



# Oregon Stream Mitigation Framework



This program is being developed in collaboration with the US Fish and Wildlife Service and the National Marine Fisheries Service.

## SCIENCE-BASED

Policy and implementation tools that integrate the best available science, use ecological function and are applied in a watershed context as outlined in the Federal Compensatory Mitigation Rule (2008).

## CONSISTENT

Incorporates the requirements of key partner agencies with overlapping authorities, such that proposed impacts and mitigation are reviewed and implemented in a coordinated and timely manner.

## TRANSPARENT

Provides value to the public by enhancing the transparency, consistency, timeliness and effectiveness of the regulatory process. The framework will build credibility and public support and will be practical and straightforward.



Maintaining healthy watersheds that support the economy and quality of life of Oregon is a goal for all of its citizens. Achieving this goal depends in part on the coordinated and effective implementation of existing federal and state regulatory programs to protect our natural resources. The Stream Mitigation Framework is an effort to develop a science-based program for effective stream mitigation of unavoidable impacts permitted by Section 404 of the Federal Clean Water Act and Oregon's Removal-Fill Law.



## AGENCY ROLES

The U.S. Army Corps of Engineers and Oregon Department of State Lands administer permitting programs to regulate direct impacts to jurisdictional waters, including streams. These programs require that impacts be avoided to the maximum extent practicable; remaining unavoidable impacts must be minimized, and finally compensated for through compensatory mitigation. The Corps and the U.S. Environmental Protection Agency co-administer Section 404 of the Clean Water Act.

## TIMELINE

Development is expected to take approximately three years and will initially focus on commonly permitted activities in streams. An interim framework is targeted for release in 2012 and a final in 2013. The agencies will solicit input and participation early and often during the development process. Technical experts and an interagency policy work group will assist the agencies in reaching objectives outlined.

## FOR MORE INFORMATION

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## LIMITATIONS TO ADDRESS

- Lack of a stream functional assessment tool - existing tools are based largely on qualitative assessment of stream biological or physical conditions, which many scientists feel do not adequately assess stream functions.
- Absence of function-based accounting - existing stream mitigation is based on assumptions of the durable benefits of structural actions rather than measurement of functions restored.
- Lack of a watershed approach- existing approaches limit assessments to the reach-scale without consideration of the watershed context.
- Lack of tools to evaluate out-of-kind mitigation- existing stream mitigation facilitates the restoration or enhancement of out-of-channel components of the ecosystem for impacts to in-stream functions.
- Narrow recognition of values - existing approaches value and promote restoration of certain stream types rather than valuing the full range of functions and variability provided by natural stream types.
- Reliance on condition assessments- existing tools rely largely on subjective assessment of stream conditions rather than measurement of functions. This can devalue partially degraded streams and discourage restoration.
- Different assessment metrics are being applied to debit (impact) and credit (mitigation) determination, thereby making it difficult to evaluate functional replacement.

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