

## **PROPOSED FEDERAL RULES AND PROPOSED STATE RULES**

1. 14 digit HUCs for Category 1 wetlands over 0.5 acre
2. Helps urban communities
3. Larger Category 1 benefits: habitat, ground water, water recharge
4. Keeps from moving across state
5. For mitigation of Category 3 wetlands, in addition to acre-to-acre, 1.0 acre must be for preservation of existing Category 3. (If Category 3 must be impacted.)
6. Mitigation location preferences: Criteria for justification of going through locations, i.e., environmental, community benefits.
7. Define “adequate buffers:” based on watershed size and category of wetland (50 to 75 feet - Category 1; 100 feet - Category 2; 200 feet - Category 3).
8. Increase after-the-fact mitigation for all wetlands to double the current rate.
9. Location:  
U.S. Army Corps of Engineers – bank first (watershed improvement)  
Ohio EPA – bank last (watershed first – not individual’s responsibility)
10. Problem: Preference for mitigation banks causes export of functions from watershed. Solution: different standards for urban watersheds; credit for storm water wetlands; encourage restoration of degraded wetlands; flexibility for creative solutions; use existing wetlands for storm water.
11. Problem: Time involved in permitting and providing information to each agency in each of their own formats. Solution: Concurrence on mitigation requirements and application between the Corps and Ohio EPA. (If it’s good enough for EPA, it should be good enough for the Corps.)
12. Differences between definitions: checklists; requirements for mitigation; Corps can do less than 1:1. Fix them.
13. Consolidation of information in one location. Up-to-date of watershed plans and TMDLs by watershed.
14. Problem: Inconsistency of review between Corps districts and between Corps employees in the same district. Solution: High-level agreements for decision making. There needs to be agreement between agencies.  
Feds and States needs to be consistent for mitigation location, including paperwork.  
Mitigation location: Feds should mimic State – should start local in subwatershed and work out from there, making sure the same functions are met.
15. Mitigation amounts: Concerned that lessening ratio from previous requirements will not give us “no net loss.” We know mitigation of high Category 2 wetlands and Category 3 wetlands do not work – cannot recreate. Lessening the ratio from 3:1 means less chance of obtaining results. Solution: Keep ratios at present levels to help ensure no net loss, though even those probably are not high enough.
16. Incentives for avoidance.
17. Build wetlands based on new rules. Ohio EPA and Corps need construction experience.

## Wetland Rules Work Group Meeting – March 13, 2007

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18. Standard wetland impact assessment and standard mitigation report. Ohio EPA and Corps work together to develop similar formats.

### **MONITORING**

1. Good = flexible, but need predictability (review consistency).
2. Monitoring for water quality included?
3. Corps okay with scaling?
4. Put into rule.
5. Minimum scaled requirements – like at table.
6. More detail on other scaling on hydrology, soils, etc.
7. Scaling pre-mitigation upfront information.