

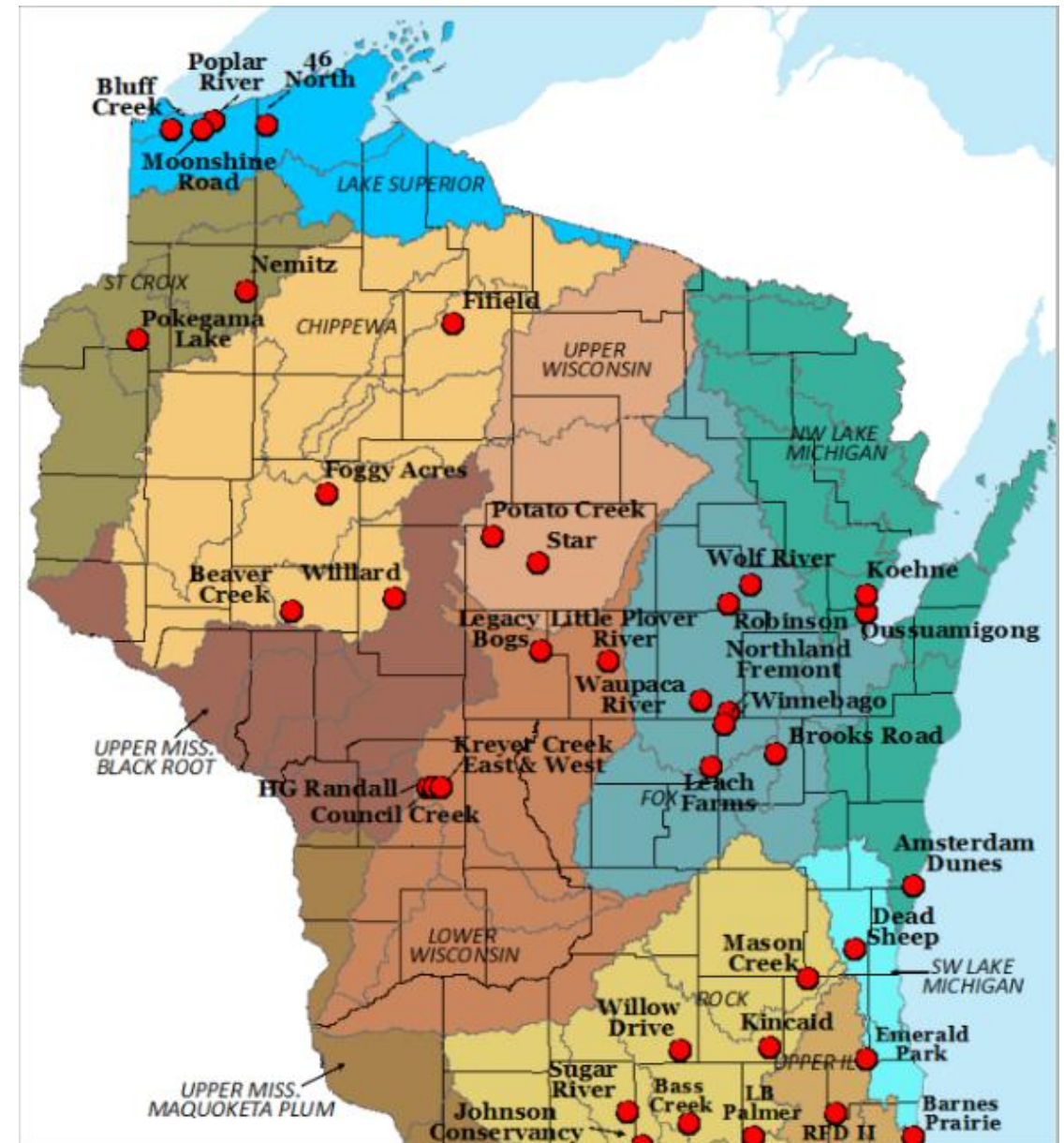
Wisconsin Mitigation Guidelines Update

Chelsey Lundeen, WI DNR Wetland Mitigation Coordinator



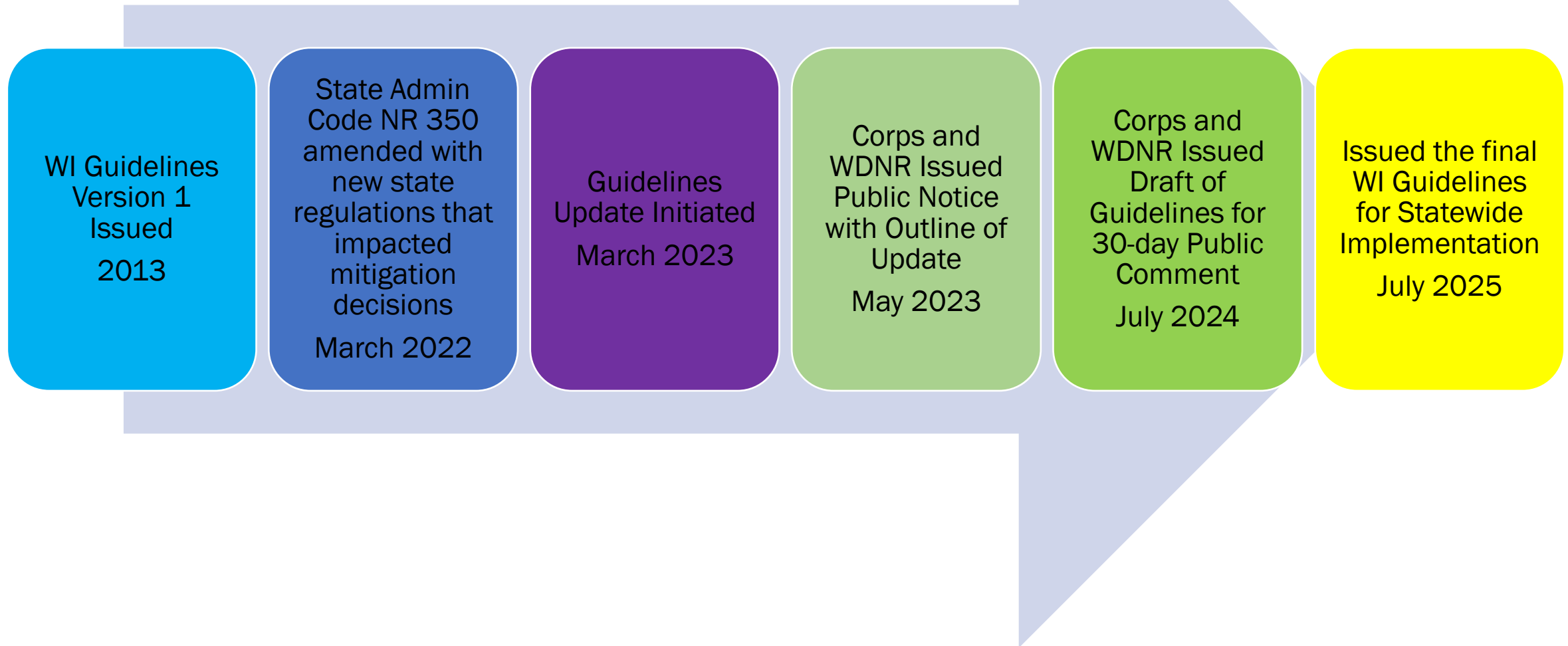
Background

- 2013 – Agencies established first Mitigation Guidelines policy document
- Since then:
 - 39 mitigation banks approved & established
 - Update to DNR NR 350 Admin Code in 2022
 - DNR and USACE issued new policy & guidance documents
 - DNR ILF Program established in 2015
 - Act 183 in 2017 created artificial & nonfederal wetland exemptions



[Approved Wetland Mitigation Banks](#)

Guidelines Background



Guidance Update from Version 1:

- Splits Guidelines into two documents:
 - One document specific to sponsors
 - One document specific to project proponents who need mitigation to fulfill state and federal permitting requirements
- Introduction and background for new mitigation sponsors
- Eliminates duplicate text and concepts from the 2008 Mitigation Rule, NR 350, and other procedural documents
- Updated mitigation site potential and development processes
- Consolidates wetland credit types from 11 to 8 based on similar functions provided
- Updated information regarding crediting process and credit requirements

Sponsors Document

Prominent links to relevant resources

Procedures for
Developing Wetland
Compensatory
Mitigation Sites

Corps Mitigation
Home Page

DNR's Compensatory
Mitigation Page

DNR Wisconsin
Wetland
Conservation Trust
(ILF Program)

Corps Stream
Procedures

Sponsors Document

Figure 1: Comparison of Banks versus ILF Programs

	Banks	ILFP
Who	Public or private sponsor	Sponsor can only be a government or non-profit conservation organization
Who	Corps approves site(s)	Corps approves ILF program instrument, which identifies how they'll prioritize and find sites. Corps then also approves ILF project site proposals.
What and when	Sponsor secures the site and initiates mitigation activities in advance of debits (credit sales). Corps releases credits for bank sponsor to sell after some milestone(s) is met.	Sponsor receives advance credits and often sells/collects fees from advance credit sales, before securing a site and initiating mitigation activities.
Where	single or multiple project sites	Typically multiple project sites over the life of the program
Why	First compensatory mitigation preference in Rule's hierarchy	Second compensatory mitigation preference in Rule's hierarchy
How	Site operation and management governed by Instrument	Program operation and management governed by Instrument. Instrument is modified each time a new site is added.
And sometimes why...	Corps has no oversight over bank revenue or expenditures	Corps reviews accounting, including revenues and expenditures

Sponsors Document

Process instructions and considerations for:

- Property ownership and interest
- Financial assurances
- Conservation easement process
- Long-term management planning and funding
- Site construction and as-built reporting



Sponsors Document

Restoration activity and credit ratio comparison:

	Re-establishment	Rehabilitation	Enhancement	Creation	Preservation	Upland Buffer
Hydrology Lift?						
Vegetative Lift?						
Increase in Wetland Acreage?						
Typical Ratio Range	100%	50-100%	0-50%	50-100%	0-12.5%	0-25%

Project Proponents Document

Clarification and expanded discussion on when mitigation is required & how agencies determine the appropriate amount of compensation:

DNR:

- Nonfederal exemption requirements
- Secondary or temporary impacts under NR 350
- Starting ratio requirement: 1.2:1

Corps:

- Mitigation based on several factors related to impacts:
 1. Duration
 2. Degree and scale
 3. Wetland quality
- Starting ratio requirement: 1:1





Project Proponents Document

Preference hierarchy clarifications:

- DNR statutes and NR 350 now require purchase of banks credits in the same HUC 8 watershed if available
 - Outside of service area generally not approved
- PRM always an option, but must be able to demonstrate why it's the preferred option over available credits

Project Proponents Document

In-kind community
type lumping:

Wetland Community	Includes
Wet meadow	Fresh (wet) meadow, sedge meadow, wet to wet mesic prairie, fen
Marsh	Shallow marsh, deep marsh
Shrub swamp	Shrub-carr, alder thicket
Wooded swamp	Hardwood swamp, coniferous swamp
Floodplain forest	Floodplain forest
Seasonally flooded basin	Seasonally flooded basin
Bog	Open bog, coniferous bog
Shallow, open water	Shallow open water

Helpful Resources

- [DNR Wetland Mitigation Banking Webpage](#) (Links to the 2025 Mitigation Guidelines and helpful newsletters!)
- [Site Selection Criteria](#) (USACE Fatal Flaws Checklist)
- [Requirements for Submitting a Complete Prospectus for Sites Involving Wetlands or Streams](#)
- [Requirements for Submitting a Complete Mitigation Plan for Sites Involving Streams or Wetlands](#)
- [Mitigation Banking Instrument \(MBI\) Template](#)
- [WI Stream Quantification Tool \(SQT\) Resources](#) (Need to filter by State)

CONNECT WITH US

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OFF THE RECORD"