

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 **Determining Appropriate Compensatory Mitigation Credit for Dam Removal Projects**, for use in North Carolina. This guidance was developed by an interagency group consisting of representatives from the US Environmental Protection Agency (EPA), Region 4, US Fish and Wildlife Service (USFWS), NC Division of Water Quality (DWQ), NC Wildlife Resources Commission (NCWRC), and the NC Division of Water Resources (NCDWR).

This document is intended to provide the regulated community of North Carolina with joint and consistent District and DWQ guidance with respect to determining appropriate compensatory mitigation for dam removal projects and rescinds the guidance previously published by public notice on May 27, 2004.

The US Army Corps of Engineers released final Stream Mitigation Guidelines on May 5, 2003, which addressed the requirements for stream mitigation, definitions of stream mitigation terms and activities, stream mitigation ratios, and monitoring requirements. This guidance primarily addressed the restoration and/or enhancement of those stream systems where the entire reach of the stream to be restored/enhanced and adjacent buffers could be acquired by the project proponent. Dam removals have the potential to restore anadromous fish migrations, reintroduce isolated native and endangered or threatened species and possibly improve water quality. However, stream restoration techniques outlined in the Stream Mitigation Guidelines would be difficult to apply to dam removals due to the presence of multiple property owners, acquisition of multiple tracts of land and the various implications to the aquatic ecosystem upstream and downstream of the structure.

Topics addressed in this document include the debit/credit process, general criteria considered for determining mitigation credit, additional factors considered for mitigation credit associated with dam removal, calculation of compensatory mitigation for dam removal, and credit release schedule. This guidance will generally apply to non-tidal waters. These guidelines should not be construed as affecting the applicability of the Clean Water Act (CWA) 404(b)(1) Guidelines, found at 40 CFR Part 230, or the Memorandum of Agreement between the EPA 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 and wetlands, prior to considering compensatory mitigation.

Primary Guidance Objectives:

- a. Restore and enhance aquatic habitat for anadromous, endangered and threatened and native species.
- b. Maintain and improve water quality functions.
- c. Maintain and restore public use of stream resources.

A copy of Determining Appropriate Compensatory Mitigation Credit for Dam Removal Projects, may be downloaded at http://www.saw.usace.army.mil/wetlands/mitigation/damremoval_guidance.html

This document is intended to be fair and flexible and is subject to periodic revisions and update as new procedures and stream mitigation monitoring data support changes. Comments and suggestions are welcome at any time. Comments should be addressed to Ms. Jean Manuele (Jean.B.Manuele@usace.army.mil), Ms. Kathy Matthews (matthews.kathy@epa.gov) or Mr. John Dorney (john.dorney@ncmail.net).