



US Army Corps
of Engineers®

St. Paul District

Requirements for Submitting a Complete Mitigation Plan for Sites Involving Streams or Wetlands

U.S. Army Corps of Engineers, St. Paul District

All proposed compensatory mitigation plans must include a discussion of the following items. This requirement applies to all mitigation banks, in-lieu fee programs and permittee-responsible mitigation proposals. A compensatory mitigation plan cannot be approved by the Corps until the following items are included. These requirements are the result of the federal regulations entitled Compensatory Mitigation for Losses of Aquatic Resources released on April 10, 2008. These regulations are found at 33 CFR Part 332. Please provide the following information and a completed copy of this checklist with the submittal of a compensatory mitigation plan:

- Mitigation objectives:** Describe the resource type(s) and quantities that will be restored, created, enhanced or preserved. Discuss the resource functions and how these functions address the needs of the watershed or other geographic area of interest. The watershed approach is defined in the new Compensatory Mitigation for Losses of Aquatic Resources regulation at 33CFR Part 332.3(c).
- For Streams.** This must directly relate to the existing versus proposed condition assessment completed using the SQT.
- Site selection:** Describe the factors considered during the site selection process. This should include consideration of the watershed needs, on-site alternatives where applicable and the practicability of accomplishing ecologically self-sustaining aquatic resource restoration, establishment, enhancement, and/or preservation at the compensatory mitigation site.
- Site Selection Checklist.** Update the site selection checklists (for wetlands and streams as needed based on the aquatic resource credits proposed). Include a copy of the completed checklist along with all background or supporting documentation required in those checklists.
- Site protection instrument:** Describe the legal arrangements and documents including verification of site ownership that will be used to ensure the long-term protection of the compensatory mitigation site.
- Baseline information:** Describe the ecological characteristics of the proposed compensatory mitigation site and, in the case of an application for a DA Permit, the impact site. This may include descriptions of historic and existing plant communities, historic and existing hydrology, soil conditions, a map showing the locations of the impact and the mitigation sites(s) or the geographic coordinates for those site(s), and other site characteristics appropriate to the type of resource proposed as compensation. The baseline information should also include a delineation of the waters of the United States on the proposed compensatory mitigation project site. A perspective permittee planning to secure credits from a mitigation bank or an in-lieu fee program only needs to provide baseline information about the impact site, not the mitigation bank or the in-lieu fee project site.

- SQT.** Projects involving the restoration of streams must assess baseline site conditions for all required parameters in the SQT, including supporting field data.

- Determination of credits:** Describe the number of credits to be provided, including a brief explanation of the rationale for this determination (stream or wetland assessment method). For permittee-responsible mitigation, this should include an explanation of how the compensatory mitigation project will provide the required compensation for the unavoidable impacts to aquatic resources resulting from the permitted activity. For permittees intending to secure credits from an approved mitigation bank or in-lieu fee program, it should include the number and the resource type of credits to be secured and how these credit needs were determined. Any stream credits must be calculated by the **change** in Functional Feet from an existing to a proposed condition using the SQT.

- Mitigation work plan:** Provide 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(s) of water, including connections to existing waters and uplands; methods for establishing the desired plant community; plans to control invasive plant species; the proposed grading plan, including elevations and slopes of the substrate; soil management; and erosion control measures. For stream mitigation projects, the mitigation work plan may also include other relevant information, such as plan form geometry, channel form (e.g., typical channel cross-section), watershed size, design discharge, and riparian area plantings.

- Maintenance plan:** Provide a description and schedule of maintenance requirements to ensure the continued viability of the resource once initial construction is completed.

- Performance standards:** Provide the ecologically-based standards (hydrology, plant survival, habitat features, etc.) that will be used to determine whether the compensatory mitigation project is achieving its objectives. Individual performance standards are required for each aquatic resource type proposed for credit.

- Monitoring requirements:** Provide a description of the parameters to be monitored and a monitoring schedule. The site attributes to be monitored and level of monitoring effort proposed should be sufficient to determine if the compensatory mitigation project is on track to meet the performance standards and provide the functional improvements described in the site objectives for each aquatic resource type proposed. The monitoring plan should also have provisions for determining whether adaptive management is needed at various points throughout the monitoring period. A schedule for reporting monitoring results to the Corps Regulatory Division must also be included.

- Long-term management plan:** Provide a description of how the compensatory mitigation project will be managed after performance standards are achieved to ensure the long-term sustainability of the resource. The party responsible for the long-term management must be identified. In addition, if the nature of the long-term management proposed is sufficient to warrant funding dedicated to that task, a long-term financing mechanism must also be identified.

- Adaptive management plan.** This plan should address strategies to address unforeseen issues associated with site conditions or other components of the compensatory mitigation plan. This plan will guide decisions for revising the original construction plan and implement measures to address both foreseeable and unforeseen circumstances that adversely affect the success of the compensatory mitigation project. The plan must identify the party or parties responsible for implementing the adaptive management plan.

- Financial assurances.** Provide a description of financial assurances 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 and managed for the long-term, in accordance with the required ecological performance standard. The financial assurance can be in the form of performance bonds, escrow accounts, casualty insurance, letters of credit or other appropriate instruments approved by the Corps. For government agencies or a public authority, the Corps may accept a formal, documented commitment to funding the project or bank program as an acceptable assurance on a case-by-case basis (*e.g.*, documentation that funds allocated by a legislature or from bonding are encumbered for a specific project). Financial assurances are required for all projects involving stream mitigation.

- Other Information:** Refer to the Prospectus' initial evaluation letter. Any information listed as having to be addressed in a DMBI must be provided for the DMBI to be determined to be complete.