

## MITIGATION EXAMPLE

**I. Initiation of construction of the project and mitigation sites shall be accomplished simultaneously/within the same year.**

**II. Mitigation Agreement: To offset direct impacts to 2 acres of jurisdictional wetlands, the following conditions shall be adhered to:**

**A. Forested wetland conditions (i.e. temporarily to seasonally inundated forested wetlands) must be established on 4 acres of prior converted farmland. The entire 4 acres shall be preserved as mitigation. The mitigation site is located in Phillips County, Arkansas on the Lakeview 7.5 Minute Series Topographic map, Section 22, T2S, R3E, (see attached location map). Stipulations for establishing the wetland mitigation area are as follows:**

1. A flooding regime shall be established on the mitigation site, to promote generation and growth of hydrophytic vegetation. Blocking drains and/or reestablishing swales that were filled to convert the land to agriculture may accomplish this.
2. The mitigation site will be planted in a mixture of tree species typifying native bottomland hardwoods. Seedlings planted on the mitigation site shall consist of such species as *Quercus phellos*, (willow oak), *Quercus lyrata*, (overcup oak), and *Fraxinus pennsylvanica*, (green ash). The remaining species that shall be planted on the mitigation site are at the discretion of the landowner/permittee, but must be native bottomland hardwoods such as *Quercus palustris* (pin oak), *Quercus shumardii* (shumard oak), and *Quercus nuttallii* (nuttall oak).
3. To reforest the mitigation site, seedlings will be planted on a minimum spacing of 12' X 12' (302 trees per acre).
4. The perimeter of the mitigation site will be clearly marked with weatherproof signs (i.e., metal or plastic) containing the applicant's name, address, permit number, and the phrase "Mitigation Site".

***B. The mitigation site will be established (i.e., trees planted, signs in place etc.) by the completion of the permitted activity.***

**C. All costs of restoration and management of the entire mitigation area will be the responsibility of the applicant/permittee.**

***D. Written notification shall be submitted to the Corps indicating the date that hydrology has been established and planting has been completed.***

**E. There shall be no agricultural or industrial activity undertaken or allowed on the mitigation property; nor shall any right of passage across or upon the protected property be allowed or granted if that right of passage is used in conjunction with agricultural or industrial activity.**

**F. Once the mitigation area has been successfully established, there shall be no filling, excavation, dredging, mining, or drilling. There will be no removal of topsoil, sand, gravel, rock, minerals or other materials, nor any dumping of ashes, trash, garbage, or of any other material, and no changing of the topography of the mitigation land in any manner.**

**III. Monitoring Report: A monitoring report performed by a qualified wetlands consultant shall be supplied to the Memphis District's Regulatory Branch to ensure success of the mitigation site. Success criteria shall be identified by the documentation of hydrology on the site and survival of seedlings planted. Monitoring of soils is not necessary since the mitigation site is located within existing hydric soils. Reports shall be submitted to the Corps by October 15<sup>th</sup> of each year that a report is required. Report format shall follow the attached format.**

**A. A 1/10<sup>th</sup>-acre monitoring plot shall be established on each acre by installing a permanent stake marking the center of the plot. Species identification and number per acre shall be collected on each monitoring plot and submitted to the Corps by October 15 for the required time period.**

1. First three years following planting: A monitoring report shall be submitted to the Corps which verifies the presence of wetland hydrology by using the standards established in the 1987 Corps of Engineers Wetlands Delineation Manual. Failure to achieve a verifiable presence of hydrology or permanent inundation shall require consultation with the Corps of Engineers to develop corrective measures to establish long-term wetland hydrology which meets the goal of a temporarily to seasonally inundated wetland forest. The monitoring report shall also identify the average density of specified seedlings per acre. A minimum of 218 oak/ash seedlings per acre shall be present or replanting shall occur to achieve success of 218 seedlings per acre.

2. Fourth year following planting: A monitoring report shall be submitted to the Corps verifying the continued presence of wetland hydrology by using the standards established in the 1987 Corps of Engineers Wetland Delineation Manual. Failure to achieve a verifiable presence of hydrology or permanent inundation shall require consultation with the Corps of Engineers to develop corrective measures to establish required hydrology or relocation of the mitigation site to a more suitable location. The monitoring report shall also identify the average density of specified seedlings per acre. A minimum of 150 oak/ash seedlings per acre shall be present or replanting shall occur to achieve success of 150 seedlings per acre.

3. Fifth year following planting: A monitoring report shall be submitted to the Corps which verifies the well established presence of wetland hydrology by using the standards established in the 1987 Corps of Engineer Wetland Delineation Manual. Failure to achieve a verifiable presence of hydrology or permanent inundation by the fifth year shall constitute failure of the mitigation site. Should failure occur, relocation and development of a new mitigation site approved by the Corps shall be required and the five-year monitoring cycle shall begin anew. If hydrology is well established, the monitoring report shall also identify the average density of specified seedlings per acre. A minimum of 125 oak/ash seedlings per acre shall be present or replanting shall occur to achieve success of 125 seedlings per acre.

4. Tenth year following monitoring: A monitoring report shall be submitted to the Corps which verifies the well established presence of wetland hydrology and vegetation. This may be accomplished by photo-documentation or by other means which accurately verifies the continued success of the mitigation site.

**IV. The permit, with associated special conditions, shall be recorded within 45 days from the date of the permit in the Miscellaneous Document Book, with the Register of Deeds, or with another appropriate official charged with the responsibility of maintaining records of title to and interest in real property. A certified copy of the record shall be furnished to this office within 30 days of recording.**

**V. Your responsibility to complete the required compensatory mitigation as set forth in the Special Conditions above will not be considered fulfilled until you have demonstrated mitigation success and have received written verification from the U.S. Army Corps of Engineers. Not meeting these requirements constitutes grounds for permit revocation and/or enforcement action.**