



Public Notice

U.S. Army Corps
of Engineers
Tulsa District

Reply To:

U.S. Army Corps of Engineers
ATTN: Regulatory Office
2488 East 81ST Street
Tulsa, Oklahoma 74137-4290

OSMM Field Trial
Public Notice No.

July 21, 2021
Public Notice Date

July 31, 2022
Expiration Date

PURPOSE

The purpose of this public notice is to inform you of a proposal for work in which you might be interested and to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest.

SECTION 10

The U.S. Army Corps of Engineers is directed by Congress through Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) to regulate all work or structures in or affecting the course, condition, or capacity of navigable waters of the United States. The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404

The U.S. Army Corps of Engineers is directed by Congress through Section 404 of the Clean Water Act (33 U.S.C. 1344) to regulate the discharges of dredged and fill material into all waters of the United States. These waters include lakes, rivers, streams, mudflats, sandflats, sloughs, wet meadows, natural ponds, and wetlands adjacent to other waters. The intent of the law is to protect these waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical, and biological integrity.

NOTICE TO PUBLISHERS

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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT
2488 EAST 81ST STREET
TULSA, OKLAHOMA 74137-4290

SPECIAL PUBLIC NOTICE
CONCERNING THE ENDING FIELD TRIAL PERIOD
FOR THE OKLAHOMA STREAM MITIGATION METHOD
U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT

Interested parties are hereby notified that the District Engineer (DE) has created the Oklahoma Stream Mitigation Method (OSMM). The OSMM establishes a stream credits system by quantifying unavoidable impacts to streams associated with proposed projects submitted for authorization under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

This Special Public Notice announces the Field Trial Period for the OSMM is nearing completion. The OSMM is applied on those permit evaluations where a pre-construction notification or individual permit application is required to be submitted to the Corps. The OSMM is authorized for use by the Corps, applicants, and authorized agents to determine the amount of compensatory mitigation necessary to offset unavoidable stream impacts associated with Department of the Army permit evaluations (see 33 CFR 332.3(f)). All users have the ability to provide substantiated comment concerning this OSMM during the Field Trial Period.

Location: Valid within the State of Oklahoma.

OSMM Description: This OSMM is a rapid protocol tool established to supplement current policy and provide a consistent rationale to determine appropriate compensatory stream mitigation credits. This tool should only be applied to unavoidable impacts after considering the Corps existing avoidance and minimization policy. This will be the preferred method when assessing mitigation requirements for all types of stream systems (perennial, intermittent, and ephemeral) that contain an ordinary high water mark and are determined to be jurisdictional waters of the United States (consistent with rules in place at the time of the determination). The OSMM could be companioned with other studies (e.g., Hydrogeomorphic Approach, Rapid Stream Assessment Technique, and/or Index of Biologic Integrity) when considered practical or necessary, as directed by the DE.

In some cases, the evaluation of the permit application may reveal that proposed stream compensation measures are not practical, constructible, or ecologically desirable. Therefore, all determinations involving projects requiring stream mitigation will be made on a case-by-case basis at the discretion of the Corps.

The OSMM utilizes three worksheets: Adverse Impact Worksheet, In-Stream Worksheet, and the Riparian Buffer Worksheet. The Adverse Impact Worksheet assesses impact factors of unavoidable stream segments associated with a proposed project requiring Department of the Army authorization. The In-Stream Worksheet

evaluates all proposed in-stream mitigation work. The Riparian Buffer Worksheet evaluates the characteristics of the riparian zone at the proposed mitigation site.

These worksheets are used to determine the total number of stream credits needed for the proposed impacts and the total number of credits to be generated at the proposed mitigation site. When proposed compensatory mitigation plans will be fulfilled by an approved third party mitigation provider, the totaled credit from the Adverse Impact Worksheet (Appendix A-1) will be required for purchase from the mitigation bank or in-lieu-fee program. Additional mitigation will be required when a proposed project is outside of the primary service area but within the secondary service area of the mitigation bank or the in-lieu fee program. When permittee-responsible mitigation is determined acceptable by the Corps, the mitigation value of the mitigation plan evaluated under the In-Stream Worksheet (Appendix A-2) and Riparian Buffer Worksheet (Appendix A-3) should equal or exceed the total stream credits required on the Adverse Impact Worksheet (Appendix A-1).

The OSMM tool and worksheets can be downloaded from following web link:
<https://www.swt.usace.army.mil/Missions/Regulatory/Mitigation/>.

Comments: The field trial period that will be ending soon was instituted to provide the Corps additional perspectives on whether the OSMM should be improved through specific modification or should be abandoned. The OSMM will remain valid until suspended or revoked by the DE. The OSMM tool comment period ends on July 31, 2022. All comments concerning the OSMM should be substantiated with completed site specific worksheets, a description of the site where the OSMM had been employed, a site specific scenario, and Corps Regulatory Project ID (SWT-20XX-XXXXX), if available. Any comments submitted during this trial period must be received by the Corps by the expiration date of this public notice. Comments received after this date will not be considered for future modification. You may submit comments to the Regulatory Office's mailing address Tulsa District Corps of Engineers, ATTN: Regulatory Office, Michael Ware, 2488 East 81st Street, Tulsa, OK 74137 or email CESWT-RO@usace.army.mil. Please include "OSMM Tool Comments" in the subject line of your correspondence or email message. All substantiated comments will be acknowledged but not individually addressed. All comments submitted will be evaluated at the end of the Field Trial Period to determine whether the OSMM tool should be revised or endorsed for continued use.

Andrew R. Commer
Chief, Regulatory Office