

Mitigation Ratios and Performance Standards Effort

Presentation for California Wetland Monitoring Workgroup

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Background

- Purpose:
 - ▶ To address long-standing need within Corps for improvement and standardization of mitigation ratio setting process and performance standards

- Original Participants:
 - ▶ Dr. Richard Ambrose, UCLA
 - ▶ Dr. Eric Stein, SCCWRP
 - ▶ Several senior-level technical staff of U.S. Army Corps of Engineers, Los Angeles District, Regulatory Division



Background (2)

- Has evolved into a regional Corps effort, including:
 - ▶ Representatives from other 3 Corps districts (San Francisco, Sacramento, Albuquerque) covering Arizona, California, Nevada, Utah, New Mexico, and parts of Colorado and Texas
 - ▶ Representative from South Pacific Division (SPD, Corps regional headquarters in California)

- Concurrent with revisions to Corps Habitat Maintenance and Monitoring Plan Guidelines
 - ▶ LA District effort has become a SPD Division-wide effort
 - ▶ Performance standards and mitigation ratio-setting considerations will be incorporated into the HMMP Guidelines

- Meetings:
 - ▶ Initial workshop held at UCLA in May 2009
 - ▶ On-going effort (6 meetings to date)
 - ▶ Expect completion of draft products Spring 2010



Goals

- Establish regional procedure for setting mitigation ratios as requirements of Corps permits
- Establish regional, uniform mitigation performance standard language (not targets) to be incorporated in mitigation plans and/or Corps permits



Ratio Setting Procedure

- Why does Corps need a procedure for setting mitigation ratios?
 - ▶ Inconsistency between project managers, offices, districts
 - ▶ Recent Corps-EPA mitigation rule doesn't provide procedure
 - ▶ Current ratio-setting practices
 - Need to incorporate current scientific understanding
 - Best professional judgment varies
 - Little/no documentation of rationale
 - ▶ Uncertainty on behalf of regulated community regarding mitigation requirements
 - ▶ Recommendations of various outside (GAO, UCLA) reports/studies call for greater consistency and documentation



Ratio-Setting Procedure (2)

- Group is currently working on ratio-setting checklist:
 - ▶ Would provide structured decision-making procedure while retaining flexibility
 - ▶ Allows for qualitative or quantitative assessments of impacts & mitigation
 - ▶ Would create written rationale (decision document) for each ratio determination
 - ▶ Would be accompanied by guidance for each step of checklist
 - ▶ May incorporate default ratios for smaller impacts

- Draft checklist criteria:
 - ▶ Impact-mitigation comparison (qualitative or quantitative)
 - ▶ Mitigation site location
 - ▶ Mitigation type
 - ▶ Out-of-kind mitigation
 - ▶ Uncertainty
 - ▶ Special habitat status
 - ▶ Indirect impacts
 - ▶ Cumulative impacts
 - ▶ Temporal loss



Uniform Performance Standards

- Why are uniform performance standards (PS) needed?
 - ▶ Currently PS vary across project managers, districts, states, projects
 - ▶ Current PS are often difficult to interpret or enforce
 - ▶ Standardization would make PS more comparable, resulting in:
 - Better predictability for regulated community
 - Increased ability of Regulatory agencies to ensure compliance
 - Better gauge of long-term ecological viability of mitigation sites
 - Allow improved scientific comparison between mitigation sites

- Focus is on ecological performance standards (not water treatment)

- Overall goals:
 - ▶ Uniform PS language, not specific targets
 - Why? Specific targets would require substantial research
 - Different aquatic resources and ecoregions throughout four Districts
 - Good goal for future, funded effort by region
 - ▶ Expand beyond flora-based PS
 - Why? Flora-based PS do not represent full suite of ecological functions provided by impacted and mitigation sites



Uniform Performance Standards (2)

- Draft performance standard categories:
 - ▶ Physical
 - ▶ Hydrologic
 - ▶ Water quality
 - ▶ Flora
 - ▶ Fauna
 - ▶ Soil

- PS language will incorporate:
 - ▶ Aquatic resource type
 - ▶ Reference sites
 - ▶ Corresponding functional/condition metrics
 - ▶ Guidance



Coordination & Implementation

- Coordination steps:
 - ▶ Informational outreach to State and Federal agencies
 - EPA, CWMW, WRP, Vernal Pool Forum
 - ▶ Expect completion of draft products Spring 2010
 - ▶ Internal review by Corps management within South Pacific Division
 - ▶ Inter-agency coordination (State and Federal)
 - ▶ “Final” draft products
 - ▶ Incorporation of concepts into SPD Habitat Mitigation and Monitoring Guidelines update
 - Public review and comment period

- Implementation steps:
 - ▶ Adoption of final products by Corps
 - ▶ Pursuing web-based submittal of monitoring data following uniform PS
 - ▶ Potential for inter-agency data sharing



Context

- Support regional and statewide wetland monitoring efforts
 - ▶ State Wetland Monitoring Strategy and SoCal IWRAP
 - ▶ Supports the collection of standardized level 2 (CRAM/HGM) and 3 (IWRAP and other monitoring protocols) data at Corps compensatory mitigation sites across the State
 - ▶ CRAM training program for LA District Regulatory staff

- Leverage capabilities of innovative technologies:
 - ▶ Standardize incoming information
 - ▶ Map and drawing standards, GIS information
 - ▶ Web-based submittal of monitoring data following uniform PS
 - ▶ Expand data-sharing with agencies and public, e.g. Wetland Portal/Wetland Tracker



Questions?

