APPENDIX C

COMPENSATORY MITIGATION AND FIELD REPORTS

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A-1 FEB Mitigation Proposal

Submitted by

South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33406

June 27, 2013~~April 18, 2013~~

sfwmd.gov

A-1FEB Project

Mitigation Proposal

June 27, 2013~~April 18, 2013~~

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1.0 Project Description

The A-1 Flow Equalization Basin (A-1 FEB) will be an approximately 16,000 acre above ground impoundment capable of storing up to 60,000 ac-ft (at its maximum allowable depth of 4') of excess runoff. The purpose of the A1 FEB is to improve delivery rates to STA2 and STA 3/4by attenuating peak stormwater flows and temporarily storing stormwater runoff primarily from the central EAA, and to assist in maintaining minimum water levels and reducing the frequency of dryout conditions within STA 2 and STA ¾ which would increase the phosphorus treatment performance of these STAs in order to achieve the WQBEL.

The A-1 FEB site is located immediately north of STA-3/4, and is bounded by the Holey Land Wildlife Management Area to the west, and US Highway 27 to the east (Figure 1).

The project will receive excess water from the Miami Canal via existing pump station G-372, and from the North New River Canal via existing pump station G-370. Both pump stations are classified as Upstream Conveyance Features within the existing EFA permit. G-370 is currently rated at 2,775 CFS, while G-372 is currently rated at 3,700 CFS.

Discharge will be back to the New River Canal via a proposed 2,000 CFS gravity structure (G-13) or directly to STA-3/4, and the existing perimeter seepage canals will be improved to protect adjacent properties, including US Highway 27.

1.1 Previous Permitting History

The project received a Department of the Army 404 permit (SAJ-2005-53 (IP-TKW) on July 11, 2006 ("DA Permit") for placement of fill on 15,804.94 acres of wetlands associated with the construction and operation of the previously proposed above ground reservoir. However, the project's construction was terminated after the construction of the seepage canal which was the first component of the reservoir construction. Construction of the seepage canal on the 16,768-acre project site resulted in 1,220.96 acres of atypical wetland impacts (sugar cane fields). Other impacts included 11.83 acres of other surface waters (ditches and canals), for a total of 1,232.79 acres of regulated past impacts.

In order to offset the unavoidable impacts to 1,232.79 acres of low quality wetlands and other surface waters within the footprint of the EAA A-1 project, the District compensated by using excess atypical wetland credits from Compartment B and C Build-outs to offset the EAA A-1 Reservoir impacts.

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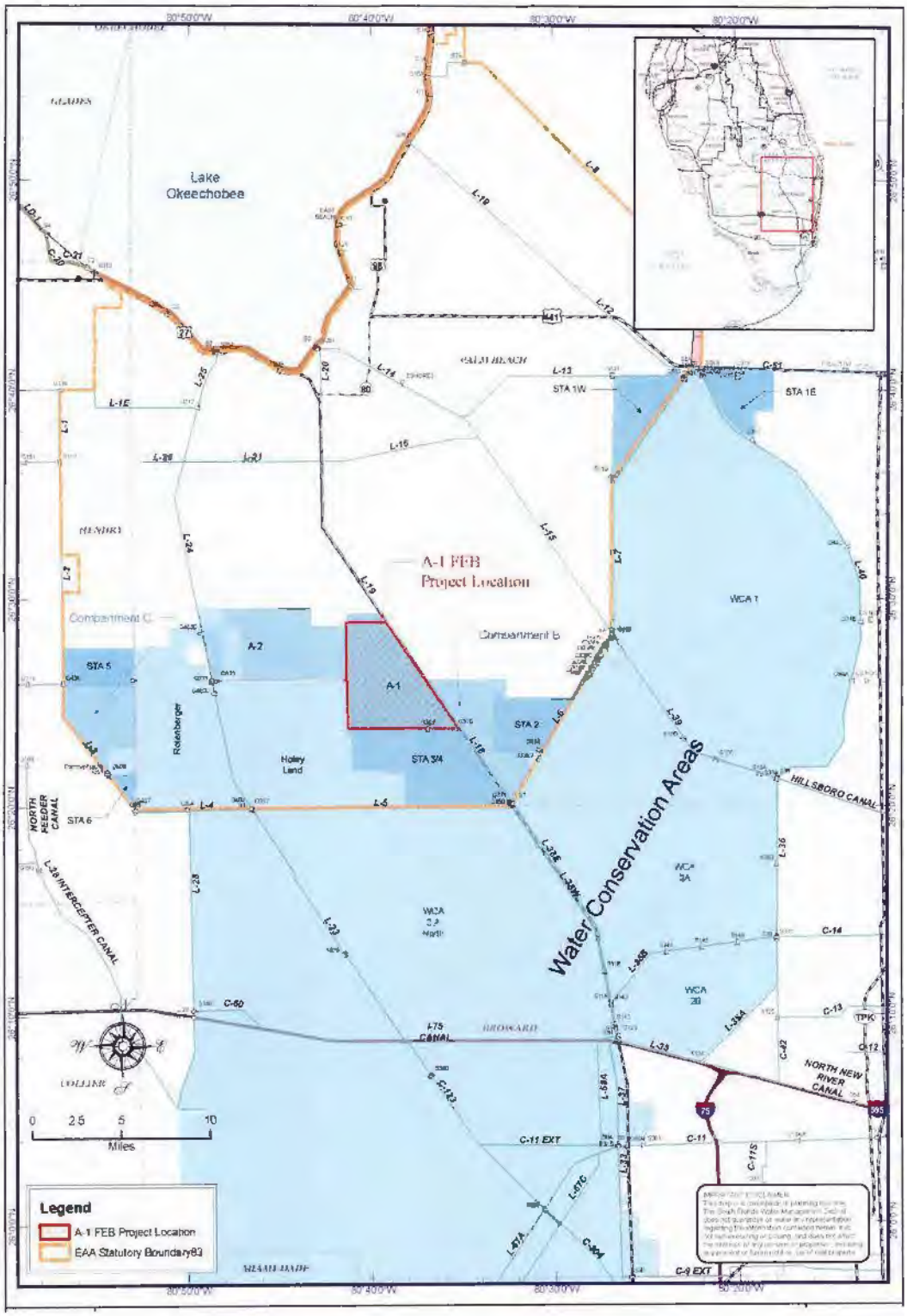

Figure 1 - Location and project boundary of the A-1FEB Project

2.0 Impact Site & Assessment

Figure 2 shows the existing land cover in the project boundaries and the respective acreages. There was an inter-agency (EPA, USFWS, USACE, FDEP and SFWMD) site visit on October 29, 2012 to assess the wetland habitat conditions within the A-1 FEB footprint. The project site is highly disturbed and altered with primarily non-native, exotic and/or invasive vegetation. The 187 acres true depressional wetlands that were present in 2005 are now in a very degraded condition with 90% nuisance and exotic species such as Elephant grass (*Pennisetum purpureum)* and castor bean. The scraped down areas from the previous EAA A-1 Reservoir construction are comprised of various wetland species such as Water-primrose (Ludwigia peruviana),Bushy Aster (Aster dumosus) Marsh Fleabane (Pluchea rosea), Annual Spikerush (Eleocharis atropurpurea) Tufted Beakrush (Rhynchospora intermixa), Flat-sedge (Cyperus spp),Jointed Spikerush (Eleocharis interstincta), Flat-Spiked rush (Abildgaardia ovata) and Water-hyssops (Bacopa caroliniana). Areas that were actively cultivated with sugarcane until 2009 and which are now fallow were also in an altered and degraded condition with species such as Willow leaf Goldenrod (Solidago stricta), andropogon, salt bush (Baccharis glomerulifolia), elephant grass, primrose willow and cattail. Spatter-dock (Nuphar spp.) and water lettuce were found floating on the surface of existing canals and ditches. Please see Figure 2 for the various wetland and other surface water areas within the A-1 FEB footprint.

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Figure 2 - Wetland and Other surface Waters within the A-1 FEB footprint

2.1 Direct Wetland Impacts

The A-1 FEB project, as proposed, would impact approximately ~~757.4~~435.9 acres of jurisdictional waters of the United States (~~644.6~~323.1 aces of freshwater marshes and 112.8 acres of canals and ditches) as a result of levee and canal fill and canal excavation to construct the A-1 FEB Project. Please see Figure 3 for the proposed wetland impacts.

2.2 Project UMAM Assessment

The Unified Mitigation Assessment Methodology (UMAM) was used to assess the function and service of the proposed impact sites within A-1 FEB project and the proposed mitigation. The construction of A-1 FEB project results in a loss of ~~377.41~~206.0 functional units. See Table 1 for a breakdown of project impacts and functional losses. The UMAM sheets are included in this submittal as Attachment 1 (UMAM Impact Sheets).

Table 1- A-1 FEB Project Impacts

Feature	Acreage	UMAM Score	Functional Loss (Debits)
Freshwater marsh (scraped down areas)	~~644.6~~323.1	0.53	~~343.57~~172.2
Canals and Ditches (Other surface waters)	112.8	0.30	~~33.84~~33.8
Total	**~~757.4~~435.9**		**-~~377.41~~206.0**

A-1FEB Project

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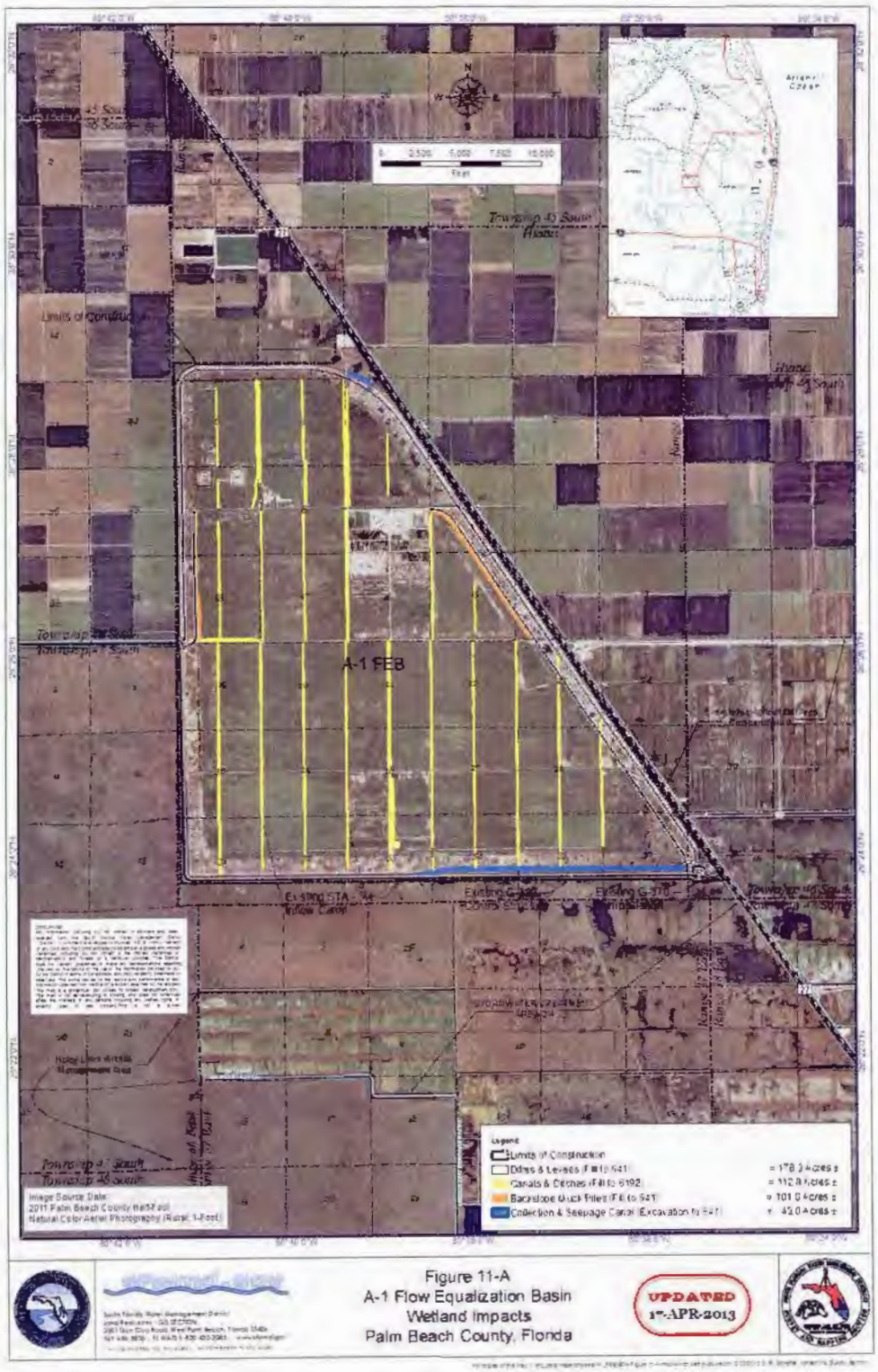

Figure 3 – Proposed Wetland Impacts

3.0 Mitigation Assessment & Plan

3.1 Mitigation Proposal

In order to offset the unavoidable wetland impacts to ~~757.4~~435.9 acres of jurisdictional wetlands and other surface waters within the footprint of the A-1 FEB project site, the District proposes to apply hydrologic and vegetation benefits within the footprint of the project. The mitigation plan results in a gain of ~~2,441.21~~1,729.4 functional capacity units. See Table 2 below for a breakdown of the credits. The UMAM sheets are included in this submittal as Attachment 2 (UMAM Mitigation Sheets).

Table 2 - A-1 FEB Project: Mitigation Summary

Existing Feature (proposed feature)	Acreage	UMAM RFG	Functional Gain (Credits)
Exotic degraded wetlands (emergent wetland marsh)	10,504.3	~~0.17~~0.13	~~1827.75~~1,313.0
Exotic dominated wetlands (emergent wetland marsh)	203.2	~~0.25~~0.19	~~50.6~~38.0
Canals and Ditches/OSW (emergent wetland marsh)	112.8	~~0.42~~0.29	~~47.83~~32.2
Uplands-roads/Berms/disturbed areas (emergent wetland marsh)	1214.7	~~0.42~~0.29	~~515.03~~346.2
Total			**~~2,441.21~~1,729.4**

3.2.1 Improvements to Existing Vegetation within the A-1 FEB footprint

Currently, major portions of the A-1 FEB project site is composed of poor quality, degraded wetlands in areas that were previously cultivated with sugarcane. The wetlands within these areas are of poor quality due to the lack of wetland hydrology, dominance of exotic plant species and impacts from previous agricultural activities. The lack of an appropriate complex wetland community structure further limits the functionality of the system.

The vegetative community structure that is anticipated within the A-1 FEB includes emergent aquatic vegetation (EAV) with native plant species such as cattail, sawgrass, willow, bulrush, pickerel weed, duck potato, muskgrass, Illinois pondweed and coontail.

The vegetative improvements will result from improved hydrological conditions which will support native wetland community and provide significant ecological lift as demonstrated through the UMAM scoring process. The wetlands created will be protected from further development, managed to eliminate undesirable vegetation, and will provide improved functionality in perpetuity for the system.

Vegetation management activities within the FEB

The primary goal of vegetation management is to establish and maintain healthy EAV dominated communities, a community of plant species that have roots anchored to the bottom of the marsh and leaves that grow up through the water and emerge above the surtace.

Vegetation management activities during FEB operation and maintenance will be in accordance with the District's ongoing vegetation management program. An integrated pest management strategy is a widely accepted approach for the maintenance control of exotic plant species. Control techniques at the FEB will be in a coordinated manner on a continuous basis in order to maintain nuisance plant populations at the lowest feasible level. Successfully implemented control results in the use of less herbicide, reduced accumulation of organic matter, lower environmental impact from weeds, and savings in management costs.

3.2.2 Hydrologic Improvements within FEB footprint

The A-1 FEB project is anticipated to result in net positive environmental benefits to the footprint by restoring a more natural hydroperiod, and improved wetland functionality. DMSTA Hydrologic Preliminary modeling of the A-1 FEB indicates that the simulated average depth is at 1.8 ft. In addition, it is expected that the A-1 FEB depths will are expected to be above 1.6 ft or above for approximately above 50% of the time.

The attenuation of water within the footprint will benefit the area in many ways, including decreased soil loss due to oxidation, reduced water column total phosphorous (TP), and improved habitat for many obligate aquatic plant species.

With the proposed improvements in hydrologic conditions within the A-1 FEB footprint, there will be an improvement in the function of wetland and wildlife support for all plant and animal species. The area will provide habitat and foraging for various wetland dependent birds, mammals, reptiles, amphibians and other animal species.

Hydrologic monitoring and water quality monitoring are proposed for the A-1 FEB footprint. They will be consistent with permit compliance for the constructed project and for operational improvements. This information and assessment will be reported on an annual basis in the South Florida Environmental Report.

4.0 Summary

The A-1 FEB Project will impact ~~757.4~~435.9 acres of jurisdictional wetlands and other surface waters leading to a functional loss of ~~377.41~~206.0 units. The mitigation plan results in a gain of ~~2,441.21~~1,729.4 functional capacity units. Therefore, the UMAM analysis shows the compensatory mitigation plan offsets all unavoidable impacts to aquatic resources and there are surplus credits.

Please see Table 3 below showing the remaining credits available from the implementation of this A-1 FEB Restoration Strategies project.

Table 3 - District Restoration Strategies Projects- Benefits Ledger

A-1 FEB Total Credits Obtained	**~~2,441.21~~1,729.4**
A-1 FEB Functional Loss	**-~~377.41~~206.0**
A-1 FEB Final Project Gain (Excess Credits)	**~~2,063.80~~1,523.4**

As reflected from the above table, there is a surplus of ~~2,063.80~~1,523.4 remaining credits available from A-1 FEB project remaining to be utilized for future District Restoration Strategies projects. The District requests that the Corps prepare a mitigation ledger to track the use of credits to be applied to future projects consistent with the requirement of the requirements of Subpart J of 33 C.F.R. Section 230.

Attachment 1
UMAM Impact Sheets

PART I – Qualitative Description
(See Section 62-345.400, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
EAA A1-FEB	0313994-001	Scraped Area Wetlands

FLUCCs code	Further classification (optional)	Impact or Mitigation Site?	Assessment Area Size
Freshwater Marsh, 641	Canal Ex. 43.0 Ac. Levee Fill 499.8 Ac. Muck Pile 101.8	Impact	323.10

Basin/Watershed Name/Number	Affected Waterbody (Class)	Special Classification (i.e.OFW, AP, other local/state/federal designation of importance)
EAA	Class III	N/A

Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands

The altered sugarcane field water management system(agricultural ditches/canals) are interconnected bisects, and/or marginally intercepts the onsite wetlands (A-80 and A-81). Most surface water is controlled by gravity and previously by series of pumps and control structures. Wetlands hydrology is largely regulated by this system and no offsite open connections exist.

Assessment area description

The area consists of previously scraped areas (muck was removed from the surface of the soil profile) which have converted into marsh wetlands during the past 3 years as a result of the ceasing of reservoir (seepage canal) construction onsite in 2008. The areas are scraped down to the cap rock and muck has been removed. There is no soil substratum but the wetland areas are in fair condition with deep water levels and emergent wetland vegetation while surrounding areas exhibit a predominance of exotic vegetation cover. Wildlife utilization of the area for purposes identified herein was observed during the 2

Significant nearby features	Uniqueness (considering the relative rarity in relation to the regional landscape.)
STA 3/4, Holey Land WMA, and North New River Canal	Not Unique

Functions	Mitigation for previous permit/other historic use
Cover, refuge and minor food source for birds, fish, reptiles, amphibians and small to medium sized mammals.	No

Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found)	Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)
Fish, alligator, wading birds, mammals and invertebrates.	Woodstorks(E), Manatee (T), Snail Kite (E), Bald Eagle (T), Indigo Snake (E), Panther (E), Okeechobee Gourd (E)

Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):

Fish, alligator, wading birds, mammals and invertebrates.

Additional relevant factors:

The previously scraped areas (muck was removed from the surface layers of the soil profile) have converted into fresh water marsh wetlands during the past 3 years as a result of the ceasing of reservoir (seepage canal) construction onsite. During the recent site inspections, the predominant plant species observed included Cattails (Typha latifolia), Water-primrose (Ludwigia peruviana), Sawgrass (Cladium jamaicense), Goldenrods (Solidago fistulosa), Aster (Aster subulatus), Arrowheads (Sagitaria latifolia), Bushy broom grass (Andropogon glomeratus), Bushy Aster (Aster dumosus), Marsh Fleabane (Pluchea rosea), Annual Spikerush (Eleocharis atropurpurea), Tufted Beakrush (Rhynchospora intermixa), Flat-sedge (Cyperus spp.), Jointed Spikerush (Eleocharis interstincta), and Flat-Spiked rush (Abildgaardia ovata). The water within the assessment area remains with very little movement, so water quality is not anticipated to be optimal but no significant adverse water quality conditions were observed.

Assessment conducted by:	Assessment date(s):
SFWMD, USACE, EPA, FDEP and FWS	6-Feb-2013 - Revision

UNIFORM WETLAND MITIGATION ASSESSMENT WORKSHEET - PART II
Form 62-345.900(2), F.A.C. (See Sections 62-345.500 and .600, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
EAA A1-FEB	0313994-001	Scraped Area Wetlands
Impact or Mitigation	Assessment conducted by:	Assessment date:
Impact	SFWMD, USACE, EPA, FDEP and FWS	6-Feb-2013 - Revision

Scoring Guidance	Optimal (10)	Moderate(7)	Minimal (4)	Not Present (0)
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

.500(6)(a) Location	Current: These scraped areas being formed from previous construction activities have established some marsh communities. Exotic plants dominate the surrounding landscapes. Natural recruitment of native wetland vegetation is reduced due to the removed muck layer as a result of past construction actions. With Project: The assessment area will be converted from freshwater emergent marsh to levees and inflow channels. The proposed levee will also serve as corridor-connection to adjacent natural areas for transitory terrestrial fauna to enter the FEB site.	w/o pres or current: 5 with: 0
.500(6)(b)Water Environment (n/a for uplands)	Current: Area has been abandoned since previous construction; and with rain events, water is generally present throughout the site and the area has developed into viable wetland habitats. The flows are slightly higher/lower than appropriate (rain driven system). There are dense periphyton mat communities; the water is clear; highly utilized by water fowl; insects; & small fish. The existing water quality indicates a slight deviation from normal due to monoculture of Cattail and Chara spp., which are known to exist in areas with high nutrients. With Project: Areas will have levees and inflow channels that will improve hydrology for the overall site and will offer wildlife support to adjacent enhanced areas for wetland dependent species and their habitat.	w/o pres or current: 7 with: 0
.500(6)(c)Community structure 1. Vegetation and/or 2. Benthic Community	Current: The existing community structure suffers from a lack of biodiversity typically associated with natural freshwater marsh systems. And the water levels are deeper than optimal for the development of an adequate marsh community. With Project: The assessment area will be converted from freshwater emergent marsh habitat type to levees adn inflow channels. The community structure will change from freshwater emergent marsh to uplands.	w/o pres or current: 4 with: 0

Score = sum of above scores/30 (if uplands, divide by 20)	
current or w/o pres	with
0.53	0.000

Delta = [with-current]
(0.533)

If preservation as mitigation,	
Preservation adjustment factor =	0.00
Adjusted mitigation delta =	0.00

If mitigation		
Time lag (t-factor) =	1.00	
Risk factor =	1.00	

For Impact Assessment Areas	
FL = delta x acres =	-172.21
Acres of Assessment Area:	323.10
For mitigation assessment areas	
RFG = delta/(t-factor x risk) =	0.00

Form 62-345.900(1), F.A.C. [effective date 02-04-2004]

PART I – Qualitative Description
(See Section 62-345.400, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
EAA A1-FEB	0313994-001	Canals and Ditches - Other Surface Waters

FLUCCs code	Further classification (optional)	Impact or Mitigation Site?	Assessment Area Size
Canals and Ditches, 510 & 520	None	Impact	112.80

Basin/Watershed Name/Number	Affected Waterbody (Class)	Special Classification (i.e.OFW, AP, other local/state/federal designation of importance)
EAA	Class III	N/A

Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands

The altered sugarcane field water management system(agricultural ditches/canals) are interconnected bisects, and/or marginally intercepts the onsite wetlands (A-80 and A-81) which are now mainly filled with exotics. Most surface water is controlled by gravity and is a rain driven system. Wetlands hydrology is largely regulated by this system and no offsite open connections exist. The majority of the area is dominated by exotic and nuisance vegetaton.

Assessment area description

The remnant agricultural ditches/canals are interconnected bisects, and/or marginally intercepts the onsite wetlands (A-80 and A-81) and are components of the prior farming activities. There is some floating vegetation in the canals and ditches but the canal banks are generally covered with exotic vegetaqtion. Exotic vegetation observed includes Waterlettuce (Pistia stratiotes), Torpedo grass (Panicum repens), Napier grass (Pennisetum purpureum), and Waterhyacinth (Eichhornia crassipes).

Significant nearby features	Uniqueness (considering the relative rarity in relation to the regional landscape.)
STA 3/4, Holey Land WMA, and North New River Canal	Not Unique

Functions	Mitigation for previous permit/other historic use
Cover, refuge and minor food source for birds, fish, reptiles, amphibians and small to medium sized mammals.	No

Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found)	Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)
Fish, alligator, wading birds, mammals and invertebrates.	Woodstorks(E), Manatee (T), Snail Kite (E), Bald Eagle (T), Indigo Snake (E), Panther (E), Okeechobee Gourd (E)

Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):

Fish, alligator, wading birds, mammals and invertebrates.

Additional relevant factors:

Existing ditches and waterbodies have been left unattended for several years and serve as growing medium for exotic and nuisance plant species, predominantly Taro (Colacasia exculenta), Waterlettuce (Pistia stratiotes), Hydrilla (Hydrilla verticillata), Torpedo grass (Panicum repens), Napier grass (Pennisetum purpureum), Waterhyacinth (Eichhornia crassipes) and Castor bean (Ricinus communis) along the water edge. The ditches and waterbodies areas also impede the sheetflow of water across the surface as they were used to provide drainage associated with the prior agricultural practices. Since the drainage system is not currently operated, the water in the ditches and waterbodies remains with very little movement, so water quality is not optimal for wetland systems.

Assessment conducted by:	Assessment date(s):
SFWMD, USACE, EPA, FDEP and FWS	6-Feb-2013 - Revision

UNIFORM WETLAND MITIGATION ASSESSMENT WORKSHEET - PART II
Form 62-345.900(2), F.A.C. (See Sections 62-345.500 and .600, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
EAA A1-FEB	0313994-001	Canals and Ditches - Other Surface Waters
Impact or Mitigation	Assessment conducted by:	Assessment date:
Impact	SFWMD, USACE, EPA, FDEP and FWS	6-Feb-2013 - Revision

Scoring Guidance	Optimal (10)	Moderate(7)	Minimal (4)	Not Present (0)
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

.500(6)(a) Location	Current: The existing ditches and other surface water bodies have minimal littoral zones, contain exotic plant species and bisect the area. With Project: The canals and ditches will be filled and graded as part of the A-1 FEB project.	w/o pres or current: 3 with: 0
.500(6)(b)Water Environment (n/a for uplands)	Current: The existing canals and ditches do not exhibit appropriate water depths conducive to the establishment or growth of desirable wetland vegetation and have poor water quality conditions as evidenced by the observed lack of desirable wetland vegetation, brown sheen and predominance of exotic plant species. With Project: The assessment areas that exist as canals and ditches will be filled and regraded to elevations suitable for the establishment of emergent marsh vegetation. There will be a temporary loss of hydrology and fish habitatwith in the assessment area due to the filling activity. With impact, the assessment area will be converted from an other surface water/open water habitat type to an upland area.	w/o pres or current: 4 with: 0
.500(6)(c)Community structure 1. Vegetation and/or 2. Benthic Community	Current: The canals and ditches have some floating vegetation consisting of exotic and nuisance plant species. No significant littoral areas exist within the assessment area. With Project: The canals and ditches within the assessment area will be filled and graded and there will be a temporary loss of vegetation till the areas can get natural recruitment.	w/o pres or current: 2 with: 0

Score = sum of above scores/30 (if uplands, divide by 20)	
current or w/o pres	with
0.30	0.000

Delta = [with-current]
(0.300)

If preservation as mitigation,	
Preservation adjustment factor =	0.00
Adjusted mitigation delta =	0.00

If mitigation		
Time lag (t-factor) =	1.00	
Risk factor =	1.00	

For Impact Assessment Areas	
FL = delta x acres =	-33.84
Acres of Assessment Area:	112.80
For mitigation assessment areas	
RFG = delta/(t-factor x risk) =	0.00

Attachment 2
UMAM Mitigation Sheets

PART I – Qualitative Description
(See Section 62-345.400, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
EAA A1-FEB	0313994-001	Exotic Degraded Wetlands

FLUCCs code	Further classification (optional)	Impact or Mitigation Site?	Assessment Area Size
Freshwater Marsh, 641 & 6192	Exotic degraded area	Mitigation	10504.30

Basin/Watershed Name/Number	Affected Waterbody (Class)	Special Classification (i.e.OFW, AP, other local/state/federal designation of importance)
EAA	Class III	N/A

Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands

The altered sugarcane field water management system(agricultural ditches/canals) are interconnected bisects, and/or marginally intercepts the onsite wetlands (A-80 and A-81). Most surface water is controlled by gravity and previously by series of pumps and control structures. Wetlands hydrology is largely regulated by this system and no offsite open connections exist. The majority of the area is dominated by exotic and nuisance vegetaton.

Assessment area description

The area consists of the previously farmed areas which have converted into wetlands during the past 5 years as a result of the cease of drainage operations onsite. The wetland areas are highly degraded and exhibit a predominance of exotic vegetation cover. Wildlife utilization of the area for purposes identified herein was observed during site visits.

Significant nearby features	Uniqueness (considering the relative rarity in relation to the regional landscape.)
STA 3/4, Holey Land WMA, and North New River Canal	Not Unique

Functions	Mitigation for previous permit/other historic use
Cover, refuge and minor food source for birds, fish, reptiles, amphibians and small to medium sized mammals.	No

Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found)	Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)
Fish, alligator, wading birds, mammals and invertebrates.	Woodstorks(E), Manatee (T), Snail Kite (E), Bald Eagle (T), Indigo Snake (E), Panther (E), Okeechobee Gourd (E)

Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):

Fish, alligator, wading birds, mammals and invertebrates.

Additional relevant factors:
The prior farmed areas were left fallow for several years and exotic and nuisance plant species have overtaken the area. During site inspections the predominant plant species observed include: Taro (Colacasia exculenta), Waterlettuce (Pistia stratiotes), Hydrilla (Hydrilla verticillata), Torpedo grass (Panicum repens), Napier grass (Pennisetum purpureum), Waterhyacinth (Eichhornia crassipes), and Castor bean (Ricinus communis) along the water edge. The assessment area does contain native wetland species which include Cattails (Typha latifolia), Carolina willow (Salix caroliniana), Saltbush (Bacchanis halimifolia), Water-primrose (Ludwigia peruviana), Broomsedge (Andropogon virginicus), Sawgrass (Cladium jamaicense), Goldenrods (Solidago fistulosa), Aster (Aster subulatus), Arrowheads (Sagitaria latifolia) and Dog fennel (Eupatorium capillifolium). Since the drainage system is not currently operated the water within the assessment area remains with very little movement, so water quality is not anticipated to be optimal.

Assessment conducted by:	Assessment date(s):
SFWMD, USACE, EPA, FDEP and FWS	6-Feb-2013 - Revision

UNIFORM WETLAND MITIGATION ASSESSMENT WORKSHEET - PART II
Form 62-345.900(2), F.A.C. (See Sections 62-345.500 and .600, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
EAA A1-FEB	0313994-001	Exotic Degraded Wetlands
Impact or Mitigation	Assessment conducted by:	Assessment date:
Mitigation	SFWMD, USACE, EPA, FDEP and FWS	6-Feb-2013 - Revision

Scoring Guidance	Optimal (10)	Moderate(7)	Minimal (4)	Not Present (0)
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

.500(6)(a) Location	Current: The area consists of the previously farmed areas which have converted into wetlands during the past 5 years as a result of the ceasing of farming operations onsite. The wetland areas are degraded and exhibit a predominance of exotic vegetation cover. Wildlife utilization of the area is limited due to the scarcity of food sources, cover, or adequate vegetative strata for the wetland dependent life cycles. With Project: Location and landscape will be greatly improved when existing roads, berms, ditches, and waterbodies within the project area are re-graded and the area is converted to an FEB. The ditches and roads will not continue to be a barrier to wildlife as the sheet-flow of water will allow the area to be a continuous corridor of natural areas and offer habitat for wildlife species. Exotic plants will be replaced by emergent wetland vegetation which will be maintained and monitored for success. Natural recruitment of native wetland vegetation is anticipated to occur and exotic plants will be removed from the site landscape. The assessment area will be surrounded by enhanced wetlands which will provide adequate food sources, cover, and other benefits to wetland dependent species.	w/o pres or current: 3 with: 6
.500(6)(b)Water Environment (n/a for uplands)	Current: The existing hydrology within the degraded wetland areas is not adequate. The assessment area's current hydrology is a rain driven system resulting in extreme scenarios of inundation or droughts which caused a reduced establishment of adequate native wetland vegetation and the opportunity for exotic and nuisance plant species to thrive. Existing canals, ditches, berms and roads fragment the area limiting a more natural conveyance of water throughout the assessment area. With Project: The areas that exist as canals, ditches, berms and roads will either be filled or regraded to elevations suitable for the development of appropriate water depths and duration that will promote the establishment of emergent marsh vegetation and improve the hydrology of the area. After backfilling of the canals and ditches and implementation of the proposed operational plan for the FEB, the water will sheetflow over the area resulting in a net hydrologic and water quality improvement. The improved hydrology within the area will foster the recruitment of wetland vegetation and provide habitat for wildlife species.	w/o pres or current: 4 with: 5
.500(6)(c)Community structure 1. Vegetation and/or 2. Benthic Community	Current: The existing community structure is predominantly exotic plant species which include: Taro (Colacasia exculenta), Waterlettuce (Pistia stratiotes), Hydrilla (Hydrilla verticillata), Torpedo grass (Panicum repens), Napier grass (Pennisetum purpureum), Waterhyacinth (Eichhornia crassipes), and Castor bean (Ricinus communis) along the water edge. No significant cover, refuge, food sources, or other wildlife benefits, when compared to a natural setting, exist. With Project: The community structure will change from exotic plant species dominated areas to a freshwater emergent marsh as the drainage features are removed, exotic plant species management plan is implemented and the area hydrology is improved. Periphyton communities are anticipated to get established along with the other wetland communities that area already present (as listed in Part I of this report) including cattail and Chara. The enhanced system will provide significant benefits to the cover, food source, refuge, denning and nesting functions of the area for wetland dependent species and listed species.	w/o pres or current: 3 with: 5

Score = sum of above scores/30 (if uplands, divide by 20)

current or w/o pres	with
0.33	0.533

Delta = [with-current]
0.200

If preservation as mitigation,

Preservation adjustment factor = 0.00

Adjusted mitigation delta = 0.00

If mitigation

Time lag (t-factor) =	1.07	
Risk factor =	1.50	

For Impact Assessment Areas	
FG = RFG x acres =	1313.04
Acres of Assessment Area:	10504.30
For mitigation assessment areas	
RFG = delta/(t-factor x risk) =	0.13

PART I – Qualitative Description
(See Section 62-345.400, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
EAA A1-FEB	0313994-001	Upland Roads & Berms

FLUCCs code	Further classification (optional)	Impact or Mitigation Site?	Assessment Area Size
Existing Uplands, Proposed 6410	Roads 198.95 Ac., Rock Mining 551.5 Ac. Pads 52.3 Ac.	Mitigation	1214.70

Basin/Watershed Name/Number	Affected Waterbody (Class)	Special Classification (i.e.OFW, AP, other local/state/federal designation of importance)
EAA	Class III	N/A

Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands

The sugarcane field water management system(agricultural ditches/canals) are interconnected bisects, and/or marginally intercepts the onsite wetlands (A-80 and A-81). Most surface water is controlled by gravity and previously by series of pumps and control structures. Wetlands hydrology is largely regulated by this system. The majority of the area is dominated by exotic and nuisance vegetaton.

Assessment area description

The roads and berms are components of the prior farming operation activities that occurred onsite prior to the current vacant use. The existing roads and berms provide minimal functional benefits to wetlands.

Significant nearby features	Uniqueness (considering the relative rarity in relation to the regional landscape.)
STA 3/4, Holey Land WMA, and North New River Canal	Not Unique

Functions	Mitigation for previous permit/other historic use
Cover, denning, refuge and minor food source for birds, reptiles, amphibians and small to medium sized mammals.	No

Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found)	Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)
Fish, alligator, wading birds, mammals and invertebrates.	Woodstorks(E), Manatee (T), Snail Kite (E), Bald Eagle (T), Indigo Snake (E), Panther (E), Okeechobee Gourd (E)

Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):

Fish, alligator, wading birds, mammals and invertebrates.

Additional relevant factors:

Existing roads and berms have been left unattended for several years and serve as growing medium for exotic and nuisance plant species, predominantly Napier grass (Pennisetum Prupureum), torpedo grass (Panicum repens), and Castor bean (Ricinus communis). The roads and berm areas also impede the sheetflow of water across the surface.

Assessment conducted by:	Assessment date(s):
SFWMD, USACE, EPA, FDEP and FWS	6-Feb-2013 - Revision

UNIFORM WETLAND MITIGATION ASSESSMENT WORKSHEET - PART II
Form 62-345.900(2), F.A.C. (See Sections 62-345.500 and .600, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
EAA A1-FEB	0313994-001	Upland Roads & Berms
Impact or Mitigation	Assessment conducted by:	Assessment date:
Mitigation	SFWMD, USACE, EPA, FDEP and FWS	6-Feb-2013 - Revision

Scoring Guidance	Optimal (10)	Moderate(7)	Minimal (4)	Not Present (0)
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

.500(6)(a) Location	Current: The existing road and berms bisect the areas serving as structural barriers to wildlife utilization and sheetflow of water. The road and berm areas also exhibit a predominance of exotic vegetation cover. Wildlife utilization of the area is limited due to the scarcity of food sources, cover, or adequate vegetative strata for the wetland dependent life cycles. With Project: Location and landscape will be greatly improved when the assessment area road and berm areas are regraded to match the surrounding natural areas. The roads and berms will not continue to be a barrier to wildlife or the sheet-flow of water and will allow the area to be a continuous corridor of natural areas. The assessment area is anticipated to recruit emergent wetland vegetation which will be maintained and monitored for success. Exotic plants will be removed from the site landscape. The assessment area will be surrounded by enhanced wetlands which will provide adequate food sources, cover, and other benefits to wetland dependent species.	w/o pres or current: 0 with: 6
.500(6)(b)Water Environment (n/a for uplands)	Current: The existing roads and berms are upland areas and do not exhibit an appropriate environment conducive to the establishment or growth of native upland vegetation that improves water quality through filtration or erosion control. Existing berms and roads also fragment the area limiting a natural conveyance of water throughout the assessment area. With Project: The areas that exist as roads and berms will be regraded to elevations suitable for sheetflow and the development of appropriate water depths and duration that will promote the establishment of emergent marsh vegetation. After regrading the roads and berms the water will sheetflow creating a continuous hydrological connection within the project site and eliminate the existing hydrological fragmentation. Improved hydrology and water quality are the wetland functional benefits anticipated as a result of the proposed actions.	w/o pres or current: 0 with: 5
.500(6)(c)Community structure 1. Vegetation and/or 2. Benthic Community	Current: The existing roads and berms are upland areas and do not exhibit an appropriate environment conducive to the establishment or growth of native upland vegetation beneficial to wetland dependent wildlife species. The roads and berms also contain significant areas covered by exotic plant species which include: Torpedo grass (Panicum repens), Napier grass (Pennisetum purpureum), Brazilian pepper (Schinus terebinthifolius) and Castor bean (Ricinus communis). No significant cover, refuge, or food sources have been documented in the assessment area. With Project: The community structure will change from roads and berm areas with significant exotic and nuisance plant coverage to a freshwater emergent marsh as the area is regraded and the hydrology is improved. The regraded road and berm areas will recruit native wetland vegetation that will provide significant benefits to the cover, food source, refuge, denning and nesting functions of the area for wetland dependent species and listed species.	w/o pres or current: 0 with: 5

Score = sum of above scores/30 (if uplands, divide by 20)	
current or w/o pres	with
0.00	0.533

Delta = [with-current]
0.533

If preservation as mitigation,	
Preservation adjustment factor =	0.00
Adjusted mitigation delta =	0.00

If mitigation		
Time lag (t-factor) =	1.07	
Risk factor =	1.75	

For Impact Assessment Areas	
FG = RFG x acres =	346.19
Acres of Assessment Area:	1214.70
For mitigation assessment areas	
RFG = delta/(t-factor x risk) =	0.29

PART I – Qualitative Description
(See Section 62-345.400, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
EAA A1-FEB	0313994-001	Canals and Ditches - Other Surface Waters

FLUCCs code	Further classification (optional)	Impact or Mitigation Site?	Assessment Area Size
Freshwater Marsh, 6410	None	Mitigation	112.80

Basin/Watershed Name/Number	Affected Waterbody (Class)	Special Classification (i.e.OFW, AP, other local/state/federal designation of importance)
EAA	Class III	N/A

Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands

The altered, remnant sugarcane field water management system(agricultural ditches/canals) are interconnected bisects, and/or marginally intercepts the onsite wetlands (A-80 and A-81). Most surface water is controlled by gravity and previously by series of pumps and control structures. Wetlands hydrology is largely regulated by this system and no offsite open connections exist. The majority of the area is dominated by exotic and nuisance vegetaton.

Assessment area description

The sugarcane field water management system (agricultural ditches/canals) are interconnected bisects, and/or marginally intercepts the onsite wetlands (A-80 and A-81) and are components of the prior farming activities. Exotic vegetation observed includes Waterlettuce (Pistia stratiotes), Torpedo grass (Panicum repens), Napier grass (Pennisetum purpureum), and Waterhyacinth (Eichhornia crassipes).

Significant nearby features	Uniqueness (considering the relative rarity in relation to the regional landscape.)
STA 3/4, Holey Land WMA, and North New River Canal	Not Unique

Functions	Mitigation for previous permit/other historic use
Cover, refuge and minor food source for birds, fish, reptiles, amphibians and small to medium sized mammals.	No

Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found)	Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)
Fish, alligator, wading birds, mammals and invertebrates.	Woodstorks(E), Manatee (T), Snail Kite (E), Bald Eagle (T), Indigo Snake (E), Panther (E), Okeechobee Gourd (E)

Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):

Fish, alligator, wading birds, mammals and invertebrates.

Additional relevant factors:

Existing ditches and waterbodies have been left unattended for several years and serve as growing medium for exotic and nuisance plant species, predominantly Taro (Colacasia exculenta), Waterlettuce (Pistia stratiotes), Hydrilla (Hydrilla verticillata), Torpedo grass (Panicum repens), Napier grass (Pennisetum purpureum), Waterhyacinth (Eichhornia crassipes) and Castor bean (Ricinus communis) along the water edge. The ditches and waterbodies areas also impede the sheetflow of water across the surface as they serve for drainage associated with the prior agricultural and fill extraction practices. Since the drainage system is not currently operated the water in the ditches and waterbodies remains onsite with very little movement, so water quality is not anticipated to be optimal for wetland systems.

Assessment conducted by:	Assessment date(s):
SFWMD, USACE, EPA, FDEP and FWS	6-Feb-2013 - Revision

UNIFORM WETLAND MITIGATION ASSESSMENT WORKSHEET - PART II
Form 62-345.900(2), F.A.C. (See Sections 62-345.500 and .600, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
EAA A1-FEB	0313994-001	Canals and Ditches - Other Surface Waters
Impact or Mitigation	Assessment conducted by:	Assessment date:
Mitigation	SFWMD, USACE, EPA, FDEP and FWS	6-Feb-2013 - Revision

Scoring Guidance	Optimal (10)	Moderate(7)	Minimal (4)	Not Present (0)
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

.500(6)(a) Location	Current: The existing canals and ditches have been backfilled , plugged and regraded to adjacent elevations. With Project: Location and landscape will be greatly improved when the assessment area canals and ditch areas are regraded to match the surrounding natural areas. The canals and ditches will not continue to be a barrier to wildlife or the sheet-flow of water and will allow the area to be a continuous corridor of natural areas. The assessment area is anticipated to recruit emergent wetland vegetation which will be maintained and monitored for success. Exotic plants will be removed from the site landscape. The assessment area will be surrounded by enhanced wetlands which will provide adequate food sources, cover, and other benefits to wetland dependent species.	w/o pres or current: 0 with: 6
.500(6)(b)Water Environment (n/a for uplands)	Current: The existing canals and ditches have been backfilled , plugged and regraded to adjacent elevations. With Project: The areas that exist as ditches and waterbodies will be regraded to elevations suitable for the development of appropriate water depths and duration that will promote the establishment of emergent marsh vegetation. After backfilling of the ditches and waterbodies the water will sheetflow creating a continuous hydrological connection within the project site and eliminate the existing hydrological fragmentation. Improved hydrology and water quality are the wetland functional benefits anticipated as a result of the proposed actions.Hydrological improvements leads to recruitment of emergent vegetation leading to a good quality functioning wetland system.	w/o pres or current: 0 with: 5
.500(6)(c)Community structure 1. Vegetation and/or 2. Benthic Community	Current: The existing canals and ditches have been backfilled , plugged and regraded to adjacent elevations. With Project: The community structure will change from canal/ditch areas to a freshwater emergent marsh as the existing canals and ditches have been backfilled , plugged and regraded to adjacent elevations. Hydrology is mproved with even sheetflow across the system. Periphyton communities are anticipated to get established along with other wetland communities including cattail and Chara. The canal and ditch areas will recruit native wetland vegetation that will provide significant benefits to the cover, food source, refuge, denning and nesting functions of the area for wetland dependent species and listed species.	w/o pres or current: 0 with: 5

Score = sum of above scores/30 (if uplands, divide by 20)	
current or w/o pres	with
0.00	0.533

Delta = [with-current]
0.533

If preservation as mitigation,	
Preservation adjustment factor =	0.00
Adjusted mitigation delta =	0.00

If mitigation	
Time lag (t-factor) =	1.07
Risk factor =	1.75

For Impact Assessment Areas	
FG = RFG x acres =	32.15
Acres of Assessment Area:	112.80
For mitigation assessment areas	
RFG = delta/(t-factor x risk) =	0.29

PART I – Qualitative Description
(See Section 62-345.400, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
EAA A1-FEB	0313994-001	Prior Existing Exotic Dominated Wetlands

FLUCCs code	Further classification (optional)	Impact or Mitigation Site?	Assessment Area Size
Freshwater Marsh, 641 & 6193	Exotic dominated area	Mitigation	203.20

Basin/Watershed Name/Number	Affected Waterbody (Class)	Special Classification (i.e.OFW, AP, other local/state/federal designation of importance)
EAA	Class III	N/A

Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands

The altered sugarcane field water management system(agricultural ditches/canals) are interconnected bisects, and/or marginally intercepts the onsite wetlands (A-80 and A-81). Most surface water is controlled by gravity and previously by series of pumps and control structures. Wetlands hydrology is largely regulated by this system and no offsite open connections exist. The majority of the area is dominated by exotic and nuisance vegetaton.

Assessment area description

The area consists of the onsite wetlands previously classified as A-80 and A-81 and are located within the prior farming area. Currently the wetland areas are highly degraded and exhibit a predominance of exotic vegetation cover. Minimal wildlife utilization was observed in the area during site visits.

Significant nearby features	Uniqueness (considering the relative rarity in relation to the regional landscape.)
STA 3/4, Holey Land WMA, and North New River Canal	Not Unique

Functions	Mitigation for previous permit/other historic use
Cover, refuge and minor food source for birds, fish, reptiles, amphibians and small to medium sized mammals.	No

Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found)	Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)
Fish, alligator, wading birds, mammals and invertebrates.	Woodstorks(E), Manatee (T), Snail Kite (E), Bald Eagle (T), Indigo Snake (E), Panther (E), Okeechobee Gourd (E)

Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):

Fish, alligator, wading birds, mammals and invertebrates.

Additional relevant factors:
The wetland areas have been left unattended for several years and exotic and nuisance plant species have overtaken the area. During site inspections the predominant plant species observed include: Taro (Colacasia exculenta), Waterlettuce (Pistia stratiotes), Hydrilla (Hydrilla verticillata), Torpedo grass (Panicum repens), Napier grass (Pennisetum purpureum), Waterhyacinth (Eichhornia crassipes), and Castor bean (Ricinus communis) along the water edge. The wetland areas contain some minimal native wetland species which include Cattails (Typha latifolia), Carolina willow (Salix caroliniana), Saltbush (Baccharis halimifolia), Water-primrose (Ludwigia peruviana), Broomsedge (Andropogon virginicus), Sawgrass (Cladium jamaicense), Goldenrods (Solidago fistulosa), Aster (Aster subulatus), Arrowheads (Sagitaria latifolia) and Dog fennel (Eupatorium capillifolium). Since the drainage system is not currently operated the water within the wetlands remains with very little movement, so water quality is not anticipated to be optimal.

Assessment conducted by:	Assessment date(s):
SFWMD, USACE, EPA, FDEP and FWS	6-Feb-2013 - Revision

UNIFORM WETLAND MITIGATION ASSESSMENT WORKSHEET - PART II
Form 62-345.900(2), F.A.C. (See Sections 62-345.500 and .600, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
EAA A1-FEB	0313994-001	Prior Existing Exotic Dominated Wetlands
Impact or Mitigation	Assessment conducted by:	Assessment date:
Mitigation	SFWMD, USACE, EPA, FDEP and FWS	6-Feb-2013 - Revision

Scoring Guidance	Optimal (10)	Moderate(7)	Minimal (4)	Not Present (0)
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

.500(6)(a) Location w/o pres or current: 2 with: 6	Current: The area consists of previously classified wetlands which were also part of the farmed areas in the recent past and are now highly dominated by exotic and nuisance plant species and in poor hydrologic conditions as a result of the ceasing of agricultural operations onsite. The wetland areas are very degraded and exhibit a dominant cover of exotic vegetation. Wildlife utilization of the area is very limited due to the scarcity of food sources, cover, or adequate vegetative strata for the wetland dependent life cycles. With Project: Location and landscape will be greatly improved when existing roads, berms, ditches, and waterbodies within the project area are re-graded and the area is converted to an FEB. The ditches and roads will not continue to be a barrier to wildlife as the sheet-flow of water will allow the area to be a continuous corridor of natural areas and offer habitat for wildlife species. Exotic plants will be replaced by emergent wetland vegetation which will be maintained and monitored for success. Natural recruitment of native wetland vegetation is anticipated to occur and exotic plants will be removed from the site landscape. The assessment area will be surrounded by enhanced wetlands which will provide adequate food sources, cover, and other benefits to wetland dependent species.	
.500(6)(b)Water Environment (n/a for uplands) w/o pres or current: 3 with: 5	Current: The existing hydrology within the exotic dominated wetland areas is not adequate. The assessment area hydrology is a rain driven system resulting in extreme scenarios of inundation or droughts which caused a reduced establishment of adequate native wetland vegetation and the opportunity for exotic and nuisance plant species to thrive. Existing canals, ditches, berms and roads fragment the area limiting a more natural conveyance of water throughout the assessment area. Also, the assessment area appear to have a higher level of nutrients than surrounding areas resulting in a greater density of exotic and nuisance plant species. With Project: The areas that exist as canals, ditches, berms and roads will either be filled or regraded to elevations suitable for the development of appropriate water depths and duration that will promote the establishment of emergent marsh vegetation and improve the hydrology of the area. After backfilling of the canals and ditches and implementation of the proposed operational plan for the FEB, the water will sheetflow over the area resulting in a net hydrologic and water quality improvement. The improved hydrologic conditions will provide habitat for wildlife species.	
.500(6)(c)Community structure 1. Vegetation and/or 2. Benthic Community w/o pres or current: 2 with: 5	Current: The existing community structure is dominated by exotic plant species which include: Taro (Colacasia exculenta), Waterlettuce (Pistia stratiotes), Hydrilla (Hydrilla verticillata), Torpedo grass (Panicum repens), Napier grass (Pennisetum purpureum), Waterhyacinth (Eichhornia crassipes), and Castor bean (Ricinus communis) along the water edge. The density of the exotic plant coverage in this area is significantly higher than in other locations of the project site. No significant cover, refuge, food sources, or other wildlife benefits, when compared to a natural setting, exist. With Project: The community structure will change from exotic plant species dominated areas to a freshwater emergent marsh as the drainage features are removed, the exotic plant species management plan is implemented and the area hydrology is improved. Periphyton communities are anticipated to get established along with the other wetland communities that area already present (as listed in Part I of this report) including cattail and Chara. The enhanced system will provide significant benefits to the cover, food source, refuge, denning and nesting functions of the area for wetland dependent species and listed species.	

Score = sum of above scores/30 (if uplands, divide by 20)

current or w/o pres	with
0.23	0.533

Delta = [with-current]
0.300

If preservation as mitigation,

Preservation adjustment factor = 0.00

Adjusted mitigation delta = 0.00

If mitigation

Time lag (t-factor) =	1.07
Risk factor =	1.50

For Impact Assessment Areas

FG = RFG x acres = 38.00

Acres of Assessment Area: 203.20

For mitigation assessment areas

RFG = delta/(t-factor x risk) = 0.19

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A1 FEB UNIFORM MITIGATION ASSESSMENT METHOD (UMAM)
December 5, 2012
Attending Agencies: SFWMD, FDEP, USEPA, USFWS
Report by: Jerilyn Ashworth

Attendees: FDEP: Jerilyn Ashworth and Marissa Krueger SFWMD: Nimmy Jeyakumar, Holly Andreotta, and John Shaffer USFWS: Steve Mortellaro; EPA: Eric Hughes

Five sites were visited and scored (stars): two scrub shrub, two scraped areas (one wet, one dry) and a canal site. The site was flown by helicopter on 12/4/2012 to scout for the easiest accessible and most representative UMAM locations.

It was decided in the field that the target habitat for the "with mitigation" should look like the current scraped down areas. The following pages contain photos of the habitats from each site to be used as a visual aid to accompany the UMAM scores attached.

A1 FEB UNIFORM MITIGATION ASSESSMENT METHOD (UMAM)
December 5, 2012
Attending Agencies: SFWMD, FDEP, USEPA, USFWS
Report by: Jerilyn Ashworth

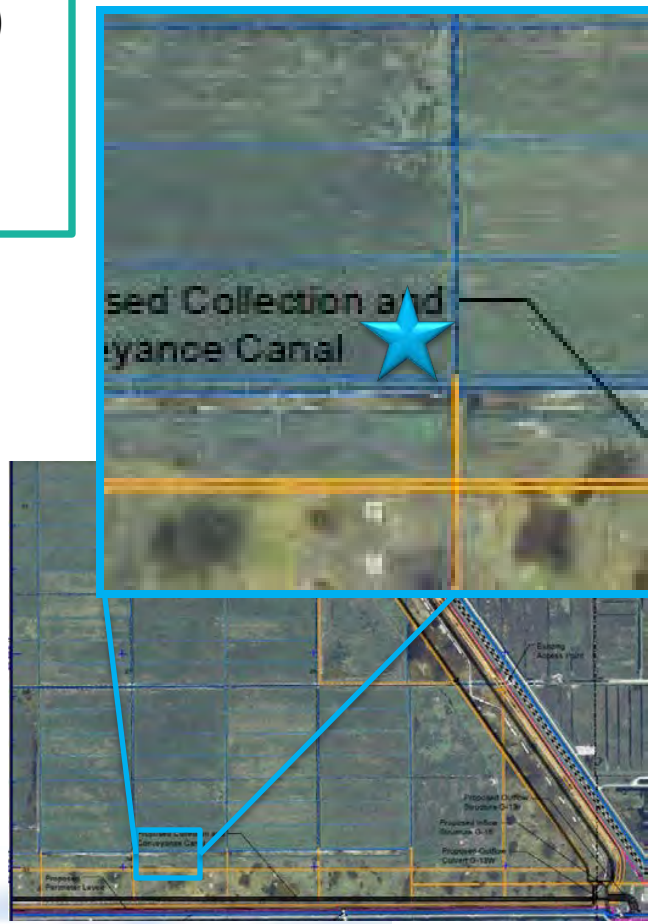
Scrub Shrub Site #1:

Located on the west side of the parcel. Very low quality and dominated by invasive vegetation. Vegetation included: southern willow, *Baccharis halimifolia* (FAC), *Ludwigia spp*. (OBL), *Andropogon virginicus* (FAC*), Pennisetum purpureum* (Exotic), and *Cladium jamaicense* (OBL). Water marks on the trees and adventitious rooting were observed. No birds or other larger wildlife observed. We did notice caterpillars on vegetation.

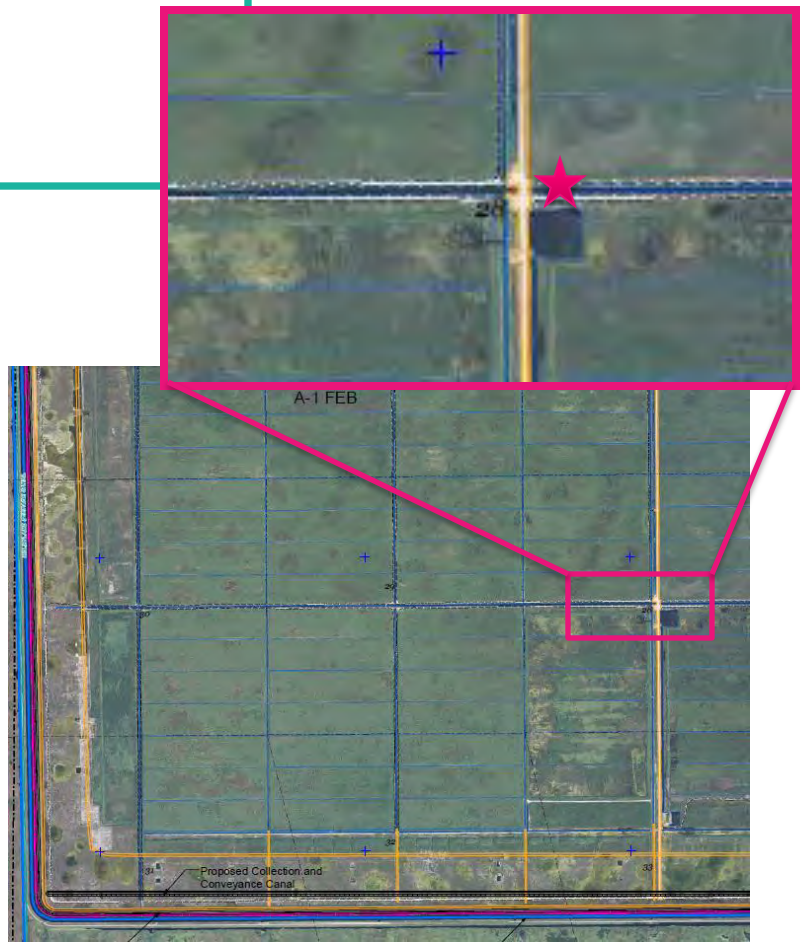
A1 FEB UNIFORM MITIGATION ASSESSMENT METHOD (UMAM)
December 5, 2012
Attending Agencies: SFWMD, FDEP, USEPA, USFWS
Report by: Jerilyn Ashworth

Scrub Shrub 2:

We scored this canal on the north side of this borrow area from the previous dewatering on site. *Solidago spp.* (OBL/FACW), *Andropogon virginics* (FAC), *Aster subulatus* (OBL), *Baccharis halimifolia* (FAC), *Typha spp*. (OBL), *Ludwigia spp*. (OBL), *Sagitaria latifolia* (OBL), *Pennisetum purpureum* (Exotic), *Eupatorium cappillifolium* (FACW). While wetland species were observed the majority of the vegetation was inappropriate as it was exotic/invasive or facultative.



A1 FEB UNIFORM MITIGATION ASSESSMENT METHOD (UMAM)
December 5, 2012
Attending Agencies: SFWMD, FDEP, USEPA, USFWS
Report by: Jerilyn Ashworth



Canal/Open Surface Water 1:

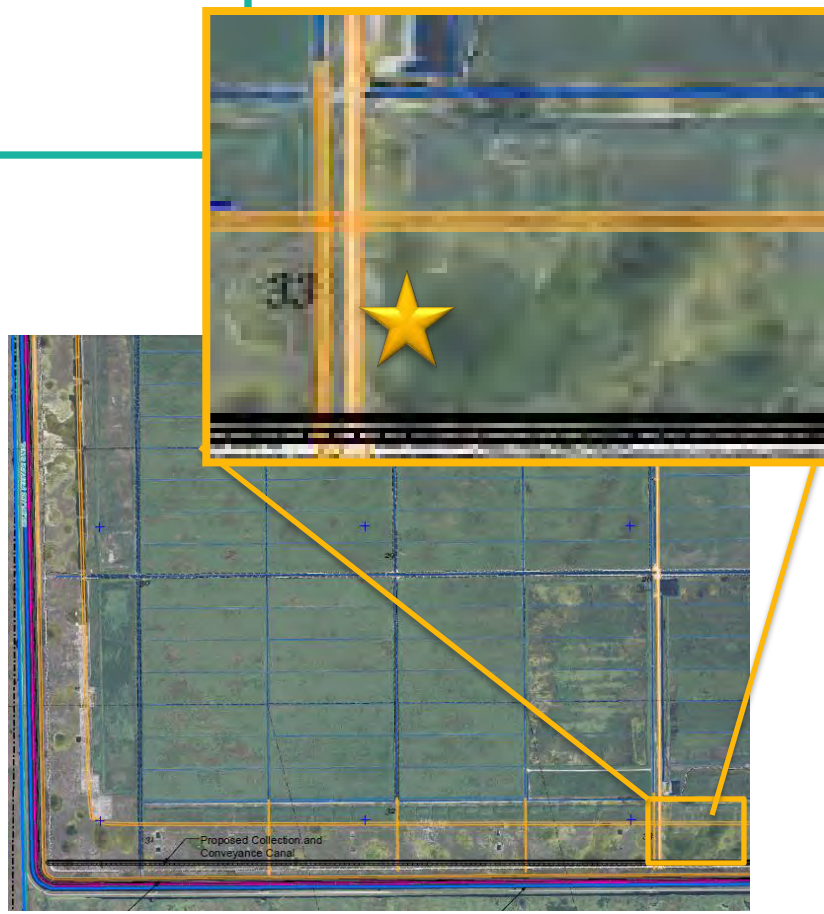
We scored this canal on the north side of this borrow area from the previous dewatering on site. We also looked and made notes of other canals we passed. There was a sheen on top of the surface of the water and the slopes of the canals were steep. The banks were dominated by invasive and exotic species. Vegetation observed included: Torpedo grass, begger's tick, *Andropogon virginicus*, exotic fern, shield fern, and *Pennisetum purpureum.*

Wildlife observed: Anhinga, white ibis, vultures, butterflies, insects, turtles, and fish were at the surface trying to get oxygen.

A1 FEB UNIFORM MITIGATION ASSESSMENT METHOD (UMAM)
December 5, 2012
Attending Agencies: SFWMD, FDEP, USEPA, USFWS
Report by: Jerilyn Ashworth

Scraped down area (wet) 1:

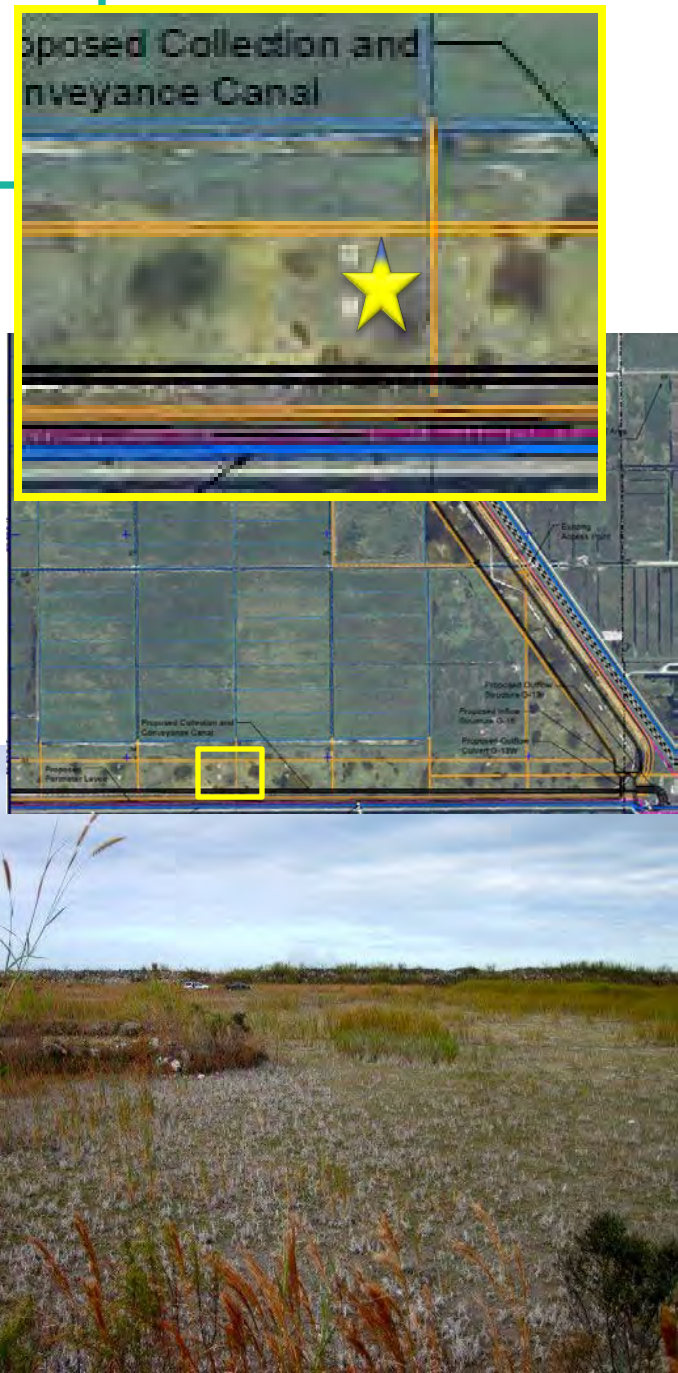
This area was scored a 4 due to lack of diversity and the monoculture of Cattail, occupying <80 % of the emergent vegetation. The submerged aquatic vegetation consisted of almost entirely *Chara spp.* Both of these species are native invasive. Other species observed included two species of *Eleocharis spp*., *Cladium jamaicense*. We also observed small invertebrates including water fleas when sampling with a dip net. Many birds were utilizing this site including coots, glossy ibis, common egrets, red shoulder hawk, and smaller birds.



Chara spp.- SAV

Periphyton and SAV community

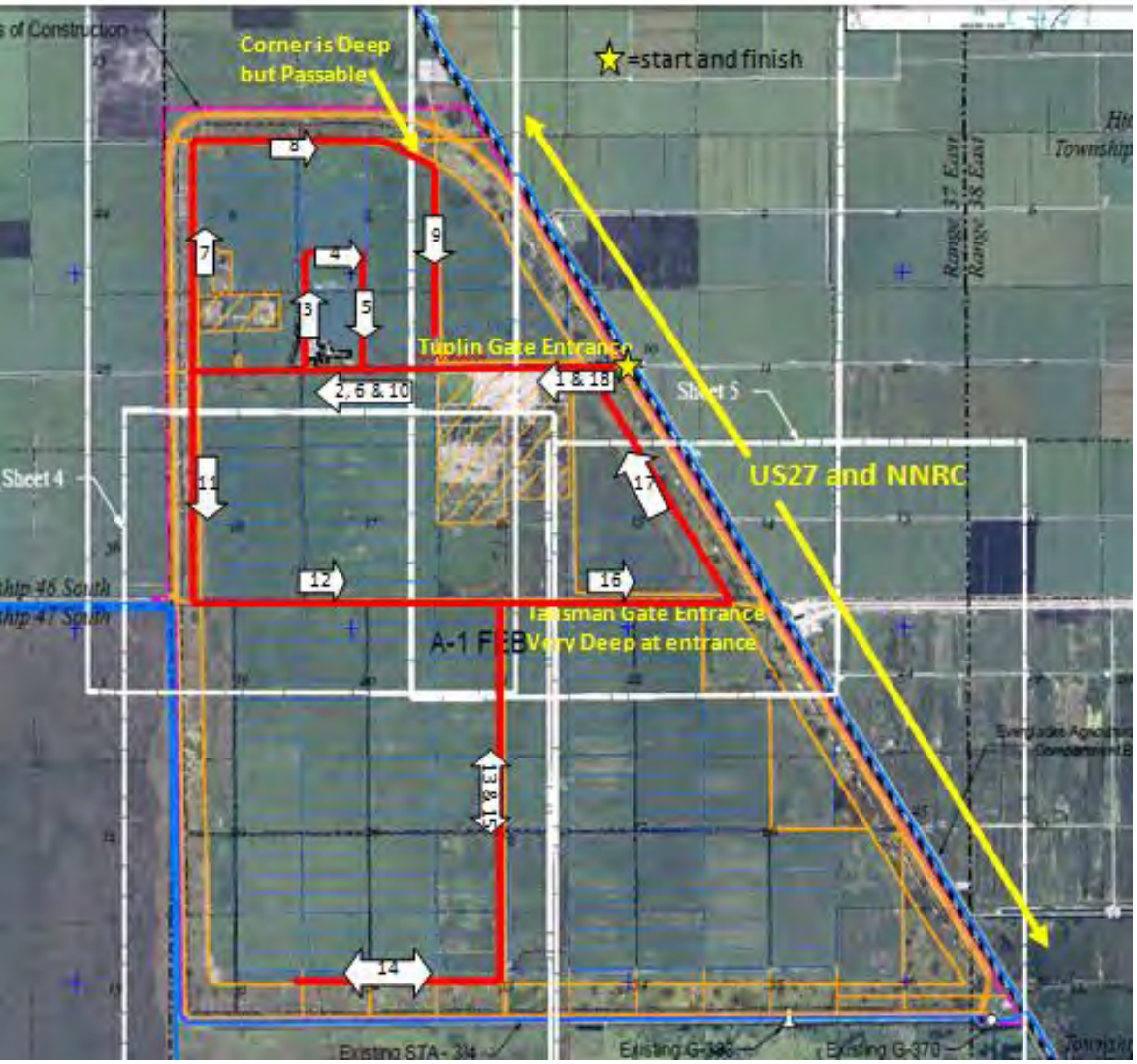
A1 FEB UNIFORM MITIGATION ASSESSMENT METHOD (UMAM)
December 5, 2012
Attending Agencies: SFWMD, FDEP, USEPA, USFWS
Report by: Jerilyn Ashworth



Scraped down area (dry) 2:

This site appeared to be the same as the first scraped down area, except the water was receded. The same periphyton communities and calcified Chara were present. In the wet season this area would definitely have standing water. We decided to keep the scores the same, even though this area was drier. We just thought it was typical of dry season conditions.

A1 FEB Wetland/Habitat Assessment Field Visit
October 29, 2012
Attending Agencies: SFWMD, FDEP, USEPA, USACE, FWS
Report by: Jerilyn Ashworth



Field inspection completed by a multi-agency team consisting of the SFWMD, FDEP, EPA, USACE, and FWS. The goal of the site visit was to gain a better understanding of the types of habitat and vegetation located within the site. The day was broken into two major parts. In the morning/early afternoon we traversed the interior of the site utilizing a swamp buggy and polaris to access the "natural" wetland identified in the 2003 WRAP. The arrows in the figure depict the path we traveled throughout the day. The second half of the day we took two vehicles and the polaris to see the perimeter of the site and evaluate habitat in the scraped down areas. The following pages illustrate the photos from different areas around the site.

Attendees: FDEP: Jerilyn Ashworth; SFWMD: Nimmy Jeyakumar, Holly Andreotta, John Shaffer, Bob Shaffer, Luis Colon, Armando Ramirez, Marshall Davis, Rob Startzman; USACE: Alisa Zarbo; FWS: Sharon Kocis and Steve Mortellaro; EPA: Eric Hughes

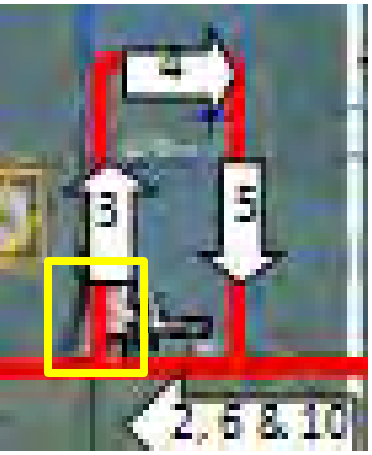
A1 FEB Wetland/Habitat Assessment Field Visit
October 29, 2012
Attending Agencies: SFWMD, FDEP, USEPA, USACE, FWS
Report by: Jerilyn Ashworth

Driving east, photo taken looking south at stockpiled material.

Andropogon sp., mixed with pines, elephant grass and other disturbed areas. Looking north from the road.

Photo taken from Polaris, following swamp buggy east, along the “1,18” route. Elephant grass lines the road

A1 FEB Wetland/Habitat Assessment Field Visit
October 29, 2012
Attending Agencies: SFWMD, FDEP, USEPA, USACE, FWS
Report by: Jerilyn Ashworth



Entering onto the berm, looking north. Mostly elephant grass and castor bean.

The concrete pad was the former refinery location. We used this area to access the berm on the west side of the existing wetland. Bobcat was observed adjacent to site.

The Polaris followed us in. *Andropogon sp.*, *Typha sp.*, and *Pennisetum purpureum* (Elephant grass).

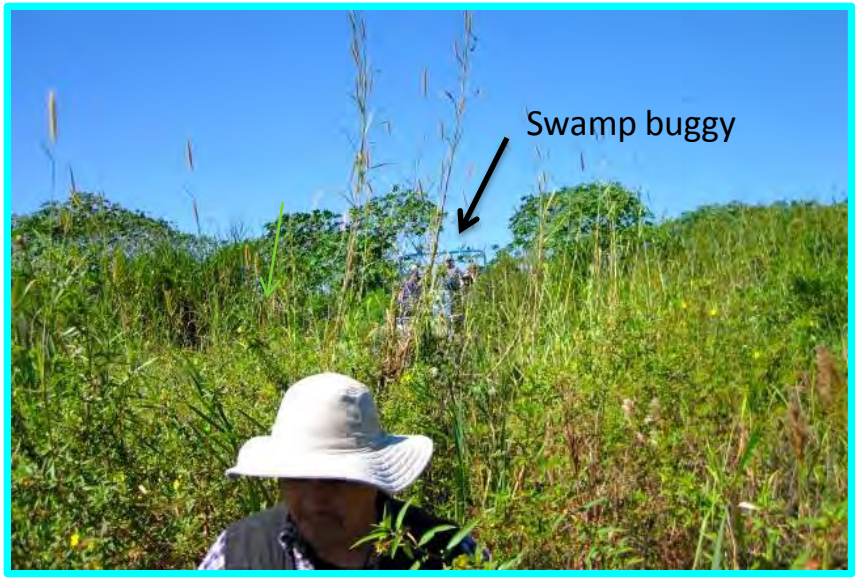
A1 FEB Wetland/Habitat Assessment Field Visit
October 29, 2012
Attending Agencies: SFWMD, FDEP, USEPA, USACE, FWS
Report by: Jerilyn Ashworth

Glimpse of a wetland/ standing water. American coot and ducks, were using this area. Area still dominated by Elephant grass, *Pennisetum purpureum* and Castor bean.

Shows and area where the buggy plowed but we needed to back up. There were many canals and ditches that were intersecting. Navigation wasn't easy.

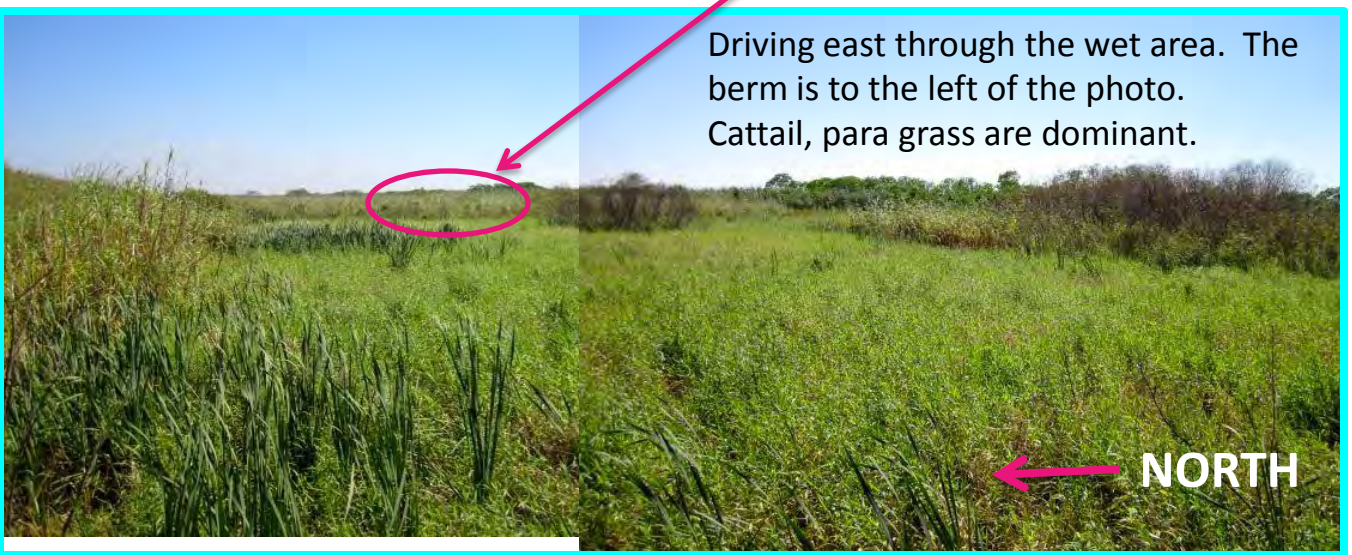
A1 FEB Wetland/Habitat Assessment Field Visit
October 29, 2012
Attending Agencies: SFWMD, FDEP, USEPA, USACE, FWS
Report by: Jerilyn Ashworth

Looking east, southeast between the two "existing wetlands". Holly, Luis, and I walked through the area. It smelled like methane, and there was cat tail, and duck weed. Water was just above my knee at the deepest sections. Vegetation was mostly thick and hard to traverse. However, the bottom was hard, like walking on limestone.



A1 FEB Wetland/Habitat Assessment Field Visit
October 29, 2012
Attending Agencies: SFWMD, FDEP, USEPA, USACE, FWS
Report by: Jerilyn Ashworth

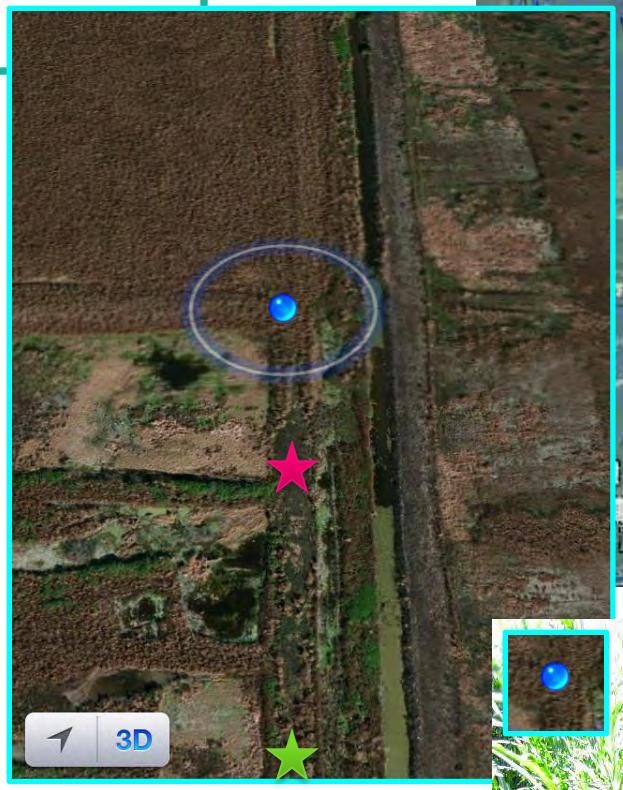
Berm going east



Driving east through the wet area. The berm is to the left of the photo. Cattail, para grass are dominant.

It appeared that the impounded area between the two identified areas as "existing wetlands", A-80 and A-81, was the nicest wetland on the property. Though the area was filled with exotic and nuisance species vegetation. It was a clear depressional area.

A1 FEB Wetland/Habitat Assessment Field Visit
October 29, 2012
Attending Agencies: SFWMD, FDEP, USEPA, USACE, FWS
Report by: Jerilyn Ashworth



The various photos show the various upland/wetland vegetation.

A1 FEB Wetland/Habitat Assessment Field Visit
October 29, 2012
Attending Agencies: SFWMD, FDEP, USEPA, USACE, FWS
Report by: Jerilyn Ashworth

In the second half of the day as we traveled along the perimeter of the site, we saw more wildlife and birds. This habitat appeared in better quality with more natural wetland vegetation. It almost looked like the PSTA cells within the nearby STAs.

Looking west to the scrape down area as we traveled north. Cattail and broom sedge dominated.

Wildlife utilizing the northern perimeter included: roseate spoon bills, glossy ibis, green herons, great blue herons, great white egrets, white ibis, northern harriers, red shoulder hawks, kestrels, black vultures, little blue herons, tri-colored herons, and various ducks.

A1 FEB Wetland/Habitat Assessment Field Visit
October 29, 2012
Attending Agencies: SFWMD, FDEP, USEPA, USACE, FWS
Report by: Jerilyn Ashworth

Muck Pile

Muck Pile

Northern perimeter- Scrape down area, looking north. The muck pile can be seen behind the cat tail.

Northern perimeter- Scrape down area, looking south

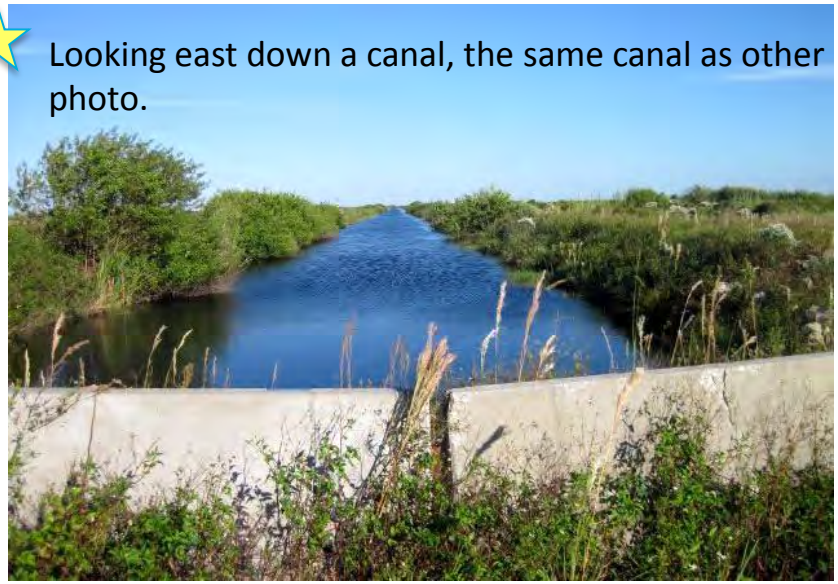
Northern perimeter- Scrape down area, looking south

A1 FEB Wetland/Habitat Assessment Field Visit
October 29, 2012
Attending Agencies: SFWMD, FDEP, USEPA, USACE, FWS
Report by: Jerilyn Ashworth

We were driving parallel to the canal with the blue star when this photo was taken. Not entirely sure where along this route it was located. The yellow stars were taken while driving perpendicular to the east-west canals. They all appeared similar. These canals are examples of the surface waters to be filled in as part of the permit. The spoil mounds that will be used as fill are located adjacent to the canals as seen in the photo (blue star). Spoil mounds are covered in exotic vegetation.

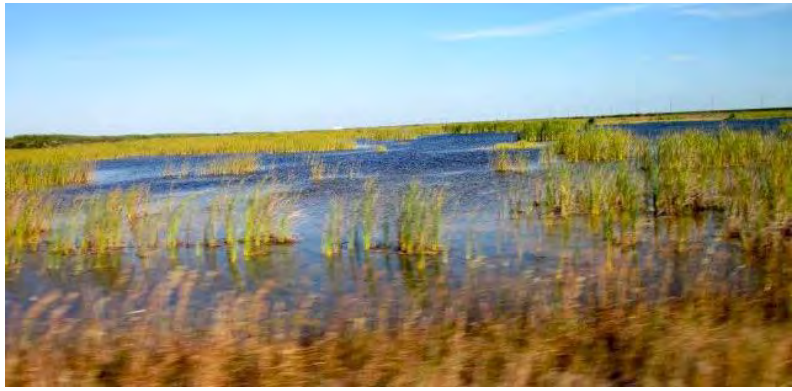
Looking West- down a canal

Looking east down a canal, the same canal as other photo.



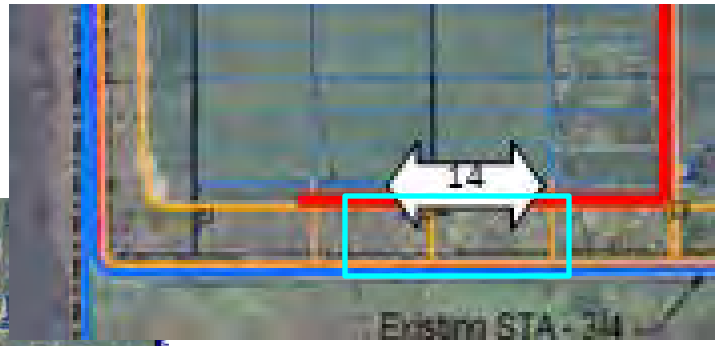
A1 FEB Wetland/Habitat Assessment Field Visit
October 29, 2012
Attending Agencies: SFWMD, FDEP, USEPA, USACE, FWS
Report by: Jerilyn Ashworth

Driving Direction

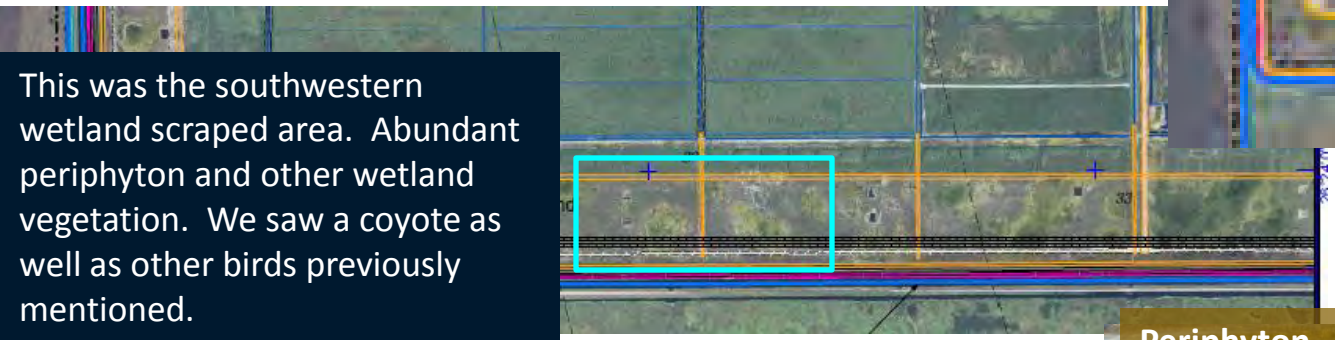


Photos on this page were taken within the blue box for the scraped down areas at the southern central part of the A-1 parcel. These were higher quality wetlands again, with more cat tail, periphyton, and rushes. Broom sedge was located along the perimeter.

A1 FEB Wetland/Habitat Assessment Field Visit
October 29, 2012
Attending Agencies: SFWMD, FDEP, USEPA, USACE, FWS
Report by: Jerilyn Ashworth



This was the southwestern wetland scraped area. Abundant periphyton and other wetland vegetation. We saw a coyote as well as other birds previously mentioned.



A1 FEB Wetland/Habitat Assessment Field Visit
October 29, 2012
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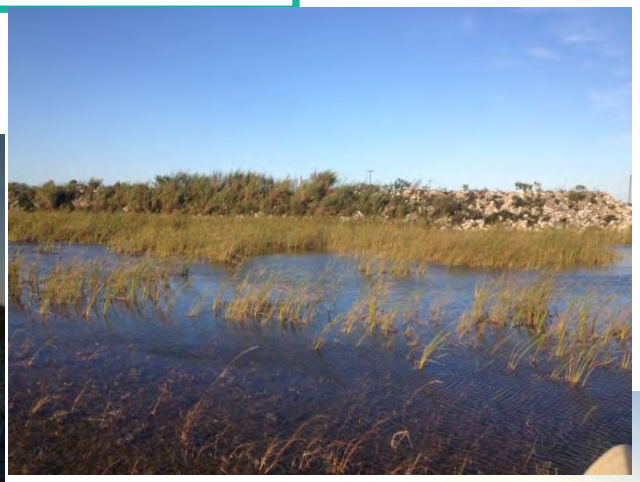
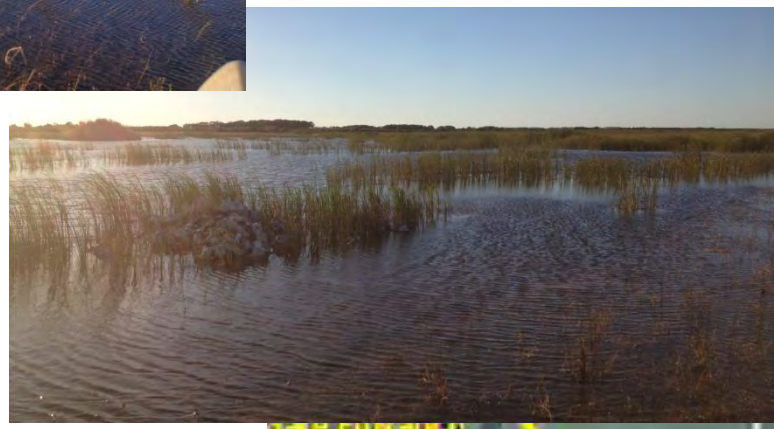
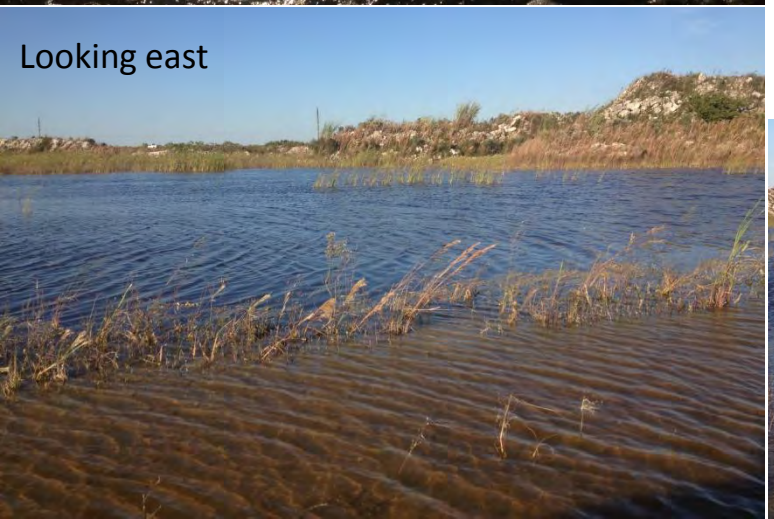
Report by: Jerilyn Ashworth

This was the last diagonal tract along the east side of the parcel next to scraped down areas, along route 17 in the map below. Water was between 4 and 12+ inches deep. Vegetation and habitat similar to other scraped down areas.







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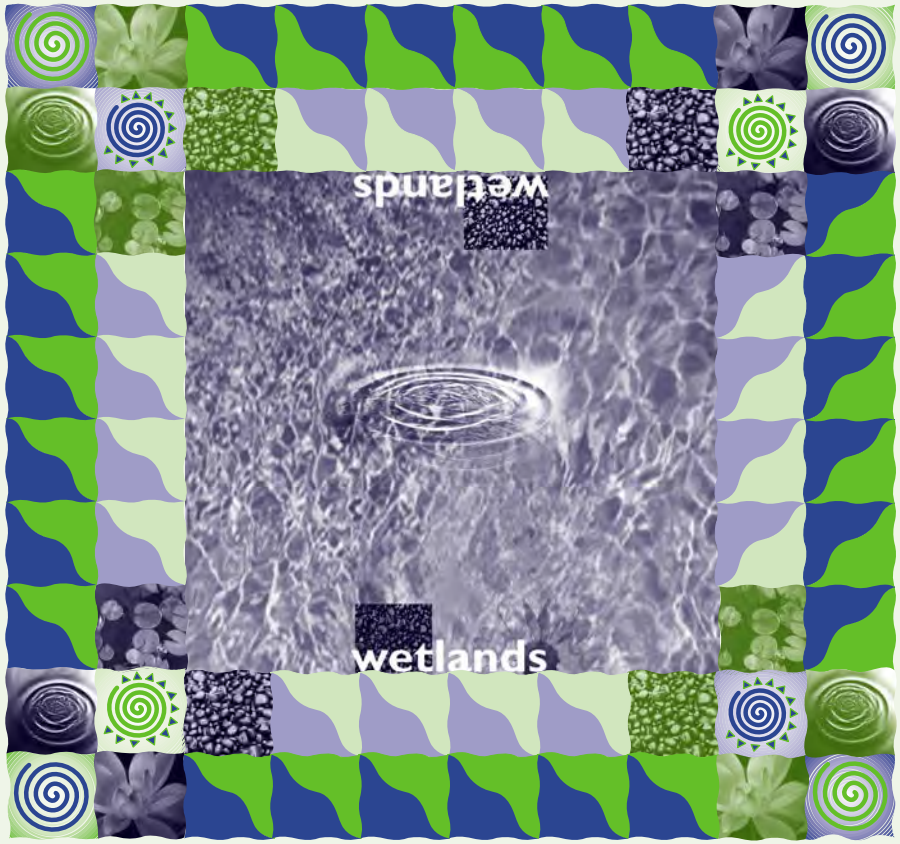
United States
Environmental
Protection Agency

Office of Wetlands, Oceans and Watersheds
Washington, DC
(4502F)

EPA 843-B-00-003
October 2000

GUIDING PRINCIPLES FOR CONSTRUCTED TREATMENT WETLANDS:

Providing for Water Quality and Wildlife Habitat



October 2000

Environmental Protection Agency

Natural Resources Conservation Service

U.S. Fish and Wildlife Service

National Marine Fisheries Service

U.S. Bureau of Reclamation

U.S. Army Corps of Engineers

Guiding Principles for Constructed Treatment Wetlands: Providing for Water Quality and Wildlife Habitat

DEVELOPED BY THE INTERAGENCY WORKGROUP ON CONSTRUCTED WETLANDS

Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Natural Resources Conservation Service, National Marine Fisheries Service, and U.S. Bureau of Reclamation

** This is a guidance document only - it does not establish legally binding requirements or regulations*

This User's Guide Provides:

- Guiding principles for planning, siting, design, construction, operation, maintenance, and monitoring of constructed treatment wetlands.
- Information on current Agency policies, permits, regulations, and resources.
- Answers to common questions.

Acknowledgements

This document is the result of the collective efforts of many individuals. All members of the Interagency Workgroup on Constructed Wetlands, listed in Appendix V, worked extremely hard reviewing multiple drafts to make these Guiding Principles a reality. The Environmental Protection Agency's Wetlands Division extends its heartfelt gratitude to all Workgroup members for their contributions. The Wetlands Division would like to make special recognition of Bob Bastian and Fran Eargle, who led the efforts of the Workgroup from its inception, and of Matt Little, who worked tirelessly to develop the document and incorporate the comments of the members. It is the hope of the Workgroup that this guidance will help improve the planning, siting, design, construction, operation/maintenance, and monitoring of constructed treatment wetlands that aim to provide water quality and wildlife habitat.

Considerable insight into the design, construction, and operation issues facing treatment wetlands that support valuable wildlife habitat was gained by many members of the Workgroup during a Wetlands Roundtable meeting and field trip to Phoenix and ShowLow, AZ, in November 1997. The Workgroup greatly appreciated the input and assistance provided by Paul Kinshella and Roland Wass from the City of Phoenix and others associated with the Tres Rios Project, as well as the insights provided by many others, especially Bob Knight, Bob Kadlec, Sherwood Reed, Bob Gearheart, Brad Finney, Jim Kreissl, and Mel Wilhelm, all of whom shared many examples of interesting situations from their extensive personal experiences working with constructed wetlands projects in various parts of the country.

Disclaimer

This document provides guidance to Environmental Protection Agency (EPA) Regions, States, Tribes, Local Governments, and other organizations and individuals involved in the planning, siting, design, construction, operation/maintenance, monitoring, and legal oversight of constructed treatment wetlands. It also provides guidance to the public and the regulated community on how EPA intends to exercise its discretion in implementing the Clean Water Act as it relates to constructed treatment wetlands. The guidance is designed to implement national policy on these issues. The document does not, however, substitute for the Clean Water Act or EPA's regulations; nor is it a regulation itself. Thus it cannot impose legally binding requirements on EPA, States, or the regulated community, and may not apply to a particular situation based upon the circumstances. EPA and State decision-makers retain the discretion to adopt approaches on a case-by-case basis that differ from this guidance where appropriate. EPA may change this guidance in the future.

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Introduction

A. Purpose and Background

Purpose: *To promote the development of environmentally-beneficial constructed wetlands for water treatment systems by providing information on the legal, policy, and technical issues associated with these systems as well as guidelines for those developing and managing constructed treatment wetlands.*

Background: The number of constructed treatment wetland projects receiving wastewater from municipal and industrial treatment sources as well as agricultural and storm water sources has increased to more than 600 active projects across the United States. If planned properly, these treatment wetlands offer opportunities to regain some of the natural functions of wetlands and offset some of the significant losses in wetland acreage. In arid regions and communities reaching the limits of water availability, water reuse via these systems is an attractive option that may help achieve water conservation and wildlife habitat goals. With appropriate siting, design, preapplication treatment, operation, maintenance, monitoring, and management, these manmade systems can often emulate natural wetlands by providing integrated ecological functions within the watershed and landscape.

Constructed treatment wetland project proponents and regulators have expressed a desire for more efficient and consistent policy guidelines for the development and permitting of such projects, especially those providing both water quality and wildlife habitat benefits. An initial effort to develop this guidance was funded by Environmental Protection Agency (EPA) Environmental Technology Initiative (ETI) Program. A Workgroup[1] was formed to identify general policy and permitting issues for a constructed treatment wetlands project, the Tres Rios Constructed Wetlands in Phoenix, Arizona. The Tres Rios Constructed Wetlands project is a wildlife habitat and treatment wetland proposed by the City of Phoenix, the U.S. Army Corps of Engineers, the U.S. Bureau of Reclamation, and other organizations. For more information on the Tres Rios Constructed Wetlands Demonstration Project see their website at http://www.tresrios.net .

In September 1997, EPA convened a Federal Interagency Workgroup consisting of the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Natural Resources Conservation Service, and the U.S.

[1]The ETI Project Workgroup that participated in this effort included active participation by representatives from the City of Phoenix and their contractor, CH_2M-Hill (and Wetland Management Services); EPA and its contractor, SAIC; U.S. Bureau of Reclamation; U.S. Army Corps of Engineers; U.S. Fish and Wildlife Service; AZ Dept. of Water Resources; AZ Dept. of Environmental Quality; AZ Game & Fish Dept; along with extensive input from many local organizations interested in the proposed Tres Rios Project.

Bureau of Reclamation to evaluate the technical and policy issues identified by the ETI project team (see their final report entitled *Wetlands for Water Quality Management and Habitat Enhancement: Policy and Permitting Issues*, January 1997) in order to provide a starting point for a national policy dialogue and for analysis of the issues associated with these wastewater treatment systems and the wildlife habitat they may be able to provide. Common factors in successful constructed treatment wetland projects and lessons learned from less successful projects provided, in part, the basis for development of the technical and policy recommendations in these guidelines.

The process of writing and reviewing the guiding principles was highly educational, collaborative, and iterative. The Workgroup decided to ***focus upon and encourage those projects that not only provide water treatment, but also strive to provide water reuse, wildlife habitat, and public use benefits.*** While this document focuses on municipal wastewater treatment wetlands, many of the principles can be used to help guide other treatment wetland projects, such as those treating acid mine drainage, agricultural and urban storm water runoff, livestock and poultry operations, and industrial wastewater. Information from specific case study projects, and scientific literature was used to develop these principles, along with technical information provided by constructed wetlands experts and dialogue during the Workgroup meetings. We hope this document will facilitate the establishment of future projects, while improving compliance with the Clean Water Act (CWA).

B. What are Constructed Treatment Wetlands?

For the purposes of these Guiding Principles, constructed treatment wetlands are defined as engineered or constructed wetlands that utilize natural processes involving wetland vegetation, soils, and their associated microbial assemblages to assist, at least partially, in treating an effluent or other water source. In general, these systems should be engineered and constructed in uplands, outside waters of the U.S., unless the source water can be used to restore a degraded or former wetland (see II.B "Opportunities for Restoration of Degraded or Former Wetlands").

The degree of wildlife habitat provided by constructed treatment wetlands, or sections of these wetlands, varies broadly across a spectrum. At one end of the spectrum are those systems that are intended only to provide treatment for an effluent or other water source, in order to meet the requirements of the CWA, and that provide little to no wildlife habitat. At the other end are those systems that are intended to provide water reuse, wildlife habitat, and public use,

while also providing a final polishing function for a pretreated effluent or other water source. This guidance primarily addresses the latter end of this spectrum.

C. What Are the Guiding Principles?

The Guiding Principles are intended to:

- provide a framework for promoting sustainable, environmentally safe constructed treatment wetland projects.
- be usable nationally under a variety of settings and circumstances.
- educate and inform public and private decision makers, Federal, State, Tribal and Local regulatory and resource agency personnel, and the general public.
- provide guidance for environmental performance, especially for projects which are intended to provide water reuse, wildlife habitat, and public use, in addition to other possible objectives.
- highlight opportunities to restore and create wetlands.
- be applied, when appropriate, to any effluent or other source water treatment system as long as the source is adequately treated to meet applicable standards, protects the existing beneficial uses, and does not degrade the receiving waters.
- create opportunities for beneficial uses of dredged material, if feasible.
- minimize risks from contamination, toxicity, and vector-borne disease.
- be applied in a watershed context.
- be flexible enough to accommodate regional differences in climate, hydrogeomorphology, wildlife habitat needs, etc.
- complement Federal, Regional, State, Tribal, or Local authority, rules, and regulations and policies.

II Guidelines for Siting Constructed Treatment Wetlands

A. Waters of the U.S. and Floodplains

Constructed treatment wetlands should generally be constructed on uplands (outside waters of the U.S.) and outside floodplains or floodways (unless the next section, II.B, applies) in order to avoid damage to natural wetlands and other aquatic resources. Also, wetlands constructed on uplands may be somewhat more predictable than natural wetlands in terms of pollutant removal efficiency and in structural soundness. This is believed to be due to the engineering of constructed wetlands to provide favorable flow capacity and routing patterns (excerpted from Strecker, et al., 1992). Consequently, siting may include consideration of such factors as flood control, hydraulic routing, flood damage potential, and wetland hydrology. (For more information on waters of the U.S., see VII.A "Clean Water Act and 'Waters of the U.S.,'" Appendix I: "Waters of the U.S.," and Executive Order 11988, *Floodplain Management*.)

B. Opportunities for Restoration of Degraded or Former Wetlands

Opportunities exist to use pretreated effluent, or other source waters, to restore degraded wetland systems. In general, you should only locate constructed treatment wetlands in existing wetlands, or other waters of the U.S., if (1) the source water meets all applicable water quality standards and criteria, (2) its use would result in a net environmental benefit to the aquatic system's natural functions and values, and (3) it would help restore the aquatic system to its historic, natural condition. Prime candidates for restoration may include wetlands that were degraded or destroyed through the diversion of water supplies, a common occurrence in the arid western U.S., and in heavily farmed or developed regions. You should avoid siting in degraded wetlands if the functions and values of the existing wetland will be adversely affected or water quality standards will be violated. The appropriate Regional/District or State authorities will make these determinations on a case-by-case basis. (Note: Many degraded wetlands are still considered waters of the U.S.)

C. Watershed Considerations

When developing a constructed treatment wetland, you should consider its role within the watershed, as well as within the broader ecosystem context of the region. Aspects of this role include: potential water quality impacts (physical, chemical, biological, thermal) to surface waters and groundwater; surrounding and upstream land uses; location of the wetland in relation to wildlife corridors

or flyways; potential threats from the introduction of non-native plant or animal species; and local citizens' perception of the appropriateness of constructed treatment wetlands in their watershed. Whenever possible, your constructed treatment wetland project should be planned in the context of a community-based watershed program.

D. Water-Depleted and Effluent-Dependent Ecosystems

Constructed treatment wetland projects may provide valuable ecological benefits in regions where water resources, and especially wetlands, are limited due to climatic conditions and human-induced impacts, such as in the arid western U.S., heavily farmed regions, and developed areas. For example, in the arid west, there are often historic (now degraded) wetlands that no longer have a reliable water source due to upstream water allocations or sinking groundwater tables. Pretreated effluent from wastewater treatment plants and seasonal return irrigation flows may be the only sources of water available for these areas and their dependent ecosystems.

Please note that water quality standards and permitting requirements apply if these areas are still considered waters of the U.S. EPA has developed regional guidance to assist dischargers and regulators in demonstrating a net ecological benefit from maintenance of a wastewater discharge to a waterbody (*Guidance for Modifying Water Quality Standards and Protecting Effluent-Dependent Ecosystems*, U.S. EPA Region 9 Interim Final Guidance, 1992).

E. Other Site Selection Factors

The suitability of a site for constructing a treatment wetland may depend on the condition of one or more of the following factors: substrate, soil chemistry, hydrology/geomorphology, vegetation, presence of endangered species or critical habitat, wildlife, cultural/socioeconomic impacts including environmental justice issues, the surrounding landscape, land use/zoning considerations, and potential impacts to safety and health, such as impacts from major flooding events and vector-borne disease. Project proponents and permit applicants should carefully examine these factors and consult with applicable agencies in determining the most appropriate site(s) for their projects, and should follow the necessary environmental impact review procedures or other requirements in selecting the final project location and characteristics.

III Guidelines for Design of Constructed Treatment Wetlands

A. Minimal Impact

Adverse impacts to waters of the U.S. should be avoided. Potential adverse impacts may include, but are not limited to: disruption of the composition and diversity of plant and animal communities; alteration of the existing hydrologic regime of natural wetlands or adjacent surface water bodies; introduction and spread of noxious species; threats to fish and wildlife from toxins and/or pathogens; and degradation of downstream water quality and groundwater sources.

B. Natural Structure

Constructed treatment wetland designs should avoid rectangular basins, rigid structures and straight channels whenever possible (See Mitsch and Gosselink, 2000; Kusler and Kentula, 1989; National Research Council, 1992). The use of soft structures, diverse and sinuous edges in design configuration, and bio-engineering practices that incorporate the existing natural landscape and native vegetation in constructed treatment wetlands is encouraged. Use landform and gravity to your advantage and design your project for minimal maintenance. For example, sites, slopes, and grades can be used to create depth variability and diversity. Site planning should avoid conditions conducive to stagnant water and "short circuiting" and problems such as avian botulism and vector production.

C. Buffer Zones

Design the margins of your constructed treatment wetland system as natural transition zones, including woody vegetated buffer areas around the site. Where appropriate, integrate the facility with other natural resource features to provide wildlife corridors and open space.

D. Vector Control

Where necessary, design your facilities to minimize mosquito problems by minimizing the potential formation of stagnant water, facilitating vegetation management, and by using natural biological control mechanisms, such as mosquito fish, stickleback, etc. (where native), bats, and purple martins. Local mosquito abatement districts and local codes may provide valuable assistance in designing your project to minimize mosquito habitat. In some cases, it may be important to consider providing access for active vector control.

E. Hazing and Exclusion Devices

Hazing or wildlife exclusion devices, such as noise-making devices or netting and fencing, should be used if the effluent or other water source being treated is toxic or presents a significant threat to wildlife. Such devices may be necessary in facilities that are designed only for treatment, but their need should be decided on a case-by-case basis.

Using these wildlife control methods may also be necessary if excessive wildlife use is causing water quality problems. In some circumstances, excessive use of wetlands by wildlife can result in: (1) wildlife stress and disease problems, (2) degradation of water quality due to high loadings of nutrients, solids, and fecal coliform, and (3) erosion resulting from loss of vegetation due to over-grazing and trampling.

F. Dedicated Water Source

Plans should be made for maintaining the wetland habitat during periods of drought. Projects that are intended to provide wildlife habitat should have a dedicated water source for the life of the project and, if possible, beyond the life of the project to meet the long-term hydrological needs of the desired aquatic and terrestrial communities. When doing this, be sure that adequate water supplies remain in adjacent streams for aquatic use and if ground water is used, be sure that its mineral content is not toxic to plant species (for example, excess iron can kill some plants).

G. Biological Diversity and Physical Heterogeneity

Where appropriate, design your constructed treatment wetland to provide habitat with a diversity of native species comparable to similar wetlands in the region. Maximize vegetative species diversity, where appropriate, without increasing the proportion of weedy, nonindigenous, or invasive species at the expense of native species. Project plans should include mechanisms to control or eliminate undesirable species. The biological diversity of your project may be linked to, or dependent upon, physical heterogeneity. This could include having both surface and subsurface flow while providing some areas of open water, creating nesting islands for waterfowl, and leaving some upland and buffer areas for other nesting species. Developing a wide variety of wetland types will provide a range of diversity for different types of wildlife. Considerations may include seasonal hydroperiods, depth-flow changes, vegetative succession, and accumulation of sediments.

H. Seasonality and Capacity Exceedences

Your project design should be able to accommodate extremes in meteorologic conditions and temporary exceedences of water storage and treatment capacity. Considerations should be made for extremes in temperature and precipitation which can impact normal operations.

I. Forebays

Utilize sediment collection/settling forebays for treatment of storm water inflows and for additional treatment of wastewater. Design and locate the forebays for ease of maintenance and to achieve greatest protection of wetland habitat and receiving waters. Monitor forebay sediments, wetland vegetation tissues, and water quality to ensure the system is functioning properly and not becoming an attractive nuisance problem to wildlife. Identify an upland disposal site to dispose of accumulated sediments that is consistent with sediment disposal requirements and monitoring criteria and standards. Note that special disposal requirements may be applied for sediments containing hazardous waste materials.

J. Multiple Cells

The use of multiple cells may allow for residuals clean-out, repair of flow control structures, and specialized management of specific effluents without disruption of the overall systems operations. They also facilitate the flexibility of the system to manage different portions of the system (i.e., individual cells) for different purposes, such as the use of cells nearest the influent source to settle out sediment, final cells to strip out algae produced within the system, and other cells used to encourage the development of habitat and food production for specific wildlife species, etc. From a wastewater treatment standpoint, multiple cells often provide better treatment in part because "short circuiting" is minimized.

K. Maintenance Access

Design your constructed treatment wetland so that maintenance vehicles and personnel can safely and easily access the site with a minimum of disturbance. Proper access design will facilitate proper operation and maintenance of the wetland so that it performs as designed.

L. Public Acceptance

Consider the public's perception of your constructed treatment wetland project and its effects on neighboring populations and adjacent land uses. Take into account potential concerns like drinking water contamination, unpleasant odors, mosquitos, access by small children and other safety and health issues. By planning your project with community involvement early in the process, you will help ensure public support and approval for your goals and objectives while developing a safe project for everyone to enjoy.

M. Public Use

When appropriate, encourage public access and use, work with local educators to design informative displays to install at your project, and help foster community education programs, especially for projects developed for water reuse and wildlife habitat. In some cases, public access may need to be prevented due to safety and health concerns.

N. Pilot Projects and Design Criteria

A pilot project may be necessary for designing your full-scale project. If a pilot is not utilized, then design considerations should be fully described and made available to future operators and regulatory staff. To assist in project design, see the reference, *Constructed Wetlands Treatment of Municipal Wastewater Process Design Manual* (EPA 625-R-99-010), as well as other technical references such as those listed in Appendix IV. Planning, design, and construction information is available from Natural Resources Conservation Service (NRCS) offices nationwide; technical assistance may also be available from NRCS offices based on local priorities and workloads. EPA's North American Treatment Wetland Database is a good avenue for networking by owners and their designers. Information is generally not complete enough for design, as most of the data is not quality assured and key parameters may be missing.

IV Construction Guidelines for Constructed Treatment Wetlands

A. Construction Practices/Specifications/Drawings

Good construction practices should be followed during construction of your treatment wetland. Examples include properly evaluating the site, limiting damage to the local landscape by minimizing excavation and surface runoff during construction, and maximizing flexibility of the system to adapt to extreme conditions. Construction specifications and drawings should be utilized that clearly convey procedures to be used and required quality of final product. Note that a general construction storm water CWA Section 402 (NPDES) permit must be obtained for any projects 5 acres in size or greater (or 1 acre expected to begin in 2002). This permit requires development and implementation of a Storm Water Pollution Prevention Plan including best management practices to minimize pollutant loading during construction.

While designs should generally be kept as simple as possible to facilitate ease of construction and operation, the use of irregular depths and shapes can be highly beneficial to enhancing wildlife habitat value. Proper construction is best ensured by the involvement of experienced inspectors and equipment operators who are knowledgeable about wetlands creation and the goals of the project. Careful construction inspection is essential to ensuring that the project is constructed as designed.

B. Soils

If possible, avoid soil sources that contain a seed bank of unwanted species. Carefully consider the soil's permeability and the implications for ground water protection. Highly permeable soils may allow infiltration and possible contamination of groundwater and could prevent the development of hydrological conditions suitable to support wetland vegetation. You may need to use an impermeable barrier in some instances. Dredged material may be useful to help create a base substrate layer, however you may need to test it to ensure that it doesn't contain unwanted contaminants or materials. Matching a local dredging project's disposal need with a beneficial use solution such as creating a constructed treatment wetland is likely to be more practical, cost-effective, and environmentally advantageous when made as part of a broad, watershed-level planning effort. Contact your local U.S. Army Corps of Engineers office to see if there are any dredging projects in your area. For detailed guidance on beneficial uses of dredged material, please see the *Beneficial Use Manual - Identifying, Planning, and Financing Beneficial Use Projects Using Dredged Material* (EPA 842-B-98-001).

C. Vegetation Selection

Vegetation selection needs to accommodate the hydraulic operations of the wetland system and still support habitat objectives. In general, use a diversity of native, locally obtained species. You should obtain seeds from a local seed bank or seedlings from a local nursery, whenever possible. Native plants from existing wetlands may be harvested provided that removal of the plants does not result in damage to the existing wetland or violate any applicable Local, State, or Federal regulations. Species should be chosen both for water quality and wildlife habitat functions, if that is the intent of the project. The use of weedy, invasive, or non-native species should be avoided. Also consider the plants' abilities to adapt to various water depths and soil and light conditions at your site.

V Guidelines for Operation and Maintenance of Constructed Treatment Wetlands

A. Management Plan

Designers or managers who decide to create a treatment wetland must factor in long-term maintenance costs and needs to provide for the proper functioning of the wetland over time. Factor in these maintenance needs by creating a long-term operations, maintenance, monitoring, and funding plan that identifies the party or parties responsible for maintenance and monitoring of your project, their responsibilities, and the funding mechanisms. Some funding sources are listed in Appendix III, "Federal Funding Sources." The management plan needs to ensure maintenance of the functions the project is designed to provide. Where vector control is likely to be a concern, provisions to control vegetation will be an important component of the management plan. In some cases, you may need to secure performance bonds prior to facility approval.

B. Regular Inspections and Maintenance Activities

You will need to make regular inspections of your constructed treatment wetland. The definition of "regular" is case-specific and will depend on the design and operation of your treatment wetland. These considerations should be described in your maintenance plan. Examples of maintenance activities that you should conduct during these inspections include checking weir settings and the inlet and outlet structures, cleaning off surfaces where solids and floatable substances have accumulated to the extent that they may block flows, removing nuisance species and maintaining the appearance and general status of the vegetation and wildlife populations, and removing sediment accumulations in forebays. Save time and energy by conducting your routine monitoring activities, such as sample collections and wildlife counts, at the same time as your inspections.

C. Operator Training

Train and/or certify your operators in the operation and maintenance of constructed treatment wetlands. Where available, this may be done in cooperation with your State regulatory agencies, the facility engineer, and public or private training centers, as directed by the certifying entity. Seek assistance from regulators and local experts and attend constructed treatment wetland seminars and conferences for additional technical assistance.

D. Contingency Plan

Project designers and operators should jointly develop a contingency plan to address problems that could develop during facility operations. Such problems may be due to: unrealistic or unattainable goals; design, construction, or operational errors; or unpredictable events. The first situation can be addressed by revising project goals or regulatory criteria (e.g., water quality standards), the second by reducing system capacity, increasing its area, or changing operational practices, and the third by anticipation through conservative design. Contingency plans should include measures for determining and remediating nuisance conditions, addressing any toxicity observed in the wetland, and dealing with upstream treatment plant failure or bypass. Auxiliary storage basins can be helpful for dealing with many of these situations.

VI Guidelines for Monitoring Constructed Treatment Wetlands

A. Reference Wetland

Reference sites may be useful as a basis of comparison to identify various changes and impacts to your constructed treatment wetland ecology and to evaluate its success. Where feasible and appropriate, consider using more than one wetland of the same type (e.g., depressional, riverine), class, size, vegetative cover, hydroperiod, and geographic region (preferably nearby and within the same watershed), while allowing for natural variability, as a reference to measure the success of your project. Depending on your project's goals and objectives, you may want to compare only certain functions or characteristics of your treatment wetlands with the reference wetlands.

B. Methods and Criteria

Depending on the primary goals and objectives of your project, site monitoring can be used to determine the chemical, physical, and biological health of your project and its success in treating effluent or other water sources. Monitoring criteria may include water quality (surface and ground water), sediment quality, temperature, hydrology (fluctuation, loading, variability and flow pattern monitoring by means of tracer studies), plant, benthic macroinvertebrate, fish tissue analyses, toxicity testing, seasonal vegetation mapping or physical sampling, habitat structure and diversity (including species richness), and wildlife use surveys (birds, amphibians, macro-invertebrates, and fish, if appropriate). Certain species, such as migratory birds, will require Federal and State permits to collect for monitoring purposes. Also, nuisance insects should be monitored to evaluate the need for vector control measures. Where appropriate, methods for monitoring should draw from the scientific literature for assessing biological conditions. The specific details of your monitoring plan should be determined through discussions with the permitting agencies. If your State has a wetlands biomonitoring program, it may be appropriate to incorporate your efforts into the program. Volunteer monitoring groups, such as the Izaak Walton League or local schools, may be able to assist you with your monitoring efforts.

C. Early Identification of Potential Problems

Try to anticipate potential problems and monitor for potential dangers to the wetland ecosystem, such as bioaccumulation, avian botulism and other avian diseases, vector problems, invasion of non-native plants and animals, debris accumulation, and nuisance conditions, and be prepared to respond quickly. Potential responses to such problems should be described in your contingency plan.

D. Timeframe

Be sure to monitor the constructed treatment wetland for the entire life of the project to help ensure that the wetland system performs as designed and meets its ecological integrity goals.

VII Federal Permits and Other Legal Issues

Federal, State, Tribal, and/or Local regulations, in addition to those listed below, may be applicable. Please be sure to coordinate with the appropriate agencies on all projects and, when appropriate, have cooperative and collaborative planning and information-sharing sessions with community and business representatives, environmental groups, regulatory agencies, and the general public.

A. Clean Water Act and "Waters of the U.S."

"Waters of the United States" or "waters of the U.S." are those waters regulated by the Clean Water Act (CWA) (see definition in Appendix I). By definition, waste treatment systems designed to meet the requirements of the Clean Water Act are not considered waters of the U.S. (40 CFR 122.2 9). If, however, your constructed treatment wetland is constructed in an existing water of the U.S., the area will remain a water of the U.S. unless an individual CWA Section 404 permit is issued that explicitly identifies it as an excluded waste treatment system designed to meet the requirements of the CWA.

If your constructed treatment wetland is constructed in uplands and is designed to meet the requirements of the CWA, then it generally will not be considered a water of the U.S. under the waste treatment system exclusion to the definition of waters of the U.S. If the constructed treatment wetland is abandoned or is no longer being used as a treatment system, it may revert to (or become) a water of the U.S. if it otherwise meets the definition of waters of the U.S. This definition is met if the system has wetland characteristics (hydrology, soils, vegetation) *and* it is (1) an interstate wetland, (2) is adjacent to another water of the U.S. (other than waters which are themselves wetlands), or (3) if it is an isolated intrastate water which has a connection to interstate commerce (for example, it is used by interstate or foreign travelers for recreation or other purposes).

The U.S. Army Corps of Engineers and the EPA decide on a case-by-case basis whether or not particular bodies of water are waters of the U.S. Contact your U.S. Army Corps of Engineers district or regional Environmental Protection Agency office for more information on this subject. If your constructed treatment wetland, or a portion of your constructed treatment wetland, is considered a water of the U.S., then it falls under the jurisdiction of the CWA and one or more of the following sections of the CWA may apply. If the constructed treatment wetland is not itself a water of the U.S. but it discharges pollutants into a water of the U.S., the discharge requires a permit under CWA Section 402.

B. Clean Water Act Section 303 Water Quality Standards

Under the CWA, States and Tribes (and in a few cases EPA) are to adopt water quality standards for all waters of the U.S. Water quality standards include designated uses for water bodies, criteria to protect these designated uses, and an antidegradation policy (Section 303). Permits for discharges to waters of the U.S., including jurisdictional wetlands, must ensure the discharges will not cause or contribute to a violation of water quality criteria or impair designated uses in the receiving water or downstream waters. If there are no water quality standards specific to a wetland, the water quality standards for the adjacent open waterbody may be applied to the wetland, depending on your state's policies. Please see Appendix II, "Section 303 of the Clean Water Act," for additional information.

C. Clean Water Act Section 401 Certification

Projects involving a federally-licensed activity that may result in discharges to waters of the U.S. (such as a CWA Section 402 permit from EPA and/or a CWA Section 404 permit from the U.S. Army Corps of Engineers) require certification under Section 401 of the CWA. Your permit application will need certification that the proposed activity will not violate water quality standards or other State or Tribal requirements. This certification must come from the State or authorized Tribe in whose geographic jurisdiction the discharge would occur, or in some circumstances from EPA. Note that the State or Tribe may place conditions on its certification that are intended to prevent such violations. States and Tribes may waive certification.

D. Clean Water Act Section 402

The CWA Section 402 program, also known as the National Pollutant Discharge Elimination System (NPDES) program, regulates the discharge of pollutants (other than dredged or fill material, which is covered, below, under Section 404 of the Clean Water Act) from point sources into waters of the U.S. Over forty states are authorized by EPA to administer the NPDES permitting program within their state boundaries. The construction and/or operation of a treatment wetland may involve these discharges to waters of the U.S. and, as a result, require an NPDES permit.

If construction of the treatment wetland will disturb 5 acres or more (1 acre expected to apply in 2002), an NPDES permit for the discharge of storm water is required. In most areas of the country, EPA or State NPDES permitting authori-

ties have issued storm water general permits for discharges from construction activities. These storm water general permits typically require operators of the construction project to submit a notice of intent (NOI) form, and prepare a site specific storm water pollution prevention plan, prior to disturbing any land at the site. For more information, please contact your NPDES permitting authority. A current list of State/Federal Storm Water Contacts is available at: http://www.epa.gov/owm/swlib.htm. For more information, see VIII., Question and Answer #1, and Appendix II, "Section 402 of the Clean Water Act."

E. Clean Water Act Section 404

If your construction activities involve the discharge of dredged or fill material (e.g., rock, sand, and soil) to waters of the U.S., you will need authorization under CWA Section 404. For example, if you wish to use a degraded jurisdictional wetland for wastewater treatment and plan to construct water control structures, such as berms or levees, this construction will typically involve discharges of dredged or fill material into that wetland. (Note: The use of existing wetlands for purposes of wastewater treatment is generally discouraged.) Subsequent maintenance may also require a permit, although Section 404(f) may exempt some routine maintenance from 404 permitting requirements. You should contact the U.S. Army Corps of Engineers (or the appropriate state agency) to determine the regulatory requirements associated with the proposed discharge of dredged or fill material. For more information, see Appendix II, "Section 404 of the Clean Water Act."

Compensatory Mitigation: In general, wetlands constructed or restored for the primary purpose of treating wastewater will not be recognized as compensatory mitigation to offset wetland losses authorized under federal regulatory programs. In some cases, however, components of constructed wetland treatment systems that provide wetland functions and values beyond what is needed for treatment purposes may be used for compensatory mitigation. For example, project sponsors may be eligible to receive mitigation "credit" for using treated effluent as part of a constructed treatment wetland system that restores or creates *additional* wetland acreage beyond the acreage needed for treatment purposes. The use of constructed treatment wetlands for mitigation for CWA Section 404 purposes is subject to approval by the U.S. Army Corps of Engineers, in consultation with other Federal and State resource agencies. Such decisions need to be made on a case-by-case basis, considering, among other factors, the appropriateness of the constructed treatment wetland to fully offset the anticipated impacts from the loss of natural wetlands.

F. Preapplication Treatment (see definition in Appendix I)

If your constructed treatment wetland is considered a water of the U.S. (e.g., is constructed in a water of the U.S.), you must treat the effluent, or other source water (storm water runoff, agricultural and livestock waste, etc.) prior to its entering the constructed treatment wetland sufficiently to meet all applicable water quality standards (and to prevent degradation of wildlife or biological integrity) and technology-based requirements. Municipal wastewater effluent generally must be treated to at least secondary levels before it enters waters of the U.S. (CWA Section 301). Other examples of treatment include best management practices for storm water and confined animal feeding operations.

G. Other Federal Legal and Programmatic Considerations (for descriptions, see Appendix II: Federal Statutes and Regulations)

- Clean Water Act Section 319 (Nonpoint Source Pollution Program)
- Estuary management plans under Clean Water Act Section 320
- Coastal Zone Management Act, including Reauthorization Amendments of 1990
- Endangered Species Act
- Fish and Wildlife Coordination Act
- Magnuson-Stevens Fishery Conservation and Management Act
- Migratory Bird Treaty Act
- National Environmental Policy Act
- National Wild and Scenic Rivers Act
- National Historic Preservation Act

VIII Questions and Answers

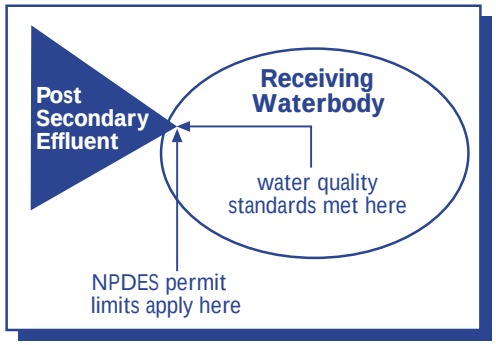
Question 1:

I am planning to build 50 acres of constructed treatment wetlands for post-secondary wastewater treatment of my small community's municipal wastewater effluent. I anticipate that the wetland will provide high value wetland habitat for wildlife and public use. Do I need any permits, do water quality standards apply to my project, and can I get mitigation credits?

If your new constructed treatment wetland is considered waters of the U.S. or will discharge pollutants to waters of the U.S., you will need a CWA Section 402 (NPDES) permit at the discharge point (please see the discussion on waters of the U.S. under VII.A and Appendix I). The permit's requirements will be based on the applicable water quality standards for the receiving waterbody. Three options for this are outlined below:

Option 1

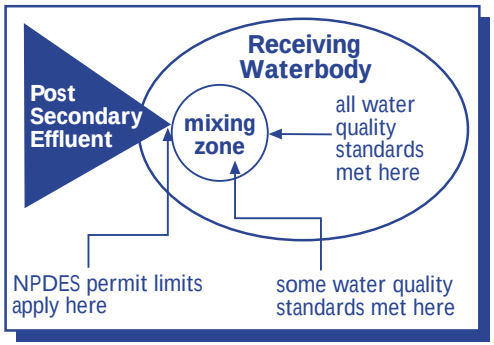
If the post-secondary effluent meets the applicable water quality standards requirements, you may receive a CWA Section 402 (NPDES) permit (with appropriate limits) to discharge directly into the waters of the U.S.



Option 1

Option 2

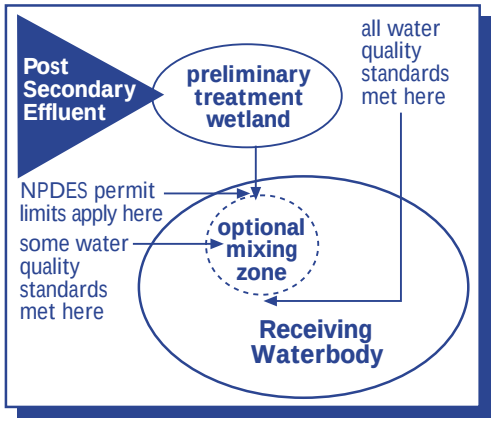
If the post-secondary effluent almost meets the applicable water quality standards for waters of the U.S., and can meet those standards within a short distance of the discharge, you may be able to use a mixing zone and receive a CWA Section 402 (NPDES) permit (with appropriate limits) to discharge directly into the waters of the U.S. Check with your state to see if mixing zones are allowed.



Option 2

Option 3

If the post secondary effluent will not meet the water quality standards for waters of the U.S. at or near the point of discharge, you may be able to discharge the post-secondary effluent to still another constructed treatment wetland that is not a water of the U.S. for further treatment. The discharge from this treatment wetland could then be treated in a manner similar to the effluent in Options 1 or 2.



Option 3

Be sure to coordinate with the appropriate NPDES permitting authorities prior to constructing the wetland. Also check with your state, because some states have developed specific water quality standards for wetlands, which may apply to your constructed treatment wetland project. Other water quality standards and technology-based effluent limitations may also apply, depending on the effluent source. For more information on standards, see VII: "Federal Permits and Other Legal Issues" and Appendix II, "Section 303 of the Clean Water Act."

If construction activities are proposed in existing wetlands or waters of the U.S., then the U.S. Army Corps of Engineers and appropriate State agencies must also be consulted for CWA Section 404 permitting (see VII.E, "Clean Water Act Section 404").

Portions of your project may be eligible for use as mitigation, depending on case-specific circumstances. Also, see the discussion of compensatory mitigation in VII.E, "Clean Water Act Section 404."

Question 2:

I live in an arid area and am hoping to use secondary wastewater effluent to restore a highly degraded natural wetland, while providing advanced treatment to the secondary effluent to meet requirements for downstream recreational use. Because of local water allocations and a drop in the water table, this site is now dry most of the year. The addition of effluent as a water source will help restore the wetland back to its historical hydrology and bring back the wetland dependent birds and wildlife. Do I still need permits and can I get mitigation credits for my restoration efforts?

Depending on the specific circumstances of your proposal, you may need federal authorization of your project. For example, if the particular degraded wetlands are considered waters of the U.S., discharges to create the waste treatment system will require a CWA Section 404 permit. A CWA Section 402 (NPDES) permit will also be required. As noted earlier, we encourage the use of appropriately treated effluent for restoration efforts only when it benefits the environment (See II.B "Opportunities for Restoration of Degraded or Former Wetlands.") Under some circumstances, portions of the restored wetland may be used as compensatory mitigation (see discussion of compensatory mitigation in VII.E "Clean Water Act Section 404").

Question 3:

Does my constructed treatment wetland become a water of the U.S. after it is no longer used as a treatment system?

If the treatment wetland is a water of the U.S., it will remain so after it stops being used as a treatment system. If the treatment wetland is not a water of the U.S., it may become (or revert back to, as the case may be) a water of the U.S. if it has wetland characteristics (hydrology, soils, and vegetation) and the following conditions apply: (1) it is an interstate wetland, (2) it is adjacent to another water of the U.S. (other than a water which is itself a wetland), or (3) it meets the interstate commerce requirements for an isolated intrastate water of the U.S. (for example, it is used by interstate or foreign travelers for recreation or other purposes). These decisions are made on a case-by-case basis. (See VII.A "Clean Water Act and 'Waters of the U.S.'")

Question 4:

If I need to perform general maintenance in the constructed treatment wetland, will I need a Section 404 permit to deposit removed vegetation or dredge sediments?

If the constructed treatment wetland is a water of the U.S., you may need a permit. Specifically, if the proposed activity involves discharges into waters of the U.S. or placement of fill material into waters of the U.S., a CWA Section 404 permit is needed unless the 404(f) exemption applies (see VII.E "Clean Water Act Section 404"). Activities such as building levees or sidecasting rock, sand, or soil into the wetland are likely to require such permits. We generally encourage constructing forebays in uplands to collect effluent and storm water prior to discharge to wetlands. You must obtain a permit to construct forebays in an existing wetland. Forebays should be designed to promote sedimentation and decrease the disruptive forces of the wastewater entering the system and thereby reducing impacts to water quality. Maintenance activities that are confined to

such areas will not require authorization if they do not involve discharges to waters of the U.S. Discharge from the maintenance of levees will likely be exempt from permit requirements under Section 404(f). (See VII.A and E for more information).

Question 5:

Will I need a groundwater permit for my constructed treatment wetland?

In general, groundwater protection permits are issued by State or Local agencies. You should coordinate with the appropriate State and Local agencies before you construct the treatment wetland. If the water in your constructed treatment wetland interacts with groundwater, then you may need a permit. If the wetland is lined with an impermeable liner, then interaction is unlikely and a permit may not be necessary. A Clean Water Act 402 (NPDES) permit may be required for discharges to groundwater where that groundwater has a direct hydrologic connection to surface waters of the U.S.

Question 6:

I am considering using constructed treatment wetlands to treat my municipality's stormwater flows. What general issues must I consider?

First of all, the treatment wetland should not be constructed in a waters of the U.S. unless you can sufficiently pretreat the stormwater flows to protect the values and functions of the waters of the U.S. Because storm water is an unpredictable effluent source and can contain high levels of toxic substances, nutrients, and pathogens, we strongly encourage that you construct the treatment wetland in uplands and use best management practices in these projects (see EPA's *Protecting Natural Wetlands: A Guide to Stormwater Best Management Practices*, EPA/843-B-96-001). Depending on the size of your municipality and other factors, you may need to get a CWA Section 402 (NPDES) permit. Be sure to contact all the appropriate wastewater authorities in your area during the early planning stages of this type of project.

Question 7:

Can I use constructed treatment wetlands to treat other effluents or source waters?

Yes, as long as you (1) generally avoid using natural wetlands which are waters of the U.S., (2) adequately pretreat the effluent or source water to protect the treatment wetlands and other nearby surface and groundwater sources, (3) contact the appropriate authorities, and (4) meet all applicable requirements. We also encourage you to follow the principles established in this document.

Appendix I

DEFINITIONS

COMPENSATORY MITIGATION
For the purposes of CWA Section 404, compensatory mitigation is the restoration, creation, enhancement, or in exceptional circumstances, preservation of wetlands and/or other aquatic resources for the purpose of compensating for unavoidable adverse impacts of a dredge or fill project which remain after all appropriate and practicable avoidance and minimization has been achieved.

CONSTRUCTED TREATMENT WETLAND
Engineered and constructed wetlands that utilize natural processes involving wetland vegetation, soils, and their associated microbial assemblages to assist, at least partially, in treating an effluent or other source water. In general, these systems should be engineered and constructed in uplands, outside waters of the U.S., unless the source water can be used to restore a degraded or former wetland (see II.B "Opportunities for Restoration of Degraded or Former Wetlands").

DEGRADED WETLANDS
Wetland systems that have lost some or all of their characteristic functions and values due to hydrologic alterations, discharges of fill material and/or other impacts such as pollutants, nuisance and invasive species, and discharge of point and nonpoint sources.

DESIGNATED USES
Classifications for waters of a State or Tribe by the State or Tribe that are to be achieved and protected. These uses must take into consideration the existing use and potential value of water for public water supplies, protection and propagation of fish, shellfish and wildlife, recreation in and on the water, agricultural, industrial, and other purposes including navigation. Note that in no case shall a State adopt waste transport or waste assimilation as a designated use for any waters of the U.S. (*40 CFR 131.10(a))*

DISCHARGE OF POLLUTANTS
The addition of pollutants, including dredge and fill material, from a point source to waters of the U.S.

DREDGED MATERIAL
Material that is excavated or dredged from waters of the U.S.

EFFLUENT
Wastewater, normally treated.

FILL MATERIAL
Any material that has the effect of replacing an aquatic area with dry land or of changing the bottom elevation of a waterbody.

FLOODPLAIN
The area that would be inundated by the flood which has a 1% chance of occurring in any given year, also referred to as the “100-year” flood (National Flood Insurance Program definition).

FLOODWAY
That area of the watercourse plus adjacent floodplain lands which must be reserved in order to allow the discharge of the base flood (“100-year” flood) without increasing flood heights more than a designated amount (National Flood Insurance Program definition).

FOREBAY
An area within a management pond, wetland, etc., that is sized to capture sediments and other debris as the material enters the unit. This area is designed to provide for equipment access to facilitate periodic removal of accumulated material.

INVASIVE SPECIES
Species that spread rapidly, are frequently non-native to the region, and tend to out-compete more desirable native forms and to become dominant.

JURISDICTIONAL WATERS, or JURISDICTIONAL WETLANDS
See "Waters of the U.S."

MITIGATION
See "Compensatory Mitigation."

MIXING ZONE
An area where an effluent discharge undergoes initial dilution and is extended to cover the secondary mixing in the ambient waterbody. A mixing zone is an allocated impact zone where water quality criteria can be exceeded as long as acutely toxic conditions are prevented. Compliance with effluent treatment standards typically is measured at the edge of the mixing zone. (*Water Quality Standards Handbook - Second Edition,* EPA-823-B-94-005, p. GLOSS-4.)

MONOTYPIC
Having a nearly total dominance of one species of plant, such as *Phragmites australis*, or *Typha spp.*, within an area.

NONINDIGENOUS or NON-NATIVE SPECIES
Species which are not native to the environment in which they currently exist and have been introduced by and often proliferate because of human activities.

NONPOINT SOURCE (NPS) POLLUTION
Sources of pollution not defined by statute as point sources. NPS pollution results from the transport of pollutants into receiving waters via overland flow runoff within a drainage basin. Because NPS pollution is diffuse, its specific sources can be difficult to identify.

OTHER SOURCE WATERS
Categories of wastewater other than municipal wastewater, such as acid mine drainage, industrial wastewater, agricultural and urban runoff, effluent from livestock operations, landfill leachates, etc.

POINT SOURCE
Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff. *(40 CFR § 122.2)*

PREAPPLICATION TREATMENT
The treatment of wastewaters prior to their introduction to constructed treatment wetlands, such that they do not negatively impact the wetlands' functions and values.

RESTORATION
"Return of an ecosystem to a close approximation of its condition prior to disturbance" and "the reestablishment of predisturbance aquatic functions and related physical, chemical and biological characteristics" (National Research Council, 1992).

SOURCE WATERS or WATER SOURCES
See "Other Source Waters."

STORMWATER
Flows and discharges resulting from precipitation events, such as rainfall or snowmelt, and include municipal and industrial stormwater runoff, combined sewer overflows (CSOs), and sanitary sewer overflows (SSOs). Urban stormwater runoff, which is often collected by storm drains and transported to receiving waters, can contain many pollutants that are accumulated as rainwater or snowmelt flow across the surface of the earth. Such pollutants include oil and grease, chemicals, nutrients, pesticides, heavy metals, bacteria, viruses, and oxygen-demanding compounds. (http://www.epa.gov/owm/wfaq.htm)

WATERS OF THE U.S.
All waters that are currently used or were used in the past, or may be susceptible to use in interstate commerce, including: all waters that are subject to ebb and flow of the tide; all interstate waters including interstate wetlands; all other waters such as intrastate lakes, rivers, streams including intermittent streams, mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which would or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the U.S. under this definition; tributaries of waters defined above; the territorial sea; and wetlands adjacent to waters (other than waters that are themselves wetlands) identified above. Courts have found that this includes such waters as isolated, intrastate waters which are used by migratory birds or which attract interstate travelers or from which fish or animals are or could be harvested and sold in interstate commerce. Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA, are excluded from waters of the U.S. If such treatment systems are abandoned and otherwise meet the definition of waters of the U.S., they become or revert to regulated waters of the U.S. (See the regulations for specific details: *40 CFR § 230.3(s)(1-7),122.2 and COE Regulations at 33 CFR § 328.3(a)(1-7))*

WATERSHED
The total drainage area contributing runoff to a single point or "hydrologically defined geographic areas. . . typically the areas that drain to surface waters or that recharge or overlay ground waters or a combination of both." (June 1996 EPA *Watershed Approach Framework*)

WETLAND

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. (Definitions taken from EPA regulations at *40 CFR § 230.3(t)* and COE Regulations at *33 CFR § 328.3(b)*.)

Appendix II

FEDERAL STATUTES AND REGULATIONS

MAJOR FEDERAL PROGRAMS AND REGULATIONS THAT MAY APPLY TO CONSTRUCTED TREATMENT WETLANDS

The U.S. Congress enacted the Clean Water Act to RESTORE AND MAINTAIN THE CHEMICAL, PHYSICAL AND BIOLOGICAL INTEGRITY OF THE NATION'S WATERS.

Section 303 of the Clean Water Act.

States and Tribes are to develop water quality standards for all waters of the U.S., including wetlands, subject to EPA approval. These standards, at a minimum, must consist of three major components:

1. Designated Uses - These are environmental goals for each waterbody within a State or Tribe. Each body of water is given one or more designated uses, such as "groundwater recharge" or "aquatic life support." The goal of the State or Tribe is to achieve, protect, and maintain these designated uses.

2. Water Quality Criteria - States and Tribes develop water quality criteria to support the designated uses of each waterbody in their respective jurisdictions. The criteria are either narrative statements or numeric limits on factors affecting the waterbody's health. A number of states are now establishing biological criteria, in addition to the more traditional physical and chemical criteria, to help determine the health of wetlands.

3. Antidegradation Policy - All States must have antidegradation policy language consistent with *40 CFR § 131.12* in their water quality standards, and must develop appropriate implementation procedures. Antidegradation policies, at a minimum, must maintain and protect existing instream water uses and the level of water quality necessary to protect the existing uses. These policies also ensure the protection of water quality for a particular waterbody where the water quality exceeds levels necessary to protect fish and wildlife propagation and recreation on and in the water.

Section 319(b) of the Clean Water Act (Nonpoint Source (NPS) Pollution Program).

EPA has oversight for a national program to control nonpoint sources of pollution. This program requires that States develop management programs for the control of nonpoint source pollution. EPA emphasizes a watershed-based approach, which can include protection and/or restoration of wetlands and riparian areas.

Section 401 of the Clean Water Act.
Certification verifying compliance with a State or Tribe's water quality standards and other requirements is necessary is required for federally-permitted or licensed activities that involve discharges to waters of the U.S.

Section 402 of the Clean Water Act (National Pollutant Discharge Elimination System (NPDES)).
Clean Water Act Section 402 establishes a program to regulate the discharge of a pollutant (other than dredged or fill materials, which are covered under Section 404 of the Clean Water Act) from a point source into waters of the U.S. The Section 402 Program is administered at the Federal level by the EPA. A State or Tribe, however, can be authorized to administer all or part of the program, upon approval by the EPA. As of 1998, 43 States have assumed the NPDES program.

The CWA defines a "discharge of a pollutant" to mean any addition of any pollutant to navigable waters from any point source. The term "pollutant" is defined as dredged spoil, solid waste, sewage, sewage sludge, chemical wastes, biological materials, industrial, municipal, and agricultural waste, etc. discharged into water. A "point source" is a discernible, confined and discrete conveyance, such as a pipe, ditch, channel or sewer, etc. from which pollutants are or may be discharged.

The CWA prohibits discharge of a pollutant from a point source except in accordance with a permit. Discharges to waters of the U.S. may be authorized by obtaining and complying with the terms of a National Pollutant Discharge Elimination System (NPDES) permit. NPDES permits commonly contain numerical and narrative limits on the amounts of specified pollutants that may be discharged. These "effluent limitations" implement both technology-based and water quality-based requirements of the Act. Technology-based limitations represent the degree of control that can be achieved by point sources using various levels of pollution control technology. In addition, if necessary to achieve compliance with applicable water quality standards (see Section 303 above), NPDES permits must contain water quality-based limitations more stringent than the applicable technology-based standards.

Section 404 of the Clean Water Act.
CWA Section 404 establishes a program to regulate the discharge of dredged or fill materials into waters of the U.S. At the Federal level, the U.S. Army Corps of Engineers and the EPA administer the 404 program. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service have important advisory roles.

The U.S. Army Corps of Engineers has the primary responsibility for the permit program and is authorized, after notice and opportunity for public hearing, to issue permits for the discharge of dredged or fill material. EPA's responsibilities include development of the environmental guidelines by which permit applications are evaluated and review of proposed permits. States can assume a portion of the permit program from the Federal government. As of 1998, Michigan and New Jersey have assumed the 404 program.

The basic premise of the Section 404 program is that no discharge of dredged or fill material can be permitted if a practicable alternative exists that is less damaging to the aquatic environment, or if the nation's waters would be significantly degraded. Accordingly, applicants for a Section 404 permit must demonstrate that no practicable alternative exists that would meet the basic purpose of the project and have less impact on the aquatic environment. Once potential impacts to the aquatic environment have been avoided and minimized to the maximum extent practicable, applicants are required to provide practicable compensatory mitigation, such as wetlands restoration or enhancement, to offset any remaining adverse effects.

Coastal Zone Act Reauthorization Amendments of 1990, Section 6217(g).
This program is jointly administered by EPA and National Oceanic and Atmospheric Administration (NOAA), and calls upon states to develop and implement State Coastal Nonpoint Source Pollution Control Programs. EPA and NOAA have developed guidance specifying management measures for nonpoint source pollution affecting coastal waters (*Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters*, EPA/84-B-92-002). Included in this guidance is a chapter on protection and restoration of wetlands and riparian areas, and the use of vegetated systems for nonpoint source control.

The Endangered Species Act (ESA).
The 1973 Endangered Species Act provides for the conservation of ecosystems upon which threatened and endangered species of fish, wildlife, and plants depend. Among other things, the ESA prohibits unauthorized taking, possession, sale, and transport of threatened and endangered species. It also requires Federal agencies to insure that any action authorized, funded or carried out by them is not likely to jeopardize the continued existence of listed species or modify their critical habitat. The U.S. Fish and Wildlife Service and National Marine Fisheries Service can provide information on the location of threatened or endangered species and their habitats.

Fish and Wildlife Coordination Act.
This Act authorizes the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to cooperate with Federal, State, public, and private organizations in the protection of wildlife (including fish) and its habitat. It also requires that impacts to wildlife be given equal consideration in water-resource development programs. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service must be contacted regarding all new Federal water projects or federally-authorized water projects that modify streams or other bodies of water.

Magnuson-Stevens Fishery Conservation and Management Act.
The 1996 amendments to this Act require the Fishery Management Councils to describe "essential fish habitat" (EFH) for managed fish, including shellfish. The Act also requires Federal agencies to consult with National Marine Fisheries Service on any federal action (including those federally-funded or authorized) that may adversely affect EFH. National Marine Fisheries Service regulations emphasize the use of existing coordination processes (e.g., National Environmental Policy Act, Fish and Wildlife Coordination Act) for accomplishing EFH consultation. National Marine Fisheries Service is required to provide EFH conservation recommendations to both Federal and State agencies whose actions would adversely affect EFH. Federal agencies are required to respond to these recommendations.

Migratory Bird Treaty Act (as amended).
This Act implements four international treaties that individually affect migratory birds common to the United States, Canada, Mexico, Japan, and the former Soviet Union. The Act establishes Federal responsibility for protecting and managing migratory and nongame birds, including the issuance of permits to band, possess or otherwise make use of migratory birds, and the establishment of season length, bag limits, and other hunting regulations. Except as allowed by implementing regulations, the Act makes it unlawful to pursue, hunt, kill, capture, possess, buy, sell, purchase, or barter any migratory bird, including the feathers or other parts, nests, eggs, or migratory bird products.

National Environmental Policy Act (NEPA).
NEPA requires Federal agencies to make informed, environmentally-responsible decisions when considering Federal actions that may have a significant impact on the environment, such as when issuing a Section 404 permit. Generally, agencies must evaluate potential environmental consequences of proposed actions using Environmental Assessments (EAs) and/or Environmental Impact Statements (EISs).

National Wild and Scenic Rivers Act.
This Act selects certain rivers of the nation that possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values; preserves them in a free-flowing condition; and protects them and their immediate environment for the benefit and enjoyment of present and future generations. It describes procedures and limitations for the control of lands in federally-administered components of the system and for dealing with the disposition of lands and minerals under Federal ownership. Rivers are classified as wild, scenic or recreational, and various prohibitions on the use of the waters and land apply, respectively. To preserve its current free-flowing condition, a designated river is protected from federally-supported dam building and other federally-authorized structural changes which would adversely effect the values upon which its designation was based.

National Historic Preservation Act.
This Act provides for the preservation of significant historical features (buildings, objects and sites). It established a National Register of Historic Places. Federal agencies are directed to take into account the effects of their actions on items or sites listed or eligible for listing in this National Register.

Appendix III

FEDERAL FUNDING SOURCES

EPA's Clean Water Act State Revolving Fund (SRF)

Purpose: Provides grant funds to States to help them establish state revolving fund (SRF) programs. States, in turn, offer loans and other types of financial assistance from their SRFs to municipalities, individuals, and others for high-priority water quality activities.

Projects: While traditionally used to build or improve wastewater treatment plants, loans are also used increasingly for: agricultural, rural, and urban runoff control; wetland and estuary improvement projects; stormwater flow control and sewer overflows; alternative treatment technologies such as constructed wetlands.

Assistance: States offer loan rates that are two to four percent below market rates. Some states offer even lower interest rates to small, economically disadvantaged communities. 1999 budget: $1.35 billion.

Eligibility: Municipalities, individuals, communities, citizen groups, and non-profit organizations, though each State ultimately determines eligibility.

Address: U. S. EPA, Office of Wastewater Management, 1200 Pennsylvania Avenue, N.W. (4204), Washington, DC 20460
Phone: (202) 564-0748
Facsimile: (202) 501-2338
E-mail: srfinfo.group@epa.gov
Web Site: www.epa.gov/OWM

EPA's Nonpoint Source Implementation Grants (319 Program)

Purpose: To help States, Territories, and Tribes develop and implement programs to prevent and control nonpoint source pollution, such as creating constructed treatment wetlands to clean-up urban runoff and agricultural wastes.

Projects: States, Territories, and Tribes receive grant money (and may then provide funding and assistance to local groups) to support a wide variety of activities, such as technical assistance, financial assistance, technical programs, education, training, technology transfer, demonstration projects (e.g., best management practices), and monitoring specific to nonpoint source implementation.

Assistance: Grants are first awarded to State agencies. Local organizations can then apply for grants through the agencies, but they must provide 40 percent of the total project or program cost as non-federal dollars. 1999 budget: approx. $200 million.

Eligibility: State, Local, and Tribal governments, nonprofit and local organizations, etc. (Check with your state contact.)

Address: U.S. EPA, Office of Wetlands, Oceans, and Watersheds, 1200 Pennsylvania Avenue, N.W. (4502F), Washington, DC 20460
Phone: (202) 260-1799
Facsimile: (202) 260-2356
E-mail: ow-general@epa.gov
Web Site: www.epa.gov/owow/NPS

Appendix IV

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Appendix V

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Appendix VI

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1200 Pennsylvania Avenue N.W. (4204), Washington, DC 20460
(292) 564-0748.

EPA Wetlands Division
1200 Pennsylvania Avenue N.W. (4502F), Washington, DC 20460,
(202) 260-1799

EPA Wetlands Information Helpline
(800) 832-7828, email: wetlands-hotline@epa.gov

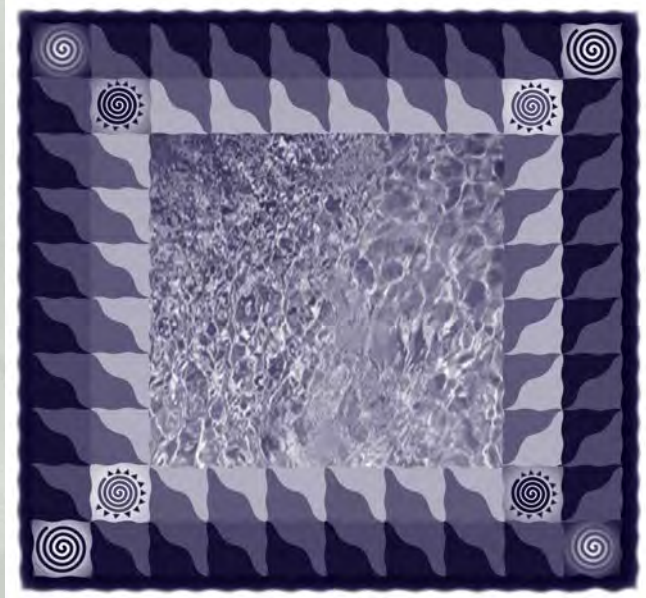
National Marine Fisheries Service
Office of Habitat Conservation, 1315 East-West Highway, Silver Spring, MD 20910
(301) 713-2325.

Natural Resources Conservation Service
Watersheds and Wetlands Division, 14th and Independence Ave. S.W.,
P.O. Box 2890, Washington, DC 20013
(202) 720-3534.

U.S. Army Corps of Engineers
CECW-OR, 20 Massachusetts Ave. N.W., Washington, D.C. 20314-1000
(202) 761-0199.

U.S. Bureau of Reclamation: Land Suitability and Water Quality
P.O. Box 25007, Denver, CO 80225-0007
(303) 445-2458

U.S. Fish and Wildlife Service
Division of Environmental Contaminants, 4401 North Fairfax Drive
(ARLSQ 320), Arlington, VA 22203
(703) 358-2148.



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