In Lieu Fee Compensation Program

Fact Sheet

January 1, 2026 – December 31, 2027

Mitigating adverse environmental impacts is an integral part of Maine's Natural Resources Protection Act (NRPA) (38 M.R.S. §§ 480(A) – 480(KK)) and the Maine Department of Environmental Protection's (MDEP) Chapter 310 *Wetlands and Waterbodies Protection* rules. In general, mitigation is a sequential process of avoiding adverse impacts, minimizing impacts that cannot be practicably avoided, and then compensating for those impacts that cannot be further minimized. Both State and Federal agencies administering resource protection regulations may require appropriate compensatory mitigation as a condition of their permit approvals and authorizations.

Compensation is required to off-set an adversely affected resource function with a function of equal or greater value. If on-site or off site ecologically appropriate permittee-responsible mitigation is not available, practicable or otherwise wholly or in part acceptable to off-set lost resource functions and values, an applicant may opt to purchase credits from the In Lieu Fee (ILF) Compensation Program in lieu of a compensation project as outlined in 38 M.R.S. § 480(Z). The ILF Compensation Program was established to provide applicants with a flexible compensation option to substitute for permittee-responsible compensation projects.

The program sells two different types of credits, Wetland and Stream Credits. The amount of required credits is determined through the permitting process and will be specified in the permit. In instances where the required number of credits differs between State and Federal agencies, the applicant is responsible for purchasing the larger amount specified. In certain instances, determined through the permitting process, a State or Federal Agency may require a different amount of credits be purchased than specified in this fact sheet.

Mitigation costs vary depending on the type of resource being impacted and the type of impact. Certain protected natural resources require the use of resource multipliers to account for the significance of these resources and the cost to restore them. Similarly, certain types of impacts require different multipliers to account for the different ways they can affect natural resources. In accordance with Chapter 310, the MDEP will apply the resource multipliers specified below to determine the total required credit amount. A permittee is responsible for purchasing the required credits prior to construction, utilizing the ILF Fact Sheet that is effective at the time of payment.

The following resource multipliers will be applied to **Wetland credits** during the MDEP permitting process. Unless otherwise specified below, use a multiplier of 1.

A resource multiplier of 2 shall be applied to the following resources for activities including filling in, dewatering, and removing or displacing soil:

1. Coastal wetlands, great ponds and rivers, streams, or brooks*****;
2. Critically imperiled or imperiled community. The freshwater wetland contains a natural community that is critically imperiled (S1) or imperiled (S2) as defined by the Natural Areas Program;
3. Freshwater wetlands containing significant wildlife habitat** as defined by 38 M.R.S. § 480-B(10)*******;
4. Freshwater wetland areas located within 250 feet of a coastal wetland;
5. Freshwater wetland areas located within 250 feet of the normal high water line, and within the same watershed, of any lake or pond classified as GPA under 38 M.R.S. § 465-A;
6. Freshwater wetlands which under normal circumstances contain at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water (except for artificial ponds or impoundments);
7. Freshwater wetland areas inundated with floodwater during a 100-year flood event based on flood insurance maps produced by the Federal Emergency Management Agency or other site-specific information;
8. Freshwater wetlands that are peatlands or contain peatlands, except that the department may determine that a previously mined peatland, or portion thereof, is not a wetland of special significance; and
9. Freshwater wetland areas located within 25 feet of a river, stream or brook.

A resource multiplier of 2 shall be applied to the following resources and activities:

1. Shading by a structure over submerged aquatic vegetation (e.g. eelgrass, kelp).

***** Impacts to rivers, streams, and brooks shall require the purchase of Stream Credits unless otherwise directed by a State or Federal Agency.

****** Impacts to significant wildlife habitat may also require compensation under the Department's Chapter 335 *Significant Wildlife Habitat* rules.

***Compensation for impacts to shorebird nesting, feeding and staging areas will include compensation for all mapped shorebird area within a 300-foot radius of the activity, called the "zone-of-influence", and compensation for direct impacts to a significant vernal pool depression

will include compensation for the footprint of the entire significant vernal pool habitat, unless determined otherwise by the Department.

A resource multiplier of 1 shall be applied to the following resources for activities including:

1. Filling in, dewatering, and removing or displacing soil in freshwater wetlands not considered to be wetlands of special significance;
2. Filling in, dewatering, removing or displacing soil, shading or conversion of upland areas in significant wildlife habitats, including significant vernal pool habitats, shorebird nesting, feeding and staging areas, and inland waterfowl and wading bird habitats; and
3. Conversion of a freshwater wetland of special significance defined in Chapter 310 § 4(A) from one type to another by manipulating vegetation or another component of the resource.

A resource multiplier of 0.5 shall be applied to:

1. Conversion of vegetation type in freshwater wetlands not considered to be wetlands of special significance; and
2. Shading by a permanent structure over vegetated freshwater wetlands or coastal saltmarsh vegetation.

WETLAND CREDIT COST: 1 Wetland credit = 1 acre (43,560 sq ft)

COUNTY	CREDIT COST PER SQ FT	COST OF 1 CREDIT
Androscoggin	$5.49	$239,144.40
Aroostook	$4.88	$212,572.80
Cumberland	$6.48	$282,268.80
Franklin	$4.95	215,622.00
Hancock	$5.18	$225,640.80
Kennebec	$5.48	$238,708.80
Knox	$5.72	$249,163.20
Lincoln	$5.64	$245,678.40
Oxford	$5.34	$232,610.40
Penobscot	$4.94	$215,186.40
Piscataquis	$4.91	$213,879.60
Sagadahoc	$5.67	$246,985.20
Somerset	$5.30	$230,868.00
Waldo	$5.37	$233,917.20
Washington	$4.90	$213,444.00
York	$6.13	$267,022.80

STREAM CREDITS: Beginning in 2026, MDEP will sell Stream credits. Impacts to rivers, streams, or brooks shall require the purchase of Stream Credits unless otherwise directed by a State or Federal Agency. 1 Stream credit = 1 linear foot (LF) of stream, including both banks and the channel. Stream impacts may include filling in, dewatering, removing or displacing soil and shading, etc.

1 Stream Credit Cost = $600 per LF of full stream impact. This price assumes an impact to both banks and the channel of the stream whereby 1/3 of the price is allocated to each bank and the channel, respectively. If a project were only to impact one bank of the stream, only 1/3 of the credits could be required.

Because "rivers, streams or brooks" are defined as Wetlands of Special Significance in Chapter 310, MDEP may require a resource multiplier of 2 for activities that include filling, dewatering, removing or displacing soil, and/or shading within high-value river, stream or brook systems, including Outstanding River Segments.

Note: For certain projects, MDEP may determine that purchasing wetland credits using a resource multiplier of 2 will provide the most appropriate mitigation. Federal agencies may require a different resource multiplier based on the compensatory mitigation standard operating procedures.

When doing the calculations round 3 decimal places for numbers and then into dollars and cents.

Example 1: Project filling 1,000 SF of coastal wetland in Washington County.
Step 1: Determine credits to be purchased (include multipliers)
1,000 x 2 / 43,560 = 0.046 credits
Step 2: Multiply the credits to be purchased by the cost of 1 wetland credit in the county
0.046 x $213,444.00= $9,818.42

Example 2: Project directly impacting 25,000 SF of freshwater wetland in Knox County.
Step 1: Determine credits to be purchased (include multipliers)
25,000 x 1 / 43,560 = 0.573 credits
Step 2: Multiply the credits to be purchased by the cost of 1 wetland credit in the county
0.573 x $249,163.20= $142,770.51

Example 3: Project directly impacting 500 sq ft of IWWH wetland and 10,000 sq ft of upland buffer within the mapped habitat in Cumberland County.
Step 1: Determine credits to be purchased (include multipliers)
500 x 2 / 43,560 = 0.023 credits
10,000 x 1 / 43,560 = 0.230 credits
Step 2: Multiply the total amount of credits to be purchased by the cost of 1 wetland credit in the county
0.023 + 0.23011 = 0.253
0.253 x $282,268.80= $71,414.01

Example 4: Project culverts a stream filling 120 LF (including both banks and channel)
Step 1: Determine stream credits to be purchased (including multipliers)
120LF x 1 = 120 credits
Step 2: Multiply the credits to be purchased by the cost of stream credits
120 x $600 = $72,000

Example 5: Project filling 20,000 sq ft of freshwater wetland, 5,000 sq ft of freshwater wetland located within 25 feet of a stream and 100 LF of fill on one bank of the stream in Kennebec County
Step 1: Determine wetland credits to be purchased (including multipliers)
20,000 x 1 / 43,560 = 0.459
5,000 x 2 / 43,560 = 0.230
Step 2: Multiply the wetland credits to be purchased by the cost of wetland credits
0.459 + 0.230 = 0.689
0.689 x $238,708.80 = $164,470.36
Step 3: Determine stream credits to be purchased
100 LF x 0.333 = 33.3
Step 4: Multiply stream credits x stream credit price
33.3 x $600 = $19,980
Step 5: Determine the total ILF payment
$164,470.36 + $19,980 = $184,450.36

All ILF Payments must be submitted to Maine DEP with:

1. **a completed "Maine In-Lieu-Fee Worksheet";**
2. **copies of issued DEP and US Army Corps permits;**
3. **Location map with project area highlighted, and**
4. **Proof of Payment, which includes reference to permit numbers.**

MAINE IN-LIEU FEE WORKSHEET

DEP License #: _____ Issue Date: _____

DEP Project Manager: _____

US Army Corps Permit #: _____ Issue Date: _____

US Army Corps Project Manager: _____

Name of Project: _____

Name of Licensee/Permittee: _____

Project Address (Physical): _____

Project Coordinates (Latitude/Longitude): _____

County the Project is Located in: _____

ILF Service Area/Biophysical Region – Section: _____

Subsection: _____

Watershed the Project is Located in (8-digit Hydrologic Unit Code (HUC): _____

Wetland Impact Table:

List all different resources that are impacted by the project separately by Cowardin classification. List significant wildlife habitats as a distinct resource, separating wetland and upland impacts.

Resource Types	Type of Impact	SF Impacted	Multiplier	Wetland Credits Required*
	Total SF Impacts:		**Total Credits:**	

Types of Impacts: May include filling, dredging, vegetation conversion (e.g. forested to shrub/scrub), shading

*Wetland Credits Required = SF impact x Multiplier / 43,560

Using the Current ILF Fact Sheet, calculate the cost of Wetland credits to be purchased:

Total Credits required x Wetland Credit by County (project location): $ _____

Stream Impact Table:

Name of Stream Impacted	Type of Impact	LF Impacted	Multiplier**	SVAP 2*** (if applicable)	Stream Credits Required***
	Total LF Impacts:			**Total Credits:**	

**Use a multiplier of 1 for whole width stream impacts, 0.333 for impacts to 1 bank or the channel, 0.666 for impacts to two banks or one bank and the channel.

***SVAP 2 Stream Condition Multiplier is a stream assessment method used by US Army Corps of Engineers which may adjust the required credit purchase and is determined during the permitting process.

****Stream Credits Required = (LF impact x multiplier) x SVAP 2

Using the Current ILF Fact Sheet, calculate the cost of Stream credits to be purchased:

Total Credits required x Stream Credit cost: $ _____

Wetland Credit costs + Stream Credit Costs = Total Payment

Total Payment: $_____

Proof of Payment (list check number / date or DEP Payment Portal receipt / date):

_____

Payment of ILF must be made prior to the start of construction. Your payment <u>will not be accepted</u> unless you submit the following items:

1. **A completed copy of this form**
2. **Copies of applicable DEP & US Army Corps permits**
3. **Location map with project area highlighted**
4. **Proof of Payment**

(To be filled in by DEP)

DEP Invoice #: _____ Date Payment Received: _____