



**US Army Corps
of Engineers**®
St. Paul District

Site Selection Criteria
for Compensatory Mitigation Proposals
USACE St. Paul District
June 2021



Project Specific Information

Compensation Site:

Corps File Number:

Date:

The U.S. Army Corps of Engineers St. Paul District (Corps) developed this checklist to assist sponsors in Minnesota and Wisconsin with selecting sites that have potential to provide successful compensatory mitigation projects. 33 CFR 332.3 identifies factors the U.S. Army Corps of Engineers considers related to site selection. A compensatory mitigation site must meet the needs of the watershed and be ecologically suitable for providing the desired aquatic resource functions. In determining whether a site has potential as a compensatory mitigation project, the Corps will consider several site selection factors. Not every site is eligible or suitable for approval as a compensatory mitigation site.

The Corps intends for sponsors to use this checklist early in their site selection process, and for this checklist to transparently and consistently communicate important site selection factors. This checklist will help guide sponsors to select sites that meet the intent of 33 CFR 332, meet minimum District requirements, avoid common “fatal flaws” that can prevent approval, and have potential for agency approval. Conversely, a sponsor’s use of this checklist may conclude that a site has fatal flaws or other characteristics that would prevent approval and can save the sponsor expenditure of funds for development of a prospectus on a site unlikely to receive Corps approval.

Sponsors should submit this accurately completed checklist with their Prospectus, along with any supplemental information and documentation needed to support each item. The Corps will use the provided information to evaluate ecological suitability of the selected site and determine whether the site has potential as a compensatory mitigation site. If the sponsor’s project proceeds to DMBI, the sponsor should update and submit this checklist with their Mitigation Plan.

This checklist is divided into three primary categories. Category 1, Avoiding Fatal Flaws, are considered standard requirements and a project must generally meet all relevant criteria for the Corps to determine the site has potential. Categories 2 and 3, Location within the Watershed and Site Characteristics, include criteria that represent beneficial aspects (not exclusive) of a project that would likely contribute to overall ecological suitability. Generally, the more criteria selected and documented, the better the site and more likely the Corps will approve the compensatory mitigation project. However, project proponents should be aware that completion of this checklist does not guarantee approval. Ultimately the Corps will base its decisions regarding site potential and site approval on a variety of site-specific factors, IRT comments, program goals and the considerations outlined in 33 CFR 332.

1. Site Selection Criteria – Avoiding Fatal Flaws (Meeting every item in this list is generally considered a requirement for site approval)

- If activities related to stream credit are proposed, the Catchment Assessment Form in the MN SQT demonstrates that the catchment and contributing area for the project reach is in fair or good condition and the restoration potential for the project is full or partial
- If activities related to stream credit are proposed, site activities will result predominantly in stream restoration activities and involve no stream creation
- Activities do not consist of wetland creation except as a minor component of the project
- Site is not located within 10,000 linear feet of an airport
- Site is not located within an abandoned or active non-metallic or metallic mine, tailings basin, or sand or gravel pit
- The site has no known encumbrances (ex. easements, liens, rights of way, reserved timber, severed surface or subsurface mineral or natural gas rights, etc.) that limit or negatively affect the compensation site goals.
- The landowner and sponsor are willing and able to grant a conservation easement for the entire compensatory mitigation area to include all wetland and stream resources and sufficient upland buffer area to the state of Minnesota or Wisconsin or another natural resources agency or non-profit
- Adjacent land uses will not compromise or limit compensatory mitigation activities, extent of compensatory mitigation site boundaries, or site success. Information about ongoing or anticipated development, infrastructure, mines and quarries, encumbrances, or other activities on adjacent properties must be considered.
- The sponsor will design the site to be self-sustaining in the long-term, requiring no active hydrologic or structural management activities post-monitoring period (ex. significant structure maintenance, water level adjustment, riprap, etc.). An exception may include sites where active vegetative management activities are required to maintain functional lift, In such cases, the Corps may require a long-term funding mechanism
- For wetlands, potential to yield at least 5 credits (MN) or 20 acres (WI)
- Sponsor is a single entity holding property rights (via in-fee ownership or easement for LLCs) over the site
- Adjacent properties are free of major invasive vegetation species infestation, or existing infestations are being and would continue to be managed, such that the adjacent properties are not anticipated to pose a significant risk to site sustainability

- Site is not located within the cone of depression of a high capacity well
- Site activities will not hydrologically affect adjacent properties (unless the adjacent property is part of the mitigation site proposal and the sponsor would place the adjacent property under conservation easement or obtain a flowage easement is obtained)
- No federal funding or easements onsite in areas where credits would be generated (NACA, WRP, etc.)
- Site's stream resource(s) is contiguous with or connected to other aquatic resources
- For streams, sufficient riparian area on both sides of the channel will be protected as part of the project
- Stream design does not include hard armoring and work is not limited to bank stabilization
- For stream reaches, site has not been logged in the past 10 years

2. Site Selection Criteria – Location within the Watershed

- Project will contribute to habitat connectivity, reducing fragmentation by establishing new or expanding existing wildlife corridors
- Proposed wetlands are contiguous with or connected to other aquatic resources
- Site is identified in local, state, or federal watershed plans, environmental action plans, or landscape level wetland restoration prioritization mapping tools as important/appropriate mitigation for the watershed
- Project is adjacent to other conserved properties

3. Site Selection Criteria – Site Characteristics

- Site activities projected to result in wetland credits (not including upland buffer credits allocated as wetland) generated predominantly through wetland restoration (rehabilitation and re-establishment) activities
- Presence of drainage infrastructure (typically ditches or tile) that can be disabled as part of the project (considering public versus private management rights)
- Cultural resources are known to or may be present onsite that would be protected by this project
- Site supports or would support critical habitat for state listed threatened or endangered species

- Site supports or would support critical habitat for federally listed threatened or endangered species
- Project will provide critical habitat for species of greatest concern, as identified by wildlife management plans or other similar documents
- If site is located within 5 miles of an airport, it is not located in direct line with approach and takeoff paths and would not result in shallow marsh or deeper wetland communities
- Activities do not entail the conversion of other aquatic resources to wetlands (Exception: Removal of man-made or man-altered features for the purpose of returning historic aquatic resources)
- If preservation is proposed, activities qualify for preservation per all requirements outlined in 33CFR 332, and St. Paul District Guidance on Evaluating Preservation Sites for Eligibility
- Low risk of encroachment by adjacent landowners, considering both adjacent land use type and number of individual property owners
- Contains sufficient buffer between the wetlands or stream proposed for credit and adjacent properties
- Contains historic predominantly hydric soils that have been effectively or partially drained by existing, maintained drainage infrastructure