



**US Army Corps
of Engineers®**

**Galveston District
Regulatory Branch**

Special Public Notice

Level 2 Interim Stream Condition Assessment

26 March 2014

Interim Galveston District Stream Condition Assessment Standard Operating Procedure for Compensatory Stream Mitigation

PURPOSE OF PUBLIC NOTICE: To inform you of an Interim Level 2 Stream Condition Assessment Standard Operating Procedure for which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest.

INTRODUCTION: The purpose of this notice is to provide a supplement to the existing Standard Operation Procedures (SOP) and requirements for addressing stream mitigation in the Galveston District. Specifically, *Interim Level 2- Stream Conditional Assessment Procedure for Intermittent Streams with Perennial Pools, Perennial Streams and Wadeable Rivers with Impacts Greater than 500 Linear Feet* will be added to the existing SOP dated April 24, 2013.

This SOP will only be applicable only when direct impacts occur within the stream bed of a water of the United States. While the intent of the SOP is to assess the current functional condition of a stream and determine the appropriate functional credits to offset for any unavoidable loss, the SOP is not intended to take the place of project specific review which may result in adjustments to compensation requirements. Aquatic resources evaluated under this SOP shall be delineated in accordance with Regulatory Guidance Letter 05-05 - Ordinary High Water Mark Identification and wetlands present in the stream and/or riparian buffer shall be delineated in accordance with 1987 Corps of Engineers Wetland Delineation Manual and any appropriate Regional supplement. Applicants should defer to 33 CFR 332, Compensatory Mitigation for Losses of Aquatic Resources, for guidance on mitigation requirements not specifically addressed in this SOP. This SOP should only be used after a permit applicant has first avoided and minimized project impacts and the district engineer determines compensatory mitigation is necessary to offset unavoidable impacts to aquatic resources. The amount of required compensatory mitigation must be, to the extent practicable, sufficient to replace lost aquatic resource functions associated with the stream bed.

ORGANIZATION OF STREAM CONDITION ASSESSMENT STANDARD

OPERATING PROCEDURE: The SOP is divided into four sections: 1) Stream Assessment Tool; 2) Evaluating Avoidance, Minimization, Stream Restoration Projects and Compensatory Mitigation Plans; 3) Impact Assessment; and 4) Determination of Compensation. Important stream functions measured include the ability to transport water, transport sediment, support and maintain a community of organisms and provide a safe water supply.

- Stream Assessment Tool This section describes a tiered process for establishing the current condition of the stream function. For the purpose of this tool, the stream types include:

- Level 1: All Ephemeral & Intermittent Streams will be evaluated using Level 1. In addition, all Intermittent Streams with Perennial Pools, Perennial Streams and Wadeable Rivers where the proposed impacts are less than 500 linear feet will be evaluated using Level 1. The parameters sampled under Level 1 include; 1) Visual Channel Assessment; 2) Riparian Buffer Assessment; 3) Aquatic Life Use; and 4) Visual Channel Alteration Assessment.



- **Level 2: Intermittent Streams with Perennial Pools, Perennial Streams and/or Wadeable Rivers where the proposed impacts are equal to or greater than 500 linear feet. The parameters sampled under Level 2 include: 1) In-stream Channel Condition Assessment; 2) Riparian Buffer Assessment; 3) Visual Channel Alteration Assessment; 4) Rapid Macroinvertebrate Index of Biological Activity; and 5) Fish Index of Biological Integrity**

- Evaluating Avoidance, Minimization, Stream Restoration Projects and Compensatory Mitigation Plans. This section provides guidance on meeting the requirements of 40 CFR 230 in regards to avoidance and minimization of impacts to streams. In addition, it provides guidance on evaluating the purpose and need for stream restoration projects not associated with mitigation.
- Procedure for Impact Assessment (debits). This section describes an impact classification system and debit calculations based on the extent to which the proposed impact is expected to impair the stream. Five Impact Classifications are outlined based on the severity of the impact's affect on the stream's chemical, physical and biological function.

Determination of Compensation (credits). This section describes the methods and alternatives for fulfilling the Compensation Requirement for both onsite and offsite compensation, and explains the process. Compensation may be achieved through re-establishment, rehabilitation & enhancement and through a limited amount of preservation.

SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of the addition of this *Interim Level 2- Stream Conditional Assessment Procedure for Intermittent Streams with Perennial Pools, Perennial Streams and Wadeable Rivers with Impacts Greater than 500 Linear Feet* to the existing Stream Condition Assessment SOP dated March 26, 2014. Any comments received will be considered by the Corps of Engineers to determine whether to implement or modify and implement the Stream Condition

Assessment SOP.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps of Engineers may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

The Galveston District is initiating a one-year trial implementation of Level 2 of Stream Condition Assessment prior to finalization. All actions with impacts within the stream bed that require compensatory mitigation will be required to apply this assessment. Additional information on assessing streams may be found at: 1.usa.gov/1hrSOUd

CLOSE OF COMMENT PERIOD: Comments may be submitted during the entire one-year interim period and will be reviewed and incorporated into the administrative record prior to the District's finalization of the procedure. All comments pertaining to this Public Notice must reach this office on or before April 1, 2015. Comments and requests for additional information should be submitted to:

Jayson M Hudson
Regulatory Branch, CESWG-PE-RB
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3108 Phone
409-766-3931 Fax

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS