

WETLANDS AND MITIGATION

State and local agencies are required to comply with the requirements of the Clean Water Act, the primary authority for the regulation of wetlands, when constructing transportation projects that may affect wetlands. These projects typically involve grading, widening, structures, and stream modification.

The act (specifically Sections 401 and 404) requires permits for improvements that affect wetlands. In Iowa, two agencies are responsible for administering the permit programs, the U.S. Army Corps of Engineers (COE) and the Iowa Department of Natural Resources (DNR). The COE grants permits for construction activities in waterways and wetlands. Any proposed improvement that may affect aquatic resources should be reviewed by the COE and DNR for compliance. The DNR regulates any activities that may potentially adversely affect water quality, including projects that affect natural or artificial wetlands.

When it appears that wetland impacts may result from project activities, the Clean Water Act requires the following approach:

1. attempt to avoid wetland impacts if possible,
2. minimize any impacts that cannot be avoided, and
3. mitigate or replace any unavoidable remaining impacts.

When activities allowed by permit damage wetlands, mitigation is required to compensate for the loss. Mitigation should be in-kind and preferably in the same HUC 8 Watershed. If mitigating outside this area, mitigation ratios may be increased.

The Iowa Department of Transportation Office of Local Systems has developed instructional memoranda (IMs) as reference for county engineers. The IMs address the Section 404 permitting process and the procedure for submitting preliminary bridge and culvert plans. Several lists from the DNR regarding flood plains and meandered streams are included.

Mitigation efforts in Iowa have historically been undertaken on a project specific basis. However

another approach is under consideration: using mitigation banking that would permit impacts from small projects to be compensated in a larger, more potentially beneficial area, but not located in the immediate locality of the transportation project. A program such as this could be used to mitigate wetland impacts on a cooperative basis for both state and local projects.

Procedures for restoring wetlands within drainage districts have been established in some counties. An example resolution of such an action is in the appendix of this manual.

Additional assistance and advice should be sought from the COE, the DNR, and/or the Natural Resources Conservation Service (NRCS) when needed. Other regulatory authority for transportation improvements may be found under the National Environmental Policy Act, the Endangered Species Act, and the National Historic Preservation Act (none of which are addressed in this manual).

Wetland impacts from agricultural activities are regulated by provisions of the Food Security Act. An overview of this act is contained under the federal statutes section of this manual.