



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Published: November 21, 2025

Expires: December 22, 2025

Contact: CENAE-R-Mitigation@usace.army.mil

NEW ENGLAND DISTRICT REGULATORY DIVISION COMPENSATORY MITIGATION THRESHOLDS UPDATE

This notice informs the public of modifications to the New England District Compensatory Mitigation Standard Operating Procedures (“SOP”) “Appendix O - Thresholds” for losses of aquatic resources associated with Department of the Army (“DA”) permits in New England.

BACKGROUND:

The New England District (“District”) has periodically revised and updated its Compensatory Mitigation SOP. One of the overall goals of the SOP is to ensure consistent compensatory mitigation practices across the New England states and align nationally. This modification to the SOP will provide transparency across the District’s area of responsibility to ensure consistent compensatory mitigation threshold requirements.

ACTION:

Enclosed you will find the redlined table in “Appendix O – Thresholds” which will be included in the SOP as of the date of this Public Notice. Aquatic resource thresholds have been clarified to ensure that no more than minimal adverse effects to the aquatic environment occur, both individually and cumulatively.

The following updates are included for transparency:

- Adverse impacts or effects to streams greater than 200 linear feet or 0.03 acre (whichever is less) will require compensatory mitigation.
- Adverse impacts or effects to wetlands greater than 0.1 acre (4,356 square feet) will require compensatory mitigation.

PURPOSE:

The purpose of providing these thresholds is to provide transparency for stakeholders with predictable and consistent compensatory mitigation requirements while also ensuring ongoing losses of the nation’s aquatic resources are adequately replaced. Furthermore, this action will continue to ensure impacts authorized under the District’s General Permits remain no more than minimal, both individually and cumulatively. The District will continue to evaluate projects on a case-by-case basis and may, in some cases, require compensatory mitigation below these thresholds.

Resource¹	Non-Tidal	Tidal
Stream	200 Linear Feet <u>or 0.03 Acre, whichever is less</u>	200 Linear Feet <u>or 0.03 Acre, whichever is less</u>
Other Open Waters ²	Project Dependent	Project Dependent
Wetland	<u>0.1 Acre (4356 Square Feet)</u>	500 Square Feet
Vernal Pool ³	All	N/A
SAV	Project Dependent	25 Square Feet
Mudflat	N/A	1000 Square Feet
Intertidal ⁴	N/A	1000 Square Feet

¹ Loss of aquatic resource that is permanently adversely affected by filling, flooding, excavation, or drainage caused by the regulated activity. Adverse effects include permanent discharges of dredged or fill material that can change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. For loss of stream function caused by culverting/piping/bridges and/or projects not meeting the New England District Best Management Practices for stream crossings; stream relocation; fill for dam/other structure; any discharge that involves loss or removal of the stream bed and banks.

² These waters are classified as Lacustrine (Limnetic and Littoral), and Subtidal (Marine and Estuarine) in the Classification of Wetlands and Deepwater Habitats of the United States, Cowardin *et al.* 1979.

³ Assumes Corps has Jurisdiction.

⁴ If permit verification or authorization is or was required prior to work in Waters of the US.