

# Comparisons of Federal and Ohio Proposed Wetland Mitigation Rules

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# Mitigation Location

- Federal Rules -  
Watershed Approach
  - Bank – service area
  - Watershed plan
  - On-site
  - Off-site, same watershed
  - Separation of functions
    - on-site & off-site

- Ohio Rules -  
Watershed Approach
  - Cat. 1 – Corps District
  - 14 digit HUC
  - 8 digit HUC
  - Bank
  - Outside 8 digit HUC

# Mitigation Type

- Federal Rules

- In-kind –structurally and/or functionally similar (landscape position and resource type)
- Out-of-kind
  - Watershed plan
  - Lost functions & values
  - Special habitats

- Ohio Rules

- In-kind – same dominant landscape setting and plant community
- Out-of-kind
  - TMDL needs
  - Common to uncommon
  - T&E, rare habitat

# Mitigation Amount

- Federal Rules

- Functional assessment exists, use (in-kind)
- If not, 1:1 or greater
- Increased ratios for:
  - Preservation
  - Temporal losses
  - Functional differences
  - Wetlands that are difficult to replicate
  - Upland buffers

- Ohio Rules

- Cat. 1&2 -  $\geq 2:1$ ,  $\geq 1:1$  restoration/creation
- Cat. 3 -  $\geq 3:1$ ,  $\geq 1:1$  restoration/creation
- 1:1- same HGM, same plant community, same quality
- After 1:1
  - Upland buffers
  - Preservation
  - Enhancement

# Performance Standards, Monitoring and Assessment

- **Federal Rules**

- Quantifiable ecological performance standards
- Comparisons to natural reference sites
- At least 5 years of monitoring – longer for slow developing resources
- Early identification of problems & correction

- **Ohio Rules**

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**Thank You!**

**Discussion?**