WETLAND THRESHOLD & RESTORATION

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MARCH 28 PUBLIC NOTICE

- Permanent wetland impacts greater then 5,000 will require pre-construction notification
- Permanent wetland impacts greater than 5,000 square feet will require compensatory mitigation
- Change from 15,000 to 5,000 square feet
- Effective 30 days from Public Notice

WHY IN THE MIDDLE OF THE GENERAL PERMIT?

Permanent GP Impacts & Mitigation Non-Tidal Wetlands in New England States FY 2017-2022 (Acres)

State	**Land Area (acres)	Discharges >5,000 SF (UA)	Discharges 5000-15000 SF (UA)	Discharges >5000 SF No CM	Discharges 5000-15000 SF No CM (acres)	Total Discharges No CM	Total Discharges UA (acres)
Connecticut*	3,099,116.8 *(7.7%)*	10.5	2.9	4.1	0.79 *(0.8%)*	12	18.8 *(5.8%)*
Maine*	19,740,864 *(49.2%)*	153.1	83.4	84.9	75 *(77.6%)*	110.7	180.7 *(55.9%)*
Massachusetts*	4,992,614.4 *(12.4%)*	12.3	4.41	6.6	2.1 *(2.2%)*	12.9	19 *(5.88%)*
New Hamp*	5,730,400 *(14.3%)*	50.4	16.2	22.4	12.9 *(0.9%)*	45.9	74.7 *(23.1%)*
Rhode Island*	661,689.6 *(1.6%)*	0.91	0.91	0.91	0.91 *(13.3%)*	1.7	1.7 *(0.53%)*
Vermont*	5,899,168 *(14.7%)*	16.5	7	6.1	5 *(5.2%)*	15.4	28.2 *(8.73%)*

Table 1. Permanent General Permit Discharges in Freshwater Wetlands per single & complete project by State (USACE ORM II data 9/27/2017-9/27/2022)

*Values expressed in **ACRES** **2020 U.S. Census Bureau Data CM: Compensatory Mitigation UA: Unavoided

WHY PART II

Avoidance Frequency Permanent Non-Tidal Wetland Impacts in New England States (General Permits) FY 2017-2022

State	Total Actions*	Compensatory Mitigation Threshold	Discharges 0-5,000 SF*	Discharges 5,000-15,000 SF*	Discharges >15,000 SF*	Average discharge size
Connecticut	320	5,000 SF	292 *(91.3%)*	14 *(4.4%)*	14 *(4.4%)*	2,556 SF
Maine	1189	15,000 SF	734 *(61.7%)*	360 *(30.3%)*	95 *(8%)*	6,619 SF
Massachusetts	234	5,000 SF	203 *(86.8%)*	20 *(8.5%)*	11 *(4.7%)*	3,528 SF
New Hamp	905	3,000/10,000 SF	788 *(87.1%)*	89 *(9.8%)*	38 *(4.2%)*	3,596 SF
Rhode Island	31	5,000 SF	25 *(80.6%)*	6 *(19.4%)*	0	2,400 SF
Vermont	379	5,000 SF	323 *(85.2%)*	38 *(10%)*	17 *(4.5%)*	3,242 SF

Table 2. Permanent General Permit Discharges in Freshwater Wetlands per single & complete project by State (USACE ORM II data 9/27/2017-9/27/2022)

**Values expressed in number of single & complete ACTIONS unless otherwise noted*

QUESTIONS PART 1

- March 28 Public Notice for change in Mitigation Thresholds for Wetlands
- 30-day grace period prior to finalization
- On April 28 or 30-day post Public Notice, the 5,000 square feet will become effective on all applications received AFTER the 28’th.

RESTORATION

Maine Natural Resource Conservation Program

“NO NET LOSS”

Federal Programmatic Goal

- Balance wetland acreage losses with acreage gains
- At minimum, total wetland acreage should remain constant or increase

2008 Federal Mitigation Rule

- Watershed approach
- Provided a framework approach to success
- 12 Elements of a mitigation plan

Moved toward replacement of functions that were lost

“the Board of Environmental Protection supports the nation-wide goal of no net loss of wetland functions and values….” Ch.310

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MAINE NATURAL RESOURCE CONSERVATION PROGRAM VIA TNC

Compensatory Mitigation Provider

- 3’rd Party Mitigation Provider
- Offset Impacts to Federal and State Waters
- Federal Preference to Permittee Responsible Mitigation
- Governed by a Corps and State approved Instrument
- Internal Interagency Review Team
- Federal Interagency Review Team
- Utilizes a Request for Proposals

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Mitigation Rule Definitions

Restoration means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of **returning** natural/historic functions to a former or degraded aquatic resource.

Rehabilitation means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of **repairing** natural/historic functions to a degraded aquatic resource.

Enhancement means the manipulation of the physical, chemical, or biological characteristics of an aquatic resource to **heighten, intensify, or improve** a specific aquatic resource function(s).

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WHAT CAN ILF FUNDS BE USED FOR

Selection
Design
Acquisition
Implementation

- Any phase 1's required as part of 106 process
- Financial assurances

Management of compensatory mitigation projects

- 5 year and long-term management

Projects **may/will** take time

MUST be part of a complete budget(cradle to grave)

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WHAT ILF FUNDS CAN'T PAY FOR

Standalone development of plans, permits or suitability determinations.

Risk goes both ways:

- Can't fund plan development unless we have something to show.
- Involves some risk from potential applicants that restoration can be successful and is doable.
  - Type of work happens across the nation; this is how almost every other mitigation program operates.

MNRCP/TNC may start utilizing GIS data to overlay historically classified wetlands that have been developed for other uses, i.e. farmland, pastures, and prior converted wetland.

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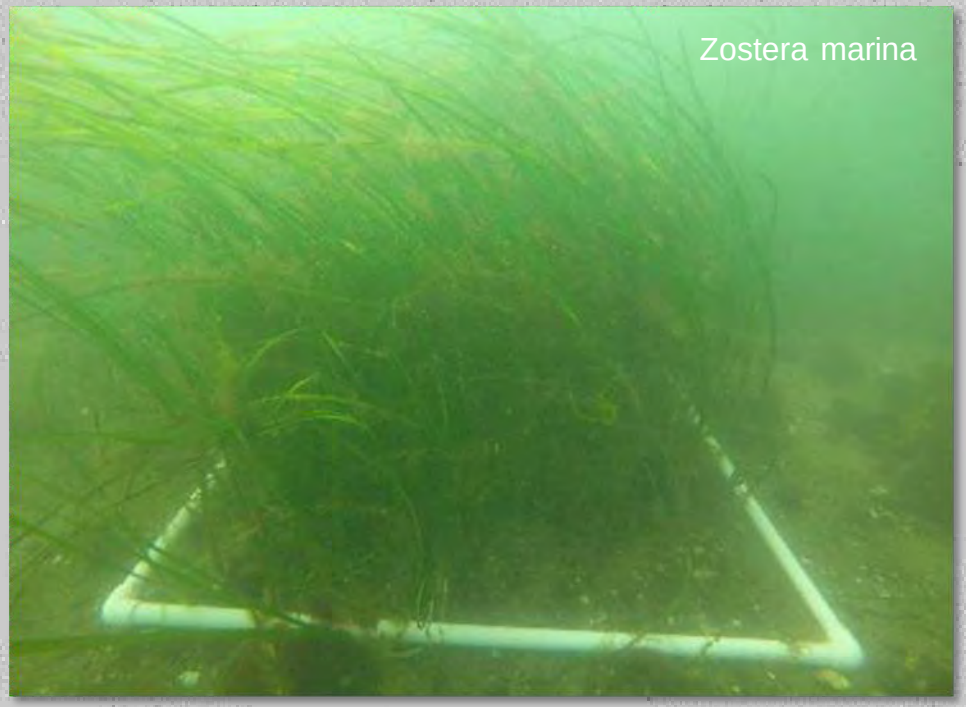
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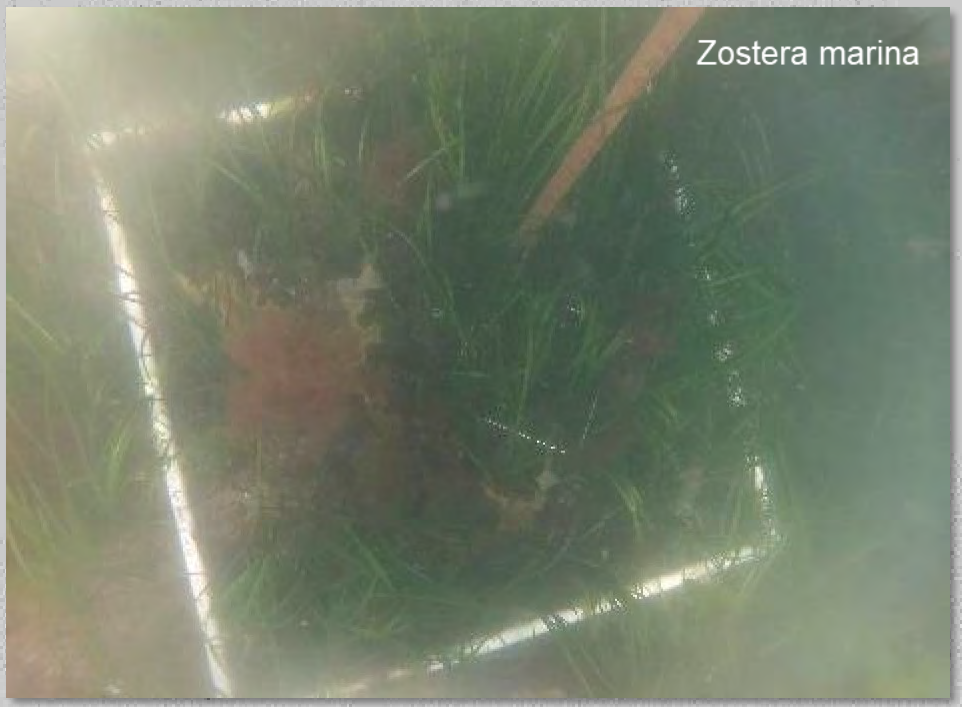
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Before dam removal
Immediately after dam removal

CHOP CHAQUE BOG RESTORATION, MASHPEE MA

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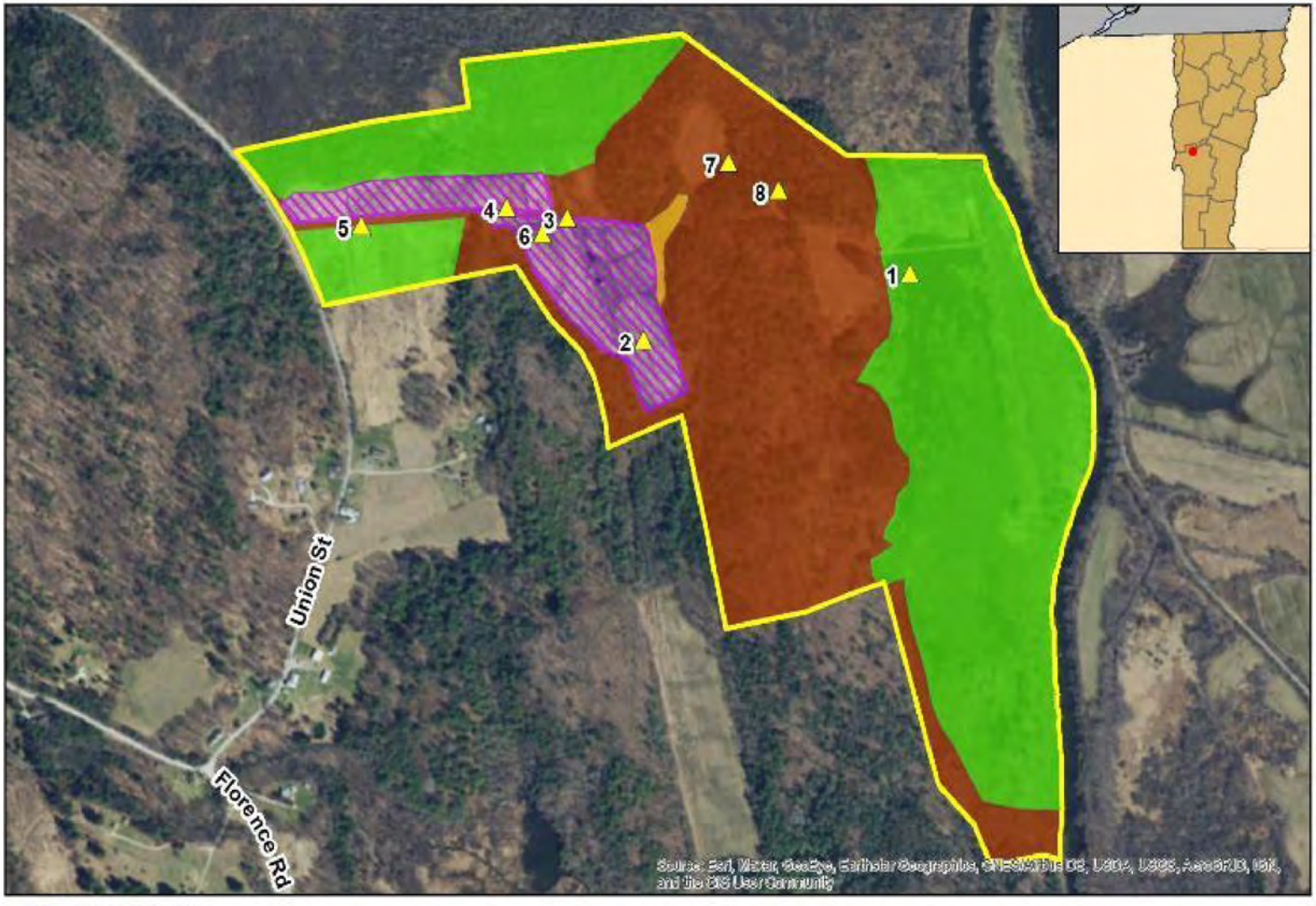

△ **Photopoints**

Property Boundary 169.J}Bacres+/-

1& Preservation 80.22 acres+/

00, Rees.tablishment or Reha.b **14.5** acres -r/·

Ill, Upland Buffer 74-,12acres +/·

Upland Buffer Rehab 0.86 acres +/"

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WHAT ABOUT PRESERVATION?

- Where preservation is used to provide compensatory mitigation, to the extent appropriate and practicable, preservation shall be done in conjunction with aquatic resource restoration, establishment, and/or enhancement activities.

- Difficult to mitigate resources(VP,IWWH)

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QUESTIONS?

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