

Interim Michigan Wetland Mitigation Procedure for Food Security Act Purposes Only

EXPIRES: SEPTEMBER 30, 2014

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 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 ARSS map. Upon confirmation, the ARSS will forward the plan to the State Biologist for approval. Plans that do not 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 NFSAM requirements and Michigan NRCS practice standard applicable criteria have been met in the WMP, and will document the conditional technical adequacy of 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: 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 7: 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 8: Upon receipt of the items in Step 7, NRCS will:

1. review all items from step 7 to determine if adequate
2. prepare WED for State Conservationist signature
3. send signed WED to participant for signature to record the easement, plus any subordination agreement(s), if required

Step 9: Participant will provide District Conservationist (DC) 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 10: Upon WMP approval and filing of the WED (if necessary), the State Biologist will sign the WMP, and determine the need to develop a Wetland Mitigation Agreement (WMA). If a WMA is developed, the State Biologist will assign a WMA number and forward to the DC for appropriate signatures. Naming convention for the WMA number will be as follows: MI-FIPS-YYYY-## where:

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 11: NRCS will notify Farm Service Agency (FSA) of WMP completion and approval, and the DC will complete AD-1069 part D, if a Good Faith Relief request was approved by FSA.

Step 12: Participant, DC and contractor conduct pre-construction meeting to review WMP.

Step 13: Participant implements the WMP.

Step 14: District Conservationist will verify implementation of the WMP and provide State Biologist with a report of their findings.

Step 15: Upon notification of implementation of WMP, State Biologist will notify HELWC Specialist that a new NRCS-CPA-026-E-W and CWD map must be generated in order to record the label for the implemented mitigation site(s). Mitigation sites in the original footprint will revert back to the label prior to conversion. Mitigation sites not within the original footprint will be labeled Mitigation Exemption (MIW) for converted site and Mitigation site (MWM) for the restored wetland.