



# 12 Components of a Mitigation Plan

Wetlands and Permitting  
OPD Conference 2014

# 12 Components of a Mitigation Plan

12 Components are necessary to provide documentation to the USACE for the proposed onsite mitigation:

- Created wetlands are constructed on upland (not already wetland)
- Will have the hydrology to function as a wetland after construction
- Will be dominated by hydrophytic vegetation
- Will be protected and remain wetland in perpetuity

# 12 Components of a Mitigation Plan

## When?

- 2008 USACE published 33CFR Part 332 requiring 12 Component Mitigation Plan

## Why?

- North Dakota USACE Regulatory office required NDDOT to beginning using the 12 Components in 2012

## How?

- NDDOT developed the current template and had it approved for use by USCE in 2012

## Where?

- **Appendix 9 and 10** of Design Manual – Chapter II – Section IV - Wetlands, Vegetation & Environmental Permitting

# 12 Components of a Mitigation Plan

- Plan developed for **On-site Mitigation** (within project area) – abbreviated version commensurate on the size of the action – Approved by the North Dakota Project Office
- **Mitigation Banks** – Approved by USACE North Dakota Project Office and Omaha District Office



# 12 Components of a Mitigation Plan

## 1. Objectives (unique to each site)

- The objectives should address what type of mitigation is being proposed, location and why the location was selected
- A description of the wetland type(s) and amount(s) that will be provided
- The method of compensation
  - i.e., restoration, creation, enhancement, or preservation
  - preservation can never stand alone
- The manner in which the resource functions of the compensatory mitigation project will address watershed needs
  - important for mitigation outside the regional service area

**Design Manual - Chapter II – Section IV: WETLANDS, VEGETATION & ENVIRONMENTAL PERMITTING Appendix A9 and A10**

# 12 Components of a Mitigation Plan

## 2. Site selection (unique to each site)

- A description of the factors considered during the site selection process.
  - Consider onsite alternatives
  - Consider the practicability of accomplishing ecologically self-sustaining aquatic resource restoration, creation, enhancement, and/or preservation at the site
  - Demonstrate the watershed is sufficient for compensatory mitigation purposes. (considered roadway runoff)
  - A justification is required if compensatory mitigation is proposed in a **service area which differs** from the project location. Service areas are identified in the North Dakota Mitigation Banking Guidance

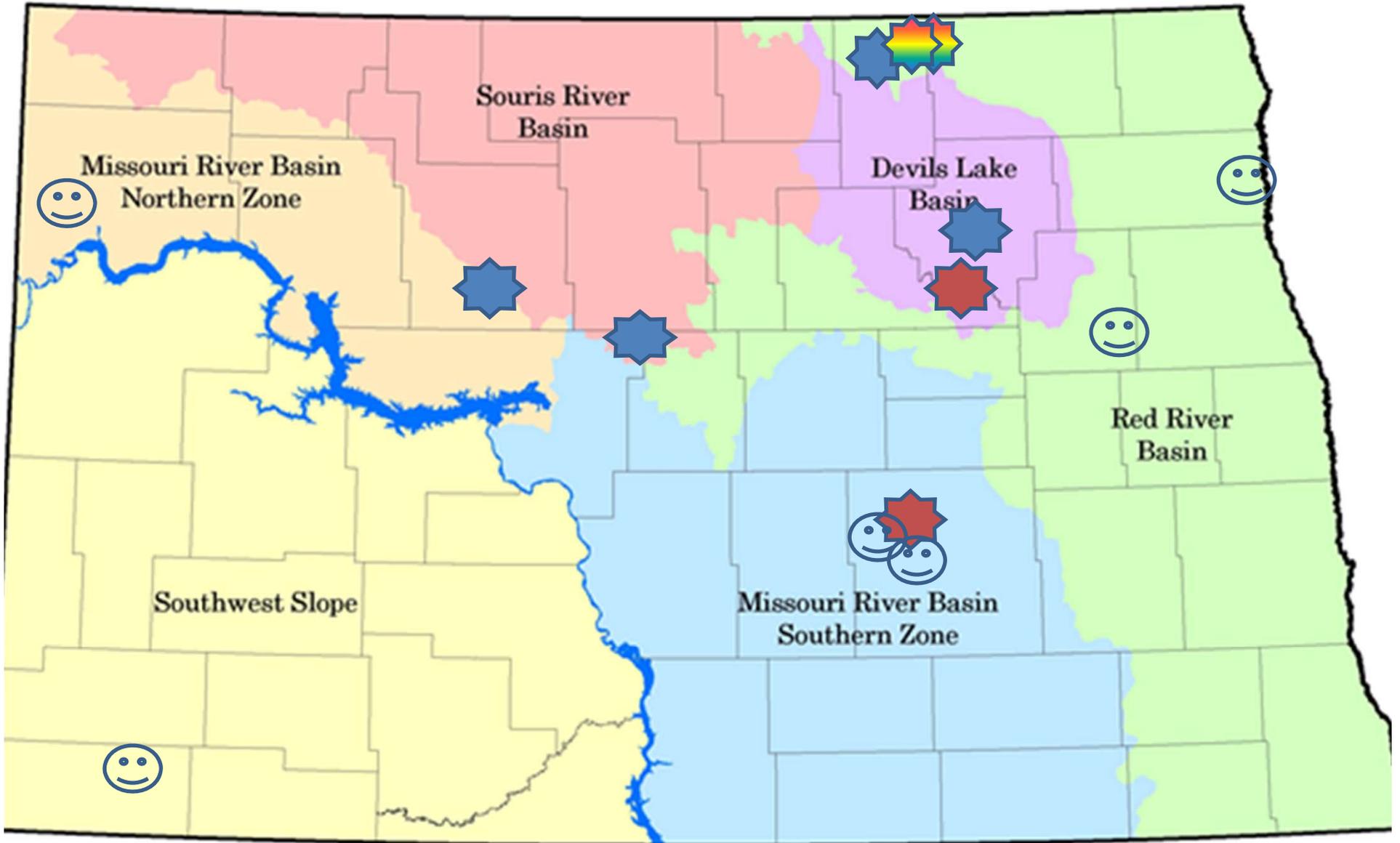
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 Planning

### North Dakota Resource Service Areas



# 12 Components of a Mitigation Plan

## 3. Site protection instrument (cookie cutter)

- The legal arrangements and instrument, including site ownership, that will be used to ensure the long-term protection of the compensatory mitigation project site
- Deed restrictions, conservation easements, purchase agreements, etc.
  - ✓ deed restriction not required if within NDDOT ROW
  - ✓ deed restriction required for NDDOT fee title banks

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## 4. **Baseline information** (unique to each site)

- A description of the ecological characteristics of the proposed compensatory mitigation project site compared to the impact site
- Describing historic and existing plant communities, hydrology, soil conditions
  - ❖ Soil conditions need to include on-site soil description documenting site is on non hydric soil
- Map showing the locations of the impact and mitigation site(s) or the geographic coordinates for those site(s), and other site characteristics appropriate to the type of wetland proposed as compensation

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## 5. Determination of credits (unique to each site)

- Credits are determined using North Dakota Mitigation Banking Guidance document.
  - A description of the number of credits to be provided including a brief explanation of the rationale for this determination
- Explanation of how the mitigation project will provide the required compensation for **unavoidable impacts** to aquatic resources
- If NDDOT is buying Credits from an approved mitigation bank or in-lieu fee program, include the number and resource type of credits to be secured and how these were determined

North Dakota Mitigation Banking Guidance document:  
Design Manual - Chapter II – Section IV: WETLANDS, VEGETATION & ENVIRONMENTAL  
PERMITTING - 3.3 USACE Wetland Mitigation Plan

# 12 Components of a Mitigation Plan

## 6. Mitigation work plan (unique to each site and cookie cutter)

- Detailed written specifications and work descriptions for the compensatory mitigation project
  - ✓ the geographic boundaries of the project
  - ✓ construction methods, timing, and sequence
  - ✓ source(s) of water
  - ✓ methods for establishing the desired plant community
  - ✓ plans to control invasive plant species
  - ✓ the proposed grading plan
  - ✓ soil management
  - ✓ erosion control measures
  - ✓ native vegetation will be used for planting

# 12 Components of a Mitigation Plan

## 7. Maintenance plan (cookie cutter)

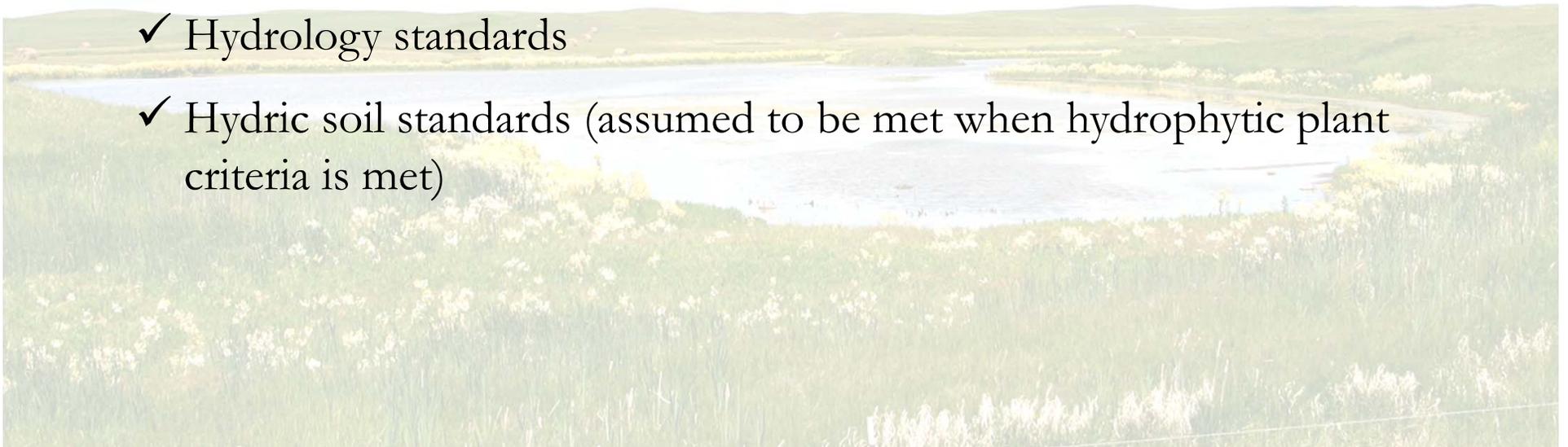
- A description and schedule of maintenance requirements to ensure the continued viability of the wetland once initial construction is completed. Proposed land use information, pesticide application, grazing or haying plan, etc.



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## 8. Performance standards (cookie cutter)

- Ecologically-based standards that will be used to determine whether the compensatory mitigation project is achieving its objectives. North Dakota regulatory Office will make final determination of appropriate performance standards
  - ✓ Hydrophytic plant standards
  - ✓ Hydrology standards
  - ✓ Hydric soil standards (assumed to be met when hydrophytic plant criteria is met)



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## 9. Monitoring requirements (cookie cutter)

- A description of parameters to be monitored
  - ✓ To determine whether the mitigation project is on track to meet performance standards
  - ✓ If adaptive management is needed
  - ✓ A schedule for monitoring and reporting monitoring results to USACE must be included
  - ✓ Established photographic points and direction
  - ✓ Once performance standards are met, monitoring will no longer be necessary for mitigation in ROW; every 5 years for mitigation banks

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## 10. Long-term management plan (cookie cutter)

- How the compensatory mitigation project will be managed after performance standards have been achieved
- Ensure the long-term sustainability of the wetland, including long-term financing mechanisms and the party responsible for long-term management



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## 11. Adaptive management plan (cookie cutter)

- 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



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## 12. Financial assurances (cookie cutter)

- A description of provided financial assurances
- Financial assurances must be sufficient to ensure a high level of confidence that the compensatory mitigation project will be successfully completed, in accordance with its performance standards



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## 13. Other Information

- The district engineer may require additional information, as necessary, to determine the appropriateness, feasibility, and practicability of the compensatory mitigation project

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- ***Appendix 9 and 10*** of Design Manual – Chapter II – Section IV - Wetlands, Vegetation & Environmental Permitting



# Questions??

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