

The following changes are proposed in Chapter 310, Wetlands and Waterbodies Protection Rules. Only the portions of the rule proposed to be amended are reprinted below.

" *** " indicates a gap in a chapter's text, where no changes are proposed.

Chapter 310, Wetlands and Waterbodies Protection Rules

Amend Section 5(C)(6)(a)(ii) as follows:

- (6) Exceptions. Neither a functional assessment nor compensation is required for the following single, complete projects:
 - (a) Freshwater wetlands
 - (i) Alterations of less than 500 square feet in a freshwater wetland of special significance provided that the department determines that there will be only a minimal effect on freshwater wetland functions and values, significant wildlife habitat or imperiled or critically imperiled community due to the activity;
 - (ii) Alterations of less than 15,000 ~~20,000~~ square feet in a freshwater wetland not of special significance, provided that the department determines that there will be only a minimal effect on freshwater wetland functions and values due to the activity;

Amend Section 7(B) as follows:

7. Mitigation Banking

- A. Purpose.** A public or private entity may apply to the department to undertake wetland compensation projects for the purposes of off-setting one or more alteration projects proposed at that time or in the future. The ratios set forth in Section 5(C)(5) above will be used as guidance to determine the amount of credit required for any proposed alteration.
- B. Location.** Compensation work must take place in the same watershed, biophysical region or in the project vicinity of the future alteration work, if feasible. Otherwise, the work must occur as close to the wetland alteration site or sites as feasible.

Minor non-substantive correction made during final revision: Corrected the title of the chapter in the footer of the rule to reflect the current title of the rule: Chapter 310: Wetlands and Waterbodies Protection Rule.