

December 18, 2025

ENCLOSURE – EPA Technical Comments on Wetland and Stream Replacement Fund (WSRF) In-Lieu Fee Mitigation Program Instrument

1. EPA recommends that the annual reports include elapsed time since advance credit sales and between advance credit sales and land acquisition/initial physical and biological improvements for mitigation sites. EPA reiterates our recommendation for an 18-month deadline for making a decision to publish an RFP or that the deadline be re-evaluated by the Corps and IRT regularly or during audits so that there is not additional temporal loss of aquatic resources.
2. EPA recommends conducting audits every five years. Otherwise, EPA recommends including a minimum frequency at which audits should occur within the Instrument and, if the frequency of audits is to be dictated by the level of usage of the WSRF, EPA requests that the Corps give the IRT the opportunity to provide input in determining when/how frequently audits are necessary based on the annual reports.
3. EPA recommends providing historic and projected credit supply and demand for each river watershed to support the proposed advance credit limits.
4. EPA recommends clarifying how the proposed administrative fee factors into the credit price methodology and projected contingencies with a narrative and example calculation.
5. Should DEQ propose procurement of mitigation bank credits from outside the primary and secondary service areas, EPA recommends providing justification on the ecological suitability of such requests consistent with the regulations. EPA recommends stating in the Instrument that any out-of-service area credit procurement is subject to IRT review and Corps approval and will include justification on ecological suitability.
6. In Exhibit E, EPA recommends removing option 3 from the actions WSRF will take if credit sales are insufficient to offset their compensatory mitigation obligation.