

LRH-OH SWVM-2020

Published Aug. 3, 2020

Expiration date: 8/4/2025

JOINT PUBLIC NOTICE: This joint Public Notice is distributed on behalf of the United States Army Corps of Engineers (Corps) Buffalo, Huntington and Pittsburgh Districts.

PURPOSE: The purpose of this Public Notice is to advise the interested stakeholders on current status of the re-evaluation, modification and implementation of the Ohio Stream and Wetland Valuation Metric (SWVM).

BACKGROUND: By public notice dated October 20, 2017, two workshops were announced to introduce both the Ohio SWVM and the Hydrogeomorphic Approach to assessing streams. The two workshops were held on November 7 and 8, 2017 for the water resource agencies and the general public, respectively. Also, by public notice dated February 23, 2018, the Ohio SWVM was made available for voluntarily use. A subsequent public notice was issued on February 19, 2020 seeking public input and requesting comments on the Ohio SWVM from interested stakeholders (e.g., applicants, agent/consultants, industry, and general public).

As the Lead Regulatory District for the State of Ohio, the Corps' Huntington District mitigation leads have been engaged on a technical working group (TWG) with the Buffalo District, Pittsburgh District, and state and federal resource agencies in the evaluation of stakeholder comments as well as in the evaluation of the assessment tool.

NOTICE IS HEREBY GIVEN: Until further notice the "Guidelines for Stream Mitigation Banking and In-Lieu Fee Programs in Ohio" (Guidelines) Version 1.1 (2016) shall be utilized for the purpose of calculating stream mitigation requirements following the ratios illustrated in Table 11-1 of the Guidelines.

Recently, we were made aware of an effort in its initial stages to develop a "Technical Guide for the Development, Evaluation, and Modification of Stream Assessment Methodologies" (TG) from HQ's, Corps. In our view, this TG will bring consistency across the nation on the components and perhaps the process for the Corps' districts to follow in the development of assessment tools.

The Corps supports the development of a stream assessment: a tool that provides sound science, is not overly burdensome, is understood by the regulated public, and is consistent with any applicable guidance. In addition, as a result of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, changes are being proposed to the 2008 Mitigation Rule (33 CFR Part 332/40 CFR Part 230, Subpart J - Compensatory Mitigation for Losses of Aquatic Resources) which also could help inform Districts' on considerations when determining impacts and mitigation tools. Therefore, we have determined to **pause** the development of the stream assessment tool pending completion of the TG and final mitigation rule amendment.

Eventual development of a comprehensive stream assessment methodology will assist the entire team of state and federal regulators/agencies in completing permitting actions in a timely manner, which is imperative to our Regulatory Mission and our nation's emphasis on energy and infrastructure development.

If you have any questions concerning the information in this Public Notice, please contact Ms. Lee A. Robinette by phone at (304) 399-5930 or by e-mail at lee.a.robinette@usace.army.mil.

Buffalo District Website:

<https://www.lrb.usace.army.mil/Missions/Regulatory/Public-Notices/>

Huntington District Website:

<https://www.lrh.usace.army.mil/Missions/Regulatory/Public-Notices/>

Pittsburgh District Website:

<https://www.lrp.usace.army.mil/Missions/Regulatory/Public-Notices/>

