spirit of this prestigious award.

Chapter Award

- A big congratulations to the **Tampa Bay Chapter**, one of FAEP's largest and most active chapters with 245 members. Their outstanding leadership and successful hosting of the 2025 Annual Conference made them well-deserving recipients of this year's Chapter Award.

To all of our volunteers and award recipients—thank you for making FAEP stronger every day.

From Stuart to Alaska

Apparently one conference wasn't enough!

Just days after returning from Stuart, I headed to Anchorage, Alaska, for the NAEP Annual Conference & Training

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Symposium. It was inspiring to connect with environmental professionals from across the country and hear about NEPA successes, challenges, and emerging issues from coast to coast.

Of course, Alaska offered experiences you simply can't replicate anywhere else. We toured the Port of Alaska, enjoyed bird watching excursions, and happened to arrive during the famous Kachemak Bay Shorebird Festival in Homer, where more than 100,000 migrating shorebirds pass through each spring.

I also had the opportunity to attend the NAEP Board of Directors meeting alongside fellow FAEP leaders Josh Hirten (FAEP Vice President), Courtney Arena (NAEP Liaison), and Rebecah Delp (Tampa Bay Chapter Secretary).

One final observation: this was the first conference I've ever attended that had a coat rack. As a Floridian, I wasn't entirely sure what to do with it—but I appreciated the novelty!

Looking ahead, mark your calendars!

- **Environmental Permitting Summer School** will take place July 21-24, 2026, in Marco Island, Florida! FAEP and NAEP will have a booth! Come check us out at Booth #509. Stop by to chat, learn more about our organization and enter our raffle!
- **2027 Annual FAEP Conference & Training Symposium**, hosted by the Southwest Chapter—Stay tuned for dates and details—we can't wait to see you there!

Thank you for being part of FAEP. Whether you're volunteering on a committee, attending events, mentoring young professionals, or simply staying engaged, you're helping strengthen Florida's environmental profession every day.

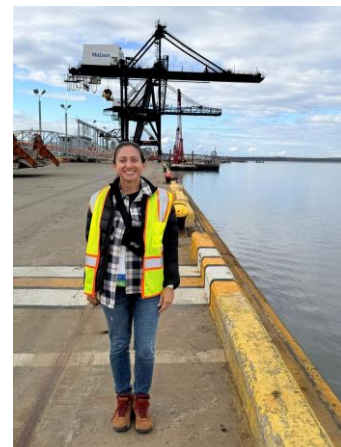
Have a safe, productive, fun summer—we'll see you soon!

Warm Regards,

A handwritten signature in blue ink that reads "Gina Chiello".

Gina Chiello

FAEP President 2025-2026



FEDERAL APPELLATE JUDGES RULE ON FLORIDA'S ASSUMPTION OF 404 PERMITTING

From Susan Roeder Martin, Nason Yeager Gerson Harris and Fumero

History of Assumption

Section 404 of the Clean Water Act (Title 33 of the U.S. Code (U.S.C.) ("CWA") requires a permit from the Army Corps of Engineers ("Corps") before dredged or fill material may be discharged into a Water of the United States ("WOTUS"). Through this authority pursuant to the Clean Water Act, (§1251, et seq.) the Corps regulated certain wetlands.

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The Corps regulation of wetlands was viewed by Florida as duplicative of Florida's strict regulation of wetlands. Therefore, in December 2020, after a long federal assumption process, the Environmental Protection Agency ("EPA") approved the assumption of permitting by Florida. Only two other states have assumed the 404 permitting program: Michigan and New Jersey. However, Michigan and New Jersey's assumption differed from Florida's assumption. In other states, the Corps issues 404 permits.

Florida's assumption was previously struck down in a lower federal court order, and that order was appealed. The U.S. Court of Appeals for the District of Columbia Circuit considered the issues appealed from the lower court's order. On March 27, 2026, the appellate court affirmed the lower court and vacated Florida's assumption. The appellate court confirmed that the federal agencies acted unlawfully when they previously approved Florida's assumption package. The ruling does not affect Michigan's or New Jersey's assumption.

History of the Challenges

The Center for Biological Diversity and five other environmental groups filed suit alleging that the EPA, United States Fish and Wildlife Service ("USFWS"), and the Corps, violated the federal Administrative Procedure Act, Clean Water Act, and Endangered Species Act when they transferred permitting authority to Florida.

The ruling included a consideration as to whether EPA and USFWS could approve Florida's 404 program by performing a programmatic Endangered Species Act review at the beginning of the process, with specifics determined later. The court answered this question in the negative, saying it is an impermissible short cut.

This Order would have meant Florida will remain subject to the same uncertainty that existed in Corps' permitting and determinations that have existed for decades. However, on March 31, 2026, close to the time that the court issued its order, Lee Forsgren, the Corps' principal deputy assistant secretary for Civil Works, during a meeting of the Environmental Council of the States in Savannah, Georgia, made a major announcement. He stated the Corps plans to stop regulating wetlands nationwide. This announcement was based on the 2023 Supreme Court Ruling that reduced the Clean Water Act's scope. Instead, he stated the Corps will focus on its core duty pertaining to civil works.

We will closely monitor the Corps' next steps. ■

Environmental Professionals Radio



Environmental Professional's Radio will be bringing to you anything and everything related to being an environmental professional. Including but not limited to the following topics:

- Sponsor and partner updates
- Career advice and insights
- NEPA and other Policy Updates
- Women in STEM
- Special interest
- and More!

New episodes come out weekly on Fridays!

Uniform Mitigation Assessment Method Training

The Tampa Bay AEP Chapter (TBAEP) sponsored a Uniform Mitigation Assessment Method (UMAM) training on April 6, 2026 at the Jay B. Starkey Ranch Environmental Education Center in New Port Richey. Sixty people from throughout the state attended.

Thank you to **Mark Brandenburg** from Miller Legg, **Penny Couple** from BDA, **Ed Cronyn** from Atkins, and **Shannon Gonzalez** from Verdantas for providing the excellent training. Participants learned how to master UMAM methodology, align scoring practice, and understand risk and time-lag adjustments. The training included both classroom and field components and also provided Professional Wetland Scientist certification credit. ■



The 2026 FAEP Annual Conference

Attendance & Engagement

Hosted at the beautiful Marriott Hutchinson Island Beach Resort, the 2026 FAEP Annual Conference offered attendees a premier meeting venue on Florida's Treasure Coast. Interest in the event exceeded expectations, with registration reaching capacity and a record-setting 360 tickets sold, making it the largest FAEP Annual Conference to date.

Hotel accommodations at the Marriott sold out by early March, prompting attendees to utilize several overflow hotels throughout the area. More than 130 organizations were represented among conference participants, with professionals traveling from across Florida and several other states to attend.

The conference was honored to welcome leadership from **TCC-FAEP**, **FAEP**, and the National Association of Environmental Professionals (**NAEP**). Throughout the event, attendees remained highly engaged in technical sessions, networking opportunities, and conference activities, creating an atmosphere of collaboration, professional development, and support among environmental professionals.

NEPA Essentials Workshop

The 2026 FAEP Annual Conference officially kicked off on Wednesday, April 29, with the National Environmental Policy Act (NEPA) Essentials Workshop presented by the NAEP. The workshop provided attendees with an overview of the policies, procedures, and processes necessary for successful compliance with federal NEPA requirements. Topics included the history and significance of NEPA, major federal action levels, development of purpose and need statements, categorical exclusions (CATEXs), Environmental Assessments (EAs), Environmental Impact Statements (EISs), and Findings of No Significant Impact (FONSIs).

One of the most notable discussions focused on current trends and guidance from the current administration. Many federal agencies are now being encouraged to develop and pursue agency-specific categorical exclusions rather than proceeding through the more time-intensive EA or EIS process. The use of CATEXs can significantly reduce federal review and approval timelines. Attendees also learned that many newly developed CATEXs are being published directly on agency websites, streamlining access while narrowing the scope of public involvement during adoption. In addition, a future tool is being developed to allow users to search existing and future CATEXs across agencies, helping practitioners quickly determine the most efficient path for projects requiring federal authorization. The NAEP-certified instructors brought extensive experience and practical insight, making the workshop both informative and engaging for attendees.



Wednesday Evening Social

The opening reception was held on Wednesday evening in the outdoor Atrium Garden patio overlooking the pool. Approximately 150 conference attendees participated in the event, which provided an excellent opportunity for professionals to network and reconnect with each other at the start of the conference. Special thanks to Cummins Cederberg for sponsoring the opening reception.

Opening Sessions

Thursday morning's opening session began with welcoming remarks and an overview of the

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conference schedule. Adam Blalock, Deputy Secretary for Ecosystems Restoration at the Florida Department of Environmental Protection, delivered the conference keynote address. As the executive leader overseeing Florida's water quality initiatives, Everglades restoration efforts, coastal resiliency programs, and statewide funding strategies, Blalock provided attendees with valuable insight into the policies and initiatives shaping Florida's environmental future.

Friday morning's opening session featured a live recording of the NAEP Environmental Professionals Radio Podcast. Conference attendees enjoyed breakfast while listening to host interviews, including a conversation with Kelley Samuels of AECOM, who reflected on her 16-year career in the environmental profession and shared perspectives on professional growth and leadership within the industry.

Thursday Evening Reception

The main reception took place on Thursday evening in the Plantation Ballroom and Exhibit Hall. This reception inspired all our attendees with featured networking opportunities, raffle giveaways, and student poster presentations. Guests enjoyed complimentary drinks from several bars, passed hors d'oeuvres, and a wide assortment of vegetables, meats, and cheeses.

Conference sponsors praised the strong attendance and valuable exposure they received throughout the evening and enthusiastically contributed raffle items for attendees. One of the highlights of the two-hour reception was the raffle drawing, moderated by conference co-lead Debbie Medellin. The excitement in the room was evident as attendees eagerly anticipated the chance to win one of the many sought-after prizes donated by sponsors. Special thanks to Connelly & Associates, Inc. and Pure Polymer Solutions for sponsoring the main reception.



Sponsorship

Sponsors played a vital role in the success of the 2026 FAEP Annual Conference, with every table sponsorship sold out in advance of the event. Conference support included Keystone Sponsor Ecological Associates, Inc., seven Gold Sponsors, twenty-two Silver Sponsors, and seven Bronze Sponsors, along with several specialty sponsors who helped make signature conference events possible, including the Wednesday evening social, Thursday evening reception, session breaks, and field trips.



The exhibition area provided a dynamic gathering space for Florida's environmental professionals and organizations. Sponsor booths featured interactive displays, equipment demonstrations, native plants, educational materials, and plenty of conference swag. Among the many creative displays, C-HAWQ's booth stood out with striking cascading water features that greeted attendees entering the exhibition area.

Gold Sponsors were located within the Plantation Ballroom, allowing attendees to connect with exhibitors during meals and networking receptions. The Silver Sponsor corridor was bustling throughout the conference and filled to capacity, with additional booths accommodated in the Bronze Sponsor area. In the corridor leading to the Elliott Amphitheater, the Bronze section provided another networking hub for attendees moving between sessions. Student research posters were also displayed throughout this area.

Additional support was provided by the Florida Department of Transportation and FAEP's local chapters, which also hosted exhibitor tables during the conference.

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Technical Program

The technical sessions for the FAEP 2026 Annual Conference started out on Thursday, April 30 with breakfast and opening remarks from our esteemed TCC conference committee co-chairs, Niki Desjardin and Debbie Medellin.

This year's theme: *"Anchored in Purpose, Driven by Vision,"* invited professionals from across Florida to unite under a shared commitment to navigating today's shifting landscapes with clarity and courage to shape a more resilient future for Florida's most vital ecosystems. The technical sessions included an impressive array of topics and speakers under the following four tracks:

- Track 1: Restoration, Ecology, and Natural Systems;
- Track 2: Land Use, Conservation, & Environmental Planning;
- Track 3: Infrastructure, Energy, & Built Environment; and
- Track 4: Contamination



Conference speakers varied greatly in their professional capacity, industry role, and focus. Multiple governmental agencies were represented, including Palm Beach County Environmental Resources Management (ERM), South Florida Water Management District (SFWMD), Martin County Environmental Division, and the Florida Department of Transportation (FDOT). Several non-profit environmental organizations were also represented, including the American Shark Conservancy, the Florida Wildlife Corridor Foundation, Family Lands Remembered, and the Marine Megafauna Foundation (MMF). Lastly, a deep roster of Florida's premier private-sector environmental engineering and law firms were represented.

The speakers included Professional Engineers, Professional Geologists, Professional Wetland Scientists, Licensed Surveyors, Board-Certified Environmental Attorneys, government officials, scientists, and consultants. Together, these professionals provided key insights into the environmental challenges we face in South Florida today, and the solutions, technological advances, and strategies used to improve the overall health of our State.

Field Trips

The FAEP 2026 Conference experience was enhanced by providing attendees the opportunity to step directly into the ecosystems that shape Florida's environmental future. These curated field trips immersed attendees in the science, restoration, education, and stewardship efforts happening along the treasured Indian River Lagoon and surrounding coastal communities. Guided by subject-matter experts and local leaders, each excursion connected policy to practice—offering firsthand insight into habitat restoration, environmental education, coastal resilience, and watershed protection in action.

On day one of the conference, a packed boat of eager attendees toured Bird Island, a designated protected rookery and living shoreline restoration site in the Intracoastal Waterway of Jensen Beach. Roseate Spoonbills, Frigates, Pelicans, and Wood Storks were just a few of the many species viewed. The tour was hosted by the Environmental Studies Center and also included a spontaneous nature walk at St. Lucie Inlet Preserve State Park.



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Also, on day one of the conference, attendees experienced a Campus Tour of the world-renowned Florida Oceanographic Society (FOS). Attendees explored interactive exhibits, marine life habitats, and coastal research initiatives. The 90-minute tour of this incredible facility was led by Dr. Zack Jud, a marine ecologist whose research focuses on human disturbance to sensitive coastal communities. Field trip guests enjoyed FOS's 750,000-gallon Game Fish Lagoon, Sea Turtle Pavilion, Sea Star Touch Tank Pavilion, Rays on the Reef Ray Pavilion, the Frances Lang-ford Visitors Center, and the brand-new Ocean EcoCenter.

Two field trip experiences were offered on the final day of the 2026 FAEP Conference – a nature trail tour of FOS's natural communities and a kayaking excursion through the Loxahatchee River in Jonathan Dickenson State Park. The

FOS nature trail tour included a scenic walk-through tropical hammock and mangrove habitats. Guests also “stepped back in time” to discover how Florida’s native Ais Indians once lived in the area. Following the nature walk, guests enjoyed the many interactive exhibits at FOS’s coastal center.

During the Jonathan Dickenson State Park kayaking excursion, guests were immersed in the serene beauty of the Loxahatchee River, Florida’s first federally designated Wild and Scenic River. Paddlers experienced mangrove forests, seagrass beds, spoil islands, mudflats, and oyster bars - a mosaic of habitats. Wildlife sightings included wading birds, turtles, and an impressive array of fish!

Special thanks to our Field Trip Sponsor South Florida Engineering & Consulting for their support!

Finally, TCC-FAEP wanted to send a special thank you to our conference sponsors and our many volunteers on the Conference Committee who made the 2026 Annual FAEP Annual Conference a marvelous success!

Conference Attendee Feedback



FAEP TCC was overjoyed by the record attendance of this year’s Annual Conference. Everyone left with great memories. Thank you to the attendees who took the time to provide us with positive feedback. Here’s a few of the top comments:

- “What a great conference!! This one hit all the buttons for me and I truly appreciate all the planning team’s efforts.”
- “Thank you for putting on such an incredible state-wide FAEP conference. It went above and beyond my expectations as a first-time attendee.”
- “Please thank the team for being so welcoming and kind throughout the

conference – it was a great experience overall.”

- “It was really smooth, easy to understand the logistics, and the sessions and networking were wonderful.”
- “Thank you for such a well-run conference, it was an honor to be a speaker!”
- “Thank you for your hard work, this event was fantastic!”
- “We spent a couple of hours paddling and chatting about professional and personal interests, lots of fun and the perfect immersive activity to reinforce the purpose of what we are all working for.”
- “Thank you for such a seamless and engaging event. I enjoyed the sessions so much, and the app kept everything in one place and made navigating the agenda easy.”
- “I had a great time connecting with the other attendees and the Whova app made everything so easy. I’m loving it.”
- “The kayak trip was wonderful.”

- “The conference was perfect, informative, well organized, and mirrored a smaller version of the Environmental Permitting Summer School in Marco Island.” ■





The Academy of Board-Certified Environmental Professionals (ABCEP) is the certifying body for NAEP and the lead organization certifying environmental professionals; maintaining exemplary standards of ethics and technical practice; and supporting individuals, our profession, and the public relying upon our services. It is a board-certified recognition. Beyond the acknowledgement by your peers, earning and maintaining the Certified Environmental Professional (CEP) designation is beneficial as a key differentiator when bidding on projects. It also opens new doors personally and professionally.

ABCEP would like to enhance the CEP (and CEP-IT) by growing our numbers and raising the awareness and value of the credential. If interested, you can find more details about the CEP and the application process on our website <https://www.abcep.org>. If you email the office (office@abcep.org), our Administrator will follow up to see if you have additional questions about the application process and offer to assign a mentor to help guide you through it.

The initial CEP application fee is typically \$200. ABCEP is offering a 10% discount through the end of 2020 reducing the initial CEP application fee to \$180. This is a great time to submit your application! We also have a CEP-IT application for those that don't quite meet the CEP requirements.

Making the decision to pursue a certification can feel like a daunting task, but in this climate, having the designation after your name can prove that crucial differentiator. Please share this with anyone in your office that might be interested. ■

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Expanding the Reach: New Opportunities for Mitigation Bank Credits

By Susan Roeder Martin

First published in the Florida Bar Journal March/April 2026 edition

In 2025, the most consequential updates to Florida's wetland mitigation banking framework occurred in more than two decades. For the first time since the creation of mitigation banks in Florida in the 1990s, the Legislature authorized a pathway for mitigation bank credits to be used outside of a bank's traditional service area, creating new opportunities for both mitigation bankers and those needing to purchase creditsⁱ. Additionally, the Legislature implemented a system for

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uniform credit releases by the Department of Environmental Protection (“DEP”) and the water management districts (“permitting agencies”) in the issuance of a mitigation bank environmental resource permit (“ERP”)ⁱⁱ.

This article provides a practical overview of the new opportunities for use of mitigation bank credits. This article is part one of two. The second article will cover new legislation on Water Quality Enhancement Areas (also known as water quality banks) which, like mitigation banks, offer credits to offset impacts in a defined service area.

Background

The statutory authority for mitigation banks is set forth in Sections 373.4135 and 373.4136 of the Florida Statutes. In addition, in 1994, DEP adopted Chapter 62-342 of the Florida Administrative Code, establishing detailed criteria for mitigation bank permitting, credits, service area delineation, financial assurances, and performance standards. Amendments were made in 1996 to refine these rules.

Mitigation bankingⁱⁱⁱ is a practice in which environmental enhancement and preservation is conducted by an entity known as a mitigation banker^{iv} to provide mitigation for unavoidable wetland impacts, historically within a defined region known as the mitigation service area. The mitigation banker sells credits^v, which represent the wetland ecological value known as the “lift” from the environmental improvement.

Credits are awarded to banks based on the “degree of improvement in ecological value expected to result from the establishment and operation of the mitigation bank...”^{vi}. The permitting agency^{vii} determines the number of potential credits that the mitigation bank can earn. If the bank was established after February 2, 2004^{viii} the Uniform Mitigation Assessment Method, typically called UMAM, is utilized by the permitting agency to determine the amount of credits awarded to the bank.

In determining the degree of improvement in ecological value, the permitting agency considers the following factors:

- (a) The extent to which target hydrologic regimes can be achieved and maintained;
- (b) The extent to which management activities promote natural ecological conditions;
- (c) The proximity of the mitigation bank to areas with regionally significant ecological resources or habitats;
- (d) The quality and quantity of wetland or upland restoration, enhancement, preservation, or creation;
- (e) The ecological and hydrological relationship between wetlands and uplands in the mitigation bank;
- (f) The extent to which the mitigation bank provides habitat for fish and wildlife, especially habitat for species listed as threatened, endangered, or of special concern, or provides habitats that are unique for that mitigation service area;
- (g) The extent to which the lands that are to be preserved are already protected by existing state, local, or federal regulations or land use restrictions;
- (h) The extent to which lands to be preserved would be adversely affected if they were not preserved; and
- (i) Any special designation or classification of the affected waters and lands.^{ix}

State Environmental Resource Permit applicants who wish to impact a site (“impact applicant”) may wish to purchase mitigation bank credits to offset their proposed impacts. This avoids the necessity for the impact applicant to do on-site

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mitigation, which would require long-term maintenance responsibility and assurance of on-site mitigation success. The agency that is reviewing the Environmental Resource Permit application for the impact applicant will use UMAM to determine the amount of credit needed to offset the impact.

The Traditional Service Area Model

Under Florida's longstanding mitigation banking system, a mitigation bank could only sell credits within a defined mitigation service area determined by reference to regional watersheds.^x A service area is the geographic boundary defined in the mitigation bank's permit^{xi}. Historically, only credits for the same type of habitat as the impact site could be used. For example, seagrass for seagrass credits, but not seagrass for forested credits.

This mitigation bank structure has been highly successful. However, challenges have developed recently due to persistent credit shortages in certain areas of Florida. Large portions of Florida are not within the service area of a mitigation bank. Further, some basins have exhausted their credit supply, leading to project delays. Areas which are credit deficient include South Florida and portions of the Panhandle and Southwest Florida.

The Florida Legislature's First Attempt to Address Credit Deficiencies

In 2024, the Legislature first attempted to address credit deficiencies by amending Section 373.4135 to create new subsection (8). This subsection allows for the limited use of local government land for private sector mitigation banks, provided that the private mitigation banks are located in credit-deficient basins and would produce the habitat type credits that are unavailable or insufficient in such basins.^{xii} While subsection 373.4135(8) provides a valuable option that was previously prohibited, credit deficiencies remained. In 2025, Florida's Legislature responded to the credit availability issue when it passed new legislation to not only addresses the credit availability issue, but also included modifications to address several other issues. Chapter 2025-191 of the Laws of Florida, which modifies Section 373.4136 became effective on July 1, 2025.

Out-of-Service Area Credit Use

Under the amendments effectuated by Chapter 2025-191, if an impact applicant is not located within the service area of a mitigation bank or there are no available credits, the impact applicant may now look for credits from other mitigation banks outside traditional service area boundaries. More specifically, Section 373.4136(6)(d) now permits the use of mitigation credits from outside of a mitigation bank service area if "an insufficient number or type of credits from banks whose permitted service area overlays in whole or in part the regional watershed in which the impacts occur." In such a case, the impact applicant is entitled to a one-time use of credits released from a mitigation bank outside the mitigation bank service area to offset its impacts.

Before these one-time credits may be sold, DEP or the relevant water management district must determine that the mitigation service area lacks credits of the appropriate type^{xiii}. DEP or the water management district then implements a tiered decision-making framework that favors credits as close as possible to the impact. "Priority must be given to mitigation banks whose permitted service area fully includes the impact site".^{xiv xv}

Section 373.4136(6)(d) goes on to apply proximity multipliers, increasing the number of credits needed the farther credits are away from the impact site. DEP and the Water Management Districts will implement a tiered decision-making framework that favors credits as close as possible to the impact. DEP and the water management districts must give priority to mitigation banks whose permitted service area fully includes the impact site.

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Standardized Credit Release Schedule

As a result of Chapter 2025-191, 373.4136(5) now implements a uniform credit release schedule for mitigation banks. The schedule is tiered, releasing credits at different stages. The initial release is thirty percent when a conservation easement is recorded and financial assurances are provided. Another thirty percent is released following completion of initial construction activities. Twenty percent is then released in increments as monitoring indicates interim performance criteria established by the mitigation bank permit are met. Finally, twenty percent of awarded credits will be released upon meeting final success criteria established by the mitigation bank permit. However, the mitigation bank applicant may propose an alternative credit release schedule, which DEP or the water management district must consider.^{xvi}

Upon request by an existing permitted mitigation bank, DEP or the relevant water management district must modify the mitigation bank's credit release schedule as described above if the mitigation bank has not yet had mitigation credits released for the completion of construction activities.

Notwithstanding the above, a mitigation credit may not be released for freshwater wetland creation until the success criteria established in the mitigation bank permit for initial construction activities are met.

Rule Adoption

In 2022, the Legislature created Section 373.41365 of the Florida Statutes. This statute required DEP, in consultation with the water management districts, to adopt new rules pertaining to financial assurances for long term management of mitigation either through existing active rulemaking or by June 30, 2023. Section 373.41365 states:

373.41365 Adoption and modification of rules to ensure financial assurances for long-term management of mitigation under ss. 373.4136 and 373.414. —
The Department of Environmental Protection shall adopt and modify rules adopted pursuant to ss. 373.4136 and 373.414 to ensure that required financial assurances are equivalent and sufficient to provide for the long-term management of mitigation permitted under ss. 373.4136 and 373.414. The department, in consultation with the water management districts, shall include the rulemaking required by this section in existing active rulemaking, or shall complete rule development by June 30, 2023.

On November 14, 2022, DEP initiated rule development for Chapter 62-342.700 of the Florida Administrative Code to address the requirements of this statute. However, a rule has not been adopted in accordance with this time requirement. The latest activity was a rule development workshop on December 8, 2025 that focused on the financial assurances provided by banks for perpetual management.

Conclusion

Florida's 2025 mitigation banking legislation marks a major evolution in the State's approach to wetland mitigation. By allowing mitigation bank credits to be used outside their traditional service areas under defined conditions, the Legislature addressed credit deficiencies and permitting efficiency while maintaining ecological integrity.

For environmental professionals, consultants, local governments, and regulated entities, this change opens new pathways, but also requires careful planning, documentation, and early engagement with DEP and the water management districts.

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ⁱ Note that there was no material change in Federal law governing mitigation banks in 2025. If the banker wishes to offer both State and Federal mitigation bank credits, the applicant will need to separately apply to the U.S. Army Corps of Engineers for a federal mitigation banking instrument. Applicants are advised that early coordination with the U.S. Army Corps of Engineers will reduce Federal permitting delays.

ⁱⁱ Both DEP and the water management districts are authorized to issue State mitigation bank permits.

ⁱⁱⁱ A “Mitigation Bank” is “a project permitted under s. 373.4136, undertaken to provide for the withdrawal of mitigation credits to offset adverse impacts authorized by a permit under [Part IV of Chapter 373 of the Florida Statutes].” Fla. Stat. § 373.403(19) (2025).

^{iv} A “Banker” is an entity that “creates, operates, manages, or maintains a Mitigation Bank pursuant to a Mitigation Bank Permit.” Fla. Admin. Code R. 62-342.200(1) (2025).

^v A “Mitigation credit” means a standard unit of measure which represents the increase in ecological value resulting from restoration, enhancement, preservation or creation activities.” Fla. Stat. § 373.403(20) (2025).

^{vi} Fla. Stat. § 373.4136(4) (2025).

^{vii} The permitting agencies under state rules are the Florida Department of Environmental Protection (“DEP”), water management district (“WMD”) or a local government.

^{viii} EP, *Mitigation and Mitigation Banking*, DEP (last updated Sept. 30, 2024), <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/mitigation-and-mitigation-banking>.

^{ix} Fla. Stat. § 373.4136(4) (2025).

^x Pursuant to Section 373.4136(6)(b) of the Florida Statutes: “The department and water management districts shall use regional watersheds to guide the establishment of mitigation service areas. Drainage basins established pursuant to [Section 373.414(8) of the Florida Statutes] may be used as regional watersheds when they are established based on the hydrological or ecological characteristics of the basin. A mitigation service area may extend beyond the regional watershed in which the bank is located into all or part of other regional watersheds when the mitigation bank has the ability to offset adverse impacts outside that regional watershed. Similarly, a mitigation service area may be smaller than the regional watershed in which the mitigation bank is located when adverse impacts throughout the regional watershed cannot reasonably be expected to be offset by the mitigation bank because of local ecological or hydrological conditions.”

^{xi} Fla. Stat. § 373.4136(6)(b) (2025).

^{xii} Laws of Fla. Ch. 2024-144.

^{xiii} Fla. Stat. § 373.4136(6)(d) (2025).

^{xiv} Pursuant to Fla. Stat. § 373.4136(6)(d) (2025), if the credits within a mitigation bank service area only partially offset the impacts from the impact site located within the mitigation bank service area, the impact area applicant may only use the 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.

^{xv} Starting July 1, 2026, mitigation banks are required to provide annual reports on credit availability to state agencies. A statewide report will then be compiled for the legislature.

^{xvi} Fla. Stat. § 373.4136(5)(b) (2025).

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Conservation Storytelling Through Art in the Tallahassee Area

Environmental professionals often tell conservation stories through technical reports, environmental assessments, management plans, and restoration projects. But some of Florida's most important conservation messages are being communicated through a different medium: public art.



In North Florida, artists Sam McCoy and Meghan Mick are using large-scale murals to connect people with Florida's landscapes, wildlife, and conservation priorities. Through works such as *Dusk in the Longleaf Gap*, part of the Florida Wildlife Corridor Foundation's mural program, and *Wingbeats Twilight* in Tallahassee's Southside, the artists are transforming ecological concepts into visual



narratives that are accessible to everyone.

Their work demonstrates how art can help bridge the gap between scientific understanding and public engagement. For McCoy and Mick, conservation storytelling begins with place. Their murals celebrate the species and habitats that define North Florida while highlighting the importance of protecting ecological connections across the landscape. *Dusk in the Longleaf Gap* draws inspiration from the longleaf pine ecosystem, one of the most biologically diverse ecosystems in North

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America and a conservation priority throughout the Southeast. The mural depicts wildlife moving through a landscape bathed in twilight, emphasizing the interconnectedness of species and habitats. *Wingbeats Twilight* explores that idea through imagery centered on birds, pollinators, and movement. The mural reminds viewers that conservation is not limited to remote natural areas—it can also be found in city parks, neighborhood greenspaces, and backyard habitats.

For environmental professionals, the message is familiar. Habitat connectivity, prescribed fire, and ecosystem restoration are essential components of conservation success. Yet these concepts can be difficult to communicate outside the environmental field. Through art, viewers can experience those ideas visually and emotionally. Public murals have a unique ability to reach audiences who may never attend a public meeting or read an environmental report.

That approach is especially relevant in Tallahassee, where urban neighborhoods exist alongside some of Florida’s most significant natural resources, including the Apalachicola National Forest, St. Marks National Wildlife Refuge, and extensive longleaf pine habitats. Many residents may not realize their communities are connected to larger ecological networks that support wildlife movement throughout the region.

Creating conservation-focused art requires balancing ecological accuracy with artistic expression. Both artists spend significant time researching species, habitats, and local environmental themes before developing their designs. This perspective aligns closely with the work of environmental professionals, who increasingly recognize the importance of storytelling in conservation. Data, regulations, and technical expertise remain critical, but successful conservation also depends on public understanding and support.

One theme that emerges throughout both murals is hope. While habitat loss and environmental challenges are real, McCoy and Mick focus on the beauty, resilience, and significance of Florida’s natural systems. Rather than depicting what has been lost, their artwork highlights what remains and what can still be protected.

For members of the Tallahassee Area Association of Environmental Professionals, that message is a familiar one. Whether working in ecological restoration, environmental consulting, regulatory compliance, land management, or planning, environmental professionals are ultimately engaged in the same form of storytelling: helping communities understand why natural resources matter.

Art simply offers another way to tell that story.

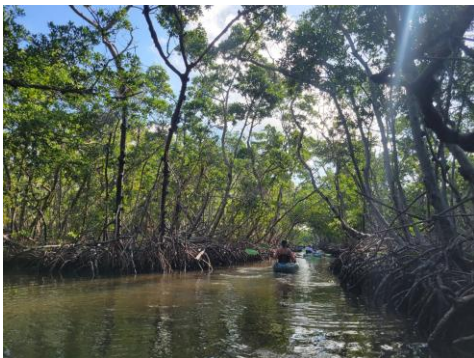
As conservation efforts continue across North Florida and throughout the Florida Wildlife Corridor, murals like *Dusk in the Longleaf Gap* and *Wingbeats Twilight* demonstrate the power of creative partnerships. By translating science into visual experiences, artists help foster awareness and connection that conservation depends upon.



As McCoy summarized, conservation storytelling through art is about “helping people see themselves as part of the landscape—not separate from it.” That may be one of the most important conservation messages of all. ■

SOUTHWEST CHAPTER KAYAK TRIP

The Southwest Chapter enjoyed a guided kayak trip at Ted Sperling Park on Lido Key on Saturday June 20th at the northern end of our chapter boundaries in Sarasota. It was a beautiful sunny day perfect for kayaking. The launch point was shallow and right over a wide bed of very healthy seagrass. It was great to be able to relax and follow the local guide instead of putting on our environmental professional hats and be on full survey and identification mode. We set out into deeper water and were joined by a few friendly double crested cormorants diving under our kayaks for fish. Two dolphins surprised us and we stopped to see them as they moved closer to us. While we were enjoying the dolphins, our guide found a couple sea urchins that were passed between the kayaks before gently being returned to the water. We made our way through a few mangrove tunnels and enjoyed some time on a nearby beach watching the fiddler crabs and small fish in the back waters. It was great to see such a healthy natural area being enjoyed by both people and wildlife. ■



Upcoming Conferences and Workshops

EVENT	DATE	PLACE
Annual Environmental Permitting Summer School	July 21 – 24, 2026	Marco Island, FL
Annual Georgia Environmental Conference	August 19 – 21, 2026	Jekyll Island, GA
StormCon 2026 Surface Water Quality Conference	August 25 – 27, 2026	Minneapolis, MN
American Institute of Professional Geologists National Conference	August 29 – September 2, 2026	Duluth, MN
AEHS Foundation, Annual East Coast Conference on Soils, Sediments, Water, and Energy	October 19 – 22, 2026	Amherst, MA



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