

Aquatic Resources Mitigation Plan Required Elements
[33 CFR Part 332]

Pre-requisite to discussion:

- All permit applicants must submit a project-specific avoidance and minimization statement. This must happen prior to any discussions concerning Compensatory Mitigation [See 33 CFR Part 325.1 (d)(7)].
- The fundamental objective of compensatory mitigation is to offset environmental losses resulting from unavoidable impacts to waters of the United States authorized by DA permits.

Compensatory Mitigation Plan:

Details - Commensurate with scope and scale of impacts from the proposed action.

- For mitigation options, the Corps will consider what would be environmental preferable.
- Mitigation Type (Mitigation Bank, In-Lieu Fee, and [Permittee-responsible through watershed approach, on-site and in-kind, and off-site and/or out of kind (must be justified)]). **See 332.3(b)(2) through (b)(6).**
- For difficult to replace resources (bogs, fens, springs, streams): If further avoidance is not practicable, required compensation should be provided through in-kind rehabilitation, enhancement, or preservation.

Required Elements - 332.4(c)(2) through (c)(14) below:

2. Objectives: - Description of resource type(s) and amount(s) that will be provided as mitigation,
 - Method of compensation [restoration, establishment, enhancement, preservation (**See 332.3(h)**)],
 - Manner in which aquatic resource functions at the mitigation site will address aquatic resources needs in the watershed.
3. Site Selection - A description of the factors considered during site selection process. For additional requirements see 332.3(d).
4. Site Protection Instrument - Long-term protection, legal arrangements, and/or site ownership. For additional requirements see 332.7(a).
5. Baseline Information - Existing ecological characteristics of the proposed mitigation site, the impact site, (i.e., plant communities, hydrology).
6. Determination of Credits - Number of credits and rationale. For additional requirements see 332.3(f).
7. Mitigation Work Plan - Methods, timing, sequence, source of water, establishment of desired plant community, control of invasive species, grading plan (elevation and slopes), soil management, and erosion control.

Stream Mitigation Projects: Should include plan form geometry, channel form, typical cross-sections, watershed size, design discharge, and riparian plantings.
8. Maintenance Plan - Description and schedule of maintenance to ensure continued viability of mitigation plan once construction is complete.
9. Performance Standards - Ecologically based standards. For additional requirements see 332.5.
10. Monitoring Requirements - Description of parameters and schedule for monitoring and reporting. For additional requirements see 332.6.
11. Long-term Management Plan - How site will be managed after performance standards and achieved. Including long-term financing mechanism and identify party responsible for long-term management. For additional requirements see 332.7(d).
12. Adaptive Management Plan - Strategy for unforeseen changes in conditions of site or components of mitigation. For additional requirements see 332.7(c).
13. Financial Assurances - Legal mechanism to ensure mitigation project is completed with high level of confidence in accordance with performance standards. Financial assurances may be performance bonds, escrow account, casualty insurance, letter of credit, legislative appropriation, or other instruments. For government and public agencies a formal, documented commitment may be required to ensure mitigation will be completed. For additional requirements see 332.3(n).
14. Other Information - Relevant to appropriateness, feasibility, and practicability (e.g., other easements and current or past uses of property).