

Wisconsin Wetland Study Council (WSC)

MITIGATION COMMITTEE

Recommendations to Improve the Wetland Mitigation Program

July 15, 2021

CATEGORY	ISSUE	RECOMMENDATIONS
Bank and ILF Site Development	1. Mitigation project design process should have more flexibility	<ol style="list-style-type: none"> 1. DNR should work with USACE and EPA to develop guidance to promote multi-market options at mitigation sites (e.g., wetland, stream, nutrient trading); 2. DNR should develop ILF site search strategy to find project sites quickly enough to meet 3-growing season timelines (<i>In progress</i>); 3. DNR should develop a strategy for identifying and funding smaller or alternative ILF mitigation projects due to forecasted low credit sales and small project budgets (<i>In progress</i>); 4. DNR should work with USACE to develop guidance for, and explore opportunities for flexibility in, project design, evaluating site performance, and long-term management requirements for small on-site permittee-responsible mitigation sites; 5. DNR should develop guidelines for site selection and project design for sites in the Lake Superior red clay plain area (<i>In progress</i>).
	2. Mitigation credits are heavily reliant on vegetation diversity, need to measure additional wetland functions to determine site crediting	<ol style="list-style-type: none"> 1. DNR should update the Level 2 wetland functional assessment method (currently the Wisconsin Rapid Assessment Method / WRAM) to quantitatively measure wetland functional loss from permitted or exempted impacts and the functional lift at mitigation sites, such as water quality, wildlife and aquatic species habitat, flood control, etc. (<i>In progress</i>); 2. DNR should work with applicants to identify opportunities for on-site mitigation credit for larger/comprehensive stormwater solution projects that include wetlands and/or waterways in the overall design (<i>In progress</i>).
	3. Performance standards should be flexible and realistic to fit site conditions	<ol style="list-style-type: none"> 1. DNR should coordinate with USACE to draft guidance on performance standards (<i>In progress</i>); 2. DNR should update the WRAM to develop metrics that can be written into performance standards (<i>In progress</i>).

	<p>4. Monitoring requirements are at times burdensome or unreasonable on mitigation sites</p>	<ol style="list-style-type: none"> 1. DNR should coordinate with USACE to update guidance for vegetation monitoring (<i>In progress</i>); 2. DNR should coordinate with USACE to update guidance on hydrology monitoring (<i>In progress</i>).
	<p>5. Need guidance for long term management funding requirements</p>	<ol style="list-style-type: none"> 1. DNR should coordinate with USACE to develop guidance on LTM funding requirements and set clear expectations with sponsors (<i>In progress</i>); 2. DNR should include new language in NR 350 that establishes long term management requirements (<i>Included in the rule proposal</i>); 3. DNR should work with USACE to develop a long-term management template for use in mitigation bank instrument proposals (<i>In progress</i>).
<p>Bank and ILF Site Approval</p>	<p>6. Delays in mitigation project approval process</p>	<ol style="list-style-type: none"> 1. DNR should continue to encourage pre-prospectus meetings with mitigation bank sponsors to eliminate sites with low potential or other issues; 2. DNR should coordinate with USACE to implement a joint MBI tracking log to collect data on the phases of the submittal process and set clear expectations for bank sponsors on their timelines.
<p>Bank and ILF Site Operation</p>	<p>7. Delays in response to credit release requests</p>	<ol style="list-style-type: none"> 1. DNR should coordinate with mitigation bank sponsors and USACE to: <ol style="list-style-type: none"> a. plan necessary site visits ahead of credit requests; b. implement a joint tracking system to respond to monitoring report and credit release submittals; c. conduct outreach efforts to provide sponsors with clear expectations on the process for requesting credits and IRT releases.
	<p>8. Need more specific criteria for accelerated initial credit approval and criteria for credit releases</p>	<ol style="list-style-type: none"> 1. DNR should coordinate with USACE to develop guidance for credit release schedules and initial credit approval (<i>In progress</i>); 2. DNR should include language in NR 350 addressing criteria for accelerated credit release schedules (<i>Included in the rule proposal</i>).

	9. Need clear guidance on bank instrument modification and adaptive management for established banks	1. DNR should coordinate with USACE to develop guidance that differentiates actions that are considered adaptive management from actions that would require an instrument modification (<i>Included in the NR 350 rule proposal</i>).
Agency Communication	10. DNR and USACE guidance for bank development and operation needs to be consistent	<ol style="list-style-type: none"> 1. DNR should work with USACE to make sure established outlines and checklists are up to date; 2. DNR should coordinate all guidance and rulemaking efforts with USACE to avoid conflicting process and operations in its mitigation program.
	11. DNR's role on the IRT needs to be clearly described in rulemaking and guidance	1. DNR should describe its role and authority as an IRT member in reviewing and approving mitigation bank projects, including mitigation bank instruments, construction and as-built reports, financial assurances credit release schedules and requests, site protection mechanisms, and long-term management requirements and oversight (<i>Included in the NR 350 rule proposal</i>).
	12. Public and stakeholder misunderstanding of mitigation program policies and procedures	1. DNR should coordinate with USACE and mitigation bank sponsors to improve and increase public outreach through annual listening sessions, newsletters, and conferences (<i>In progress</i>).
Staffing	13. Additional staff and consistency in decision-making between DNR and USACE staff	<ol style="list-style-type: none"> 1. Establish a restoration engineer position at DNR to assist in mitigation site review; 2. Establish position authority for the DNR ILF Program for three positions; 3. Add mitigation staff to improve program efficiency and reduce delays in project approval and implementation; 4. DNR should keep up to date a set of standard operating procedures for mitigation so that new and existing staff can be trained quickly on process and problem-solving.