

**Iowa Stream Mitigation Method Stakeholder Meeting Responsiveness Summary**  
**January 12, 2016: Wallace Building, Rm 2N, 1-3 pm**

**NOTE: The Iowa Stream Mitigation Method is in no way a jurisdictional determination and the method would only apply to those streams that have been determined to be jurisdictional. The process to determine jurisdictional waters is independent and separate from the method.**

Below is a summary of the questions from stakeholders and the DNR Responses:

**1. Can we save extra credits for the future? If no, why not?**

**DNR Response:** It depends on the specifics behind this question, but generally credits generated from a single project cannot be saved for future use under the current permittee-responsible mitigation system. In this case it would be creating an individual mitigation bank without going through the process to get the bank approved. Details on this process can be found in 33 CFR 322.8 and 40 CFR 230.98.

However, there is an option where multiple projects in the same watershed can use the same mitigation site so long as they are being constructed in the same timeframe. No carryover is allowed in these situations.

It should also be noted that based on an approved mitigation method, stream mitigation banks and in lieu fee programs can be created and approved by the USCOE, and bank owners can sell credits.

**2. How were the values of individual factors in the Iowa Method set?**

**DNR Response:** Several states across the country have quantitative methods for determining losses and sufficient mitigation for stream projects. The state of Iowa, as well as portions of Missouri and Illinois, is in the Army Corps of Engineers Rock Island District. The state of Missouri developed a method in 2007 and has been applying it to stream mitigation projects since that time. Because the Missouri Method has been used and tested over many years in the Rock Island District, the USCOE encouraged Iowa to use the Missouri Method as our basis to start from.

The factors in the draft Iowa Method and all quantitative methods are based on relative impacts to stream functions. These methods are not meant to be a scientific evaluation of stream function, but an estimation of relative stream functions based on professional expertise. There is an EPA summary of some of the methods, including the Missouri Method, which shows variations between values by state. <http://www.epa.gov/cwa-404/stream-assessment-and-mitigation-protocols-review-commonalities-and-differences>

**3. Will there be more “real world” examples available on the website?**

**DNR Response:** Yes. As discussed at the meeting we are early in the process and are asking stakeholders to help in the testing process. Once tests are run and examples are available our intent is to share this work to help demonstrate how the method will score projects. From there

more analysis can be done to determine differences in how stream mitigation projects were done with and without using the draft Iowa Method. Please note that the method is in the early stages of development and the values may change as the method is refined so caution should be used in any early testing.

**4. How does this method deal with ditches? Suggested that they be assigned a 0.0 factor in the Existing Conditions analysis.**

**DNR Response:** NOTE: the method is in no way a jurisdictional determination and only applies to those streams that have been determined to be jurisdictional; a step that occurs prior to use of the method in the permit review process.

All jurisdictional streams that may be impacted in a project, whether it's a ditch or a naturally meandering stream, are evaluated for their existing functionality in the method on a case-by-case basis (See Section B3). This evaluation is comprised of several factors including, but not limited to: monitoring data, channelization, impoundments, stability, floodplain connectivity, and riparian buffers. The method will be tested on several different stream types over the course of development and focus will be given to the issue of manmade waterways to determine if they are evaluated appropriately. It should be noted that most work related to ditches is maintenance which is exempt from mitigation.

**5. Suggestion to run a project through the method and then visit a site to ground-truth the application of the method.**

**DNR Response:** We agree with this suggestion and will coordinate further with stakeholders and the USACE in the future.

**6. Suggestion to narrow the scoring to a range of 0-1 to reduce the spread of scores.**

**DNR Response:** The current scoring system is premised on the Missouri Method at this time and it's unknown what impact changing the scoring range will have on the current function of the draft method. The department followed up with USCOE and verified this will be an agenda item for the Interagency Review Team (IRT) at their upcoming meetings.

**7. Are there exemptions where mitigation would not be needed?**

**DNR Response:** Yes, there are several examples of dredge and fill activities where mitigation is not required. Nationwide Permit 27 for example doesn't require mitigation because the intent of the project is to enhance, create or restore existing wetlands. Activities where mitigation is generally not needed can be found at CWA 404(f) and 33 CFR 323.2. The application of exemptions is determined by USACE on a project-by-project basis.

- 8. It would be helpful to have more explicit definitions of what qualifies as third party grantee (conservancies, DNR, watershed groups, etc?). Would the Corps provide a list of qualified organizations?**

**DNR Response:** There is no list of qualified organizations but a non-profit or public entity is required to be a 3<sup>rd</sup> party grantee. Each project manager at the USCOE will discuss appropriate qualified organizations with the applicant on a project-by-project basis.

- 9. What is the method of measurement for impacts on large rivers, i.e. do you measure length of impact along the river's centerline or measure based on the length of streambank affected (which would result in a 2X amount if there are impacts to both banks).**

**DNR Response:** Stream mitigation is evaluated considering the entire river channel. This is reflected in the draft method which measures length of channel affected and not linear feet of each bank that's impacted added together.

- 10. Are linear feet of impact measured by thalweg or centerline?**

**DNR Response:** Centerline.

- 11. Are oxbows considered for mitigation?**

**DNR Response:** Yes. It depends on the project and will be assessed by project managers at the USCOE.

- 12. Can there be mismatches between type of impact and type of mitigation?**

**DNR Response:** Yes. In many ways that is the intent of the method. To allow applicants and project managers the ability to compare mismatched systems in an easier way than what was possible before.

- 13. There are many stretches of stream that do not have monitoring. Is there a plan for filling these gaps? Is there value for consultants to fill these gaps?**

**DNR Response:** Monitoring data could be helpful to more accurately determine existing conditions and potential impacts of a given project, but the method can still be used absent detailed monitoring data. One will have to evaluate the cost of additional monitoring, what you'd expect to find, how it would change the calculations in the method, and how that would change the overall mitigation project cost to determine whether it would be worthwhile to fill certain monitoring gaps.

**14. How will geographic distance of mitigation from the impacts it's supposed to be replacing affect credits and service area?**

**DNR Response:** The 2008 Compensatory Mitigation Rule requires the use of a watershed approach and the draft method is intended to be consistent with this requirement.

In the current draft of the method, geographic distance does not affect credits for a project if considered "in-service-area" and "in-kind" if both of the following conditions are met:

- 1) proposed project is within the 8-digit HUC watershed or the Interagency Review Team (IRT)-approved service area in which the impacts will occur, or the project employs a watershed approach which considers how the type and location of the compensatory mitigation project will provide the desired aquatic resource function.
- 2) hydrologic stream types are not interchanged (i.e., ephemeral, intermittent, perennial)

Credits may be affected if the project is considered "out-of-service-area" or "out-of-kind" if either of the following conditions are met:

- 1) proposed project is outside of the 8-digit Hydrologic Unit Code (HUC) watershed or the IRT-approved service area in which the impacts will occur.
- 2) the physical type or function of the project does not match the type or function of the impacted resource.

**15. When does this really apply? Give real life examples.**

**DNR Response:** The method will apply when stream impacts occur and mitigation is required. The goal is to provide applicants, project managers and consultants with a rapid, reliable and repeatable method to better assess stream impacts and the related mitigation that will be required to retain the functions and values of that stream and or watershed.

Examples of stream mitigation will be provided on the Iowa DNR website as the method development process continues. Please check the following website periodically for details: <http://www.iowadnr.gov/Environmental-Protection/Water-Quality/River-Restoration>

**16. Cost of banking in urban areas is prohibitive. It's too expensive in Polk County, but not in Dallas County. Will this Method result in lost functions in urban areas in favor of rural? How can you compare mitigation on land with different values?**

**DNR Response:** The factors in the draft Iowa Method are based on relative impacts to stream functions, not land values. The method also does not directly dictate where applicants site their mitigation projects within the watershed. If mitigation is proposed in a different land area within the watershed it will be evaluated based its ability to restore stream functions relative to what is

being damaged. Circumstances outside the influence of the method may result in lost function in urban areas in favor of rural areas.

**17. Are there buffer minimums accounted for in the method for mitigation projects?**

**DNR Response:** The minimum buffer width (MBW) for which mitigation credit will be considered is 50 feet as measured perpendicular to flow from top of bank on each side of the stream. Smaller buffer widths may be allowed on a case-by-case basis for small streams, and consideration for a reduced buffer width will be based on issues related to construction constraints, land ownership, and land use activities.

**18. Will culvert replacement result in the need to mitigate using this method?**

**DNR Response:** Culvert replacement projects that meet the requirements of Regional General Permit #7 or Nationwide Permit #3 do not require mitigation for direct replacement of the culvert with no change in culvert size and no riprap used for protection. Nationwide Permit #14 may be used depending on the impacts. If requirements are not met to qualify under those permits and an individual permit is determined to be necessary, then the need for stream mitigation will be evaluated on a case-by-case basis depending on the specifics of the culvert replacement project.