



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



# SPECIAL PUBLIC NOTICE

Date: May 24, 2023

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## UPDATE OF THE JOINT 2013 GUIDELINES FOR WETLAND COMPENSATORY MITIGATION IN WISCONSIN

The Wisconsin Department of Natural Resources (WDNR) and the U.S. Army Corps of Engineers, St. Paul District (Corps) recently began an update of the joint 2013 Guidelines for Wetland Compensatory Mitigation in Wisconsin. We have developed draft outlines for the next version and are seeking public input on the outlines as well as additional information we should consider addressing in the next version.

Interested parties will note that there are two enclosed outlines because we currently plan to break the document into two parts: one for the mitigation practitioner (those proposing permittee-responsible mitigation, banks and in-lieu fee programs) and one for entities seeking to purchase mitigation credits. We hope this organization method will facilitate easier use and access to the relevant materials based on the user's needs.

To facilitate meaningful comment, we are also seeking individuals who are currently active in the development or use of compensatory mitigation in Wisconsin who are interested in participating in a listening session. We will host the session July 6, 2023 and determine exact time and location based on interest. We are currently considering making this a virtual session. The session will aim to gather feedback from the mitigation community on crucial mitigation issues that need our clarification, with a specific focus on topics to include in the outlines and information needs or gaps that existed in the 2013 version of the Guidelines.

If you are interested in the session, please register in advance by sending your name, organization, contact information, and whether you are primarily a mitigation provider or mitigation purchaser to Leslie Day ([leslie.e.day@usace.army.mil](mailto:leslie.e.day@usace.army.mil)) on or before June 23, 2023.

If you would like to submit written comments on the attached outlines or the Mitigation Guidelines update in general in addition to or in lieu of attending the listening session, you may email those comments to Liam Kolb ([williamt.kolb@wisconsin.gov](mailto:williamt.kolb@wisconsin.gov)) by July 14, 2023. Or in the absence of email, you may mail comments postmarked by July 14, 2023 to: Wisconsin Department of Natural Resources, c/o Liam Kolb, 2801 Progress Road, Madison, Wisconsin 53714.

# Wetland Compensatory Mitigation in Wisconsin: Procedures for Developing Mitigation Sites (Bank, ILFP, PRM) Version 2

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1. Introduction to Compensatory Mitigation
  - a. Executive Summary
  - b. Use of these Guidelines
  - c. 33CFR 332 and NR350
2. Compensatory Mitigation Approaches and Mechanisms in Wisconsin
  - a. 3 Mechanisms for Providing Wetland Compensatory Mitigation
    - 1) Banks
      - Single Client (including DOT)
      - General Use
    - 2) ILFP
    - 3) PRM
3. Compensatory Mitigation Site Identification and Development
  - a. Wisconsin Watersheds and Service Areas
  - b. Wisconsin Wetland Communities
  - c. The Watershed Approach for providing compensatory mitigation (watersheds vs. BSAs, watershed plans (ecoregion master plans and others) and CFPs, wetland functions and communities).
  - d. Site Selection
  - e. Bank and ILF Site Proposal/Development
  - f. PRM Site Proposal/Development
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  - a. Permit Conditions for PRM Sites
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5. Determining Credits Generated on a Compensation Site
  - a. Methods of Generating Compensatory Mitigation Credit
  - b. Buffers and Reduced Credit Areas

- c. Determining Credits based on Lift over Baseline
- 6. Post-Approval Actions on Compensation Sites
  - a. Site Construction, Planting and As-built Reporting
  - b. Monitoring Requirements
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# Wetland Compensatory Mitigation in Wisconsin: Procedures for Permittees on Obtaining Compensatory Mitigation Credit Version 2

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  - d. Withdrawing Credits from an Approved Bank or ILF Program
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  - a. Affidavits
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