



# Wisconsin's Wetland Mitigation Program

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April 24<sup>th</sup>, 2015

Presented by: Pam Schense  
Wetland Mitigation Coordinator

# Wetland Mitigation



## Definitions:

- NR350.03: the restoration, enhancement or creation of wetlands expressly for the purpose of compensating for unavoidable adverse impacts that remain after all appropriate and practicable avoidance and minimization has been achieved
- s.281.36(1), Wis Stats: the restoration, enhancement, creation or preservation of wetlands to compensate for adverse impacts to other wetlands

# Wetland Mitigation



All Wetland Individual Permit's require mitigation  
(unless waived by agencies, such as temporary impacts)

**\*\* Applicants must still avoid/minimize wetland impacts \*\***

## Options for Mitigation:

- Purchasing credits from an established wetland mitigation bank
- Purchasing credits from the WI Wetland Conservation Trust (In-Lieu Fee) mitigation program
- Permittee-Responsible mitigation



# Wetland Mitigation



## More Definitions:

- **Mitigation Bank:** A site, or suite of sites, where resources (e.g. wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing compensatory mitigation for impacts authorized by DA [and WDNR wetland] permits. In general, a mitigation bank sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the mitigation bank sponsor. The operation and use of a mitigation bank are governed by a mitigation bank instrument.
- **Credit:** A unit of measure (e.g. a functional or areal measure of other suitable metric) representing the accrual or attainment of aquatic resource functions at a compensatory mitigation site. The measure of aquatic functions is based on the resources restored, established, enhanced, or preserved.

# Credits & Watershed Approach



Applicants purchase credits based on a Mitigation Ratio

- Minimum ratio is 1.2:1, based on state statute
- Ratio can go higher dependent upon three factors:
  1. Is the mitigation in the same watershed/primary service area as the wetland impact?
  2. Is the mitigation credit of the same wetland type as the type of wetland being impacted?
    - **Definition: In-Kind\*** A resource of similar structural and functional type to the impacted resource.
  3. Is there a temporal loss of wetland function?
    - **Definition: Temporal Loss\*** The time lag between the loss of aquatic resource functions caused by permitted impacts and the replacement of aquatic resource functions at the compensatory wetland mitigation site.

\*\*\*These 3 Factors make up the Watershed Approach

# Wetland Types



- Shallow/open water
- Deep/shallow marshes
- Sedge meadow
- Fresh (wet) meadow
- Wet to wet-mesic prairie
- Calcareous fen
- Open bog/coniferous bog
- Shrub-carr/alder thicket
- Hardwood/coniferous swamp
- Floodplain forest
- Seasonally flooded basin





# Service Areas/Watersheds



# Selecting a Suitable Bank Site



- a. The site contains drained hydric soils.
- b. The site is not too small, and fits into the ecological landscape; generally these sites are contiguous with existing wetland resources or where aquatic resources previously existed.
- c. The site chosen has a good potential to maximize functional lift, or otherwise provide functional gains over existing conditions.
- d. Ditches, tiles, and other features which impact hydrology that are contained within the property boundaries can be disabled or manipulated without negatively impacting neighboring properties by the bank sponsor or compensation site developer.



# Site Selection (continued)



e. The site is not likely to receive continual inputs of undesirable vegetative species (invasive and/or non-native species).

f. Upland buffers provide adequate wetland protection from adjacent present and future land uses.

g. The work proposed will not result in an adverse impact to federal or state endangered, threatened, or special concern species.

h. The work proposed will not threaten or degrade high quality upland habitat, such as prairie remnants and oak savannas.

# Site Selection (continued)



**i. The site offers the opportunity to provide or enhance wetland functions and services as well as ecological or hydrological functions and services missing in the surrounding landscape or watershed, such as those identified in regional habitat conservation plans.**

j. The site has a suitable reference wetland which can be used to assess the predicted final product of the proposed compensation site.

k. The site will not require long-term maintenance of structures to sustain targeted community types, functions and services.



# Mitigation Bank Review Process

- Review of new banks done by Interagency Review Team (IRT)
- Army Corps (lead), DNR, EPA, NRCS, USFWS
- Begins with Prospectus (or optional draft)
- Requires Mitigation Banking Instrument (MBI), including Compensation Site Plan details and legal instrument for selling credits
- Credit amounts based on method of bank establishment
- Credits released as site develops





# Web Information



DNR Mitigation website:

<http://dnr.wi.gov/topic/wetlands/mitigation/>

- “Guidelines for Wetland Compensatory Mitigation in WI version 1.0 “ – update coming
- “Starting a Wetland Mitigation Bank: What You Need to Know” (2-page help sheet)
- Mitigation Bank Registry
- Army Corps of Engineers RIBITS database:  
<https://ribits.usace.army.mil/>



Thank you 😊



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# The Watershed Approach of Wisconsin's In-Lieu Fee Mitigation Program

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April 24<sup>th</sup>, 2015

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Wetland In-Lieu Fee Coordinator

# What is In-Lieu Fee?



33 CFR 332.2 –

Means a program involving the restoration, establishment, enhancement and/or preservation of aquatic resources through funds paid to a government or non-profit natural resources management entity to satisfy compensatory mitigation requirements for permits.



Similar to a mitigation bank, an in-lieu fee program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the in-lieu fee program sponsor.



# Program Objectives



- Provide an additional method of mitigation
- Focus on the greatest watershed needs
- Complete projects on the ground selected through a watershed approach



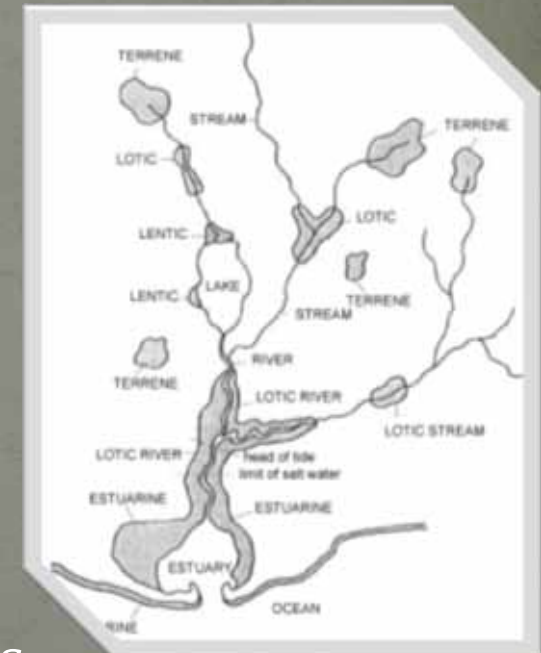


# Watershed Approach



## 33 CFR 332.2 –

- an analytical process for making mitigation decisions that support sustainability or improvement of aquatic resources
- Considers watershed scale needs
  - How location & type address needs
- Landscape perspective
  - Identify location & type of mitigation
- Historic & potential resource condition
- Past & projected resource impacts
- Terrestrial connections between resources



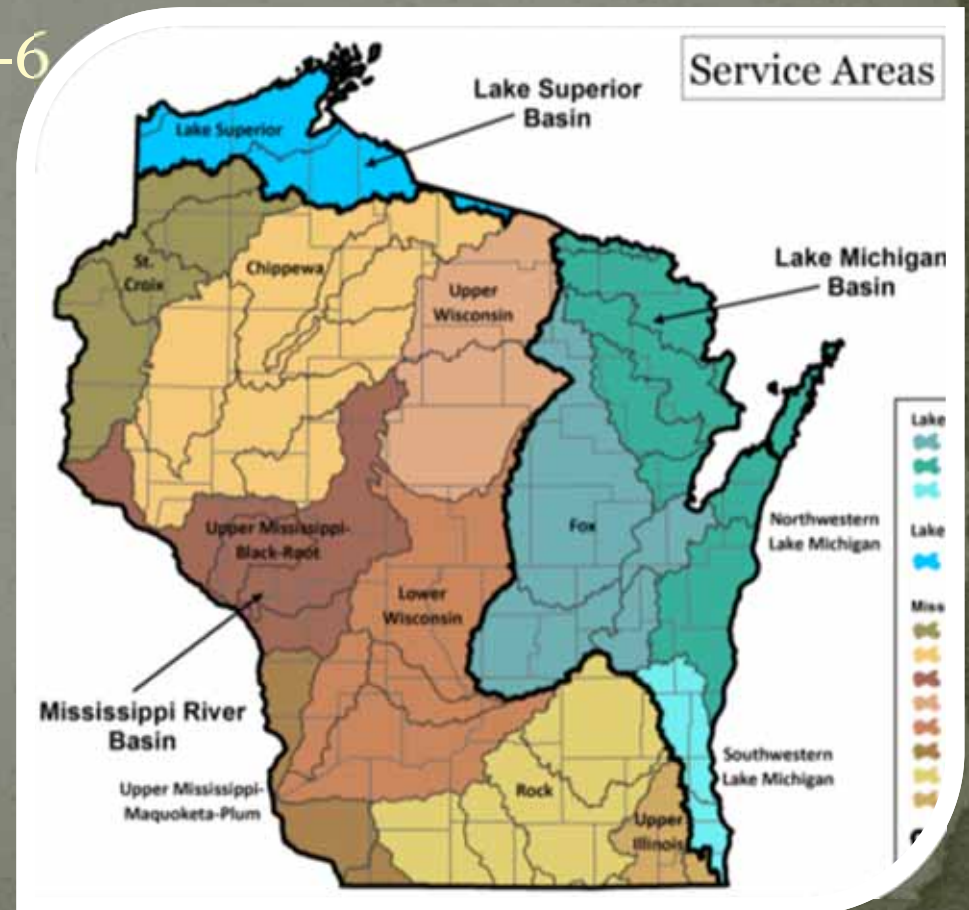
Tiner, R.W. 2011.

Dichotomous Keys and Mapping Codes  
for Wetland LLWW.

# Service Areas & Credit Fees



- Statewide program
- Divided into 12 service areas
  - Based on modified HUC-6
- Current Credit Fees
  - Lk Superio \$58,000
  - Lk Mich \$61,000
  - Mississippi \$60,000
- 3 Years to Initiate Project
  - After selling first credit



# Comp Planning Frameworks



Decision tool specific to each service area, guides selection of mitigation activities using a watershed approach.

- Threats
- Historic Loss
- Current Conditions
- Goals and Objectives
- Priorities
- Preservation
- Stakeholder Involvement
- Protection
- Evaluation and Reporting





# CPF – Goals and Objectives



- Overall Service Area goals & objectives
  - Provide comp mitigation based on credit sales
  - Perform comp mitigation in high priority watersheds (high historic loss, high PRW)
  - Replace historic wetland types sustaining high losses, supported by permitted losses
  - Implement priority actions for SGCN & their associated wetland habitat
  - Address 303d listed waters capable of remediation through wetland projects
  - Provide functional buffers around projects to sustain wetland function
  - Preserve rare & high quality wetlands, critical habitat for T/E species, etc
- Specific HUC-8 Watershed goals & objectives
  - Discuss specific watershed characteristics
  - Identify the restoration & enhancement of specific wetland cover types
  - Identify the preservation of specific rare wetland types according to the WWAP



# Landowner Opportunity



## Propose a project for funding

- Two avenues for developing projects:
  1. Solicitation of projects through open RFP process
  2. Internal project developed by DNR
    - Preference given to open RFP process
- RFP developed by sponsor (DNR), submit to Corps for approval.
- Final RFP published seeking projects from the public, non-profits, NGO's, DNR programs, etc.





# CPF – Prioritization Strategy for Site Selection and Planning



- **First**, meet the core requirements
  - Successful & sustainable net gain &/or preservation of function &/or area.
  - Fulfill tenets of existing Advanced Watershed Plans (AWP) or prioritization strategy, preference for AWP.
  - Cost, feasibility, size, proximity to protected areas, corridor connectivity, human use value, efficient maintenance, NRB Boundaries.
- **Second**, capacity to provide wetland functions & achieve goals and objectives
- **Third**, located in or adjacent to PRW or other priority conservation areas
- **Fourth**, high opportunity HUC-8's
  - high % historic loss, high quantity PRW





# Current EPA Grant - WAWFA

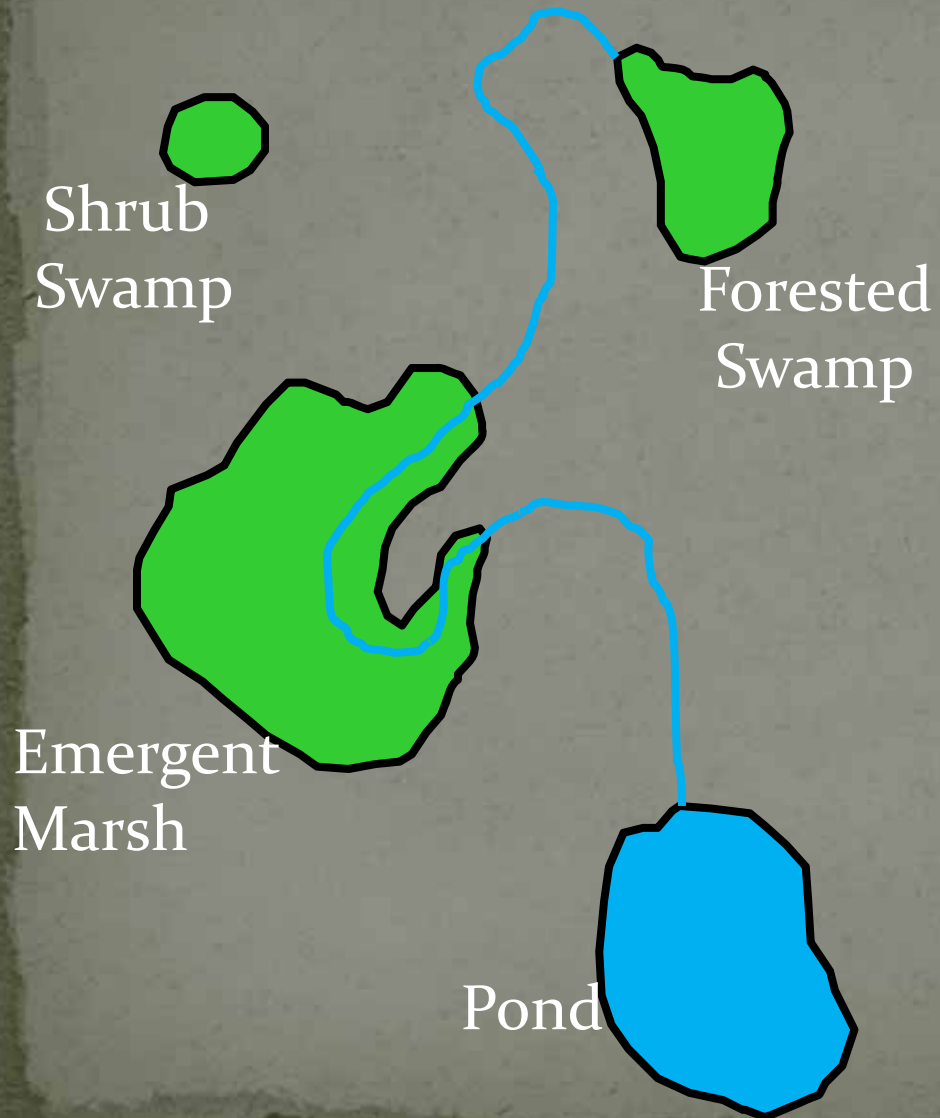


## Watershed Approach to Wetland Functional Assessment

- Further Refine Compensation Planning Framework
- Assess wetland functions
  - Determine Watershed Needs (i.e. lost functions)
  - Utilize Potentially Restorable Wetlands
  - Assess current conditions
- Create Decision Support System web tool
  - Inform wetland restoration
  - Target preservation
  - Publically available



# Existing Information (from wetland maps)



- Wetland location/extent
- Wetland types
- Water regime
- etc.



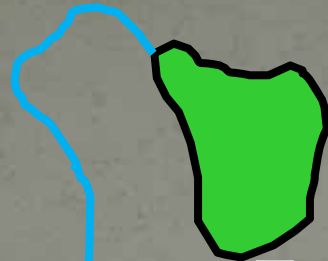
## New information

- Landscape Position
- Landform
- Waterbody type
- Waterflow path

Terrene  
Basin  
Isolated



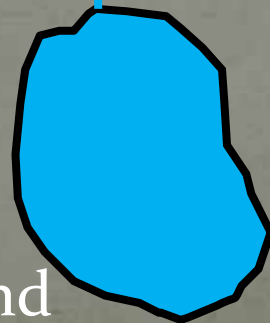
Terrene  
Slope  
Outflow  
(headwater)



Lotic  
Floodplain  
Thru-flow



Lentic  
Natural Pond  
Inflow



Existing Info + New Info =  
Ecosystem Services  
(Wetland Functions)





# Major Services Provided

Carbon  
Storage



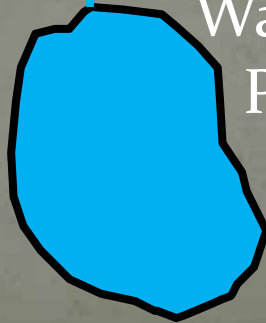
Surface  
Water Supply



Flood  
Abatement

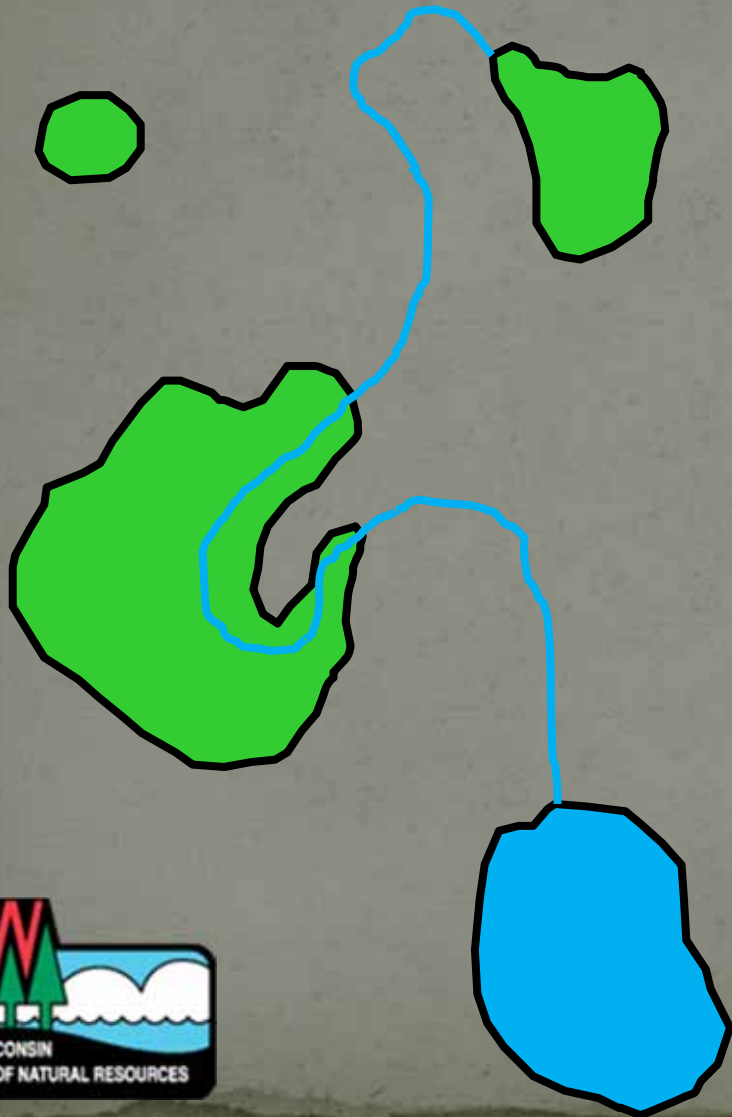


Water Quality  
Protection



# Changes in Services

## Historic



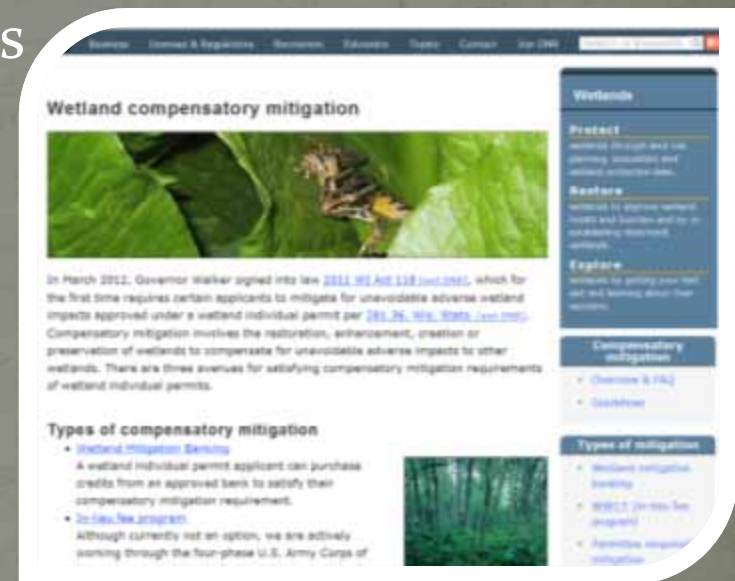
## Current



# Additional Resources



- We have revised our mitigation website:
  - <http://dnr.wi.gov/topic/wetlands/mitigation/>
- Geared towards 3 mitigation types
- WWCT Helpful Resources:
  - Full Signed Instrument
  - Service Area Map
  - Credit Availability
  - Credit Fee Schedule
  - How to Buy Credits Guidance
- GovDelivery
  - <https://public.govdelivery.com/accounts/WIDNR/subscriber/new>
  - Expand Water, then check Wetland Mitigation





THANK YOU!



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<http://dnr.wi.gov/topic/wetlands/mitigation/>