



## **Policy**

### **For the Nebraska Stream Condition Assessment Procedure (NeSCAP)**

Standard Nebraska policies, such as buffer widths and wetland mitigation ratios, will apply to projects that utilize this assessment method. Listed below are additional policies directed at stream and riparian resources only. In most cases, this assessment method will be used for projects that require stream mitigation, such as Individual Permits, Nationwide #27, and any stream or riparian project that a Project Manager deems appropriate, based on the resource and/or extent of impacts.

#### **Boundary for assessment (post project)**

##### **Variable 6 Land Use**

For stream impacts to stream mitigation situations, such as stream relocations or restorations, the post project boundary will be determined by the amount of buffer required for the project by the Project Manager. For example, if the project manager requires buffer around the mitigated stream this buffer boundary will be considered the assessment area. For reservoir projects, the boundary is generally considered the dam emergency spillway elevation. Additional buffer that is above and beyond the standard 50 feet may be considered on a case by case basis.

#### **Stream Order (in-kind vs. out-of-kind)**

In addition to looking at the assessment scores for the mitigation site, the Nebraska Regulatory Office will also consider stream order. The goal of compensatory mitigation is to replace functions lost at the impact site. Unlike wetlands where some water regimes, such as PEMA & PEMC function very similarly, different stream orders cannot be combined for mitigation. Additionally, stream channels with different classifications (ephemeral, intermittent, and perennial) do not function similarly and cannot be grouped for mitigation.

Mitigating with a different stream order or classification other than what is impacted (out-of-kind) may be considered on a case-by-case basis. In cases where a mitigation channel is the same order or classification as the impacted channel, no additional multiplier will be assigned. If the mitigation channel is one order or one classification different than the impacted channel, a 0.25 multiplier will be applied to the assessment score. If there is a two order or two classification difference, a 0.50 multiplier will be applied to the assessment score.

#### **Overall Scoring using the Calcbook**

There will be situations where a positive score will be reached by the NeSCAP calcbook, even though not actually offsetting all lost variables. In cases where a variable(s) post project score is 0 (representing a complete removal of a variable), additional mitigation for the lost variables will be required. The goal of this additional mitigation is to replace lost functions associated with the removed variable(s). In cases where either variable 1 and/or variable 2 are completely removed, in-stream/channel mitigation, preferably upstream or downstream of the impacts, will be required. A mitigation ratio will be based on the type of work proposed. For example, rehabilitation work will have a 1:1 ratio and preservation at a 5:1 ratio.

Determination of the amount of additional mitigation is as follows: the length of the impacts where the variable score “change from baseline” is a negative number times the ratio which represents the type of mitigation. For Example; 4 reaches each 50 linear feet. All 4 reaches show a negative number for “change from baseline” for variables 1 & 2. The mitigation type planned is preservation.  $4 \text{ (reaches)} \times 50 \text{ linear feet} = 200 \text{ linear feet} \times 5 \text{ (ratio)} = 1,000 \text{ linear feet}$  will need to be preserved.

#### **Determination of Mitigation Banking Crediting**

Credits in a mitigation bank containing a stream mitigation component situation will be based on the difference between pre and post project scores. Scores on a post project shall all be positive in order to be considered acceptable as a stream mitigation bank or a portion of a bank.