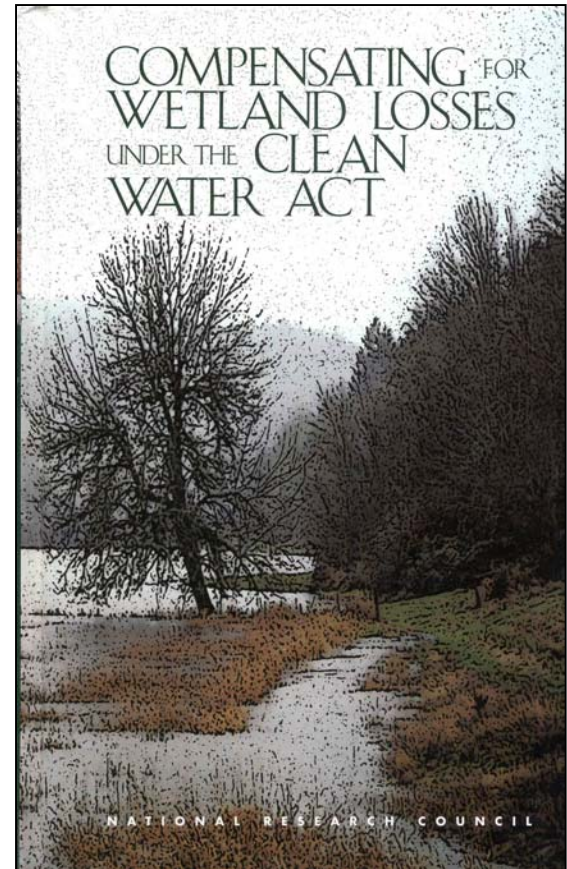


National Mitigation Action Plan

September 20-22, 2004
Federal Mitigation Stakeholders Forum
Tampa, FL

Background Information

- Independent studies raised significant concerns with effectiveness of CWA Section 404 in replacing lost wetlands:
 - National Academy of Science's National Research Council (NAS) study 2001
 - General Accounting Office (GAO) report 2001





Mitigation Action Plan

- Released December 26, 2002
- Complete 17 tasks by 2005 that will improve effectiveness of compensatory mitigation:
 - integrating compensatory mitigation into the watershed approach
 - improving compensatory mitigation accountability
 - clarifying performance standards
 - improving data collection and availability



National Wetlands Mitigation Action Plan

Main

Background

**Mitigation
Action Plan**

**Status of
Action Items**

**Stakeholder
Coordination**

Fact Sheet

Related Links

**Agency
Contacts**

Site Map

Welcome to the Home of the National Wetlands Mitigation Action Plan. In response to independent critiques of the effectiveness of wetland compensatory mitigation for authorized losses of wetlands and other waters under Section 404 of the Clean Water Act, the Environmental Protection Agency, the Army Corps of Engineers, and the Departments of Agriculture, Commerce, Interior, and Transportation released the National Wetlands Mitigation Action Plan on December 26, 2002. The Plan includes 17 tasks that the agencies will complete by 2005 to improve the ecological performance and results of compensatory mitigation.



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Action Item Status Table

MAP ACTION ITEM	DATE	STATUS
Regulatory Guidance Letter Revision	2002	Completed
Integrating Mitigation into a Watershed Context		
On Site/Off Site & In-kind/Out-of-kind Guidance	2003	Finalizing
Vegetated Buffer Guidance	2004	Drafting
Preservation Guidance	2004	Drafting
Watershed-Context Guidance	2005	Compiling Information
Improving Accountability		
TEA-21 Banking Guidance	2003	Completed
Grants to Improve Mitigation	2002+	Completed and Ongoing
Guidance for Aquatic Resources that are Difficult to Replace	2004	Drafting
Stream Mitigation Compendium	2003	Completed
Clarifying Performance Standards		
Model Mitigation Checklist	2003	Completed
Adapt NAS-Guidelines to 404 Program	2003	Completed
Analysis of Existing Performance Standards Research/Literature	2003	Completed
Clarify Performance Standards Concepts	2005	Compiling Information
Performance Standards Guidance	2005	Compiling Information
Improving Data Collection and Availability		
Evaluate Existing Mitigation Databases	2003	Compiling Information
Develop Common Mitigation Database	2005	Compiling Information
Annual Mitigation Report Card	2005	Compiling Information





Mitigation RGL 02-02

- RGL 02-02 replaces RGL 01-01
- Major Issues
 - Watershed approach
 - Functional assessment
 - Stream mitigation
 - Definitions of mitigation
 - Preservation and buffers as mitigation
 - Mitigation plans
 - NRC Guidelines



TEA-21 Banking Preference Guidance

- Purpose – guide the application of the TEA-21 preference for mitigation banking to compensatory mitigation requirements under CWA Section 404
- Factors for Consideration
 - Suitability of banking
 - Multiple alternatives
- Early Coordination
 - Streamlining, NEPA-404, MBRT process



District Mitigation Guidelines

- Mitigation and Monitoring Guidelines in all 38 Corps Districts
 - Public Notices December 2003
 - Finalize by June 2004
- Provided 15 examples for Districts to use as models
- District Guidelines include completed MAP work products:
 - [Model Mitigation Plan Checklist \[2003\]](#)
 - [Adaptation of NAS Guidelines to CWA Section 404 Program \[2003\]](#)



Site/Kind Guidance

- Context
 - Existing preference for on-site and in-kind compensation (1990 Mitigation MOA)
 - NAS study finding that automatic preference contradicts a watershed approach
 - Watershed approach not yet widely available
- Purpose
 - Guide mitigation decisions until watershed approach can be widely applied

A vertical photograph on the left side of the slide shows a stream with a weeping willow tree on the left bank. The water is calm, reflecting the sky and the surrounding greenery. The tree's branches are bare and hang over the water.

Stream Mitigation

- RGL 02-2: Stream Mitigation for impacts to streams
- MAP Stream Guidance – compendium of technical approaches
- Compile and review extant stream mitigation protocols
 - 50 techniques from across the country
 - Evaluated/sorted in a resource manual

A vertical photograph on the left side of the slide shows a riverbank. In the foreground, there are green reeds and grasses. The water is calm and reflects the sky. In the background, there are trees with green and some yellowing leaves, suggesting an autumn or late summer setting. The sky is a pale blue.

Performance Standards Analysis

- Historic problems measuring success
- Technical report
 - Compile peer-reviewed scientific literature
 - Analyze and sort best available science
 - Improve precision/clarity of permit conditions
 - Released in June 2004
- Inform the development of performance standards and monitoring guidance in 2005

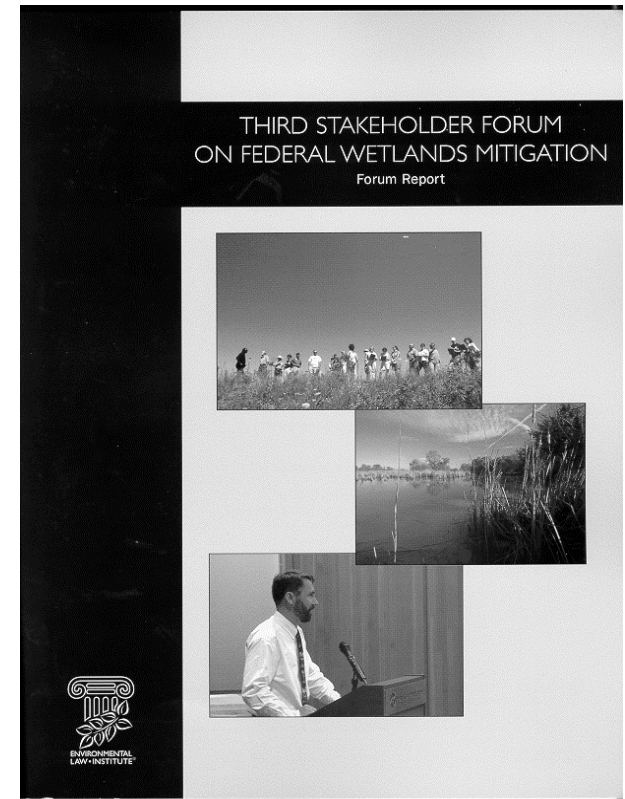


Database/Tracking

- Evaluation of existing 404 tracking databases
- Replacing RAMS with ORM
 - ORM piloting in nine Districts
- Improved 404 tracking with ORM:
 - Types/amount of resources impacted/mitigated
 - Types/amount of mitigation performed
- Corps/EPA partnering to:
 - Add GIS to ORM
 - Ensure accessibility of data

Stakeholder Coordination

- 2003 Stakeholder Forum
 - Portland, OR
 - Reviewed progress on 2003 items
 - Solicited input 2004 and 2005 items
 - Full Report at:
 - MitigationActionPlan.gov
- 2004 Stakeholder Forum
 - Tampa, FL – September 20-22
- 2005 Stakeholder Forum





2004 and 2005 Actions

- 2004:
 - Buffer guidance
 - Preservation guidance
 - Guidance for aquatic resources that are difficult to replace (DTR)
- 2005:
 - Performance standards guidance
 - Shared database
 - National report card
 - Mitigation in the Watershed Context



Watershed Approach to Compensatory Mitigation

- Identified ~20 watershed-based planning tools/resources
- Symposium: May 19-21, 2004
 - Review WS-based tools/resources
 - Discuss the criteria used to analyze priorities and restoration options
 - Explore potential use in regulatory context
 - Share ideas, Recommend direction

Questions?

