

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
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PUBLIC NOTICE

The US Army Corps of Engineers, Wilmington District (District), Regulatory Division is announcing the release of the STREAM MITIGATION GUIDELINES for use in North Carolina. These Guidelines were developed by an interagency group consisting of representatives from the NC Division of Water Quality, US Environmental Protection Agency (Region 4), and the NC Wildlife Resources Commission.

This document is intended to provide the regulated community of North Carolina with joint and consistent District and DWQ stream mitigation guidance.

Traditional compensatory mitigation for impacts to all aquatic systems has historically been in the form of wetland mitigation. However, wetland mitigation alone does not provide appropriate replacement of aquatic functions lost due to impacts to fluvial systems. As a result, the District and DWQ now require that compensatory mitigation for stream impacts be in the form of restoration and/or enhancement of degraded stream channels utilizing natural channel design and bio-engineering techniques. Channel preservation of unique or otherwise ecologically important stream segments may also play an important role in mitigating stream impacts.

Topics addressed in this document include requirements for stream mitigation, definitions of stream mitigation terms and activities, stream mitigation ratios, and monitoring requirements. This guidance will generally apply to non-tidal waters. These guidelines should not be construed as affecting the applicability of the CWA 404 (b)(1) Guidelines, found at 40 CFR Part 230, or the Memorandum of Agreement between the Environmental Protection Agency and the Department of the Army concerning the Determination of Mitigation Under the Clean Water Act Section 404(b)(1) Guidelines. The guidelines require consideration and the selection of practicable alternatives to proposed project impacts that would avoid or minimize impacts to waters of the United States (including streams) prior to considering compensatory mitigation.

Primary Guidance Objectives:

- a. Restore and enhance aquatic habitat.
- b. Maintain and improve water quality functions.
- c. Promote natural channel design and bio-engineering.
- d. Maintain and restore public use of stream resources.

A copy of the Stream Mitigation Guidelines may be downloaded at
http://www.saw.usace.army.mil/wetlands/mitigation/stream_mitigation.html

This document is intended to be fair and flexible and is subject to periodic revision and update as new procedures and stream mitigation monitoring data support changes. Comments and suggestions are welcome at any time, especially during the initial 12-month period of this document's use from the publication date. Comments should be addressed to Mr. Scott McLendon ([scott.c.mclendon @usace.army.mil](mailto:scott.c.mclendon@usace.army.mil)), Ms. Becky Fox (fox.rebecca@epa.gov), or Mr. Todd St. John (todd.st.john@ncmail.net)