

STATUS OF STREAM COMPENSATORY MITIGATION: NATIONAL PERSPECTIVE

Brian Topping

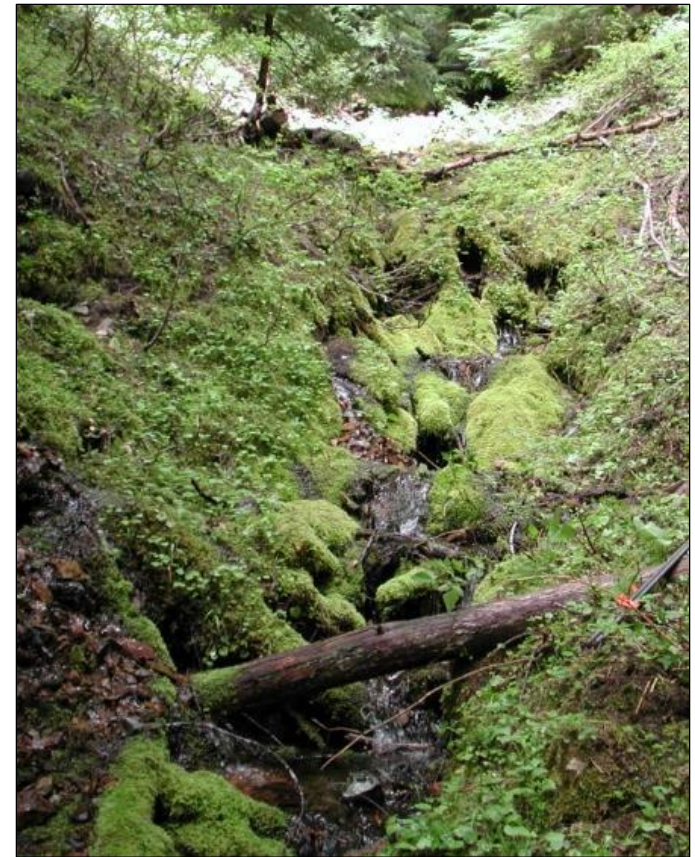
EPA Office of Wetlands Oceans and Watersheds
Washington, DC





REGULATORY TRENDS FOR STREAMS

- Regulatory Guidance Letter 02 – 2
- Mitigation Action Plan
- 2008 Compensatory Mitigation Rule
- 2012 Nationwide Permit Package



Increasing recognition of the importance of compensating for stream impacts



PROGRAMMATIC FOCUS OVER TIME

- Assessment Methods
- Credits and Debits
- Non-traditional approaches
- Performance evaluation



Compendiums

Trainings

Tools

Implementation

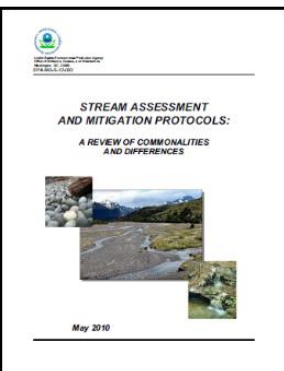
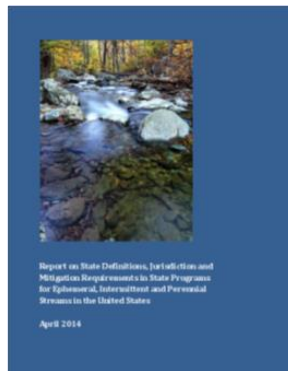
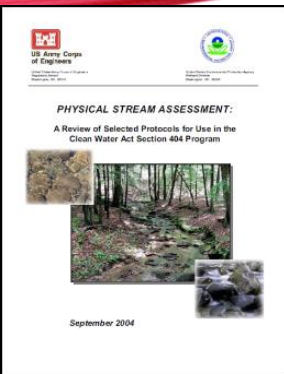


Compendiums

Trainings

Tools

Implementation



- Physical Stream Assessment Protocols 2004
- Stream Assessment and Mitigation Protocols 2010
- A Function-Based Framework for Stream Assessment & Restoration Projects 2012
- Report on State Definitions, Jurisdiction and Mitigation Requirements in State Programs for Ephemeral, Intermittent and Perennial Streams in the United States 2014 (ASWM)
- Stream Mitigation: Science, Policy, and Practice. Environmental Law Institute, Stream Mechanics, and The Nature Conservancy publication, December 2016



Compendiums

Trainings

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- 2010 A Function-Based Framework for Stream Assessment & Restoration Projects and Trainings
- 2011 Appalachian Stream Mitigation Workshop
- Annual Interagency Review Team training in Shepherdstown, WV
- National Mitigation Banking Association Annual Conference
- Association of State Wetland Managers - Wetland and Stream Related Training Webinars
- In-Lieu-Fee Mitigation Training Webinars and Workshops. Environmental Law Institute, 2013 – 2016

THE
CONSERVATION FUND

ASWM
WEBINARS



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In-Lieu Fee Mitigation Training

An ELI Research Training Program

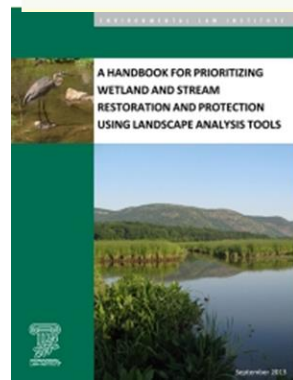
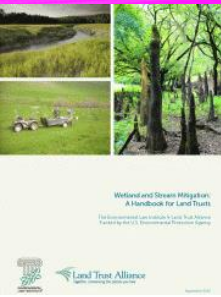
Compendiums

Trainings

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- 2007 Natural Channel Design Review Checklist
- 2010 A Function-Based Framework for Stream Assessment & Restoration Projects
- 2012, Wetland and Stream Mitigation: A Handbook for Land Trusts (ELI & LTA)
- 2013, A Handbook for Prioritizing Wetland and Stream Restoration and Protection Using Landscape Analysis Tools (ELI)
- 2014, Watershed Approach Handbook: Improving Outcomes and Increasing Benefits Associated with Wetland and Stream Restoration Projects (ELI&TNC)
- Long-Term Stewardship Calculator & Accompanying Handbook. The Nature Conservancy, May 2016

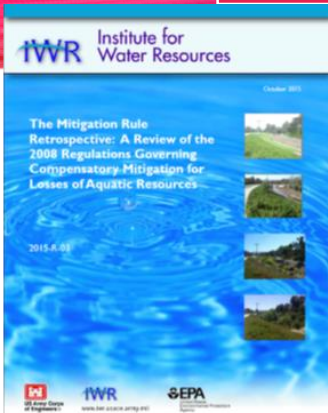


Compendiums

Trainings

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- The Mitigation Rule Retrospective: A Review of the 2008 Regulations Governing Compensatory Mitigation for Losses of Aquatic Resources. November 2015, U.S. Army Corps of Engineers and EPA
- Compensatory Mitigation Site Protection Instrument Handbook for the Corps Regulatory Program. July 2016, U.S. Army Corps of Engineers - Institute for Water Resources
- Implementing Financial Assurances for Mitigation Project Success. March 2016, U.S. Army Corps of Engineers - Institute for Water Resources
- Natural Resource Damages, Mitigation Banking, and the Watershed Approach. 2018 Environmental Law Institute
- Stream Quantification Tool – GA, WY, NC, TN
- Oregon Stream Assessment Method



MOVING FORWARD

- Tools, Trainings and Resources for Regulatory Staff
- Supporting implementation at the state/IRT level
- Information Sharing / Data Management
- Compensatory Mitigation Program Evaluation
- Effective Performance Standards

<https://www.epa.gov/cwa-404/compensatory-mitigation>

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