

May 2, 2019

Indiana Stream and Wetland Mitigation Program (IN SWMP)

Indiana's In-Lieu Fee (ILF) Mitigation Program



Carl Wodrich, Assistant Director
Division of Land Acquisition
Northwest IN Forum / NIRPC

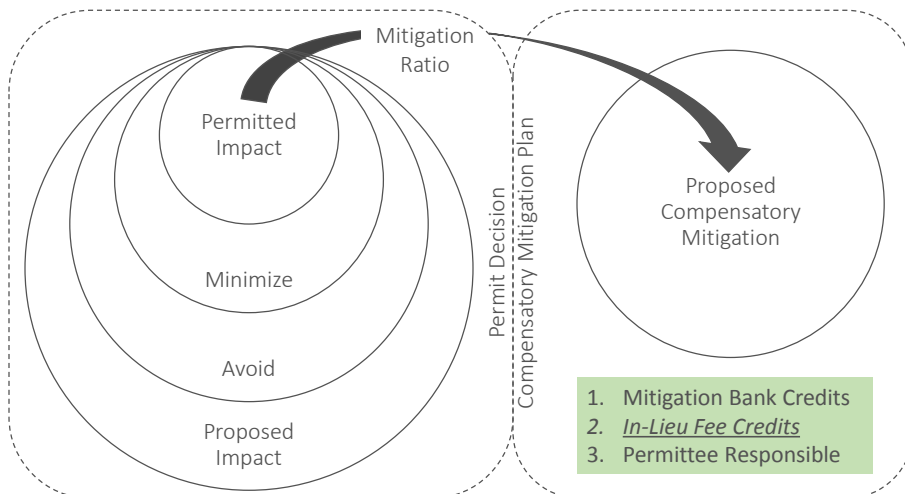


Permitting Programs & IN SWMP

- Army Corps of Engineers – regulations under:
 - Section 10 Harbors Act
 - Section 404 of Clean Water Act (CWA)
- Indiana Dept of Environmental Management – regulations under:
 - Section 401 Water Quality Certifications (CWA)
 - Indiana Isolated Wetlands Law
- Indiana DNR Division of Water:
 - For construction in a floodway, public freshwater lake or navigable waterway
 - STILL FORTHCOMING...

What is an In-Lieu Fee Mitigation Program?

- *In-lieu fee (ILF) program*: restoration, establishment, enhancement, and/or preservation of aquatic resources through funds paid to a governmental or nongovernmental natural resource management organization.
- Permittee purchases credits from ILF sponsor
- Sponsor builds and maintains larger mitigation projects than permittee-responsible mitigation projects after impacts are authorized.
 - MUST FOLLOW 2008 Federal Mitigation Rule



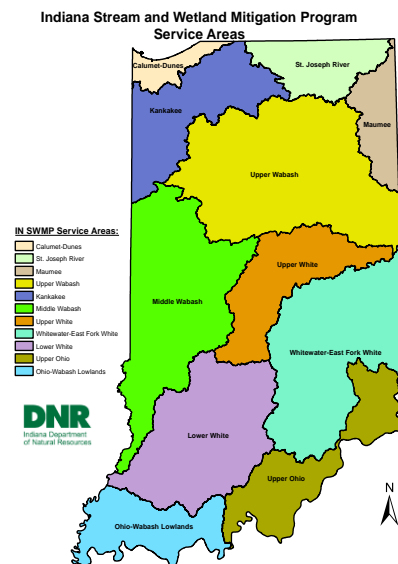
Mitigation Process

Sources of Mitigation

- *Mitigation bank*: provide compensatory mitigation *in advance of authorized impacts* to similar resources; requires up-front investment and usually a for-profit entity or conservation NGO
- *Permittee-responsible mitigation*: Individual projects constructed by permittees to provide compensatory mitigation for activities authorized by permits.
- *In-lieu fee programs*

Purpose of the Program

- Provides specific costs of mitigation for applicants
- Shortens project timeframes for permittees
- Integrate other conservation efforts
 - DNR & Conservation Partners
- Consolidate Mitigation
 - Gain Efficiencies
 - Increase Ecological Significance
 - Prioritization of potential projects using Compensation Planning Framework (CPF)
- 11 Statewide, Watershed-Based Service Areas



How Does the program work?

Credit Sales

- In-lieu fee programs sell “Advance Credits”
 - Each service area will have a specific allotment of advance wetland and stream credits available
- ILF projects will generate Released Credits to fulfill Advance Credits that have been sold

Credit Sales



DNR Credit Sale Process

1. Check RIBITS web site - <https://ribits.usace.army.mil/ribits>
2. No need to contact DNR prior to permit application submission.
3. Submit permit applications to USACE and/or IDEM
4. Regulatory agencies determine appropriate amount of mitigation credits required.
5. DNR needs permittees to have final permits in hand before credit purchase can be initiated



DNR Credit Sale Process

Once you have final permits, you can contact DNR at INSWMP-Inquiry@dnr.IN.gov

1. DNR will request an invoice from INRF and email it along with purchase instructions
2. Once funds are received, DNR will produce a credit sale letter and attached a receipt from INRF
3. Copy of all credit sale letters are sent to the Corps and IDEM as necessary. It is ultimately the permittee's responsibility to provide the letter to regulators to satisfy permit requirements.

www.on.in.gov/inswmp



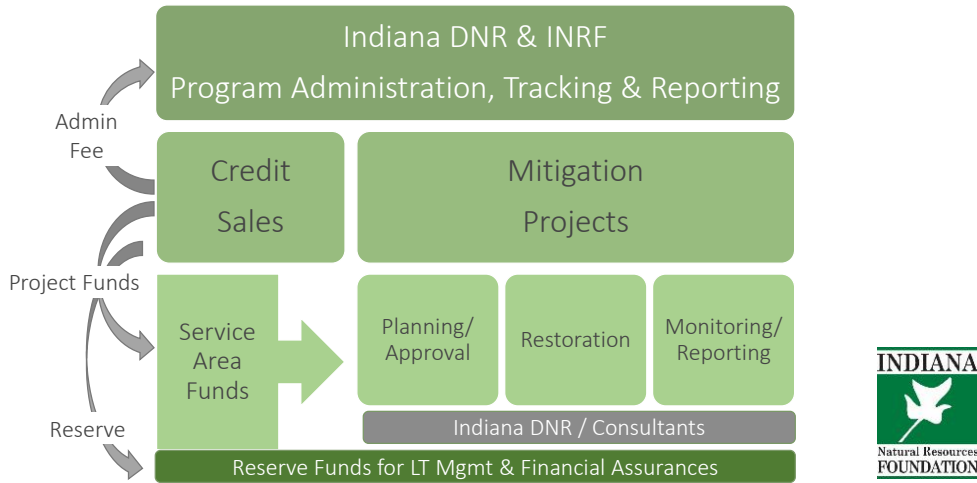
DNR IN SWMP Website

The screenshot shows the DNR website navigation bar with links for Online Services, I Want To, FAQs, Calendar, Inn Reservations, State Park Permits, Hunting/Fishing License, and Camping Reservations. The main content area is titled "In-Lieu Fee Mitigation Program | Permittees and Applicants". It includes a breadcrumb trail: LAND ACQUISITION > STREAM AND WETLAND MITIGATION PROGRAM > IN-LIEU FEE MITIGATION PROGRAM > PERMITTEES AND APPLICANTS. Below the title are links for PURPOSE, HOW IT WORKS, FAQs, HOW TO PURCHASE CREDITS, PROPERTY OWNERS, CONSERVATION PARTNERS, CONSULTANTS & CONTRACTORS, and PROGRAM CONTACTS. The page content is partially visible, showing the heading "How to purchase credits from the Indiana DNR's ILF program:" followed by a paragraph: "If a permit applicant anticipates that a project will result in unavoidable stream and/or wetland impacts that will require compensatory mitigation, the following steps outline the typical sequence to fulfill compensatory mitigation requirements using the in-lieu fee program:". Below this is the heading "How to use IN SWMP to fulfill mitigation requirements:" followed by another paragraph: "If a permit applicant anticipates that a project will result in unavoidable stream and/or wetland impacts that will require compensatory mitigation, the following steps outline the typical sequence to fulfill compensatory mitigation requirements using the in-lieu fee program:". A numbered list starts with "1. FIRST, Check the USACE RIBITS web site to determine if the required amount of credits are available in the service area(s) where you need them. To do so, follow these instructions:" with a sub-point "a. When you follow the above link, you may get a 'certificate error' depending upon your internet provider".

www.on.in.gov/inswmp



Program Management



Credit Price Components

<u>Project Component</u>	<u>% of Credit Cost</u>
Land Acquisition/Protection	up to 50%
Engineering Design/Plan Development/PM	up to 20%
Financial Assurances	up to 20%
Construction	up to 60%
Monitoring / Adaptive Management	up to 20%
Long Term Management	up to 20%
Contingencies	up to 15%
IN SWMP Administration Costs	up to 15%

*Credit pricing must include FULL COST ACCOUNTING for full delivery



Credit Pricing

Service Area	Stream Credit Price	Wetland Credit Price
Calumet-Dunes	\$600	\$95,000
St. Joseph River (Lake MI)	\$600	\$120,000
Maumee	\$450	\$80,000
Kankakee	\$500	\$95,000
Upper Wabash	\$400	\$80,000
Middle Wabash	\$400	\$80,000
Upper White	\$450	\$80,000
Whitewater-East Fork White	\$400	\$80,000
Lower White	\$400	\$80,000
Upper Ohio	\$400	\$80,000
Ohio-Wabash Lowlands	\$400	\$80,000

Wetland credit = 1 acre equivalent; Stream credit = 1 linear foot equivalent



Advance Credits Available

Service Area	Wetland Credits	Stream Credits
Calumet-Dunes	90	45,000
St. Joseph River (Lake MI)	90	45,000
Maumee	90	45,000
Kankakee	90	45,000
Upper Wabash	90	45,000
Middle Wabash*	90	45,000
Upper White	120	60,000
Whitewater-East Fork White	90	45,000
Lower White*	90	45,000
Upper Ohio	90	45,000
Ohio-Wabash Lowlands*	115	50,000

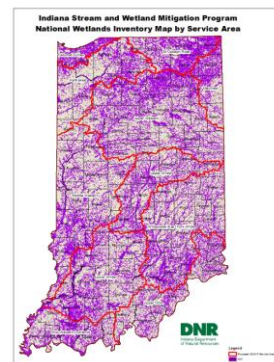
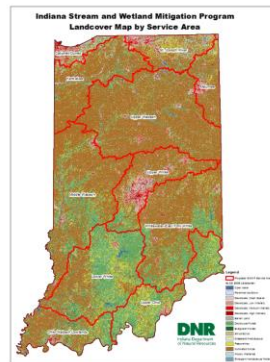
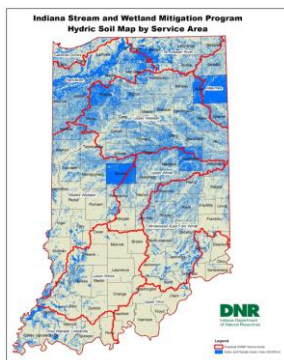
*Up to an additional 50% more credits in these 3 SAs; 35% additional possible in other 8

Targeted Project Size*

Service Area	Wetland Credits	Stream Credits
Calumet-Dunes	20	2,000
St. Joseph River (Lake MI)	6	1,500
Maumee	20	4,000
Kankakee	10	3,000
Upper Wabash	20	9,000
Middle Wabash	15	10,000
Upper White	35	14,000
Whitewater-East Fork White	25	7,000
Lower White	20	9,000
Upper Ohio	20	7,000
Ohio-Wabash Lowlands	35	11,000

*This is based upon our business model and historical mitigation data from the Corps (2009-2015) → full restoration.

Mitigation Project Selection: Compensation Planning Framework





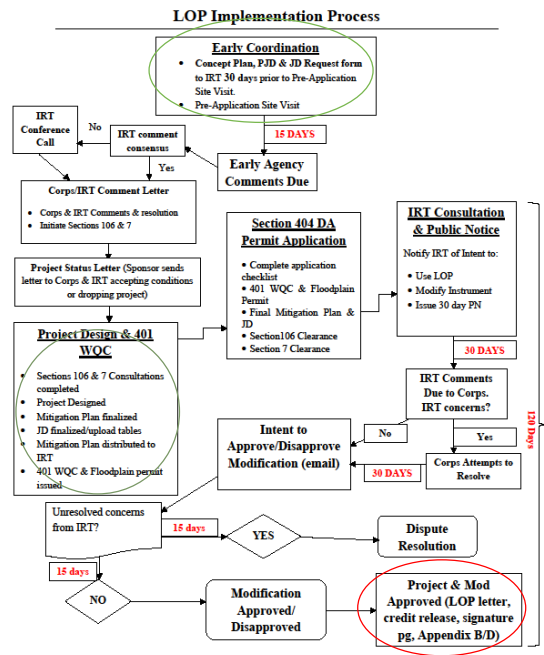
Mitigation Project Selection: Compensation Planning Framework

- CPF includes a “Statewide Prioritization Strategy” for project selection
 - 1) Must Replace Lost Functions & Services
 - 2) Re-establishment → Rehabilitation → Establishment → Enhancement → Preservation.
 - 3) Within or Adjacent to Other Priority Conservation Areas
 - 4) Address identified threats within the watershed/SA
- Each Service Area has more specific priorities



Letter of Permission Process (LOP)

Approval process for ILF projects
(and Umbrella Mitigation Banking Instruments)



Revised: February 2017



Credit Sales, Receivables and Expected Sales to Date*

Service Area	Wetland Credits	Stream Credits	Total Funds
Calumet-Dunes	2.88	0	\$273,600
Kankakee	4.05	385	\$577,250
St. Joseph	1.54	0	\$184,800
Maumee	0	0	\$0.00
Upper Wabash	0.83	1,370	\$614,400
Upper White	5.89	1,653	\$1,215,050
Middle Wabash	2.68	2,341	\$1,150,800
Whitewater-EFW	10.392	348	\$970,560
Lower White	0	0	\$0.00
Ohio-Wabash Lowlands	7.25	866	\$926,400
Upper Ohio	3.835	3,277	\$1,617,600
TOTAL	37.977	7,619	\$7,530,460



Benefits of the program

- Provides a clear and known cost for wetland and stream mitigation for permit applicants for budgeting and planning purposes
- Provides for long-term management of mitigation sites
- Reduced the national average permitting timelines with projects that required compensatory mitigation:
 - In-Lieu Fee Program as mitigation ~ 136 days
 - Permittee-responsible mitigation ~ 243 days (off-site restoration/mitigation)

*Source: USACE, IWR & US EPA: Mitigation Rule Retrospective Factsheet, 2010-2014 Permit Data



DNR division of water permits

- Construction in a Floodway – Flood Control Act
(IC 14-28-1)
- Construction on a Public Freshwater Lake – Lake Preservation Act
(IC 14-26-2)
- Construction in a Navigable Waterway – Navigable Waterways Act
(IC 14-29-4)



Questions?

Carl Wodrich
Assistant Director
Division of Land Acquisition
317-232-1291
cwodrich@dnr.IN.gov

<https://on.in.gov/inswmp>

Indiana Stream and Wetland Mitigation Program (IN SWMP)

<https://on.in.gov/inswmp>
INSWMP.Inquiry@dnr.in.gov

IN SWMP Staff

Carl Wodrich
Assistant Director
Division of Land Acquisition
317-232-1291
cwodrich@dnr.in.gov

Calumet-Dunes
Service Area



Brad Baldwin
Mitigation Specialist
317-234-9702
bbaldwin@dnr.in.gov

North



David Carr
Mitigation Specialist
317-234-9703
dcarr@dnr.in.gov

South



IN SWMP Service Areas

Calumet-Dunes
St. Joseph River
Maumee
Kankakee
Upper Wabash
Middle Wabash
Upper White
Whitewater-East Fork White
Lower White
Upper Ohio
Ohio-Wabash Lowlands

