



# Public Notice

**U S Army Corps  
of Engineers**  
Huntington District  
Regulatory Division

In reply refer to Public Notice No.  
**LRH - Ohio SWVM**

Issuance Date:  
**February 20, 2018**

Stream:  
**Streams Statewide**

Closing Date:  
**Not Applicable**

Please address all comments and inquiries to:  
U.S. Army Corps of Engineers, Huntington District  
ATTN: CELRH-RD-E Public Notice No. (*reference above*)  
502 Eighth Street  
Huntington, West Virginia 25701-2070

Phone: (304) 399-5710

---

## **IMPLEMENTATION AND RELEASE OF THE OHIO STREAM AND WETLAND VALUATION METRIC FOR APPLICATION WITHIN THE STATE OF OHIO**

**JOINT PUBLIC NOTICE:** This joint Public Notice is distributed on behalf of the U.S. Army Corps of Engineers (Corps) Huntington, Buffalo and Pittsburgh Districts and the Ohio Interagency Review Team (OH IRT), which consists of the Corps and the following federal and state resource agencies: the U.S. Environmental Protection Agency (USEPA); the U.S. Fish and Wildlife Service (USFWS); the U.S. Department of Agriculture-Natural Resources Conservation Service; the Ohio Department of Natural Resources; and the Ohio Environmental Protection Agency.

**AUTHORITY:** The OH IRT administers the In-lieu Fee (ILF) and Mitigation Banking programs in accordance with the mitigation procedures derived from the Corps and the USEPA final rule on Compensatory Mitigation for Losses of Aquatic Resources (Final Mitigation Rule), published on April 10, 2008 in the Federal Register (Vol. 73, No. 70). The federal regulations associated with this Final Mitigation Rule include 33 CFR 332 (federal regulations for the Corps) and 40 CFR 230 (federal regulations for the USEPA). The Final Mitigation Rule became effective June 9, 2008 and may be referenced in its entirety at <http://www.lrh.usace.army.mil/Portals/38/docs/Fina%20Mitigation%20Rule%20FR%20041008.pdf>

**PURPOSE:** The purpose of this Public Notice is to advise applicants, agent/consultants, industry, and the general public on the implementation and release of the Ohio Stream and Wetland Valuation Metric (OH SWVM), which is recommended to assist in more consistent, effective and efficient processing of Corps Section 404 Clean Water Act (CWA) applications proposing impacts to our nation's water resources.

**\*Note:** This Public Notice is issued for information purposes only.

**BACKGROUND:** The Final Mitigation Rule encourages the use of “an appropriate assessment method (e.g., hydrogeomorphic approach to wetlands functional assessment, index of biological integrity) or other suitable metric must be used to assess and describe the aquatic resource types that will be restored, established, enhanced and/or preserved by the mitigation bank or in-lieu fee project. The principal units for credits and debits are acres, linear feet, functional assessment units, or other suitable metrics of particular resource types. Functional assessment units or other suitable metrics may be linked to acres or linear feet.”

By public notice dated October 20, 2017, two workshops were announced to introduce both the OH SWVM and Hydrogeomorphic (HGM) Approach to assessing streams. The two workshops were held on November 7 and 8, 2017 for the resource agencies and general public, respectively.

**NOTICE IS HEREBY GIVEN:** The OH SWVM has been finalized and is now available for download at: <http://www.lrh.usace.army.mil/Missions/Regulatory/Stream-Assessment/>

#### **APPLICATION:**

**OH SWVM:** Large project proposals (e.g. infrastructure projects) involving stream and wetland impacts have been evaluated by a compilation of science-based individual assessments. While these individual assessments have been available for some time, the OH IRT identified no comprehensive stream and wetland functional assessment methodology was available for use in Ohio<sup>1</sup>. Therefore, the OH IRT developed a suitable metric to more consistently and efficiently assess and correlate proposed impacts to streams (wadeable ephemeral, intermittent and perennial) and wetlands with all forms of compensatory mitigation, including mitigation banking, ILF programs and permittee-responsible mitigation (PRM) across the State of Ohio.

The OH SWVM has been developed as a Microsoft Excel spreadsheet, which requires project or site specific data (for a stream impact as well as any proposed stream compensatory mitigation). For example, the information for a stream assessment includes: the extent of a proposed impact; a broad spectrum of key physical, chemical and biological indicators; impact factors including, but not limited to, temporal loss and mitigation site protection; and mitigation considerations including the extent or activity level of restoration work and the extent and type of buffer proposed. The OH SWVM is utilized to analyze a stream’s baseline condition while also tracking the progression of any projected physical, chemical and/or biological functional lift achieved through compensatory mitigation. The OH SWVM is applicable for all wadeable stream classes. The OH SWVM utilizes data input to generate an index score which is multiplied by the linear feet to result in a unit score.

The development of the OH SWVM involved the OH IRT reaching consensus on a diverse range of stream factors and considerations. Additional stream mitigation information is detailed in the *Guidelines for Stream Mitigation Banking and In-Lieu Fee Programs in Ohio March 2016, Version 1.1*. In addition, step-by-step instructions will be available to assist applicants in

---

<sup>1</sup> The wetland portion of the OH SWVM is under development and it will be released/implemented at a later date.

completing an assessment. An electronic copy of the OH SWVM will be available at the Huntington District Regulatory webpage - under [Stream Assessment](#).

In cases where the application of this metric is not appropriate (i.e. proposed impacts or compensatory mitigation on a non-wadeable perennial stream such as the Ohio River), such proposals will be reviewed on a case-by-case basis to ensure a commensurate level of mitigation is provided to offset the proposed impact.

**OH SWVM IMPLEMENTATION:** The OH SWVM is recommended to assist in more effective and efficient processing of Corps Section 404 Clean Water Act applications proposing impacts to our nation's water resources in the following scenarios:

- the issuance of a public notice (i.e. Individual Standard Permit, Mitigation Bank or In-Lieu Fee Program or Project);
- compensatory mitigation or the proposal itself is for a compensatory mitigation project;
- a proposal that exceeds the specific Nationwide Permit limitations (as indicated in the PN 2016-00006-OH); and/or
- other proposals as determined applicable through consultation (e.g. pre-application meeting).

The Corps, as well as the other state and federal resource agencies on the Ohio IRT, support applicants utilizing the OH SWVM to provide consistency and processing efficiencies for multiple authorities (e.g., Sections 404 and 401 of the CWA).

Regulatory and resource agencies will analyze the results of these assessments to evaluate project alternatives, minimize impacts, assess unavoidable impacts, determine mitigation requirements, and monitor the progression of compensatory mitigation for defining functional lift and success. The OH SWVM has been designed to interpret science-based information and output debits/credits in accordance with the Final Mitigation Rule. Therefore, as of the effective date of this public notice, all forms of impacts and compensatory mitigation will be evaluated via the debit/credit system<sup>2</sup>. Hardcopies of the OH SWVM submittals may be printed on 8.5x11 sized paper (other sizes such as 11x17 are also acceptable) with an accompanying electronic copy.

If you have any questions concerning the OH SWVM, please contact Mr. Justin Elkins by phone at (304) 399-5271 or by e-mail at [justin.m.elkins@usace.army.mil](mailto:justin.m.elkins@usace.army.mil).

(O)

---

<sup>2</sup> All forms of compensatory mitigation shall no longer assess impacts or compensatory mitigation in the context of ratios or linear feet, where the OH SWVM is applicable. Instead, impacts and compensatory mitigation will be evaluated in the context of the credit and debit units provided by the OH SWVM. A flexible approach will be applied to project proposals already submitted (e.g. large infrastructure/highway projects), applicants should contact their respective Corps' office to discuss any questions on those applications.