

## PURPOSE AND DESIRED OUTCOMES

### BACKGROUND

On December 24, 2002, an interagency team released the National Wetlands Mitigation Action Plan (MAP). The primary purpose of the plan was to achieve “the goal of no net loss by undertaking a series of actions to improve the ecological performance and results of wetlands compensatory mitigation under the Clean Water Act and related programs.” The MAP highlights 17 specific action items for the interagency MAP Workgroup<sup>1</sup> to accomplish by 2005.

One of the MAP action items is for the interagency workgroup to **identify criteria for making compensatory mitigation decisions within a watershed context by 2005**. Specifically, the MAP directs the agencies to develop guidance to encourage placement of mitigation where it would have the greatest benefit and probability for long-term sustainability. The guidance will provide a framework for decision-making that can be used in conjunction with existing watershed plans or tools.

In 1996, the U.S. Environmental Protection Agency defined the watershed approach as “a coordinating framework for environmental management that focuses public and private sector efforts to address the highest priority problems within hydrologically-defined geographic areas, taking into consideration both ground and surface water flow.”<sup>2</sup> It is this definition of the watershed approach that will be relied upon for the purposes of this symposium.

### THE “LOGICAL STEPS” OF A WATERSHED-BASED APPROACH TO COMPENSATORY MITIGATION

In these early stages, the MAP Workgroup anticipates that watershed-based planning tools/resources developed for the purposes of guiding compensatory mitigation under §404 of the Clean Water Act would include the following “Logical Steps”:

<sup>1</sup> U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers, working with U.S. Department of Agriculture, Department of Interior, Department of Transportation, and the National Oceanic and Atmospheric Administration.

<sup>2</sup> U.S. Environmental Protection Agency. 1996. “Watershed Approach Framework.” March 18, 2004. <<http://www.epa.gov/owow/watershed/framework/ch2.html>>.

- (1) **Landscape assessment** of how the watershed works in terms of its functional and structural elements (e.g., by ecoregion or HGM setting, possibly including the development of wetland landscape profiles);
- (2) **Historical assessment** of what aquatic resources have been lost in the watershed (resource types, acreage);
- (3) **Assessment of remaining aquatic resources** (types, acreage), including an inventory of aquatic resources for the project watershed and an assessment of those resources using a rapid wetland assessment method;
- (4) **Analysis of priorities and restoration options**, based on expert opinion. The options and priorities should be based on consideration of the watershed’s aquatic resource functional needs, as well as the ecological and management opportunities that exist to restore degraded aquatic resources, including wetlands. Ideally such an analysis would rely upon the use of GIS analysis or another decision support tool;
- (5) **Determination of where, when, and how much** aquatic resources need to be restored.

The MAP Workgroup has tentatively identified approximately 15 examples of watershed-based planning tools/resources that could serve as models for developing criteria and a framework for identifying the most beneficial and sustainable mitigation sites in a watershed (see attached list of watershed initiatives).

### PURPOSE OF THE WATERSHED SYMPOSIUM

In May 2004, the Environmental Law Institute plans to host the “National Symposium on Compensatory Mitigation and the Watershed Approach,” which is designed to provide the MAP Workgroup with direction and input. The symposium is structured to identify criteria that could be included in a framework for making compensatory mitigation decisions under Section 404 of the Clean Water Act on a watershed basis. The 2 ½-day discussion will draw from examples provided by existing watershed-based planning tools/resources. The **desired outcomes** of this symposium are:

- Identification/clarification of what science says about making compensatory mitigation decisions in a watershed context;

- Clarification on the “Logical Steps” of a watershed-based approach to compensatory mitigation;
- Identification of the most important criteria used by existing watershed-based planning tools/resources to analyze priorities and restoration options;
- Potential use of these watershed-based planning tools/resources in a regulatory context;
- Discussion of the level of information necessary to effectively utilize these watershed-based planning tools/resources in a regulatory context.

At the end of the symposium, the MAP Workgroup hopes to have gathered input and direction on the use of a watershed approach to guide compensatory mitigation decisions and on potential watershed-based planning tools/resources that can be used in a regulatory context.