

Army Corps and EPA Improve Wetland and Stream Mitigation

The U.S. Army Corps of Engineers and U.S. Environmental Protection Agency today released a new rule to clarify how to provide compensatory mitigation for unavoidable impacts to the nation's wetlands and streams. The rule will enable the agencies to promote greater consistency, predictability and ecological success of mitigation projects under the Clean Water Act.

The rule was published in the Federal Register April 10, 2008. There will be a 60-day interim period prior to implementation of the rule. After 60-days, the rule will go into effect.

Benefits of the compensatory mitigation rule include:

- Fostering greater predictability, increased transparency and improved performance of compensatory mitigation projects
- Establishing equivalent standards for all forms of mitigation
- Responding to recommendations of the National Research Council to improve the success of wetland restoration and replacement projects
- Setting clear science-based and results-oriented standards nationwide while allowing for regional variations
- Increasing and expanding public participation
- Emphasizing the "mitigation sequence" requiring that proposed projects avoid and minimize potential impacts to wetlands and streams before proceeding to compensatory mitigation

The new rule changes where and how mitigation is to be completed, but maintains existing requirements on when mitigation is required. The rule also preserves the requirement for applicants to avoid or minimize impacts to aquatic resources before proposing compensatory mitigation projects to offset

permitted impacts

For more information on the compensatory mitigation rule visit:

<http://www.usace.army.mil/cw/cecwo/reg/citizen.htm> or

<http://www.epa.gov/wetlandsmitigation>.

Information about the importance of wetlands is available at:

<http://www.epa.gov/owow/wetlands/>.

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