

Fact Sheet - Mitigation

Introduction

A landowner will be exempt from wetland conservation provisions if conversion of the wetland functions is mitigated (compensated) by the landowner through restoration of a converted wetland, enhancement of an existing wetland, or creation of equivalent wetland functions on a new site in the area.

Definitions

Mitigation is compensation through wetland restoration, enhancement, or creation for wetland functions that are lost on a converted wetland.

Restoration of a wetland is the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural and/or historic functions to a former or degraded wetland.

For the purpose of tracking net gains in wetland acres, restoration is divided into the following categories:

- **Re-establishment:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former wetland. Re-establishment results in rebuilding a former wetland and results in a gain in wetland acres.
- **Rehabilitation:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres.

Enhancement of a wetland is manipulation of the physical, chemical, or biological characteristics on either an undisturbed or a degraded wetland site that will heighten, intensify, and/or improve specific wetland functions or change the growth stage or composition of the vegetation present, and is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat improvement, enhancement may:

- Result in a change in wetland function(s) and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres.
- This term includes activities commonly associated with enhancement, management, manipulation, and directed alteration.
- Due to the potential loss of other functions, enhancement may not be adequate to mitigate for lost wetland functions.

Creation of a wetland, or "establishment", means the manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Establishment results in a gain in wetland acres.

Preservation of a wetland is not an authorized form of mitigation under the Food Security Act, although it may be acceptable under the Clean Water Act or local wetland regulatory requirements.

Requirements

- The restoration, enhancement, or creation is done according to a mitigation plan approved by the U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS).
- The mitigation provides the equivalent wetland functions that will be lost as a result of the wetland conversion.
- The mitigation occurs before or at the same time as the wetland conversion or production of an agricultural commodity.
- The mitigation is not at the expense of the Federal Government.
- Wetlands mitigated are in the same general area of the local watershed as the converted wetlands, which includes regional mitigation banks. This is defined as the 8-digit Hydrologic Unit Code (HUC) area.
- The landowner grants USDA an easement that will be recorded on public land records. The easement will remain valid for as long as the converted wetland mitigated remains in agricultural use or is returned to its original wetland status with equal functions. For the life of the easement, any alteration to the restored, enhanced, or created wetland that lowers the wetlands functions is not allowed.

For More Information

NRCS, [Farm Service Agency](#), [Cooperative Extension Service](#), or your local [conservation district](#) can provide more information. Your USDA Service Center is listed in the telephone book under U.S. Department of Agriculture. Information is also available here on [NRCS's World Wide Web site](#).

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