

# Mitigation Newsletter

## Wisconsin and Minnesota

U.S. Army Corps of Engineers  
Wisconsin Department of Natural Resources  
Environmental Protection Agency  
Minnesota Department of Natural Resources  
Minnesota Board of Water and Soil Resources

## Release of the Minnesota Wisconsin Stream Quantification Tool

The United States Environmental Protection Agency (EPA) Region 5, U.S. Army Corps of Engineers St Paul District (Corps), Wisconsin Department of Natural Resources (WDNR), Minnesota Board of Water and Soil Resources (BWSR), Minnesota Department of Natural Resources (MnDNR), and Minnesota Pollution Control Agency (MPCA) are pleased to announce the release of the Minnesota Wisconsin (MNWI) Stream Quantification Tool (SQT) and accompanying Debit Calculator! This tool merges the Wisconsin and Minnesota versions of the SQT into a single tool and replaces all previous SQT versions used in both states. If Sponsors have already used the MNSQT to quantify stream credits for an approved mitigation bank, they can continue to use the MNSQT throughout the monitoring period. For all other bank submittals, please transition to the use of the MNWI SQT to quantify stream credits. Sponsors can find the [MNWI SQT in RIBITS](#) under Menu, Assessment Tools.

## Wisconsin Guidelines Update

Thank you to all who provided comments on the draft Wisconsin Guidelines Version 2 and participated in our Listening Session in July. The WDNR and the Corps are reviewing all comments received and expect to finalize and release Wisconsin Guidelines Version 2 for use and implementation in Spring 2025.



## 2025 Interagency Review Team Listening Sessions for Wisconsin and Minnesota

The Interagency Review Teams (IRT) for Minnesota and Wisconsin will host a series of listening sessions in 2025 to provide opportunities for stakeholders in the mitigation community to offer suggestions to improve our mitigation bank and in-lieu fee processes and procedures as well as to answer questions about our mitigation programs. Please [sign up](#) to receive the special public notices announcing these sessions. The IRT welcomes the mitigation community to brainstorm ideas and recommendations for improving our interagency review process, communication strategies, training opportunities, and future standard operating procedure topics. Please note, this is separate than BWSR rulemaking initiatives and stakeholders can find information on that process on [BWSR's website](#).

## Timely Draft Mitigation Bank Instrument Submittals

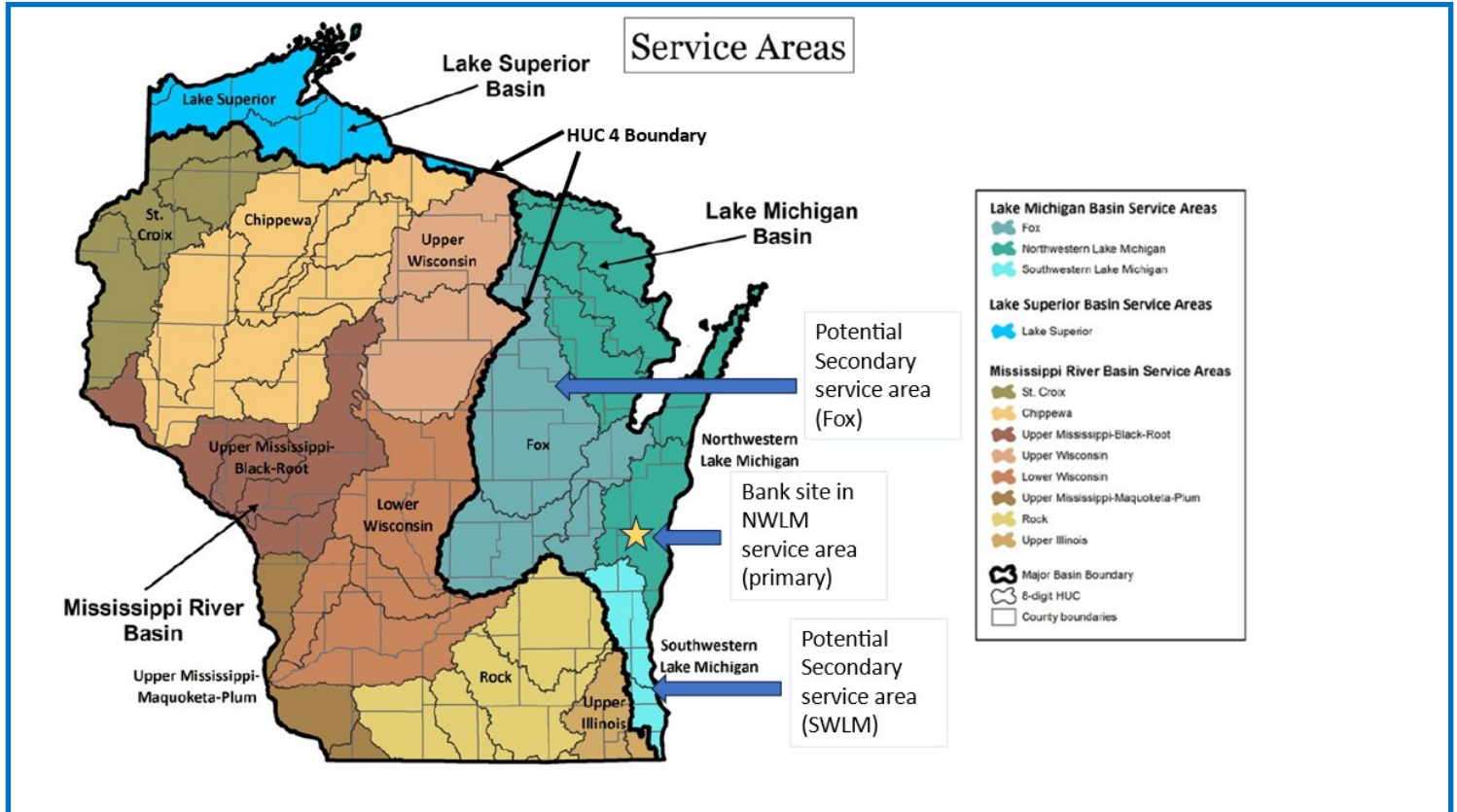
Sponsors who submit a prospectus for Corps review will notice the Corps has started to include a deadline in the initial evaluation letter (IEL), typically one year unless necessary data collection would take longer, for draft mitigation bank instrument (MBI) submittal. After that date, if the sponsor has not submitted a complete draft MBI addressing all comments from the IEL, they should contact the Corps to discuss the status of their response to this letter. This is due to continuing evolution of the Corps mitigation program, shifting watershed needs and conditions, and likelihood for updated procedures and standards that require consideration. Sponsors who previously received an IEL more than a year ago should contact the Corps to determine whether the agencies may require a revised prospectus prior to submittal of a draft MBI. When the agencies require a revised prospectus review, the intent is to identify any fatal flaws or constraints, review and validate previous prospectus comments, and to ensure program consistency and implementation across both states.

## Release of Vegetation Performance Standards Procedures

In May 2024, the Corps released our [Procedures for Developing Vegetation Performance Standards](#) for use in Minnesota and Wisconsin. Prospective mitigation bank and in-lieu fee sponsors should review these procedures for information on proposing reasonable, measurable and appropriate vegetation performance standards.

# Secondary Bank Service Areas for Stream Credits

Due to the current limited availability of stream credits within primary bank service areas (BSA), the Corps has determined that we will temporarily consider inclusion of secondary service areas specifically for the use of stream credits at mitigation banks. Sponsors who are considering a bank involving stream restoration may propose an adjacent Hydrologic Unit Code (HUC) 6, within the same state and HUC 4 watershed, as a secondary service area (see figure for example). Sponsors who previously received approval of a bank involving stream restoration may request a streamlined modification to include a secondary service area for your stream credits. The approval of secondary service areas is a temporary measure that the Corps will use until we determine such flexibility is no longer appropriate.



## Monitoring on Mitigation Bank and In-Lieu Fee Sites!

The IRT would like to offer a few reminders related to monitoring requirements in 33 CFR 332 in Minnesota and Wisconsin.

- ◆ Make sure the monitoring period identified in the mitigation plan is the typical minimum number of growing seasons needed to achieve final performance standards.
- ◆ Monitoring is required for a minimum of five full growing seasons. Some sites, such as preservation sites or the restoration of later successional communities, require a longer minimum monitoring period beyond the minimum five years.
- ◆ The first full growing season begins after the completion of all construction, seeding and planting activities. For example, if sponsors construct in early summer 2025, the first full growing season toward the five-year minimum is 2026.
- ◆ Sponsors must continue to monitor and manage their sites until final performance standards are met and the Corps releases you from continued monitoring. Some sites may achieve their final performance standards prior to the five-year minimum and sponsors may request Corps approval for early release from monitoring. Similarly, if performance standards are not met by the end of the minimum monitoring period, sponsors should expect to continue to monitor and manage their sites until final performance standards are met, or until any MBI modifications necessary to account for the variation in actual versus planned conditions are approved by the Corps in coordination with the IRT.
- ◆ To ensure timely credit releases, if sponsors anticipate requesting credits in their end of year monitoring report, make sure to schedule a site visit with the IRT during the growing season.

## Mitigation Method Series: Preservation

When submitting a prospectus proposing credit from preservation of wetland communities, sponsors must demonstrate among other requirements that each wetland community type and basin onsite is under demonstrable threat of destruction or adverse modification (33 CFR 332.3(h)(iv)), and that the site protection instrument will permanently prevent the threat(s). Demonstrable threats may include activities that adversely alter, degrade, or destroy wetlands and are exempt, not regulated, or otherwise allowed under Section 404 of the Wetland Conservation Act (WCA). Examples include, but are not limited to, certain agricultural, silvicultural, development and excavation activities. Sponsors must demonstrate that the site meets required eligibility criteria before receiving agency feedback to move on to DMBI, including:

- ◆ How the activity would result in the destruction or adverse modification of wetland functions;
- ◆ Examples of how the activities have occurred in the past and why it is likely to occur on or otherwise affect the proposed preservation site;
- ◆ Copies of plans, permits, or existing contracts to conduct the activity onsite or on comparable sites. To aid sponsors in development of their prospectus documents, the agencies have developed an example list of the types of documentation and information sponsors may include to demonstrate threats specific to mining, timber harvest and development activities:

Demonstrable Threat	Examples of Documentation/Information to Include in Prospectus			
Mining	Map of severed mineral rights (if applicable) on all parcels onsite, and identification ownership	Geological assessment of potential minerals and their viability by trained geologic experts	Map, with distances measured, showing the site compared with other mining facilities (gravel pits, ferrous mining, etc. as appropriate for the mineral resource) in the region	Discussion of current severed mineral right ownership and how the sponsor will obtain those rights (of note: non-disturbance agreements not generally sufficient)
Clearcut Timber Harvest (Beyond Normal Silvicultural Activities)	Timber stand inventory and valuation of the site (for larger parcels, provide by forest community or by parcel) from a forester	Map showing onsite, adjacent or nearby ongoing or projected timber harvest contracts	Map showing onsite, adjacent or nearby timber harvests that have already occurred, include year of harvest	Forest inventory (including species) and regeneration survey
Development	Assessment of development trends within the watershed (copies of any approved or proposed administrative plats, development plans, master plans, etc.)	Local, state and federal permit information demonstrating types of nearby development	Adjacent land use evaluation, including prospective land uses, land uses occurring in the area that reasonably could occur on adjacent properties, presence of onsite, offsite drainage systems and their effect on the resource, identification of roads, utilities, easements.	Assessment of how the development trends, permit data, etc. demonstrate the site is under threat of development

## To seed or not to seed...that is the question

In general, sponsors can expect that they will need to seed or plant to re-establish native vegetation in areas that have been historically disturbed by cultivation or dominated by non-native invasive species. If the starting point for a wetland re-establishment or rehabilitation site is exposed soils or a depleted native seedbank due to decades of cultivation for row crops or a wetland creation site with no hydric soils and no wetland seedbank, sponsors will likely need to include seeding or planting in their mitigation plan. On enhancement sites where vegetation is degraded but remnant native plant communities persist, supplemental seeding or planting may not be necessary if native species re-establish or return to a site once invasive species are managed or disturbances are mitigated. Managing invasive species, introducing prescribed fire, raking or scraping the soil surface, and removing fill or overburden are all examples of management activities that may release the existing seed bank or populations of native species on a compensation site.

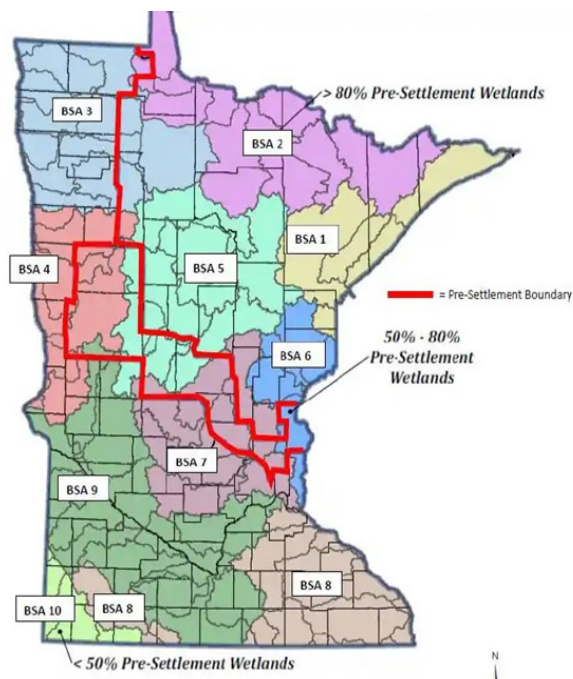
If sponsors intend to rely on a native seed bank, they should assess whether the historic native seed bank is still viable. In short, to conduct a seed bank study, sponsors collect soil samples from the compensation site, place them in a greenhouse setting and identify plant species that emerge. Sponsors should use the seed bank testing protocol in Appendix 5E of the Minnesota Wetland Restoration Guide or seek out local native seed nurseries who may offer seed bank study services for a fee.

# BWSR Rulemaking Update

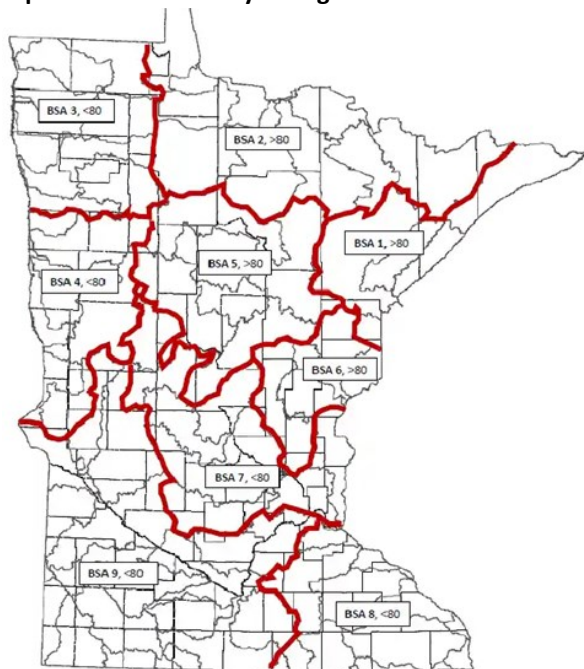
BWSR continues the state's rulemaking process to incorporate statute changes from 2011, 2012, 2015, 2017, and 2024. Some changes were effective immediately and others are only effective upon further development of Wetland Conservation Act rules. Final rule adoption should occur sometime in 2025. Of particular interest to those involved in wetland banking are changes to the following:

- ◆ **Wetland Bank Application Procedures:** A 2024 statute change directs BWSR to establish timelines for wetland bank project review and comment apart from Minn. Stat. 15.99, Subd. 2. The proposed process largely emulates the timelines and steps for wetland bank reviews required by the Federal Mitigation Rule, as implemented by the St. Paul District of the USACE.
- ◆ **Wetland Bank Monitoring:** Clarification is provided regarding monitoring report content, and more flexibility is provided, including timing of report submittals.
- ◆ **Easement Requirements:** Modifications were made to remove prescriptive technical requirements which are better suited for BWSR requirements and guidance. Further, these requirements are related to the BWSR's responsibility to manage easements over time.
- ◆ **BSA Boundary Changes:** Modifications are proposed to resolve pre-settlement area conflicts, ecological considerations, and resolve inaccurate watershed boundaries. The first map shows the existing BSA boundaries and the second map shows the new BSA boundaries expected to go into effect in 2025.

Existing BSAs with Pre-Settlement Areas



Proposed BSA Boundary Changes



## Compensation Planning Framework Updates

Compensation Planning Frameworks (CPFs) serve as a watershed-based document for prioritizing wetland mitigation. They identify prioritized catchments in major watersheds where wetland restoration is most beneficial.

The CPF catalogs aquatic resources and evaluates prioritization criteria at the catchment level, the smallest delineated and digitized drainage area mapped. Each catchment is assessed using 10-12 criteria such as wetland loss, altered watercourses, and impaired waters. They are then assigned a score that is ranked among all catchments in a major watershed to determine the prioritized catchments.

The CPFs are finalized for all BSAs and are available for use by anyone looking to select project sites in these prioritized catchments. They can also be referenced in the Project Need section of wetland bank plans as justification for projects. Sponsors can find them on [BWSR's website](#).