**Example**

**Permittee-Responsible Mitigation Long-Term Management Plan**

***Note: This is a general template to assist in the development of the Long-term Management Plan for permittee-responsible mitigation sites. Objectives and tasks are provided for illustrative purposes only and may not represent management or federal agency requirements for a specific site.***

**Long-term Management Plan**

**For**

**The MITIGATION SITE NAME**

**PERMITTEE NAME**

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**I Introduction**

 **A** Purpose of Establishment

The SITE NAME (“Site”) was established to compensate for unavoidable impacts to, and to conserve and to protect, waters of the U.S and/or Surface Waters of the Commonwealth of Virginia. The Site property includes ACRES of waters of the U.S., including (*insert as applicable:* ACRES of preserved wetlands, ACRES of created or restored wetlands, LINEAR FEET of restored stream channel, LINEAR FEET of enhanced stream channel, ACRES of preserved riparian buffer, ACRES of restored or enhanced riparian buffer.)

 **B** Purpose of this Long-term Management Plan

The purpose of this long-term management plan is to ensure the Site is managed, monitored, and maintained in perpetuity. This management plan establishes objectives, priorities and tasks to monitor, manage, maintain and report on the waters of the U.S., covered species and covered habitat on the Site.

**C** Long Term Steward and Responsibilities

The Long-Term Steward is STEWARD NAME. The Long-Term Steward, and subsequent Long-Term Stewards upon transfer, shall implement this long-term management plan, managing and monitoring the Site property in perpetuity to preserve its habitat and conservation values in accordance with the Site conservation easement and/or declaration of restrictions, and the long-term management plan. Long-term management tasks shall be funded through the Long-Term Management Fund. The Long-Term Steward must maintain a copy of the LTMP and all addendums associated with the Site including all deed restrictions and easements. The Long-Term Steward shall be responsible for providing an annual report to the detailing the time period covered, an itemized account of the management tasks and total amount expended. Any subsequent grading, or alteration of the Site’s hydrology and/or topography by the Long-Term Steward or its representatives must be approved by the Corps and the necessary permits, such as a Section 404 permit and/or Virginia Water Protection Permit, must be obtained if required.

## D Eminent Domain

## If the Site is taken in whole or in part through eminent domain, the Long-Term Steward shall use all monies received as compensation for lands and all associated services and values taken to provide replacement compensation. The Corps shall have the right to participate in any proceeding associated with the determination of the amount of such compensation. Replacement compensation may be determined in consultation with the Corps.

**II Property Description**

 **A** Setting and Location

The Site is located at ADDRESS AND COUNTY, in the Commonwealth of Virginia, designated as PARCEL NUMBER(S). The Property is shown on the general vicinity map (Figure 1) and the Site property map (Figure 2). The general vicinity map shows the Site location in relation to cities, towns, or major roads, and other distinguishable landmarks. The Site property map shows the Site property boundaries on a topographic map.

 **B** History and Land Use

[*Describe past and present land use, including grazing practices*].

The land in the general area of the Site is currently DESCRIPTION [*Describe adjacent land and local area land uses.*]

 **C** Cultural Resources (*if applicable)*

[*Refers to Cultural Resources Survey(s) for the Site.*]

[*Describe all existing architectural features including battlefields, historic districts, roads, levees, fencing, and buildings, and their intended future use on the area. If such structures are likely to be considered "historic properties" pursuant to state or federal historic resource preservation laws.*]

[*Describe any known archeological sites without providing their specific locations on the property, and include a summary of the results of any site surveys/inventories, including who conducted them. An assessment of the impacts of management should be given for such sites*.]

 **D** Hydrology and Topography

[*Describe hydrology and topography of Site. Indicate whether wetlands are driven by surface flows (i.e., fluvial systems) or groundwater flows from offsite sources. Describe precipitation onto and off of the site. Describe the Strahler order of the streams onsite, the channel classification, and the duration of the hydroperiod.*]

 **E** Soils

[*Describe soils on the Site*.]

 **F** Existing Easements

[*Include descriptions/locations of existing easements, their nature (buried pipeline, overhead power, ingress/egress, mineral or timber rights etc.), authorized users (if known), access procedures, etc. Depict easements, rights of way, ingress, and egress routes on an attached map.*]

 **G** Adjacent Land Uses

[*Detail the baseline adjacent land uses. These land uses may change over time; however, the description of the baseline conditions will give the Long-Term Steward some idea of the conditions present when the management plan was first developed. Detailing adjacent land uses will identify areas that may be of management concern or items that may compromise biological integrity over time.*]

**III Habitat and Species Descriptions**

 **A** Baseline Description ofBiological Resources on Site

[*Include a general description of geographic location and features, topography, soils, vegetation (assessment of native vs. invasive and non-native species), a quality assessment of all wetland and streams on the Site. An overview of native plant species present, if applicable, their habitat and management requirement should be presented here.*]

 **B** Summary of Mitigation Plan (*if applicable*)

[*Describe all created and/or enhanced waters of the U.S., including acreages and/or lengths. Provide final map showing the location of waters of the U.S.*]

 **C** Endangered and Threatened Species

[*Describe all federal and state endangered and threatened species that occur or may occur on the Site. If applicable, provide map showing their location.*]

**D** Rare Species and Species of Special Concern

[*Description of rare species and species of special concern that occur or may occur on the Site. If applicable, provide map showing their location.*]

**IV Management and Monitoring**

The overall goal of long-term management is to foster the long term viability of the Site’s waters of the U.S., and any listed species/habitat. Routine monitoring and minor maintenance tasks are intended to assure the viability of the Site in perpetuity.

 **A** Biological Resources

The approach to the long-term management of the Site’s biological resources is to conduct annual site examinations and monitoring of selected characteristics to determine stability and ongoing trends of the preserved, restored, enhancement, and created waters of the U.S., including wetlands and streams. Annual monitoring will assess the Site’s condition, degree of erosion, establishment of invasive or non-native species, water quality, fire hazard, and/or other aspects that may warrant management actions. While it is not anticipated that major management actions will be needed, an objective of this long-term management plan is to conduct monitoring to identify any issues that arise, and using adaptive management to determine what actions might be appropriate. Those chosen to accomplish monitoring responsibilities will have the knowledge, training, and experience to accomplish monitoring responsibilities.

Adaptive management means an approach to natural resource management which incorporates changes to management practices, including corrective actions as determined to be appropriate by the Corps in discussion with the Long-Term Steward. Adaptive management includes those activities necessary to address the effects of climate change, fire, flood, or other natural events. Before considering any adaptive management changes to the long-term management plan, the Corps will consider whether such actions will help ensure the continued viability of Site’s biological resources.

[*The list that follows is not meant to be exhaustive and some sites may have more elements to consider, and some may have fewer*.]

The Long-Term Steward for the Site shall implement the following:

 **Element A.1 Waters of the U.S. (WOUS), including wetlands and Surface Waters (SW)**

Objective: Monitor, conserve and maintain the Site’s WOUS and SW, including wetlands, streams and all other surface waters. Limit any impacts to waters from vehicular travel or other adverse impacts.

Task: At least one annual walk-through survey will be conducted to qualitatively monitor the general condition of these habitats. General topographic conditions, hydrology, general vegetation cover and composition, invasive species, erosion, will be noted, evaluated and mapped during a site examination. Notes to be made will include observations of species encountered, water quality, general extent of wetlands and streams, and any occurrences of erosion, structure failure, or invasive or non-native species establishment.

Task: Establish reference sites for photographs and prepare a site map showing the reference sites for the file. Alternatively, utilize photographic reference sites, if any, developed during interim management period. Reference photographs will be taken of the overall Bank site at least every five years from the beginning of the long-term management (*if applicable*) ; with selected reference photos taken on the ground more frequently, TIMES PER YEAR.

Special attention should be paid to any area adjacent to or draining from the Site. Streams and wetlands should be observed near bank boundaries to observe if increased sediment deposition has occurred. The report should provide a discussion of any recent changes in the watershed (i.e., subdivision being developed upstream of stream Site).

**Element A.2 Threatened/Endangered Plant Species Monitoring** *(if applicable)*

 *[Note: This methodology may vary for different plant species as determined in consultation with the appropriate agencies.]*

Objective: Monitor population status and trends.

Objective: Manage to maintain habitat for (*list species*).

Task: Monitor status every year by conducting population assessment surveys. The annual survey dates will be selected during the appropriate period as identified by the applicable agency and will generally occur from \_\_\_\_\_ through \_\_\_\_\_ each year. Occupied habitat will be mapped and numbered to allow repeatable data collection over subsequent survey years. Abundance will be assessed semi-quantitatively using broad abundance categories, i.e., 0, 1 - 100, 101 - 500, 501 - 1,000, and >1,000 plants.

Task: Visually observe for changes tooccupiedhabitat, such as changed hydrology, vegetation composition, or size of population per geographic unit. Record any observed changes.

Task: Implement other tasks that enhance or monitor habitat characteristics for (*list species*).

**Element A.3 Threatened/Endangered Animal Species Monitoring** *(if applicable)*

 *[Note: Species-specific objectives and tasks will need to be*

 *developed in consultation with the appropriate agencies.]*

Objective: Monitor population status and trends.

Objective: Manage to maintain habitat for (*list species*).

Task: Monitor status every year by conducting population assessment surveys. (*The annual survey dates will be selected during the appropriate period each year*.)

Task: Implement other tasks that enhance or monitor habitat characteristics for (*list species*).

**Element A.4 Invasive Species**

 *[Note: Species-specific objectives and tasks will need to be*

 *developed in consultation with the appropriate agencies.]*

Invasive species threaten the diversity or abundance of native species through competition for resources, predation, parasitism, interbreeding with native populations, transmitting diseases, or causing physical or chemical changes to the invaded habitat.

 Objective: Monitor and maintain control over invasive species that

 diminish site quality for which the bank was established. The Long-

 Term Steward shall consult the Virginia Department of Conservation and

 Recreation’s Invasive Alien Plant list at: <http://www.dcr.virginia.gov/natural_heritage/documents/invlist.pdf>

for guidance on what species may threaten the site and on management of those species.

Task: During each year’s annual walk-through survey (or a supplemental survey) will include a qualitative assessment (e.g. visual estimate of cover) of invasive species.

  **Element A.5 Vegetation Management**

Objective: Analyze effects of any authorized silvicultural manipulations on the wetland, streams, and buffers on the bank site. If determined appropriate, develop and implement specific silvicultural manipulations (e.g. selective thinning) in coordination with the Corps. [*Site specific targets for vegetation may be specified here and task revised or added to achieve those targets*].

Objective: Adaptively manage vegetation based on site conditions and data acquired through monitoring to maintain biological values.

Task: Review and explore potential vegetation management regimes as proposals and/or opportunities and funding arise. If determined to potentially maintain site quality, develop specific silvicultural practices, amend this long-term management plan with the Corps’ approval to reflect those practices, and implement silvicultural actions as funding allows.

Task: Implement vegetation management techniques, if determined beneficial and as funding allows, to allow development of vegetation. Implementation of vegetation management techniques must be approved by the Corps.

 **B Security, Safety, and Public Access**

The Site will be fenced or appropriately marked and shall have no general public access, nor any regular public use. Research and/or other educational programs or efforts, hunting, fishing, and passive recreational activities may be allowed on the Site as deemed appropriate by the Corps, but are not specifically funded or a part of this long-term management plan.

Potential mosquito abatement issues will be addressed through the development of a plan by the Long-Term Steward and any local mosquito control district or local health department in coordination with and approved by the Corps.

Potential wildfire fuels will be reduced as needed where approved by the Corps.

 **Element B.1 – Trash and trespass**

Objective: Monitor sources of trash and trespass.

Objective: Collect and remove trash, repair vandalized structures, and rectify trespass impacts.

Task: During each site visit, record occurrences of trash and/or trespass. Record type, location, and management mitigation recommendations to avoid, minimize, or rectify a trash and/or trespass impact.

Task: At least once yearly collect and remove as much trash as possible and repair and rectify vandalism and trespass impacts.

 **Element B.2 – Fire Hazard Reduction**

Objective: Maintain the site as required for fire control while limiting impacts to biological values.

Task: Reduce vegetation in any areas recommended by authorities, and as approved by the Corps, for fire control.

 **C Infrastructure and Facilities**

[*Fence and gate maintenance and repair frequency will be dependent on trespass and access control issues, as well as whether grazing is utilized as a vegetation management technique and to what extent.*]

**Element C.1- Fences, Gates, Signage, Crossings, and Property Boundaries**

Objective: Monitor condition of fences, gates, signage, crossings, and property boundaries.

Objective: Maintain fences, gates, signage, crossings and property boundaries to prevent casual trespass, allow necessary access, and (*if applicable****:*** facilitate management.)

Task: During each site visit, record condition of fences, gates, signs, crossings, and property boundaries. Record location, type, and recommendations to implement repair or replacement to fence, gate, signage, crossings or property boundary markers, if applicable.

Task: Maintain fences, gates, signs, crossings and property boundary markers as necessary by replacing posts, wire, gates, and signs. Replace fences and/or gates, as necessary, and as funding allows. Note any trespass by livestock.

 **Element C.2 Berms, Structures, and Roads**

Objective: Monitor condition of berms, structures, and roads.

Objective: Maintain berms, structures, and roads to facilitate management and maintain conditions of wetlands and streams

Task: During each site visit, record condition of berms, structures, and roads. Record location, type, and recommendations to implement repair or replacement to berms, structures, and roads, if applicable.

Task: Maintain berms, structures, and roads as necessary. Replace berms, structures, and roads as necessary, and as funding allows.

**D Reporting and Administration**

 **Element D.1 – Annual Report**

Objective: Provide annual report on all management tasks conducted and general site conditions to Corps and any other appropriate parties. Each report shall include a cover page with the following information: the site name, Long-Term Steward (name, address, phone number, and email address), monitoring year, and any requested action (e.g. funding release, maintenance recommendations requiring Corps approval).

Task: Prepare annual report and any other additional documentation. Include a summary. Complete and circulate to the Corps and other parties by December 31 of each year. Reports should be distributed electronically.

Task: Make recommendations with regard to (1) any enhancement measures deemed to be warranted, (2) any problems that need near-, short-, and long-term attention (e.g., weed removal, fence repair, erosion control), and (3) any changes in the monitoring or management program that appear to be warranted based on monitoring results to date. Provide documentation of the cost of any recommended maintenance and repairs.

**V Transfer, Replacement, Amendments, and Notices**

**A Transfer**

Any subsequent transfer of responsibilities under this long-term management plan to a different Long-Term Steward shall be requested by the Long-Term Steward in writing to the Corps and copied to the Virginia Department of Environmental Quality (DEQ), shall require written approval by the Corps, and shall be incorporated into this long-term management plan by amendment.

The long-term steward shall be required to ensure that any subsequent property owners (if not identified as the long-term steward) are notified of the deed restriction, conservation easement, purpose and location of the bank lands, and requirement for long-term stewardship.

**B Replacement**

If the Long-Term Steward fails to implement the tasks described in this long-term management plan and is notified of such failure in writing the Corps, the Long-Term Steward shall have 90 days to cure such failure. If failure is not cured within 90 days, the Long-Term Steward may request a meeting with the Corps to resolve the failure. Such meeting shall occur within 30 days or a longer period if approved by the Corps. Based on the outcome of the meeting, or if no meeting is requested, the Corps may designate a replacement Long-Term Steward in writing by amendment of this long-term management plan. If the Long-Term Steward fails to designate a replacement Long-Term Steward, then such public or private land or resource management organization acceptable to and as directed by the Corps may enter onto the Site property in order to fulfill the purposes of this long-term management plan.

**C Amendments**

The Long-Term Steward**,** property owner**,** and the Corps may meet and confer from time to time, upon the request of any one of them, to revise the long-term management plan to better meet management objectives and preserve the conservation values of the Site. Any proposed changes to the long-term management plan shall be discussed with the Corps and the Long-Term Steward. Any proposed changes will be designed with input from all parties. Amendments to the long-term management plan shall be approved by the Corps in writing shall be required management components and shall be implemented by the Long-Term Steward.

If the Virginia Department of Wildlife Resources (DWR) or United States Fish and Wildlife Service (USFWS) determine, in writing, that continued implementation of the long-term management plan would jeopardize the continued existence of a state or federally listed species, any written amendment to this long-term management plan, determined by either the DWR or USFWS as necessary, shall be a required management component and shall be implemented by the Long-Term Steward.

**D Notices**

Any notices regarding this long-term management plan shall be directed as follows:

Long-Term Steward (name, address, telephone and FAX)

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Property Owner (name, address, telephone and FAX)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**VI Funding and Task Prioritization**

**A Funding**

[*The list of tasks in Table 1 is not meant to be exhaustive. Some sites may have more elements to consider and some may have fewer depending on the attributes of the bank.*]

Table 1 summarizes the anticipated costs of long- term management for the Site. These costs include estimates of time and funding needed to conduct the basic monitoring site visits and reporting, trash removal, fence repair, etc. and a prorated calculation of funding needed to fully repair and/or replace fences and other structures every # years. The total annual funding anticipated is approximately **$DOLLARS, in YYYY dollars**, therefore, with the current annual estimated capitalization rate of RATE, the total endowment amount (The Long-Term Management Fund) required will be $DOLLARS.

NAME OF HOLDER shall hold the endowment principal and interest monies (The Long-Term Management Fund) as required in the PERMIT NUMBER, which consists of monies that are paid into it in trust, and is appropriated to fulfill the purposes for which payments into it are made. These interest monies will fund the long-term management, enhancement, and monitoring activities on Site in a manner consistent with this long-term management plan.

**B Task Prioritization**

Due to unforeseen circumstances, prioritization of tasks, including tasks resulting from new requirements, may be necessary if insufficient funding is available to accomplish all tasks. The Long-Term Steward and the Corps shall discuss task priorities and funding availability to determine which tasks will be implemented. In general, tasks are prioritized in this order: 1) required by a local, state, or federal agency; 2) tasks necessary to maintain or remediate the Site (including unauthorized impacts); and 3) tasks that monitor resources, particularly if past monitoring has not shown downward trends. Equipment and materials necessary to implement priority tasks will also be considered priorities. Final determination of task priorities in any given year of insufficient funding will be determined in consultation with the Corps and as authorized by the Corps in writing.

 **C. Enforcement**

The Corps and DEQ, and its/their authorized agents shall have the right to inspect the Property and take actions necessary to verify compliance with this Long-Term Management Plan. The Long-Term Management Plan herein shall be enforceable by any proceeding at law or in equity or administrative proceeding by the Corps and DEQ. Failure by any agency (or owner) to enforce the Long-Term Management Plan contained herein shall in no event be deemed a waiver of the right to do so thereafter.