

Stream/Wetland Mitigation Plan Requirements

Permittee Responsible Mitigation

U.S. Army Corps of Engineers, Rock Island District

As a result of the implementation of the Mitigation Rule (Compensatory Mitigation For Losses of Aquatic Resources, 33 CFR Part 332) dated April 10, 2008, should your project require wetland mitigation, specific information is required to be submitted with the permit application and during the review process.

I. Permit Application and Initial Review Process.

a. **Sequencing.** For any project which will impact streams or wetlands, the applicant must include a statement explaining how impacts to Waters of the U.S. associated with the proposed activity are to be avoided, minimized, and, if needed, compensated.
[33 CFR 332.1(c)]

b. **Draft Mitigation Plan.** If compensatory mitigation will be required, then the applicant must submit a draft mitigation plan with the permit application. The draft mitigation plan must be sufficient for the Corps to conduct its application review process. At a minimum, the draft plan must include a location map, site plan with grading and seeding plans, and an operations and maintenance plan. Refer to the Rock Island District Mitigation and Monitoring Guidelines. For a Department of the Army (DA) Individual Permit, the review will include issuing a public notice for comment. For a DA General Permit, this may include a coordinated review with other federal and state agencies.

II. Final Mitigation Plan.

A final mitigation plan may be submitted with the permit application or later after the review process has been completed. The final mitigation plan must be prepared and approved prior to the Corps issuing the DA Permit. Your final mitigation plan must contain the following components, or an explanation as to why certain components should not be required:

a. **Objectives.** A description of the resource type(s) and amount(s) that will be provided, the method of compensation (i.e. restoration, establishment, enhancement, and/or preservation), and the manner in which the resource functions of the compensatory mitigation project will address the needs of the watershed, eco-region or other geographic area of interest [33 CFR 332.4(c)(2)].

b. **Site Selection.** A description of the factors considered during the mitigation site selection process. This should include consideration of watershed needs, onsite alternatives where applicable, and the practicability of accomplishing ecologically self-sustaining aquatic resource restoration, establishment, enhancement, and/or preservation at the compensatory mitigation site [33 CFR 332.3(d) & 33 CFR 332.4(c)(3)].

c. **Site Protection Instrument.** A description of the legal arrangements and instrument, including site ownership, that will be used to ensure long-term protection of the compensatory mitigation site. This may include a deed restriction, restrictive covenants, or a conservation easement. The appropriate instrument is dependent on the project situation and who will be providing long-term maintenance of the mitigation site. The document will need to be filed with the title at the County Recorder's Office. An alternative may be to record the final Department of the Army Permit, Section 401 Water Quality Certification, and attachments [33 CFR 332.4(c)(4) & 33 CFR 332.7(a)].

- d. Baseline Information. A description of the ecological characteristics of the proposed compensatory mitigation site. This may include descriptions of historic and existing hydrology, historic and existing plant communities, soil types, and a map showing the location of the proposed compensatory mitigation site in relation to the project site. The baseline information must also include a wetland delineation of the proposed compensatory mitigation site. [33 CFR 332.4(c)(5)].
- e. Determination of Credits. A description of the number of credits to be provided, including a brief explanation of the rationale for this determination. This should include an explanation of how the compensatory mitigation project will provide the required compensation for unavoidable impacts to aquatic resources resulting from the permitted activity. [33 CFR 332.4(c)(6) & 33 CFR 332.3(f)].
- f. Mitigation Work Plan. Detailed written specifications and work descriptions for the compensatory mitigation project, including, but not limited to, the geographic boundaries of the project; construction methods, timing and sequence; source of hydrology including connections to existing waters and uplands; methods for establishing desired plant communities; plans to control invasive and non-native species; establishment of upland buffers; the proposed grading plan including elevations and slopes of substrate; soil management and erosion control. [33 CFR 332.4(c)(7)].
- g. Maintenance Plan. A description and schedule of maintenance requirements to ensure the continued viability of the compensatory mitigation site once initial construction is complete. [33 CFR 332.4(c)(8)].
- h. Performance Standards. Ecologically based standards that will be used to determine if the compensatory mitigation project is achieving its objectives. [33 CFR 332.4(c)(9) & 33 CFR 332.5]
- i. Monitoring Requirements. A description of parameters to be monitored in order to determine if the compensatory mitigation project is on track to meet performance standards and if adaptive management is needed. A schedule for monitoring and providing monitoring reports to the District Engineer must be included. A minimum of 5 years of monitoring will be required. For forested wetlands, 10 years of monitoring may be required. [33 CFR 332.4(c)(10) & 33 CFR 332.6]
- j. Long-Term Management Plan. A description of how the compensatory mitigation site will be managed after performance standards have been achieved and annual monitoring is no longer required to ensure long-term sustainability of the resource, including long-term financing mechanisms and the party responsible for long-term management. [33 CFR 332.4(c)(11) & 33 CFR 332.7(d)]
- k. Adaptive Management Plan. A management strategy to address unforeseen changes in site conditions or other components of the compensatory mitigation project, including the party or parties responsible for implementing adaptive management measures. The adaptive management plan will guide decisions for revising compensatory mitigation plans and implementing measures to address both foreseeable and unforeseen circumstances that adversely affect compensatory mitigation success. [33 CFR 332.4(c)(12) & 33 CFR 332.7(c)]
- l. Financial Assurances. A description of financial assurances (bonds, escrow accounts, etc.) that will be provided and how they are sufficient to ensure a high level of confidence that the compensatory mitigation project will be successfully completed in accordance with its performance standards [33 CFR 332.4(c)(13) & 33 CFR 332.3(n)].