

Mitigation Newsletter

Wisconsin and Minnesota

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



Wisconsin Guidelines Update

The Wisconsin Department of Natural Resources (Wisconsin DNR) and U.S. Army Corps of Engineers St. Paul District (Corps) expect to issue a joint public notice announcing a draft of the Wisconsin Guidelines, Version 2 in late spring or early summer. The agencies are drafting two documents, one tailored for sponsors titled *Procedures for Developing Wetland Compensatory Mitigation Sites in Wisconsin* and the second for applicants/permittees titled *Procedures for Project Proponents on Compensatory Mitigation Requirements in Wisconsin*.

The Corps and Wisconsin DNR will solicit public feedback on these documents during the public notice period. We will also host a listening session to answer questions and collect feedback verbally. If you are on the Corps' email distribution list for mitigation-related announcements, you will receive an invitation from Leslie Day once we schedule the listening session. If you are not currently on the email distribution list, please contact Leslie Day at Leslie.E.Day@usace.army.mil and we will add you.

Corps Mitigation Monitoring Report Template

Sponsors for compensatory mitigation banks and in-lieu fee (ILF) sites are required to demonstrate in their monitoring reports whether the site is meeting performance standards or on a trajectory to meeting performance standards. Sponsors must collect accurate and complete data and report that data in a monitoring report to support their assessment of site conditions relative to the performance standards in their approved Mitigation Bank Instrument. To aid sponsors and their consultants in submitting annual monitoring reports that allow for quick and efficient agency review, the Corps has developed a [monitoring report template](#) for sponsor use. Sponsors are not required to use this template or present data in tables exactly as illustrated here; however, sponsors should review the template to ensure their reports clearly demonstrate performance and include any additional information they want agencies to consider during review of site compliance and credit release requests.



US Army Corps
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St. Paul District



Stream Debit Calculator Workshop

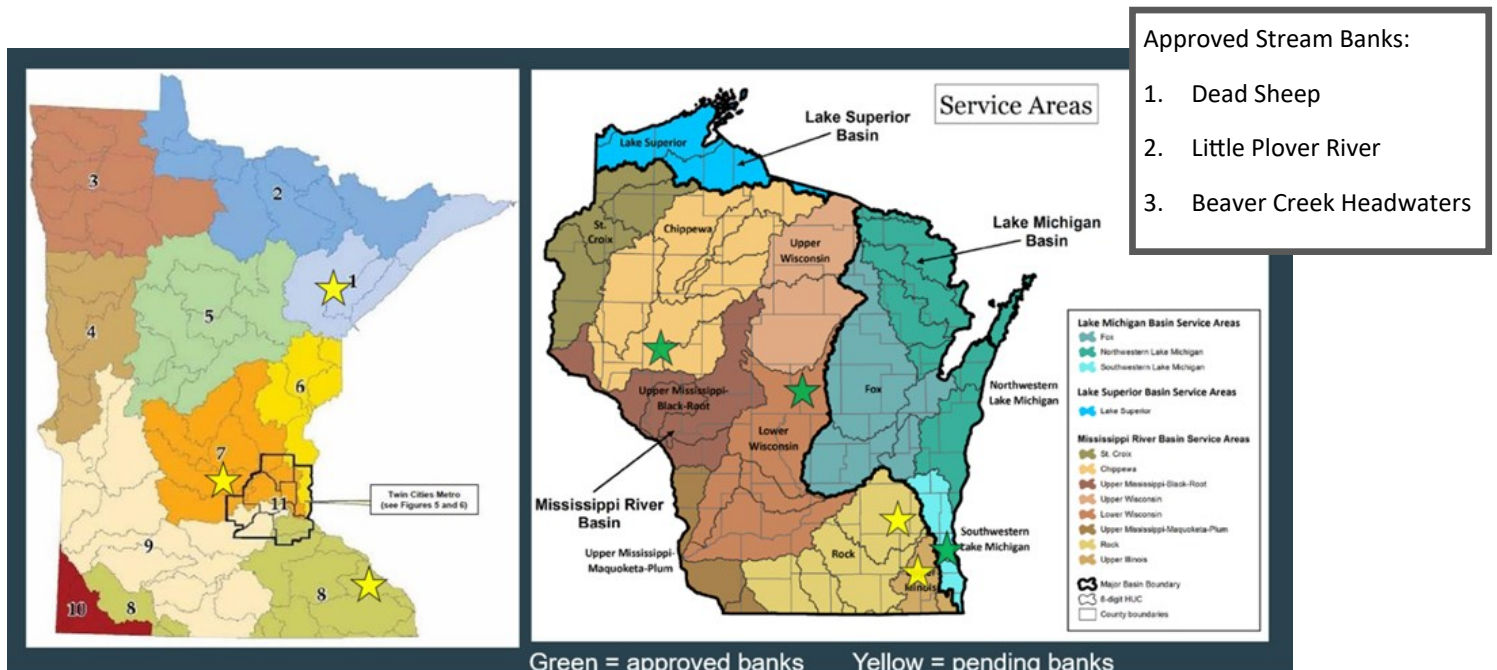
Stream Mechanics is hosting a Stream Debit Calculator Workshop in Madison, Wisconsin from May 7-9, 2024. Participants will learn how to collect data, process the data, enter field values into the Debit Calculator, and then calculate functional loss. This course is applicable to all states using a Debit Calculator, including Minnesota and Wisconsin. If you are interested in attending, register on their [website](#). Please note the Stream Functions Pyramid and Quantification Tool Workshop is a prerequisite for this course.

Release of National Floristic Quality Assessment Calculator

We are excited to announce the release of a national Floristic Quality Assessment (FQA) calculator developed by the U.S. Army Corps of Engineers and the U.S. Army Engineer Research and Development Center (ERDC). The new national FQA calculator currently contains 44 regional FQA databases including Minnesota and Wisconsin. You can access it here via a [web portal](#). In Minnesota and Wisconsin, the agencies are more likely to require the use of FQA as a performance standard for projects involving enhancement or preservation.

Stream Mitigation Banks in Minnesota and Wisconsin

The Corps has approved three compensatory mitigation banks that include both stream and wetland restoration credit. The Corps has released stream credits to one of these banks for sale to permittees. The Corps is reviewing several other proposed banks that will, if approved, generate stream credits. See below for approximate locations and service areas of approved and pending banks with stream credits.



Vegetation Monitoring and Annual Report Errors to Avoid

The agencies would like to share a few reminders and suggestions for ensuring vegetation data and summaries contained in your monitoring reports are clear, accurate and demonstrate whether a performance standard has been met and a credit release is warranted:

- Use caution when averaging sample plots or transects to demonstrate that a performance standard has been met. Averaged data is not representative of an overall site condition if the sampling effort is too low and the limited samples show very different results. For example, if one transect contains 10% cover by native, non-invasive species (NNI) and the other contains 100%, averaging to 55% relative cover by NNI is not appropriate for demonstrating whether you met the >50% relative cover.
- Include a map showing the extent of invasive species identified during the growing season. This is particularly important if you are trying to demonstrate that a particular plot or transect is not representative of the site's condition.
- Include a map that shows where you completed management activities during that growing season and describe all completed management activities.
- Report your vegetation data using the same analysis required in your performance standards (i.e., report relative cover or absolute cover).
- Be aware of the differences in calculating relative areal cover versus absolute cover or open water/bare ground:
 - * Relative areal cover: the proportion of the total absolute areal cover by an individual or group of plant species within a reference/plot area. Sum of all proportions must equal 100%.
 - * Absolute cover: can be >100% due to overlapping layers of vegetation or can be <100% due to unvegetated areas.
 - * Don't include bare ground/open water absolute cover in relative cover calculations.
 - * Red flag: If your absolute cover percentages sum to 100 percent but your relative cover does not, there is an error in your data or calculations.
- Review our interagency guide on [Vegetation Monitoring for Compensatory Mitigation Sites!](#)



Hydrology Monitoring Recommendations

A substantial portion of a bank or ILF site's credits are reliant upon a sponsor's ability to demonstrate that the approved hydrology performance standards have been met for two growing seasons. Sponsors who successfully demonstrate hydrology performance standards were met, even in drier than normal conditions, have frequently implemented one or more adaptive management strategies to ensure they collect adequate data supporting the hydrology credit release. The agencies recommend all sponsors consider and implement one or more of the following practices:

1. Redundancy: Monitoring wells can be damaged by vegetation management or data loggers can fail. Install additional wells in restoration areas so that your hydrology release is not reliant upon a single well's success.
2. Reference wetlands: Identify potential reference wetland sites for well installation and discuss with the agencies. The collection of reference well data from an appropriate comparable site will allow for hydrograph comparison with onsite data when onsite data doesn't strictly meet the hydrology performance standard. Also make sure you propose an alternative hydrology performance standard utilizing the reference well data, including what percent standard deviation of the reference well the onsite wells must fall.
3. Emerging Technology: Consider the benefits of using Bluetooth and cellular data collection capable data loggers, allowing data downloads from a distance.
4. Don't miss the start of the growing season: Add your data loggers to pre-set wells as soon as the ground thaws.
5. Early spring data logger tests: Complete a manual double check early in the growing season that data logger sensors are still working.
6. Other Hydrology Monitoring Tools for inundated communities: Consider the use of staff gauges (monitored using automated daily trail camera photographs) or the installation of stilling wells to support early season surface hydrology collection.

See our [Spring 2022 Newsletter](#) for information on identifying appropriate reference wetlands!

Financial Assurance Options in Wisconsin

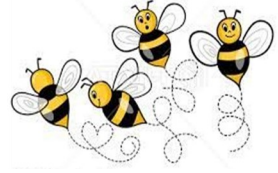
The Corps and Wisconsin DNR will now accept a new financial assurance option in Wisconsin: Casualty Insurance. Depending on which financial institution you work with, sponsors with specific projects proposing casualty insurance will need to work with the agencies on language prior to approval. This option may not be appropriate for every bank site, so please reach out to the Interagency Review Team (IRT) if you'd like further information on how to pursue this option. As a reminder, the agencies already accept the following forms of financial assurance and have [templates available for download](#):

- ◆ Irrevocable Escrow Agreement
- ◆ Irrevocable Letter of Credit
- ◆ Performance Bond





Adequately Addressing Agency Comments and Ensuring Complete Submittals



At the end of each phase of the bank and ILF site review process, the Corps (and Technical Evaluation Panel (TEP) in Minnesota) issues a comment letter outlining issues identified by the Corps and IRT that the sponsor needs to resolve. For the Corps to consider the sponsor's next submittal complete and for the IRT to resume review of the proposal, sponsors must make the requested changes and provide information responsive to all comments.

Narratives stating that the comment is "acknowledged" or "addressed" without explanation are not sufficient. Instead, to ensure effective review, sponsors should provide a summary table that identifies the IRT/TEP comment, a summary of their response to the comment or information request, and the section and page number(s) of the submittal where IRT/TEP members can review the changes the sponsor has made. The following represents a sample table sponsors may use:

Corps Comment Number	Corps Comment	Response Location (Page, Section)	Response
1a	<u>Potential Credit:</u> As currently proposed and projected in the prospectus, the site would fulfill 18.4 of the 72.53 advance credits sold to date. At this time based on the current information submitted and EPA's site visit in 2021, we believe the site's potential is closer to 15 credits. The information identified in the items below will be crucial for demonstrating whether your projected credit estimate is likely to be approved.	Pg 3, Section 2.1	We are proposing 15.98 credits which is less than 18.4 proposed in the prospectus. Further, these 15.98 credits reflect the expanded delineated wetland boundary. That boundary is similar to what the IRT predicted in #3 below.
1b	As noted in the Prospectus, a baseline vegetation survey of the enhancement area is needed as part of the CSP. Cover classes can be used to map INN infestations and will be used to determine if and how much enhancement credit is warranted.	Page 27, Section 6.7	TMS were completed in all perennial vegetated areas as described in Section 6.7 and the areas surveyed can be referenced on Exhibit 16.
1c	At this time, it is unclear whether 33% credit for bringing the percent invasives in the enhancement areas from 17% to 5% is warranted. Specifically, this change in the INN cover constitutes a relatively minor functional lift and does not appear to warrant the typical 33% ratio for enhancement. It is also unclear if this INN cover is realistic to achieve and maintain in the long term. This will be dependent on adjacent parcel INN cover and the final performance standards approved on the rest of the site.	Page 28, Section 9.3	We determined that a 25% ratio is more appropriate than the 33% ratio for hardwood swamp enhancement given the level of lift that can be expected in this area. Justification for 25% credit is discussed in more detail in Section 9.3 of the CSP.