



**US Army Corps
of Engineers®**

**Galveston District
Regulatory Branch**

Special Public Notice

Interim Stream Condition Assessment

12 July 2011

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

PURPOSE OF PUBLIC NOTICE: To inform you of an Interim 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 set of Standard Operation Procedures (SOP) and requirements for addressing stream mitigation in the Galveston District. 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 three sections: 1) Stream Assessment Tool; 2) Assessment of Stream Impacts; and 3) Determining Compensation Requirements. 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, all Intermittent Streams with Perennial Pools will be evaluated using Level 1. In addition, all Perennial Streams and Wadeable

Rivers where the proposed impacts are less than 500 linear feet will be evaluated using Level 1.

- Level 2: Perennial Streams and/or Wadeable Rivers where the proposed impacts are equal to or greater than 500 linear feet will be evaluated using Level 2. Level 2 is currently under development. In the interim, Level 1 may be used as a basis for assessing proposed impacts to these streams. Additional information will be required on a case-by-case basis to establish the appropriate compensatory mitigation plan.
- Level 3: Complex or controversial stream projects on Perennial Streams and Wadeable Rivers. Level 3 is currently under development. In the interim, Level 1 may be used as a basis for assessing proposed impacts to these streams. Additional information will be required on a case-by-case basis to establish the appropriate compensatory mitigation plan.
- Procedure for assessment of Impacts on Stream Condition (debits)
This section describes an impact classification system 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 their affect on the stream by altering bankfull depth, slope, velocity, flow resistance, sediment size, sediment load, and bankfull discharge.
- Level 1, 2 and 3 Stream Condition Assessment Compensation Evaluation Procedure (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 this interim Stream Condition Assessment SOP. 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 the available levels 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.

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 August 1, 2012. Comments and requests for additional information should be submitted to:

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