WETLAND MITIGATION

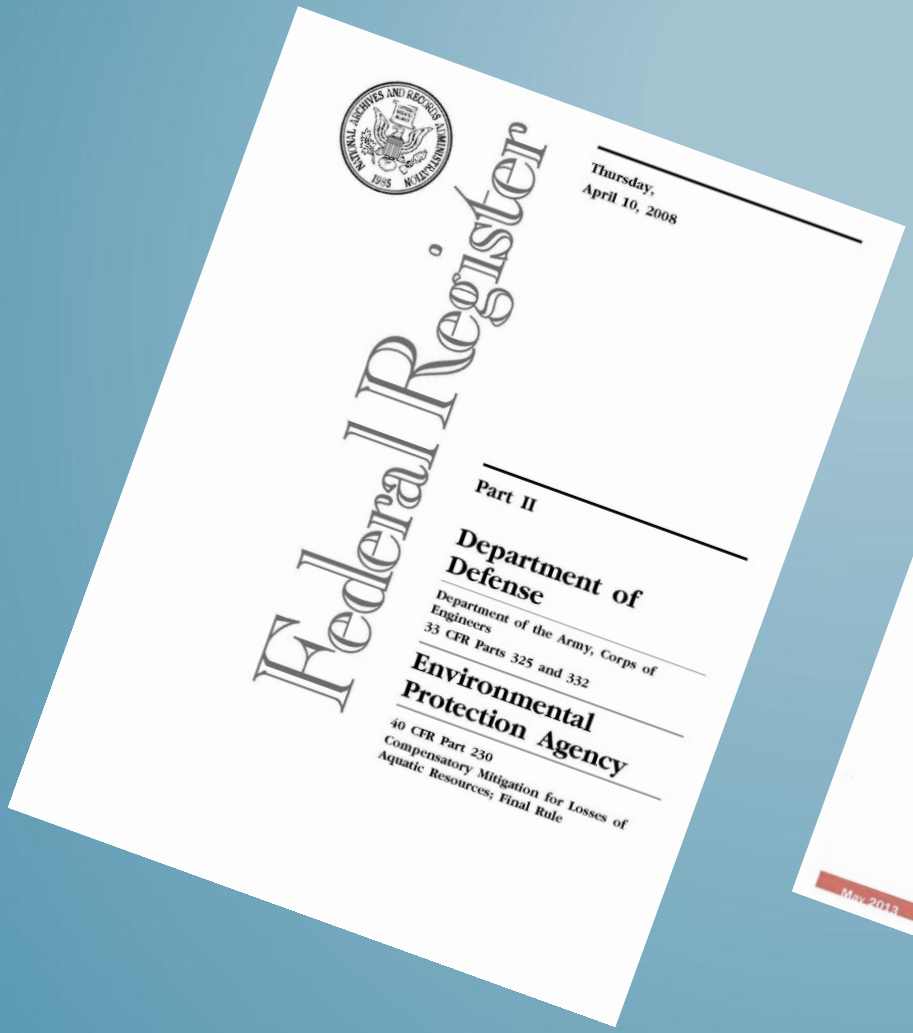
Environmental Services

Oregon Department of Transportation

October 2014


WETLAND MITIGATION!!!
Aaaagh . . .

WHAT IS MITIGATION?



Federal Register

Thursday,
April 10, 2008

Part II

Department of Defense

Department of the Army, Corps of Engineers
33 CFR Parts 325 and 332

Environmental Protection Agency

40 CFR Part 230
Compensatory Mitigation for Losses of Aquatic Resources; Final Rule

REMOVAL-FILL GUIDE

A Guide to the Removal-Fill Permit Process

Chapter 1: Working with the Wetlands and Waterways Conservation Division
Chapter 2: When is a Permit Required?
Chapter 3: What Activities are Exempt?
Chapter 4: Planning Ahead
Chapter 5: How to Apply for a Permit
Chapter 6: Processing the Removal-Fill Permit Application
Chapter 7: Emergency Permits
Chapter 8: Compensatory Mitigation Planning for Wetlands and Tidal Waters
Chapter 9: Monitoring the Compensatory Wetland Mitigation Site

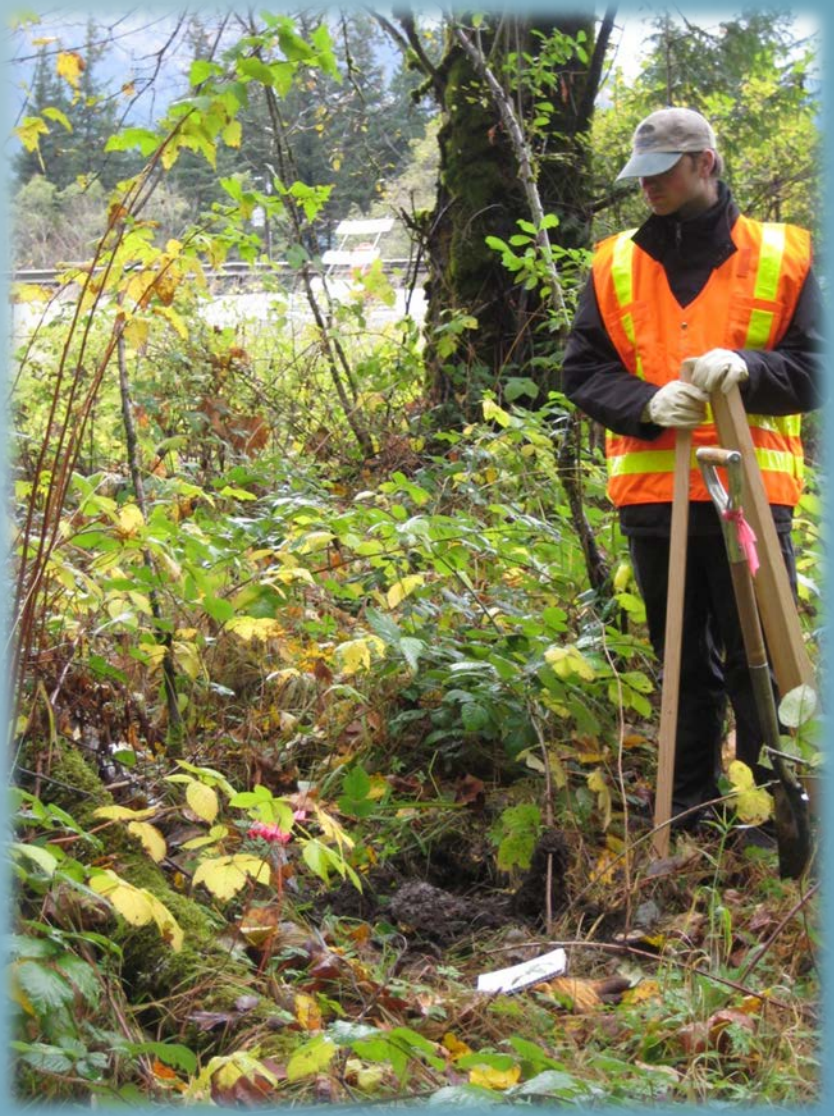
This guide addresses existing laws and rules governing removal-fill activities in Oregon, and provides practical tips for complying with Department of State Lands regulations. It explains agency practices, but does not take the place of or override regulations. The reader is cautioned to consult agency regulations first, and to rely on this guide to help understand those regulations and complete permit applications. Consultation with agency staff early in the project's development is strongly encouraged.

Oregon Department of State Lands
775 Summer St., NE, Suite 100
Salem, OR 97301-1279
(503) 986-5200 ▪ www.oregonstatelands.us

May 2013

OREGON DEPARTMENT OF STATE LANDS

WHAT DO WE DO FIRST?

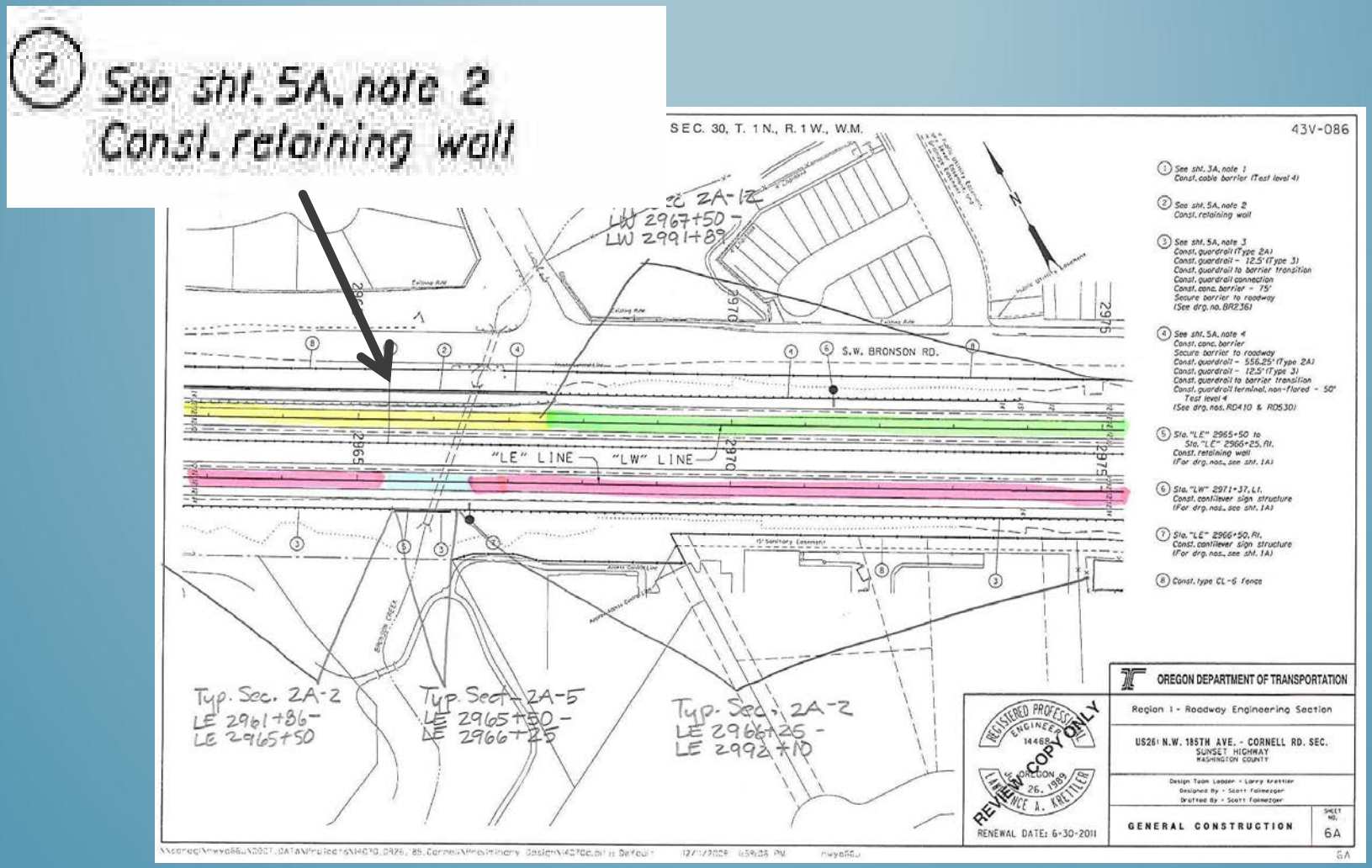


“MITIGATION” INCLUDES:

1st:
Avoidance

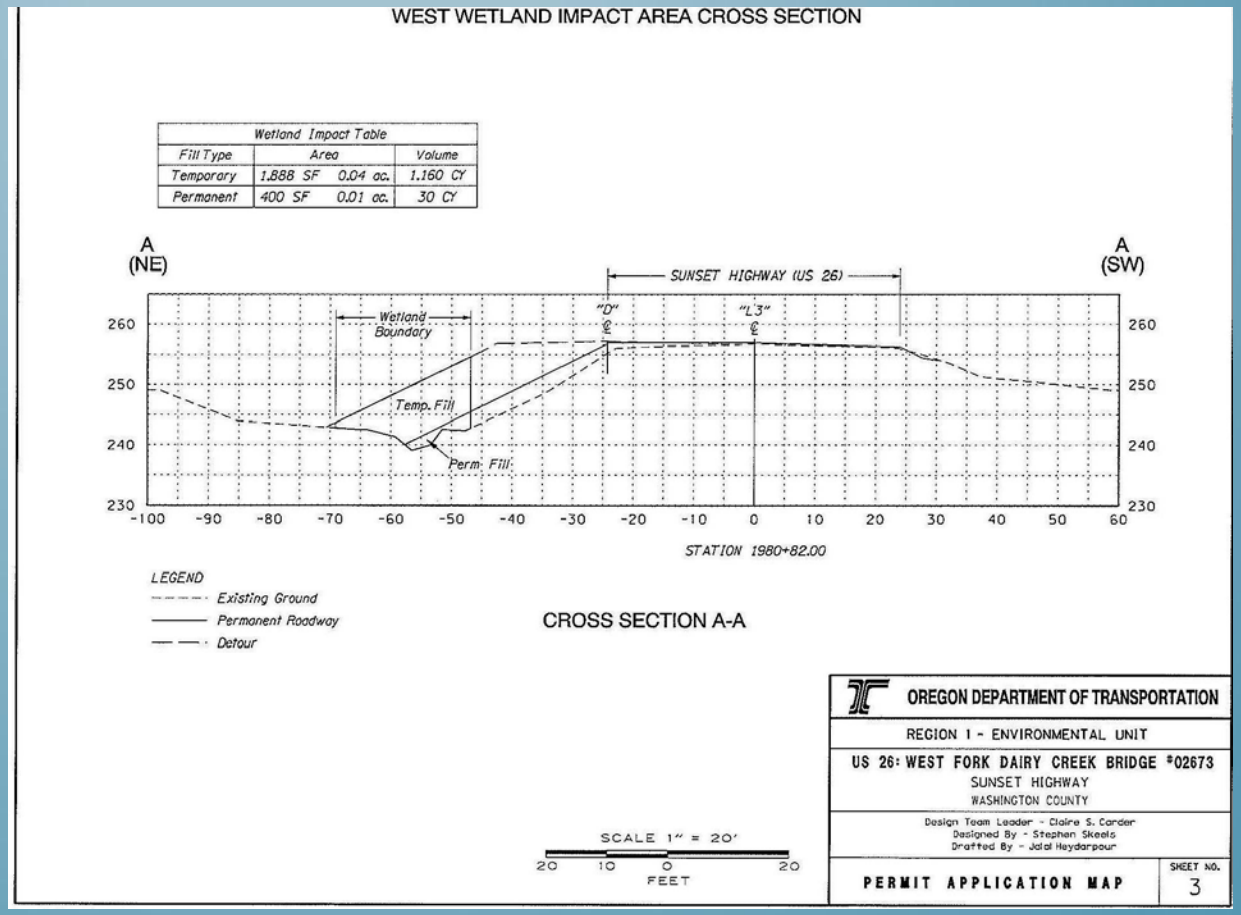
2nd:
Minimization

APPLYING ALL AVOIDANCE AND MINIMIZATION MEASURES



FINAL IMPACT CALCULATIONS:

Wetland Impact Table			
Fill Type	Area		Volume
Temporary	1,888 SF	0.04 ac.	1,160 CY
Permanent	400 SF	0.01 ac.	30 CY



DOCUMENTATION: REQUIRED IN PERMIT APPLICATIONS

Table 1. Wetland Size and Impacts

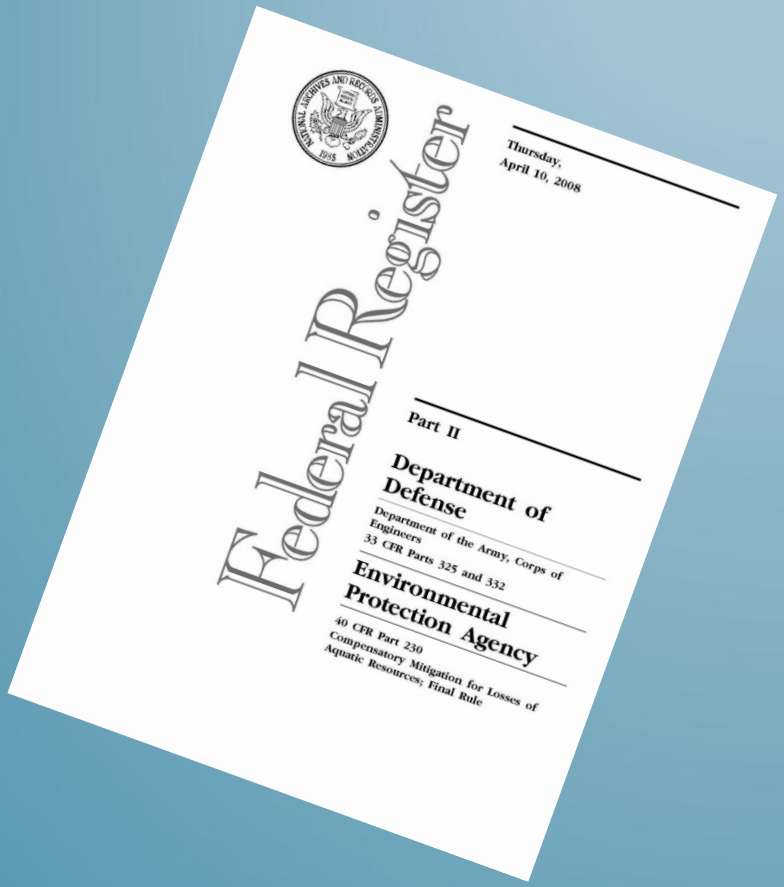
Wetland	Total Area (ac)	Impact Area (ac)	Impact Description
Wetland A	0.09 ac	0.09 ac	Excavated and filled with FMS
Wetland B	0.19 ac	0.00 ac	Not impacted but enhanced by plantings
Wetland D	0.036 ac	0.03 ac	Excavated and filled with FMS
TOTAL	0.316 ac	0.12 ac	Excavated and filled with FMS


We still have WETLAND IMPACTS!!!
Now what?
Aaaagh . . .

QUESTION:
Why does the amount of wetland impact matter?

ANSWER:
It helps define mitigation options and permitting path

WHAT IS COMPENSATORY WETLAND MITIGATION (CWM)?



Army Corps of Engineers
33 CFR Part 325

WHAT IS COMPENSATORY WETLAND MITIGATION (CWM)?

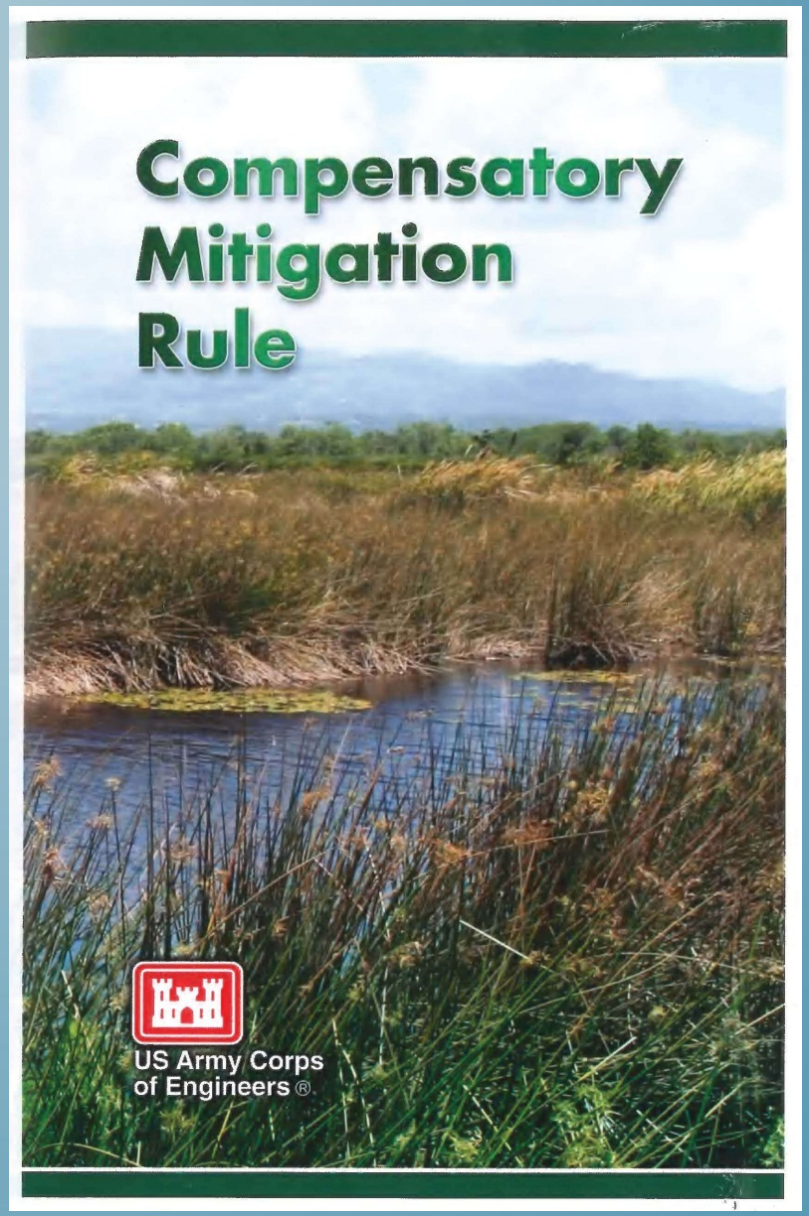
Department of State Lands

OAR 141-085-0500

WETLAND MITIGATION HIERARCHY

ARMY CORPS OF ENGINEERS

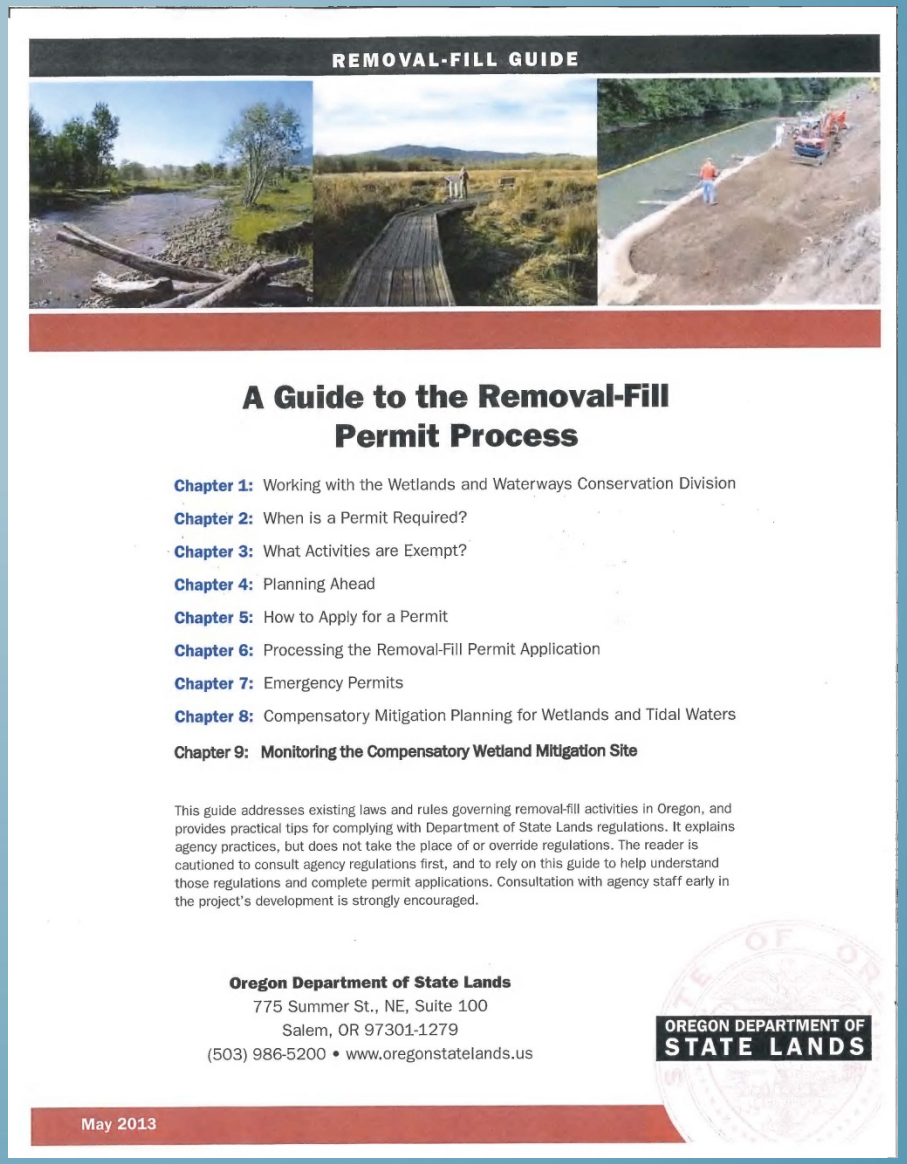
http://www.usace.army.mil/cw/cecwo/reg/



WETLAND MITIGATION HIERARCHY

DEPARTMENT OF STATE LANDS

http://www.oregon.gov/dsl/PERMITS/docs/Removal_Fill_Guide_May_2013.pdf#page=138



REMOVAL-FILL GUIDE

A Guide to the Removal-Fill Permit Process

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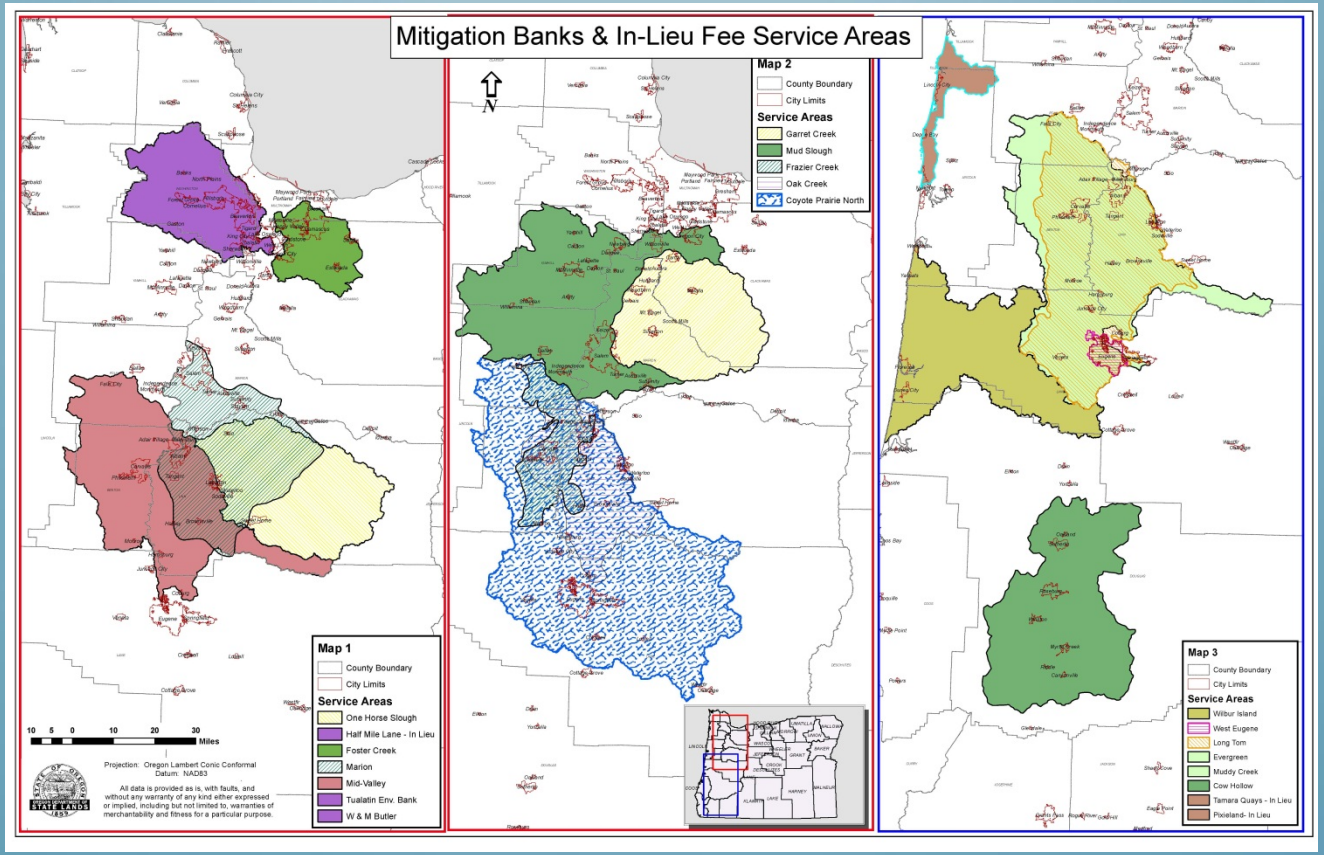
May 2013

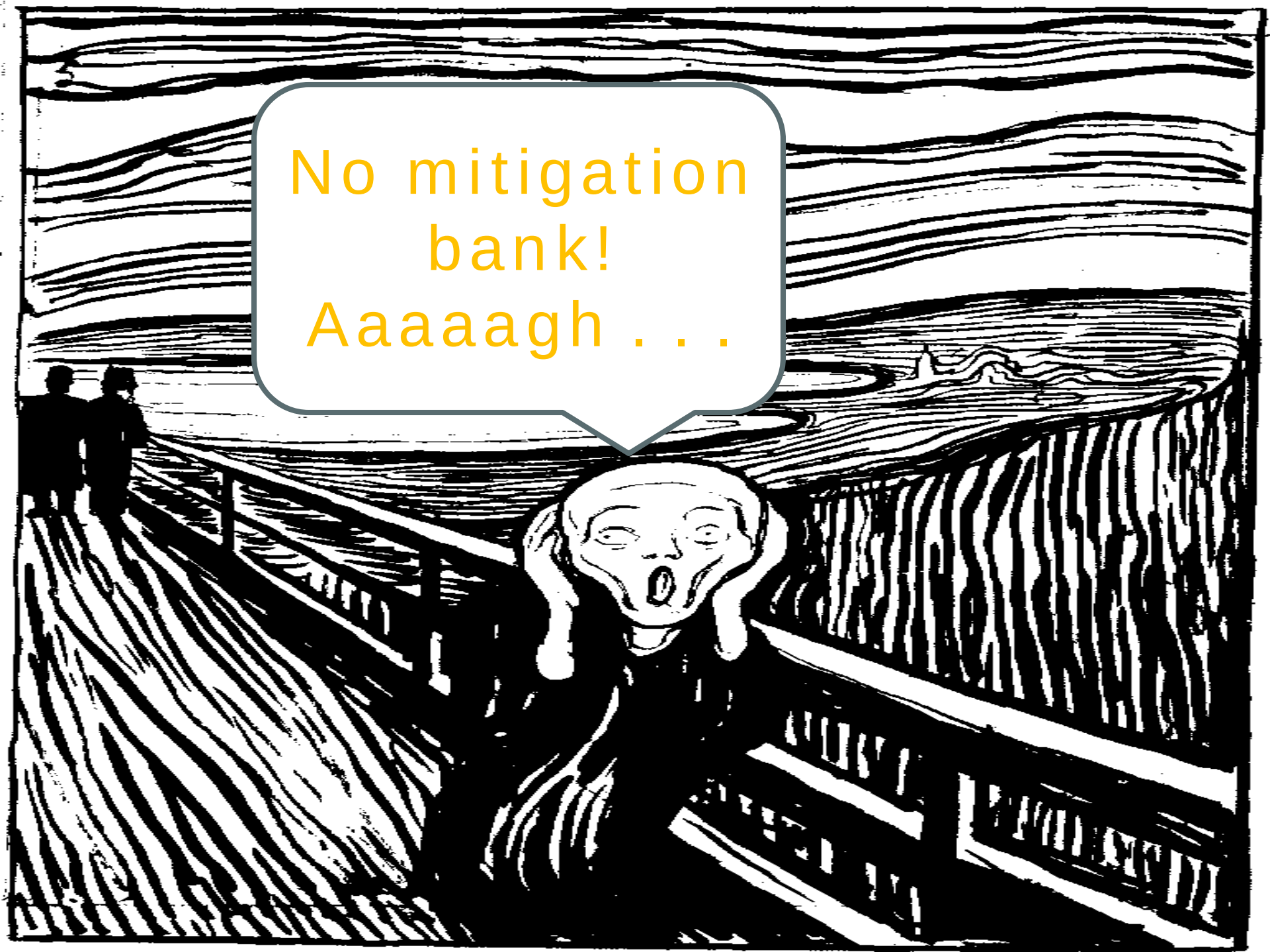
ACOE-DSL: DIFFERENCES IN MITIGATION OPTIONS

US 26: 185th – Cornell Road

HOW TO CHOOSE THE MOST APPROPRIATE WETLAND MITIGATION OPTION?

THE PREFERRED OPTION: WETLAND MITIGATION BANKS




No mitigation bank!
Aaaaagh . . .

NEXT OPTION: IN-LIEU FEE

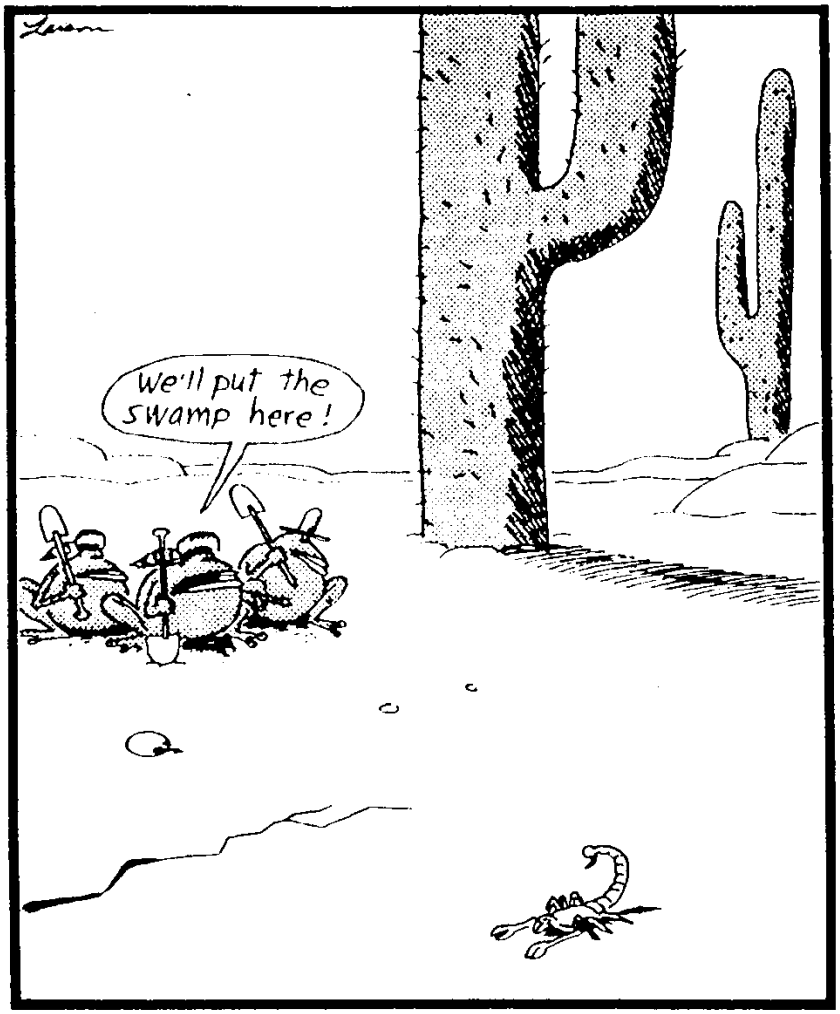
ADVANCED MITIGATION

PERMITTEE-RESPONSIBLE MITIGATION

PERMITTEE-RESPONSIBLE MITIGATION:

MITIGATION PLAN COMPONENTS

What is wrong with this picture?



Frog pioneers

WHAT YOU NEED TO KNOW ABOUT PERMITTEE-RESPONSIBLE MITIGATION

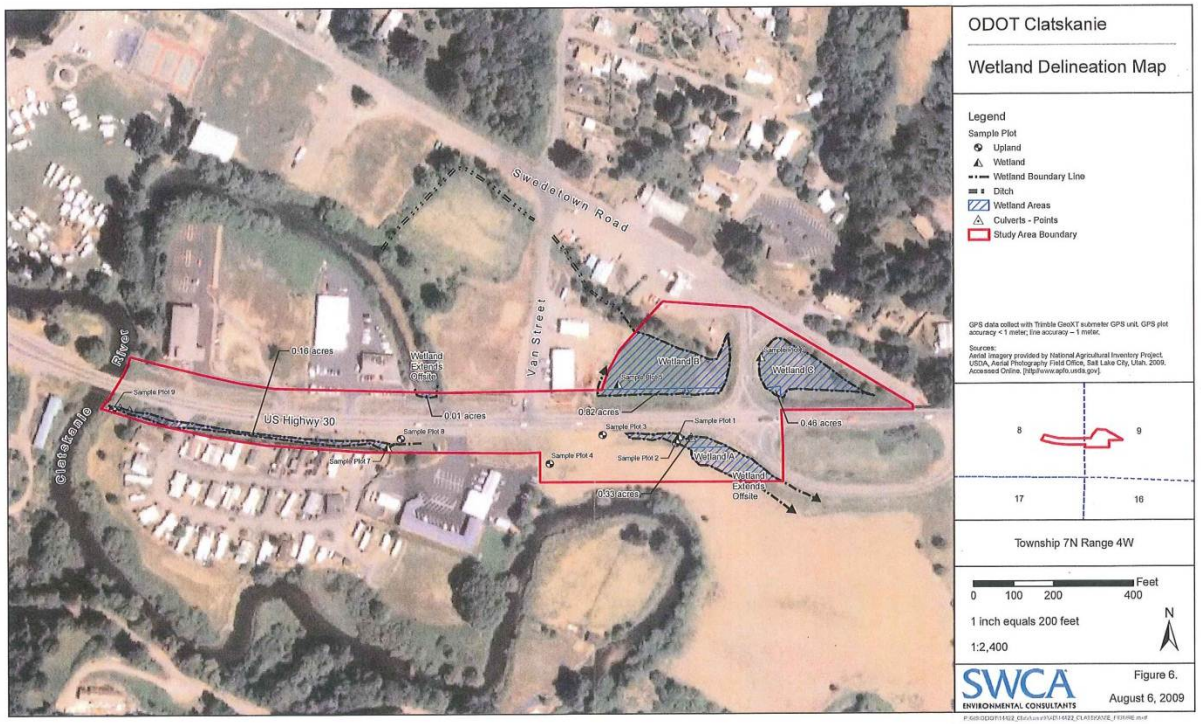
Forever is a very long time!

COSTS FOR MITIGATION CONSTRUCTION:

Bobcat Marsh Mitigation Bank

Task	Budget - from amended IGA	Actual Costs to date (as of 7-10-13)	Difference
Design and Permitting	$132,369.00	$151,814.26	-$19,445.26
Staff time - pre construction	$4,150.00	$2,715.00	$1,435.00
Construction	$572,300.00	$502,489.36	$69,810.64
Staff time - construction	$4,731.00	$14,325.00	-$9,594.00
Post Construction	$171,150.00	$19,840.58	$151,309.42
Staff time post construction	$41,500.00	$21,300.00	$20,200.00
Endowment	$117,640.00	$117,940.00	-$300.00
TOTAL	**$1,043,840.00**	**$830,424.20**	**$213,415.80**

PERMITTEE-RESPONSIBLE MITIGATION: Additional Considerations



PAYMENT-IN-LIEU FEE: An option only for DSL

Oregon Department of State Lands

DATE STAMP

Credit Request Form
Oregon In-Lieu Fee Program

AGENCIES WILL ASSIGN NUMBERS

DSL Permit No.	Army Corps of Engineers Permit No.	180-day reservation ends:
In-Lieu Fee Project Name and Credits Purchased		LAS account number and payment amount

SEND ONE SIGNED COPY OF YOUR MATERIALS TO

Oregon Department of State Lands, ATTN: In-Lieu Fee Mitigation Specialist, 775 Summer Street NE, Suite 100, Salem, OR, 97301, OR fax to (503) 378-4844 OR email to dana.hicks@state.or.us.

*Include an ORWAP functional assessment (if this was the method required) with your request if proposing purchase of wetland credits from the Half Mile Lane project.

(1) APPLICANT INFORMATION

Applicant Name and Address	Business Phone # Home Phone # Fax # Email
Authorized Agent Name and Address Check one Consultant ☐ Contractor ☐	Business Phone # Home Phone # Fax # Email

(2) PROJECT LOCATION

Street, Road or Other Descriptive Location	Legal Description (attach *tax lot map**)			
	Township	Range	Section	Quarter/Quarter

In or near (City or Town)	County	Tax Map #	Tax Lot #

Latitude (in DD.DDDD format)	Longitude (in DD.DDDD format)

(3) PROPOSED PROJECT INFORMATION

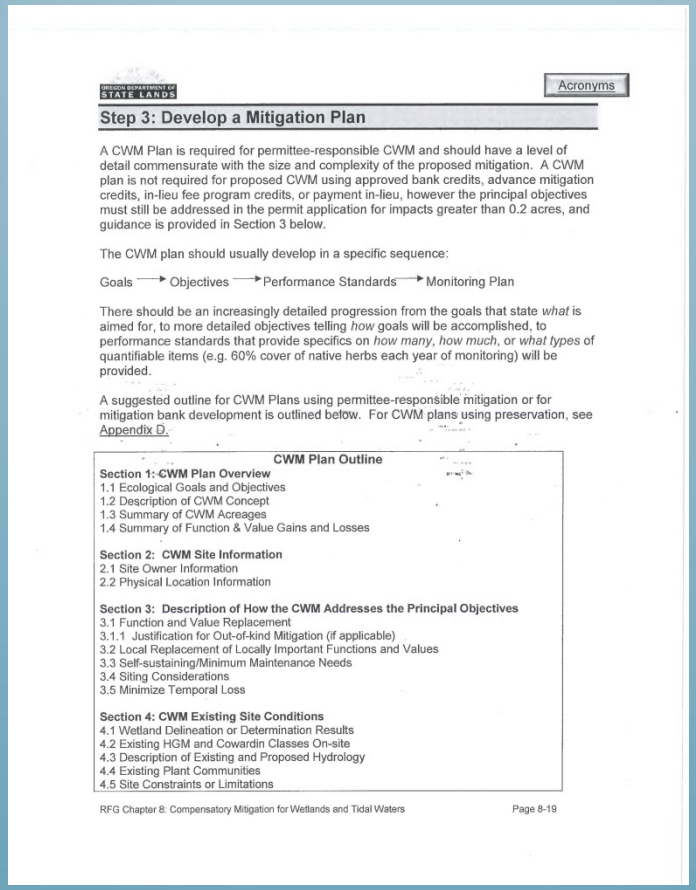
How many credits are needed? _____ Credits	When will the credits be purchased by? __/__/__

Wetland Impacts

Wetland Impact HGM Class/Subclass	Impact Cowardin System/Class	Acres Impacted	Do both the Corps and DSL require mitigation for these impacts?

1

DSL: ADDITIONAL OAR REQUIREMENTS FOR MITIGATION PLANS



OREGON DEPARTMENT OF STATE LANDS

Acronyms

Step 3: Develop a Mitigation Plan

A CWM Plan is required for permittee-responsible CWM and should have a level of detail commensurate with the size and complexity of the proposed mitigation. A CWM plan is not required for proposed CWM using approved bank credits, advance mitigation credits, in-lieu fee program credits, or payment in-lieu, however the principal objectives must still be addressed in the permit application for impacts greater than 0.2 acres, and guidance is provided in Section 3 below.

The CWM plan should usually develop in a specific sequence:

Goals → Objectives → Performance Standards → Monitoring Plan

There should be an increasingly detailed progression from the goals that state *what* is aimed for, to more detailed objectives telling *how* goals will be accomplished, to performance standards that provide specifics on *how many*, *how much*, or *what types* of quantifiable items (e.g. 60% cover of native herbs each year of monitoring) will be provided.

A suggested outline for CWM Plans using permittee-responsible mitigation or for mitigation bank development is outlined below. For CWM plans using preservation, see Appendix D.

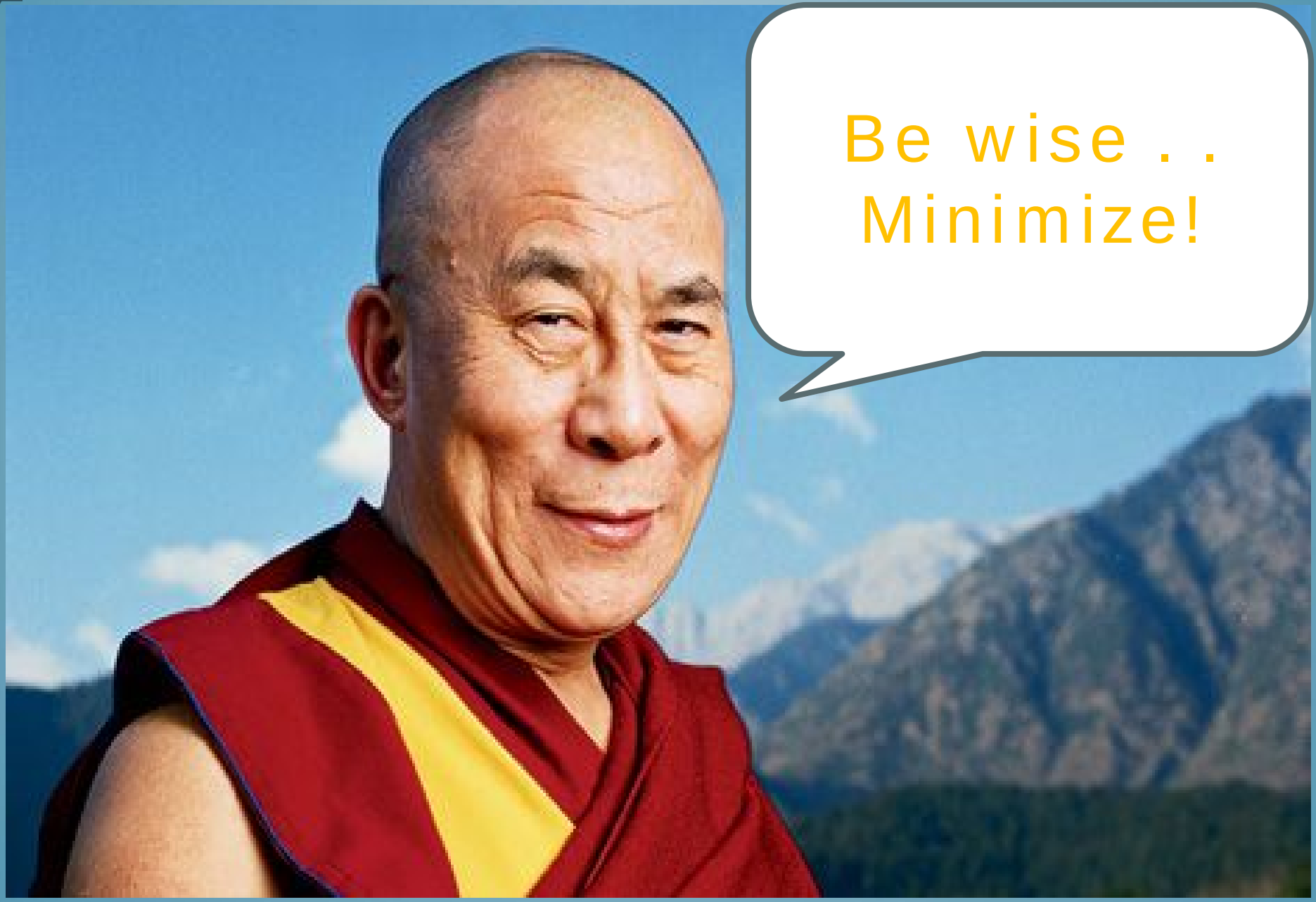
CWM Plan Outline

Section 1: CWM Plan Overview
1.1 Ecological Goals and Objectives
1.2 Description of CWM Concept
1.3 Summary of CWM Acreages
1.4 Summary of Function & Value Gains and Losses

Section 2: CWM Site Information
2.1 Site Owner Information
2.2 Physical Location Information

Section 3: Description of How the CWM Addresses the Principal Objectives
3.1 Function and Value Replacement
3.1.1 Justification for Out-of-kind Mitigation (if applicable)
3.2 Local Replacement of Locally Important Functions and Values
3.3 Self-sustaining/Minimum Maintenance Needs
3.4 Siting Considerations
3.5 Minimize Temporal Loss

Section 4: CWM Existing Site Conditions
4.1 Wetland Delineation or Determination Results
4.2 Existing HGM and Cowardin Classes On-site
4.3 Description of Existing and Proposed Hydrology
4.4 Existing Plant Communities
4.5 Site Constraints or Limitations


Be wise . .
Minimize!