

# Mitigation Guidance for NDDOT Projects

June 2025

This is general guidance for a typical NDDOT road project. Each project is different and may have variations to this guidance. When considering mitigation needs for permanent wetland or other water impacts for NDDOT projects, use the guidance below. The NDDOT will propose mitigation by design where appropriate, find restorable wetlands outside of existing NDDOT Right of Way (ROW) when feasible for larger impacts (when mitigation required is greater than 2 acres), utilize banks when a permanent easement is not available, and use onsite mitigation within NDDOT ROW as a last resort.

See [Design Manual Chapter II Section 4](#) for more information.

## I. General Mitigation Guidance

For Major Rehabilitation projects, with impacts of more than 2 acres requiring mitigation, more emphasis should be placed on finding mitigation locations outside of the existing NDDOT ROW, typically as a permanent wetland easement, in the same Regional Service Area (RSA) as the impacts. It may be possible to mitigate outside of the same RSA as the impact with justification approved by the US Army Corps of Engineers (USACE). Discussions of the possible mitigation locations should be part of the process when obtaining borrow, ROW, or Temporary Construction Easements. Ditch shifts should always be considered first for Jurisdictional ditch impacts requiring mitigation. Onsite mitigation by creation is generally not accepted by the USACE unless banks are not available.

[Appendix B6](#) shows the current mitigation bank locations, mitigation use (USACE/11990/USFWS) for each bank, and the Regional Service Areas. Contact ETS or Tech Support to determine which bank to use.

When onsite mitigation is approved: For Natural wetland impacts, mitigation at the same wetland impacted receives a 1:1 ratio. Mitigation not at the same wetland impacted receives 2:1. If restoring a wetland, the ratio is 1:1 regardless of location.

For project impacts, Mitigation of wetlands at an approved wetland bank is a 1:1 ratio. Other water stream mitigation at a wetland bank is a 2:1 for out of kind. Other water lake mitigation at a wetland bank is 1:1.

### 1. Natural/Non-Jurisdictional

#### (a) EO 11990

- Mitigation is required regardless of permanent impact acreage and can be done onsite or at an 11990 bank in any RSA.

#### b) USACE

- No Mitigation Required

### 2. Natural/Jurisdictional

#### (a) 11990

- Mitigation is required regardless of permanent impact acreage and can be done onsite or at an 11990 bank if USACE mitigation is not required.

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## (b) USACE

- Mitigation is required for cumulative impacts per single and complete crossing (1a, 1b, 1c..etc) but can include multiple wetlands based on the USACE determination of a single and complete crossing. USACE mitigation to be done at a bank within the RSA. The mitigation thresholds are as follows:

- A wetland loss greater than 0.10 acre.
- An other water lake loss greater than 0.10 acre.
- An other water stream loss greater than 0.03 acre.

## 3. Artificial/Non-Jurisdictional

### (a) 11990

- No mitigation required.

### (b) USACE

- No mitigation required.

## 4. Artificial/Jurisdictional

### (a) 11990

- No mitigation required

### (b) USACE

- Mitigation is required for cumulative impacts (1a, 1b, 1c..etc) per single, complete, and distant crossing that is greater than 0.10 acre and an other water stream loss greater than 0.03. USACE mitigation to be done through ditch shifts or at a bank within the RSA.

## II. Riprap and Structures:

### Culverts and Riprap in Other Water resources

Lowering new box culvert and new round culverts is a requirement based on criteria outlined in the USACE Nationwide Fact sheets. Permanent impacts from the box culvert and embankment should be shown as a permanent impact and a permanent loss. Riprap can be considered a permanent impact but not a permanent loss. Mitigation thresholds should be based on the permanent loss only. Lowering doesn't apply to culvert extensions or culverts located in assessed/legal drains.

### Riprap

Riprap within streams can be considered a permanent impact but not a permanent loss. Riprap within existing wetlands would be considered a permanent loss unless its replacing within the original design boundary.

## III. Roadway Footprint

Wetlands that have developed on the roadway inslopes do not require compensatory mitigation. When determining permanent wetland impacts, wetlands which have been delineated on the roadway inslopes should be "clipped" at the originally designed toe of slope and removed from the wetland reference. The final plan cross sections should not show wetlands on the existing inslope. See the example toe of slope (TOS) determination in [Appendix B5](#).

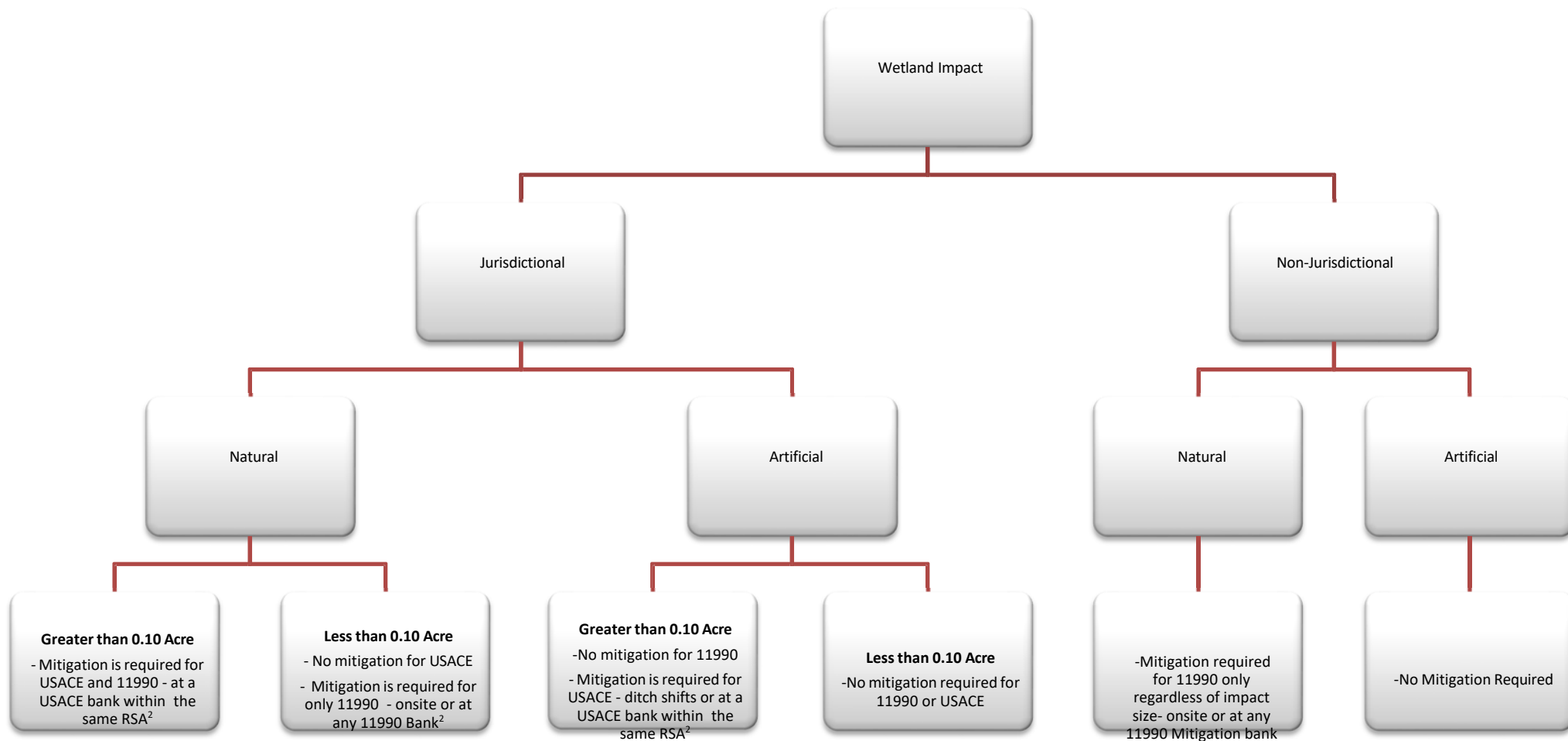
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## IV. Ditch Shift

Ditch Shifts are areas where the ditch bottom is widened typically by excavating the backslope that allows the establishment of additional wetlands beyond what is existing. A ditch shift offsets wetland losses from the placement of fill within a jurisdictional ditch wetland or a ditch wetland that is part of a single complete and distant resource that triggers the mitigation thresholds. A ditch shift can only offset a created wetland loss and does not apply to the natural portion of a resource. A ditch shift will need to be labeled in the table and in the plan sheets (e.g. Site 1, Site 2., etc.) with the acreage noted in the ditch shift column of the wetland impact table. Ditch shifts do not require a 12-component mitigation plan, do not have future protections, but will need to be monitored once with a site photo to prove that it is functioning.

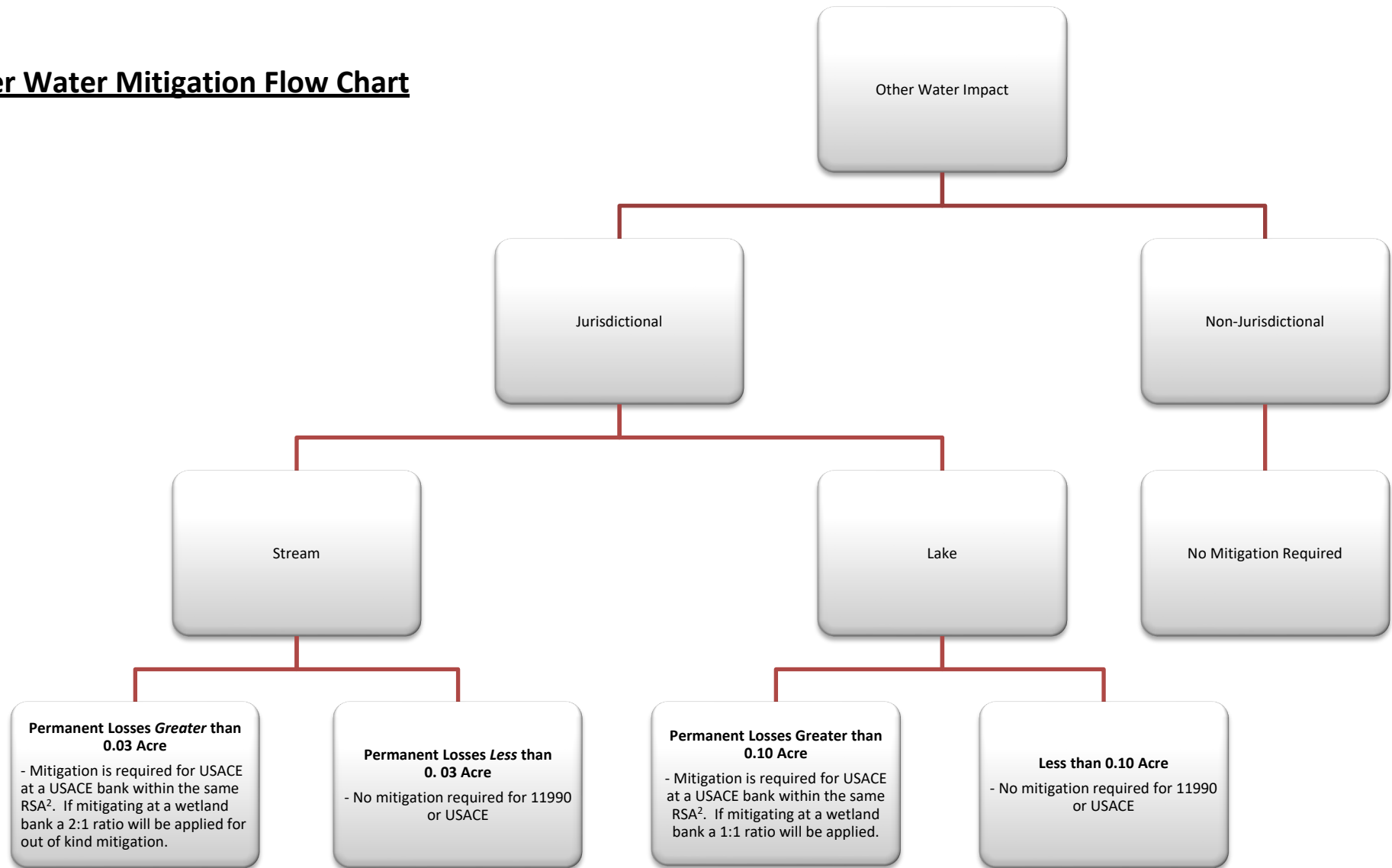
## Wetland Mitigation Flow Chart



<sup>1</sup> [Appendix B7](#) General Mitigation Guidance

<sup>2</sup> [Appendix B6](#) Active mitigation Bank Location and Regional Service Area (RSA) Map

## Other Water Mitigation Flow Chart



<sup>1</sup> [Appendix B7](#) General Mitigation Guidance

<sup>2</sup> [Appendix B6](#) Active mitigation Bank Location and Regional Service Area (RSA) Map