

## Mitigation

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Mitigation has been defined as "to moderate in intensity", "to cause to become less harsh or hostile", "to alleviate or become milder", "to make less severe". According to 40 CFR Part 1508.20, the Council on Environmental Quality (CEQ) has defined mitigation to include:

- Avoiding the impact altogether by not taking a certain action or parts of an action.
- Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- Rectifying the impact by repairing, rehabilitating, or restoring the effected environment.
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- Compensating for the impact by replacing or providing substitute resources or environments.

Wetland mitigation generally involves the creation of new wetlands, the enhancement of existing wetlands, the restoration of former wetland areas, and/or the preservation of existing wetland areas. Mitigating the environmental impacts of development activities in the Nation's wetlands and other aquatic resources is a central premise of Federal wetlands programs. Under Section 404 of the Clean Water Act, any person or entity proposing to fill in (i.e., impact) a wetland must first demonstrate that the impact is "unavoidable". That person or entity must then "mitigate" for this unavoidable impact by replacing the impacted wetland with the same or similar type of wetland. Mitigation is usually required for wetland impacts to ensure that any lost wetland functions and values are adequately replaced. It is the policy of the Seattle District that whenever practicable, wetland mitigation is established onsite. Where the District determines that onsite mitigation is not feasible or appropriate, offsite mitigation will be accepted. In these cases, mitigation is normally accomplished in the same watershed where the impacts from the proposed project occur. Offsite mitigation options may include wetland [mitigation banks](#), [in-lieu fee mitigation](#), and other reasonable site-specific

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actions that involve wetland restoration, creation and/or enhancement. Wetland mitigation is only considered an option when the Corps has determined that the applicant has avoided impacts to jurisdictional areas to the maximum extent practicable, and has minimized unavoidable impacts to such areas. The District alone has the authority to determine acceptable compensatory mitigation proposals associated with permitted activities.

## **THE GOALS OF MITIGATION**

1. The Corps has a policy of "no net loss" of wetlands in the United States. This means that every wetland impact must be offset by the creation, restoration or enhancement of at least an equal amount of wetlands. This is referred to as "compensatory mitigation."
2. Mitigation is intended to compensate for the adverse impacts of permitted activities on wetland functions and values. The goal of compensatory mitigation for impacts to aquatic resources shall be the restoration and maintenance of the chemical, physical, and biological integrity of the Nation's waters.
  - Biological integrity involves the natural state of living organisms using aquatic systems. Biological functions include shelter, food production, breeding sites, and migration pathways.
  - Chemical integrity involves the natural composition and properties of inanimate substances within aquatic systems. Chemical functions include nutrient cycling, particulates retention, organic carbon export, removal and sequestration of elements and compounds, and water quality improvement.
  - Physical integrity involves the natural contiguity of aquatic systems. Physical functions include flood attenuation, storm

surge reduction, groundwater exchange, commercial and recreational navigation, and cultural uses.

**ELEMENTS OF SUCCESS** Four elements are integral to the successful establishment of wetland mitigation areas: design, implementation, management, and monitoring. Good mitigation design requires, among other factors, appropriate site selection, assurance of adequate wetland hydrology, and knowledge of plant ecology. Correct implementation of the design, including use of specialized construction practices, is essential to the successful establishment of native plant communities. The monitoring of mitigation sites is an essential part of the permit compliance determination, because it generates the field data used to gauge the performance of the site against the predetermined performance standards. Management of the wetland facilitates the development of the wetland communities, and ensures that the goal of the mitigation plan, the replacement of aquatic functions and values, is achieved. Six Federal and State agencies that review wetland projects and issue permits have collaborated to develop the ["Guidelines for Development of Freshwater Wetland Mitigation Plans and Proposals"](#) to improve and facilitate the permit process. This document was written to provide guidance for those planning to undertake the restoration, creation, or enhancement of freshwater wetlands as part of a mitigation program to compensate for unavoidable impacts to existing freshwater wetlands.

**QUESTIONS ABOUT MITIGATION?** If you have any questions regarding mitigation in the Seattle District, please contact [Tina Tong](#), telephone (206) 764-6913.

[Mitigation Information & Resources](#) Includes regulations, guidance, studies, reports, and more.

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