

Interim Michigan Wetland Mitigation Procedure for Food Security Act Purposes

Not valid after September 30, 2013

Step 1: Determine the feasibility of restoring the proposed mitigation site. The mitigation site must meet the following criteria:

1. Mitigation site acreage must equal or exceed the converted wetland acres.
2. Soils must be similar between conversion and mitigation sites (e.g. wetlands with organic soils must be mitigated to organic soil sites; wetlands with mineral soils must be mitigated to mineral soil sites).
3. The mitigated site must have a similar hydrologic regime as the conversion site.
4. The mitigated site must have a similar plant community as the conversion site.
5. All mitigation sites that are not within the original footprint of the conversion site will require a recorded Warranty Easement Deed (WED) in the public records.
6. Permanent metal posts will be driven into the ground at these bounding coordinate locations plus each 500 foot of straight run to delineate the boundary of the easement site.

Step 2: Once mitigation feasibility is determined, complete an assessment of wetland functions for both the mitigation site and the proposed conversion site. The Michigan Rapid Assessment Method (MiRAM) will be used to determine wetland functions. This process will enable the planner to determine the appropriate number of acres required to adequately mitigate for the functions of the proposed conversion activities.

Step 3: The participant or consultant will develop a Wetland Mitigation Plan (WMP) that includes all the information required as per the MI Interim Wetland Mitigation Plan Development Guidance Document.

Step 4: The participant signed WMP will be submitted to the Area Resource Soil Scientists (ARSS) for review of the six criteria identified in Step 1 and all required components and elements of the mitigation plan have been addressed. Refer to NRCS Administrative Area and Area Resource Soil Scientists map. Upon confirmation, the ARSS will forward the plan to the State Biologist for approval. Plans that do not to meet the six criteria identified in Step 1 and/or fail to address any of the required components will be returned to the plan developer for revision.

Step 5: The State Biologist will verify that National Food Security Act Manual (NFSAM) requirements and Michigan NRCS practice standard quality criteria have been met in the WMP. Failure to meet NFSAM requirements or Michigan NRCS practice standards will result in the plan being denied and returned to the plan developer for revision.

Step 6: Upon WMP approval, the State Biologist will sign the WMP, develop a Wetland Mitigation Agreement (WMA), assign a WMA number and forward to the District Conservationist for signature. Naming convention for the WMA number will be MI-FIPS-YYYY-##, where elements are as follows:

MI = Michigan

FIPS = Three digit county FIPS code

YYYY = Year of plan development

= Sequential number of WMAs written statewide for a given Year (e.g. 01, 02, ...)

Step 7: If mitigated site is within the original footprint of the converted wetland, skip to Step 10. If mitigated site is not within the original converted wetland footprint, the participant works with NRCS Easement Specialist to complete the following items:

1. obtain title search for last deed of record and any subsequent liens
2. obtain subordination agreement, if property has liens
3. obtain legal description and drawing of the easement site (**Note:** NRCS will notify participant if legal survey is required)

Step 8: Participant will provide NRCS:

1. results of title search
2. copy of subordination agreement, if required
3. legal description including ingress/egress plus drawing or legal survey, if required

Step 9: Upon receipt of the items in Step 8, NRCS will:

1. review all items from step 8 to determine if adequate
2. prepare WED for State Conservationist signature
3. send signed WED to participant for signature to record plus subordination agreement, if required

Step 10: Participant will provide District Conservationist with three (3) copies of the recorded WED. Copies will be distributed as follows:

1. State Biologist
2. FSA CED
3. FO Case File

Step 11: Participant, District Conservationist and contractor conduct pre-construction meeting to review WMP.

Step 12: Participant implements the WMP.

Step 13: District Conservationist will verify implementation of the WMP and provide State Biologist with a report of their findings.

Step 14: Upon notification of implementation of WMP, State Biologist will notify HELWC Specialist that a new NRCS-CPA-026-E-W must be generated in order to record the label for the Mitigation Exemption (MIW) and restrictions on Mitigation Site (MWM).

Step 15: NRCS will notify Farm Services Agency of WMP implementation and the District Conservationist will complete AD-1069 part D.