Isolated Wetland General Permit Application Instructions (Level One)

Division of Surface Water 401 Water Quality Certification and
Isolated Wetland Permitting Unit

Who Must Use This Application?

This application must be completed whenever a proposed activity requires a Level One Isolated Wetland Permit (IWP) from Ohio EPA. The proposed filling of a category 1 or a category 2 isolated wetland of one-half acre or less requires submittal of this application to Ohio EPA and may be issued coverage under the Isolated Wetland General Permit. More information on the general permit, including a copy of all the terms and conditions of the permit, is available on the ***Ohio EPA DSW 401 webpage***. To determine whether you need to submit this application to Ohio EPA or if you have project specific questions, it is recommended that you submit a ***pre-application request*** to Ohio EPA prior to submitting the IWP application. If you have general questions about isolated wetland permitting, contact an Ohio EPA Section 401/wetlands coordinator at (614) 644-2001.

How Should I Organize my Application Package?

In order to ensure the most efficient and consistent review of applications, Ohio EPA requires every application be completed and submitted in a uniform manner. All IWP applications are required to be submitted using the form dated July 2022 and *following the organizational structure as outlined below*:

Each “item” is required to be separated by a divider with a labeled tab. For example, the tabs should be labeled “Application Form”, “Delineation report”, etc., not “Item 1”, “Item 2”.

- Item 1: Three-page Isolated Wetland General Permit application form (including a description of the project)
- Item 2: US Army Corps of Engineers Jurisdictional Determination
- Item 3: Delineation report (including site photographs and wetland categorization (ORAM) forms)
- Item 4: Description and mapping of the acreage of isolated wetland(s) that will be subject to filling
- Item 5: Proposed mitigation plan

This format is prescribed on the application form provided by the Director of the Environmental Protection Agency and is required pursuant to Ohio Revised Code (ORC) ***6111.022(B)*** and ***6111.023(B) and (C)***.

How quickly will Ohio EPA review and take an action on my application?

Ohio EPA has 15 business days to conduct an administrative completeness review. A technical review period of 30 calendar days commences on the date Ohio EPA sends notification to the applicant that the application is considered to be administratively complete. If an application is administratively incomplete for more than 60 days, Ohio EPA may return the incomplete application and take no further action.

How and where should I submit my application package?

It is preferred that you submit the application online through the ***Ohio EPA eBusiness center***. Instructions and user guides for the online system are located on the Ohio EPA 401 Website. The IWP eBusiness center user guide is available ***here.*** If the application is submitted through the eBusiness center, application fees should also be paid using the fee payment service in the eBusiness center. If the eBusiness center is not used, one hard copy (signed) and one electronic copy (CD, jump drive, etc.) of the complete application package is required to be submitted.

Ohio EPA requires the electronic submittal contain a separate PDF file for each item discussed above. Please name each PDF file following the format above (*e.g.* Three-page application form, Wetland delineation report). Additionally, if the

PDF file is very large or contains many forms (>50pp and/or >10Mb), it is suggested that a separate PDF (*e.g.* ORAM forms appendix, USACE Wetland Determination data forms appendix, etc.) be created.

Please submit the completed application package and fees to:

Ohio EPA
Division of Surface Water
ATTN: 401 Section Manager

Mailing Address
P.O. Box 1049
Columbus, OH 43216-1049

Street Address
50 W. Town Street
Suite 700
Columbus, OH 43215

Item 1: Isolated Wetland General Permit Application Form (Level One)

Section 1: Applicant and Agent Information

Applicant Information

Company/Agency Name, Contact Name and Title: Provide the full, legal company name of the Applicant or responsible party. If the Applicant is an individual and not a company, indicate that a company name is not applicable. The Applicant will be the entity or individual to whom the permit will be issued, if approved. If the Applicant is an agency, company, corporation or other organization, a contact name (First, Middle Initial, Last) of the main representative of the company and his or her title must be provided. This is the individual who will be signing the application.

Technical Point of Contact (POC): Provide a technical point of contact if different than the Applicant listed above. It may be someone else within the company that has the authority to act in the applicant's behalf regarding the processing of this application. The technical point of contact is not the applicant's consultant.

Contact Information: Telephone number, email address, and the company's mailing address (not the project address) including the street, city, state and zip code must be provided. Ohio EPA cannot accept a P.O. Box as the mailing address as some correspondence is sent through certified mail.

Consultant/Agent Information (if applicable)

Company/Agency Name, Contact Name and Title: The agent's role is to oversee the processing of the application and to make the day-to-day decisions regarding the application. It is not a requirement to have an agent. If you choose to be represented by an agent, provide the agent's information in Section 1 of the application form. If you choose to not be represented by an agent, please leave this section blank.

Technical POC: Provide a technical point of contact if different than the contact listed above. Ohio EPA will direct all communications, letters, phone calls and e-mails to this person.

Contact Information: Telephone number, email address, and the company's mailing address (not the project address) including the street, city, state and zip code must be provided. Ohio EPA cannot accept a P.O. Box as the mailing address as some correspondence is sent through certified mail.

Section 2: Project Information

Project Name: Title the project with an obvious project (site) name. The project name will be used when entering the project into Ohio EPA's database, as well as in all correspondence referencing the project. Be sure this title is consistent with other agency applications for the same project and consistent on all drawings and reports submitted as part of this application.

Pre-Application Coordination: Indicate if pre-application coordination with Ohio EPA has occurred. If you checked YES, please select the primary 401 coordinator who handled your project during the pre-application stage. Indicate the date of the pre-application meeting or site visit, if applicable.

Brief Project Description/ Purpose: Provide a brief technically accurate narrative description of the proposed project purpose, entire activity and total impacts, including areas outside of jurisdictional and non-jurisdictional waters.

Project Construction Timeframe: Provide the estimated start and end dates for the proposed project.

Is any portion of the project complete now? Is this an After-The-Fact permit? Select **yes** or **no** to indicate whether any portion of the project has already been started or completed. This is not limited to activities within waters of the state. It includes tree cutting, clearing and grading in upland areas. Briefly explain the activities that have been started or completed. If waters have been impacted prior to receiving a permit, check **yes** that this is an After-The-Fact permit**.** If this is an After-The-Fact permit, be sure to also check the appropriate box in the fees section.

Coordinates: Indicate the location on land for the center point of your project in degrees, minutes, seconds. If you need assistance determining the project's coordinates, you can use ***http://www.findlatitudeandlongitude.com/*** or ***http://www.google.com/earth/index.html***.

Project Address: Provide the street address of the project location. If the proposed project does not have a physical street address, be as descriptive as possible in the street address line. For example, "Walhonding Road 1.3 miles west of the intersection of State Route 93 and Walhonding Road".

12 Digit Hydrologic Unit Code (HUC): Provide the 12-digit Hydrologic Unit Code (HUC). To determine your 12-digit, HUC code, you can use: Ohio EPA's Interactive Map for the ***Water Quality Assessment Units for the Integrated Report***.

Watershed Name: The watershed names are on Ohio EPA's Interactive Map for the ***Water Quality Assessment Units for the Integrated Report.*** To use the project location zip code to identify the watershed, use U.S. EPA's Surf Your Watershed webpage: ***http://cfpub.epa.gov/surf/locate/index.cfm***. To use a map to identify the watershed, use the USGS Science in Your Watershed map: ***http://water.usgs.gov/wsc/map_index.html***.

Corps District: Indicate which ***U.S. Army Corps of Engineer District*** has jurisdiction over your project.

Other Permits Issued or Required: Indicate each type of permit that is required for your project. This includes all state and/or federal permits that apply to your project.

Other aquatic resources on the project site: Check all appropriate boxes to identify any other aquatic resources that are located with the project boundary.

Items required for submittal: Check all appropriate boxes of the items that have been included in the application package.

Section 3: Proposed Isolated Wetland Impacts

Wetland ID: Each isolated wetland on-site needs to be identified and listed individually regardless of whether the wetland is proposed to be impacted.

ORAM Score: Provide the ORAM score in the space provided.

Category: The wetland category will auto-populate, based on the ORAM score provided. For wetlands that have an ORAM score in a gray zone, the wetland will be assigned to the higher of the two categories.

Category Verified by Ohio EPA? Indicate if the final wetland category has been verified by Ohio EPA by checking the box.

Ohio EPA Reviewer Who Verified? Indicate the name of the 401 coordinator from Ohio EPA who verified the wetland categorization.

Size (acres): Provide the total acreage, the total acreage of forested wetland, and the total acreage of non-forested wetland for each wetland on-site.

Impact Acreage and Type: Enter the total amount of impacts (in acres rounded to the nearest hundredth). Enter the total amount of forested and non-forested wetland impacts for each wetland proposed for impact. The impact totals will auto-populate. Include both permanent and temporary impacts related to the project. If additional space is required, beyond what is given in the application, then additional pages with the proposed impact table should be included. Sum the auto-populated totals from each additional table to provide an overall impact total.

Section 4: Proposed Wetland Mitigation

Mitigation Type and Location

Mitigation type and location, in accordance with ORC Section ***6111.022(D)***, is required in order to qualify for coverage under the Level 1 IWP.

(D) Mitigation for the proposed filling of an isolated wetland that is subject to level one review shall be conducted in the following preferred order:

(1) Without the objection of the Director and at the discretion of the applicant, the applicant shall conduct either on-site mitigation, mitigation at an approved wetland mitigation bank within the same U.S. Army Corps of Engineers district as the location of the project, or off-site mitigation;

(2) In-lieu fee mitigation.

The director, at the director's discretion, may allow an applicant to deviate from the preferred order established in division (D) of this section. If the proposed filling of an isolated wetland will be mitigated by in-lieu fee mitigation, an applicant shall provide documentation to the director that demonstrates that the applicant evaluated the mitigation alternatives established in (D)(1) of this section.

Mitigation Ratios

The required mitigation amount for a Level One is outlined in ORC Section ***6111.027***.

For **category 1 and non-forested category 2 isolated wetlands**, mitigation located at an approved wetland mitigation bank shall be conducted, or mitigation shall be paid for under an in-lieu fee mitigation program, at a rate of **two times** the size of the area of isolated wetland that is being impacted.

For **forested category 2 isolated wetlands**, mitigation located at an approved wetland mitigation bank shall be conducted, or mitigation shall be paid for under an in-lieu fee mitigation program, at a rate of **two and one-half times** the size of the area of isolated wetland that is being impacted.

All other mitigation (permittee-responsible mitigation) shall be subject to mitigation ratios and conditions established in division (F) of rule 3745-1-54 of the Administrative Code. For permittee-responsible mitigation, an applicant shall demonstrate that the mitigation site will be protected long term and that appropriate practicable management measures, are or will be, in place to restrict harmful activities that jeopardize the mitigation.

Wetland Mitigation Proposed

Indicate each type of wetland mitigation that is proposed and complete the appropriate information for each type.

Wetland Mitigation Bank: If you propose to use an approved mitigation bank to satisfy some or all of your mitigation requirements, complete this section. Indicate the number and type of forested, non-forested and buffer credits reserved.

On-site Permittee Responsible Mitigation: If your wetland mitigation project involves an on-site permittee-responsible mitigation project to satisfy some or all of your mitigation requirements, complete this section. Select the type of wetland mitigation project this is, *i.e.* restoration, preservation, enhancement or "other."

- **Restoration/Creation:** Indicate the wetland type and the acreage to be created or restored.
- **Preservation**: Indicate the wetland type and acreage proposed for preservation.
- **Enhancement:** Indicate the wetland type and acreage proposed for enhancement.

Off-Site Permittee Responsible Mitigation: If your wetland mitigation project involves an off-site permittee-responsible mitigation project to satisfy some or all of your mitigation requirements, complete this section. Ohio EPA only considers mitigation outside of the 8-digit HUC, if the applicant can effectively demonstrate that there is a significant ecological reason that the mitigation location should be outside of the watershed. The applicant must also effectively demonstrate that the proposed mitigation will result in a substantially greater ecological benefit. Select the type of wetland mitigation project this is, *i.e.* restoration, preservation, enhancement or "other."

- **Restoration/Creation:** Indicate the wetland type and the acreage to be created or restored.
- **Preservation**: Indicate the wetland type and acreage proposed for preservation.
- **Enhancement:** Indicate the wetland type and acreage proposed for enhancement.

In-Lieu Fee Program: Indicate if you are proposing to compensate for unavoidable impacts to wetlands through payment to an approved in-lieu fee (ILF) program. Select the sponsor to which you are proposing to make a payment to satisfy your compensatory mitigation requirements. Provide the number of credits reserved. Indicate if proof of reservation has been included with the mitigation plan.

Section 5: Fees

ORC Section ***3745.113*** requires payment of appropriate fees when the IWP application is submitted. Include a check with the application. State agencies, counties, townships, or municipal corporations applying for a IWP are exempt from paying fees. If you are exempt, check the YES box and proceed to Section 6. If you are not exempt, check the NO box and complete Section 5.

Application Fee: A $200.00 application fee that must be paid **in full** for all IWP General Permit applications, required to submit fees, at the time of submittal.

Wetland Impact Review Fees: A total review fee ($500.00 per acre) is calculated based on the proposed impacts rounded to the nearest hundredth of an acre. **ALL fees** must be paid for all IWP applications at the time of submittal. **The fee totals will auto-populate once the wetland impact totals are input. Press TAB after the impact numbers are entered.**

Exceptions to Fee Requirements: ORC Section ***3745.113(B)*** places a fee cap of $5,000.00 on **ALL** IWP applications. Check yes or no to indicate if the fee cap has been exceeded.

After the Fact Application: The fees for after the fact IWP applications are double. Check the appropriate box to indicate if this is an after the fact application. A fee cap of $10,000.00 applies to all after the fact applications.

Fee Submission: Fees for applications submitted through the eBusiness center can be paid online through the eBusiness center. If fees are not paid online, checks, cashier checks or money orders are currently the only acceptable methods of payment. The check or money order must be made payable to "Treasurer, State of Ohio."

Section 6: Applicant and Agent Signature

Statement of Authorization: To designate and authorize a primary consultant/agent to act on your behalf in the processing of this application, print your name and sign and date on the appropriate lines. By signing this document, you are certifying that the consultant/agent named in Section 1 is authorized to act in your behalf in the processing of the application and may furnish supplemental information in support of the application.

Regardless of whether you designate a consultant/agent, you MUST sign the application in Section 6: Print your name and sign and date on the appropriate line. If you have designated a consultant/agent, then this person must also print their name and sign and date on the appropriate line. These signatures certify that the information that is contained in the application is true, complete and accurate. Applications that fail to have the necessary signatures in this portion will be considered administratively incomplete.

Item 2 – US Army Corps of Engineers Jurisdictional Determination

In order to determine if the wetland may be federally jurisdictional, an application should include a copy of the letter from the Corps documenting its jurisdiction over the wetlands that are the subject of the application. Be sure that this letter has not expired.

Item 3 – Wetland Delineation Report

Include a copy of the investigation/delineation report of the wetlands that was submitted to the US Army Corps of Engineers (Corps) to receive the Jurisdictional Determination for the project site. This report includes a wetland delineation on the site consistent with the protocols established in the Corps 1987 Wetland Delineation Manual and appropriate regional supplement. Additionally, this should be the same report submitted to and approved by the Corps, with any updates.

- ***U.S. Army Corps of Engineers 1987 edition of the Corps of Engineers Wetlands Delineation Manual***
- ***U.S. Army Corps of Engineers Regional Supplements to Corps Delineation Manual***

At a minimum, the delineation report must include:

Wetland Delineation Map: Include either a topographic map or aerial photo with the locations, boundaries and wetlands identification names, numbers, or letters super-imposed. NOTE: If the project site is included in more than one delineation report OR the delineation boundaries are larger than the project site, please clearly mark the portion of the delineation map that applies to this project.

NWI Map: Include a copy of the applicable portion(s) of the NWI map(s) with the property boundaries for the proposed project identified. Also include a key identifying each potential wetland type, narrative description for any abbreviations used and, where potential wetlands on the NWI map overlap with wetlands mapped in the delineation report, label with the same wetland identification, number or letters used in the delineation report.

National Resource Conservation Service County (NRCS) Soil Survey Map: Include a copy of the NRCS County Soils Map(s) identifying hydric soils within the property boundaries of the proposed project.

Individual Wetland Delineation Sampling Points, Data Sheets and Summary Table: Include a topographic map or aerial photo showing the locations and sample point identification numbers for all sampling sites used as a basis for the wetland delineation findings and completed wetland delineation data sheets with sample point identification numbers for all wetland sampling points.

High Resolution Photographs: Include a minimum of four high resolution color photographs taken while facing each of the four cardinal directions of each wetland identified in the waters delineation report. Photographs must accurately depict the quality of the water of the state and may not include a majority of dying or dead vegetation and excessive cover due to seasonal conditions that vegetation and substrates cannot be observed, such as leaf litter, snow, or ice. Photographs deemed to be insufficient of representing the wetland will be required to be retaken once seasonal conditions are appropriate. Photographs shall be clearly labeled with the name, direction, and date. Also, include a topographic map or aerial photograph marking the location where each wetland photo was taken, using the same wetland identification that is used elsewhere in this application.

ORAM form(s): Include a completed 10-page ORAM form (including background information, scoring boundary worksheet, narrative rating, quantitative rating, and wetland categorization worksheets) for each wetland for which a separate scoring boundary has been established on the project site and noted in the wetland impact table. <u>All forms must be filled out completely using the format provided by Ohio EPA. Failure to do so could result in a determination that the habitat assessment is incomplete.</u>

Item 4 – Description and mapping of the resources subject to filling

All mapping should contain:

- A north arrow;
- A legend;
- An accurate ruler-type scale bar; and
- Defined site boundaries.

All maps and drawings should be clearly readable. Hard copies of maps and drawings shall be no larger than 11” x 17” to allow for scanning into electronic form.

Section 1: Existing Conditions Map(s)

Topographic Map: Submit a scaled topographic map (7.5-minute map or smaller scale) containing the following information:

- Name of map used;
- Property boundaries for the proposed project;
- All mapped water features on the project site can be seen and are labeled with the same IDs used in the impacts tables in Section 3; and
- Clearly show and label all post-construction contours and contour intervals.

Aerial Photograph: Submit a scaled aerial photograph containing the following information:

- Identify the year (and month, if available) the aerial photo was taken; and

- Include property and project boundaries, road names, municipal boundaries, any easement or right-of-way boundaries, direction of flow for water resources and enough of adjacent properties to see water resources that span ***property boundaries.***

Vicinity Map: Submit a vicinity map that is separate and distinct from the topographic map. The purpose of the vicinity map is to identify and provide general boundaries for the major land uses within one mile of the project site. An appropriate base for a vicinity map is either an aerial photograph or a topographic map. Identify all land use locations and boundaries that apply to the areas located in and within one mile of the project site.

Other Maps: Depending on the scope and size of the proposed project, additional maps and/or other technical drawings may be needed for Ohio EPA to adequately and efficiently review the application. Examples of other maps includes, but are not limited to:

- Enlarged site layout to better define specific details;
- Locations of monitoring wells (usually as part of a demonstration of protection of avoided groundwater fed wetlands);
- Soil Boring locations;
- Building location profiles;
- Site utilities;
- Drainage plans;
- Detention basin details – sections, plantings;
- Tree surveys; and
- Cut and fill exhibits.

Because each site is reviewed based on the existing resources and specific details of your project, it is not practical to specify exactly what additional maps and drawings may be necessary in the review of your project. The more detail you provide up front, the more efficient the review will be.

Section 2: Project Mapping

Drawing: Provide a drawing and/or map of the proposed project. Drawings must be super-imposed on a base map that includes a high resolution aerial photograph of the project site showing all water resource boundaries identified and labeled. The base map must show the following:

- A north arrow, legend and an accurate ruler-type scale bar;
- Site boundaries;
- Project (construction limits) boundaries;
- Final constructed design for the proposed alternative showing all buildings, structures, roads, etc.;
- All temporary sediment basins (including direction of storm water flow and discharge locations);
- All post-construction storm water management features such as detention/retention basins, etc. (indicate the direction of flow and discharge points for storm sewers, detention basins, etc.);
- All existing and proposed post-development easements, covenant areas or land use restrictions;
- All proposed impacts; and
- Any upland buffer areas that will remain post-construction clearly identified.

Cross Sections of Structures, Features and/or Details of the Project: Provide scaled cross-sectional drawings of structures, features and/or details of the project as appropriate. Be sure to describe in narrative form any features that are shown on the cross-sections.

Cross-sectional views of the proposed project should include:

- An accurate ruler-type scale bar for horizontal and vertical dimensions;

- Location of existing shoreline, wetland boundary, and water elevation;
- Dimensions of the activity or structure, and the distance it extends into the waterbody;
- Dredge and/or fill grades as appropriate;
- Existing and proposed (separate drawings) contours and elevations;
- Types and location of wetland vegetation present on the site; and
- Types and location of material used.

Item 5 – Proposed Mitigation and Monitoring Plan

Section 1: Mitigation Overview

Briefly describe the mitigation proposal for the project. Provide a clear discussion of how the amount of required mitigation was determined, indicating the amount of wetland impacts and the mitigation ratio applied to each of those wetlands. The ratios for wetland mitigation at a mitigation bank or in-lieu fee program must comply with ORC Section ***6111.027***. The mitigation ratios for permittee-responsible on-site or off-site mitigation for isolated wetland impacts must comply with the ratios listed in OAC rule ***3745-1-54(F)(1)*** and as adjusted for enhancement and preservation pursuant to OAC Rules ***3745-1-54(E)(4)(c)*** and (E)(5)(b) respectively. Discuss the overall objectives of the mitigation plan in terms of how it meets applicable Ohio laws and rules and in comparison, to the overall functions lost at the impact site. The following are general requirements for items to include in the mitigation plan. Ohio EPA reserves the right to request additional information during the technical review of the mitigation plan if necessary.

Section 2: Mitigation Bank

If your mitigation plan includes purchasing credits at a mitigation bank, demonstrate that you have contacted mitigation banks to identify whether the required type and amount of mitigation credit is available. Provide the names of mitigation banks along with information on their service areas that you have contacted concerning the availability of credits.

If purchasing credits at a bank is all or part of your mitigation plan, Ohio EPA highly recommends you reserve the required credits at a mitigation bank *early in the project planning process* to ensure the credits are available when you are ready to submit your application.

For the chosen mitigation bank, provide the bank name and answer the following questions:

1) Is the required type and amount of mitigation credit available? If yes, attach documentation as an attachment to the mitigation plan. This should include documentation that you have reserved or fully purchased credits from the bank including a copy of the reservation or purchase agreement.
2) If only a portion of the required type and amount of mitigation credit is available, specify the amount available.
3) What is the number of non-forested and forested credits to be purchased?
4) What is the bank’s 8-digit HUC?
5) Is the project’s watershed within the service area of the mitigation bank?
6) If more than one mitigation bank is being proposed, include the above information for each bank proposed.

Section 3: In-Lieu Fee Mitigation

For in-lieu fee (ILF) mitigation, a permittee pays a fee to a third party in lieu of (i.e., instead of) conducting project-specific mitigation or buying credits from a mitigation bank. ILF mitigation is used to compensate for unavoidable impacts to wetlands. An ILF sponsor’s projects can include restoration, enhancement, and/or preservation of aquatic resources. The fee charged by an ILF represents the expected cost of replacing the wetland functions lost or degraded within the approved watershed. **In accordance with ORC Section *6111.022(D)* or Section *6111.023(E)*, if you are proposing to purchase credits from an ILF program, you must demonstrate that you evaluated the other alternatives of on-site mitigation, mitigation banks, and off-site mitigation for isolated wetland mitigation.**

If purchasing credits from an ILF program is all or part of your mitigation plan, Ohio EPA highly recommends you reserve the required credits from the ILF program *early in the project planning process* to ensure the credits are available when are ready to submit your application.

If your mitigation consists of or includes payment to an ILF program, provide the ILF program name and answer the following questions:

1) Is the required type and amount of mitigation credit available? If yes, attach documentation as an attachment to the mitigation plan. This should include documentation that you have reserved or fully purchased credits from the bank including a copy of the reservation or purchase agreement.
2) If only a portion of the required mitigation is being satisfied through ILF, indicate how much and how the other portion(s) of mitigation required will be satisfied.
3) What is the number of credits being purchased?
4) What is the ILF program's service area?
5) Is your project in the ILF program's service area?

Section 4: On-site and Off-Site Permittee-Responsible Mitigation Project

On-site mitigation means any mitigation project located within one-mile and in the same 8-digit HUC of the impact site. Off-site mitigation means any mitigation project located greater than one-mile from the impact, but within the same 8-digit HUC of the impact site. Ohio EPA only considers permittee-responsible mitigation outside of the 8-digit HUC for isolated wetlands, if the applicant can effectively demonstrate that there is a significant ecological reason that the mitigation location should not be limited to the mitigation location specified in OAC ***3745-1-54(F)***. The applicant must also effectively demonstrate that the proposed mitigation will result in a substantially greater ecological benefit.

If your mitigation plan includes permittee responsible mitigation, provide the following information in the narrative of the mitigation plan:

1) **Does the applicant currently own the proposed mitigation site property:** If yes, provide information on purchase agreements, options, etc. that verifies the applicant's right to construct on the mitigation property. If no, specify if an agreement with the current landowner has been made allowing mitigation to occur on the property. Discuss existing easements/ownership rights on the property that may preclude it as an acceptable mitigation site such as mining rights, utility easements, etc.
2) **Explain the existing mitigation site setting:** Describe in detail, the location and size of the mitigation area(s), the predominant vegetation in the area, existing functions and values of water resources on-site, existing soil characteristics, surface and ground water conditions, present and proposed land use and zoning restrictions, if the site was previously disturbed by past activities or if it is adjacent to a roadway and current land use. Include type(s) of receiving waters. Justify why this site was selected for the proposed mitigation.
3) **Explain the mitigation site activities:** Explain the overall mitigation proposal. Include a description of activities planned to occur at each mitigation area including a timeline. The timeline should include a discussion of whether the mitigation is occurring before, concurrent with or after the authorized impacts and a sequence of mitigation construction activities. Discuss how this on-site project satisfies all or part of the mitigation requirements.
4) **Mitigation Summary:** Provide a summary of the proposed on-site or off-site mitigation project. Be sure to indicate the type of mitigation project this is (*i.e.* restoration, creation, preservation or enhancement).
   a) Discuss the watershed setting, hydrology, vegetation, soils, buffers, etc. Include information on planned wetland features.

b) Include information on reliability of source of water/water budget for the mitigation area. Identify sources of water for mitigation including current and proposed watershed size. Discuss manipulation of hydrology required for construction of the mitigation.
c) Describe the extent to which productive topsoil will be provided or amended as the topmost layer in floodplain restoration or wetland creation/restoration areas.
d) Provide a planting plan including size of stock to be planted, planting rates, list of species to be planted including scientific name and common name, and indicator status. Plantings may not consist of exotic, hybrid, or invasive or non-native species. Where plantings are not planned, provide rationale.
e) Include a conceptual invasive species control plan.

5) **Mitigation Monitoring Plan:** Indicate the proposed length of the mitigation monitoring period and provide a mitigation monitoring schedule. Non-forested wetlands are required to be monitored for a minimum of 5 years and forested wetland communities are required to be monitored for a minimum of 10 years. Provide information on the parties that will be responsible for the mitigation monitoring and potential adaptive management, if necessary. Elaborate on what parameters will be monitored and how (percent invasive species, vegetative communities, hydric soils, hydrology, buffer areas, fish communities, macroinvertebrate communities, amphibians, etc.).
6) **Mitigation Performance Standards:** Identify clear, quantifiable parameters that can be used to evaluate the success of the proposed mitigation project(s). Performance standards can include, but are not limited to, the following:
   a) **An overall acreage –** A set acreage or size must be identified for each of the following within the proposed mitigation plan: restoration, creation, enhancement or preservation.
   b) **A Vegetative Index of Biotic Integrity (VIBI) score** – A VIBI goal for enhanced, created or restored wetlands must be specified. A VIBI score specific to the wetland type (HGM class, plant community), location (ecoregion), and quality is required. Ohio EPA requires that the VIBI goal meet Category 2 and the Wetland Habitat tiered aquatic life use. These scores are available in Table 7 in ***the Part 9: Field Manual for the Vegetation Index of Biotic Integrity for Wetlands v. 1.5***.
   c) **An Amphibian Index of Biotic Integrity (AmphIBI) score** – An AmphIBI should be used as a performance goal for depressional wetland forest mitigations (*i.e.* vernal pools) including vernal pool shrub swamps in a forest matrix.
   d) **Native species establishment –** An overall percentage of the native perennial hydrophytes present within the wetland mitigation area. Ohio EPA typically requires that an applicant demonstrate at least 75% of the total area be vegetated with native perennial hydrophytes.
   e) **Invasive species percentage** – A percentage of allowable invasive species within the mitigation area. Typically, Ohio EPA typically allows a maximum of five percent and under of invasive species to be present within the mitigation area. Due to the difficulty of distinguishing the three species of cattails (*Typha latifolia, Typha angustifolia,* and *Typha x glauca*), as well as the likelihood that at least one of these will be present in many types of Ohio wetlands, the total relative cover of all invasive species, including *Typha* sp., that will be allowed by Ohio EPA will be less than ten percent.
   f) **Woody species establishment** – If the mitigation is proposed to be forested habitat; there must be a goal demonstrating that the forested mitigation areas are on a trajectory to being forested. Typically, this demonstration is made by graphing basic forestry measures including frequency, density, and dominance per species against time.
7) **Required Mapping:** The following maps should be included as part of the mitigation plan (All maps should contain a legend, a north arrow, an accurate ruler-type scale bar and clearly defined project boundaries):
   a) For all types of mitigation projects:
      - Road map

  - USGS map
  - NWI map
  - NRCS County Soil map (identify as hydric, non-hydric w/ inclusions., or non-hydric)
  - Recent aerial photography map showing boundary of mitigation property
  - Map showing both location of mitigation site and impact site
  - Map of the proposed mitigation site showing the location of existing aquatic resources, vegetation communities, boundary of preservation property, and areas presently dominated by invasive species

b) For restoration, creation and/or establishment projects:
  - Plan views showing expected approximate limits of cut and fill areas, limits of vegetation removal, ditch plug areas, tile cutoff areas, berm locations, etc.
  - Conceptual plan views of boundaries showing existing aquatic resources, and limits of proposed enhanced, restored, created, and preserved aquatic resources, existing and proposed vegetation types, proposed planting areas, and proposed habitat features
  - Conceptual cross section of mitigation and buffer areas showing existing land surface, proposed land surface, expected maximum and normal water depths, natural channel design measurements

8) **Photographs:** Ohio EPA uses photographs of the mitigation site in a variety of ways. Include a clear and in-focus color photograph for each wetland to be addressed by the mitigation project.

9) **Photo Location Map:** Provide a topographic map or aerial photograph marking the location where each photo was taken and an arrow depicting the direction toward which each photo was taken.

10) **Long Term Protection:** ORC requires mitigation to be protected long term with a real estate instrument or other available mechanism. For mitigation banks or in-lieu fee programs, this demonstration is not necessary as it is the responsibility of the bank or in-lieu fee sponsor. For permittee responsible mitigation, indicate how each of the mitigation parcels will be protected long term. Ohio EPA's preferred instrument for protection is an environmental covenant. If a conservation easement is proposed, provide justification why an environmental covenant is not proposed. If more than one mitigation site and/or more than one type of protection is being proposed, explain the details in the cell next to the appropriate type. If an environmental covenant with a holder is proposed, the name of the covenant holder must be provided. If a conservation easement is proposed, the name of the easement holder must be provided. Please be aware that conservation easement holders must meet the requirements of ORC ***5301.68***. Ohio EPA has a pre-approved ***Environmental Covenant Template*** available for use online.

If you are proposing to use a conservation easement or environmental covenant as your document for protecting the mitigation area(s), please include the following as attachments:

a) A draft copy of the proposed easement/covenant language; and
b) A topographic map or aerial photograph clearly showing the boundaries of the proposed mitigation area(s).