



**US Army Corps
of Engineers
Buffalo District
Huntington District
Pittsburgh District
Regulatory**

Public Notice

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Subject:

Notification of Standard Service Areas for Ohio

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NOTIFICATION OF STANDARD SERVICE AREAS FOR THIRD PARTY COMPENSATORY MITIGATION IN OHIO

JOINT PUBLIC NOTICE: This joint public notice is distributed on behalf of the United States Army Corps of Engineers (USACE) Buffalo, Pittsburgh and Huntington Districts, in consultation with the Ohio Interagency Review Teams (IRT). The Buffalo, Pittsburgh and Huntington Districts each have a regulatory area of responsibility (AOR) within Ohio. The Ohio IRT is presently comprised of the USACE (Buffalo, Huntington, and Pittsburgh Districts), the U.S. Environmental Protection Agency (USEPA), the U.S. Fish and Wildlife Service (USFWS), the U.S. Department of Agriculture-Natural Resources Conservation Service, the Ohio Department of Natural Resources, and the Ohio Environmental Protection Agency (Ohio EPA).

AUTHORITY: The USACE administers the Mitigation Banking and In-lieu Fee (ILF) programs in OH together with the IRT in accordance with the mitigation procedures derived from the *Compensatory Mitigation for Losses of Aquatic Resources; Final Rule* (Final Rule) published on April 10, 2008, in the Federal Register (Vol. 73, No. 70). The federal regulations associated with this final rule include 33 CFR § 332. The final rule became effective June 9, 2008, and may be referenced in its entirety at <https://www.govinfo.gov/content/pkg/CFR-2012-title33-vol3/xml/CFR-2012-title33-vol3-part332.xml>.

BACKGROUND : Impacts to waters of the United States must be avoided and minimized to the maximum extent practicable during the Clean Water Act Section 404 permit application review process (33 CFR § 320.4(r)). The USACE may require compensatory mitigation to offset losses of aquatic resource function resulting from permitted activities (33 CFR § 320.4(r)(2), 40 CFR Part 230, Section 404(b)(1) Guidelines). Options for providing compensatory mitigation consist of mitigation bank credits, in-lieu fee program credits, and permittee-responsible mitigation, with mitigation bank credits being the preference (33 CFR § 332.3 (b)). Mitigation banks and in-lieu fee programs are required to have defined service areas for the sale of credits, subject to USACE approval in consultation with the IRT. Service area means the geographic area within which impacts can be mitigated at a specific mitigation bank or an in-lieu fee program, as designated in its instrument (33 CFR § 332.2). The service area is the watershed, ecoregion, physiographic province, and/or other geographic area within which the mitigation bank or in-lieu fee program is authorized to provide compensatory mitigation required by DA permits. The service area must be appropriately sized to ensure that the aquatic resources provided will effectively compensate for adverse environmental impacts across the entire service area (33 CFR § 332.8(d)(6)(ii)(A)).

PURPOSE: The purpose of this public notice is to inform the public of the revised standard service areas for Ohio which were developed by the USACE, in consultation with the IRT. This public notice is solely informational, and comments are not being requested.

REVISED STANDARD SERVICE AREAS: Currently in Ohio, the *Guidelines for Wetland Mitigation Banking and In-Lieu Fee Programs in Ohio, Version 2.0, September 2020* (Wetland Guidelines) and *Guidelines for Stream Mitigation Banking and In-Lieu Fee Programs in, Ohio Version 1.1, March 2016* (Stream Guidelines), recommend standard service areas consisting of single U.S. Geological Survey 8-digit Hydrologic Unit Codes (HUCs). The USACE, in consultation with the IRT, evaluated the existing service areas recommended in the Guidelines and found that there are several small 8-digit HUCs in the State (area), that some 8-digit HUCs span state lines thereby resulting in only a small portion of the 8-digit HUC being located within the State boundary, and that several 8-digit HUCs have individually not proven to be viable to support effective third party compensatory mitigation. Where they have been determined to follow a watershed approach, to be appropriately sized to effectively compensate for adverse environmental impacts across the entire service area, and to align with the intent of the Final Rule, some existing recommended service areas have been revised to combine 8-digit HUCs into new single service areas. Table 1 below identifies the new standard service areas and Figure 1 provides a map of the new standard service areas.

The development of standard service areas provides consistency across Ohio, expedites permitting processes, provides consistency between mitigation banks and in-lieu fee programs, and better aligns districts with regional mitigation practices.

Table 1. Ohio Standard Service Areas

Service Area	HUC 8	HUC 8 name
A	04100003, 04100005,	St. Joseph, Upper Maumee, Tiffin
B	04100001, 04100002, 04100009, 04100010	Ottawa-Stony, Raisin, Lower Maumee, Cedar-Portage
C	04100007, 04100008,	Auglaize, Blanchard, St. Marys
D	04100011, 04100012	Sandusky, Huron-Vermilion
E	04110001	Black-Rocky
F	04110002	Cuyahoga
G	04110003 (minus the Ashtabula River watershed)	Chagrin
H	04110004	Grand
I	0411003 (minus the Chagrin River watershed), 04120101	Ashtabula, Conneaut
J	05030103, 05030102	Mahoning, Shenango
K	05030101, 05030106 (plus the following HUC 10 watersheds 050302010101, 050302010102,050302010103, 050302010104,050302011001, 050302011002,050302011004)	Upper Ohio, Upper Ohio-Wheeling
L	05040001, 05040003,	Tuscarawas, Walhonding, Mohican
M	05040004, 05040005,	Muskingum, Wills, Licking
N	05030204, 05030202, 05030201 (minus the following HUC 10 watersheds 050302010101, 050302010102,050302010103, 050302010104,050302011001,	Hocking, Upper Ohio-Shade, Little Muskingum-Middle Island
O	05090101, 05090103	Raccoon-Symmes, Little Scioto - Tygarts
P	05060002, 05060003	Lower Scioto, Paint
Q	05060001	Upper Scioto
R	05120101, 05120103, 05080001	Upper Wabash, Mississinewa, Upper Great Miami
S	05080002, 05080003, 05090203	Lower Great Miami, Whitewater, Middle Ohio-Laughery
T	05090202	Little Miami
U	05090201	Ohio Brush-Whiteoak

IMPLEMENTATION: Any new or pending mitigation banks or in-lieu fee programs that have not been approved to date in Ohio are expected to utilize the new standard service areas. Existing mitigation sponsors may request a modification of their approved mitigation bank or in-lieu fee program instrument(s) to adopt the new standard service areas. The standard services areas outlined herein supersede those described by the in the *Guidelines for Wetland Mitigation Banking and In-Lieu Fee Programs in Ohio, Version 2.0, September 2020* and *Stream Mitigation Banking and In-Lieu Fee Programs in, Ohio Version 1.1, March 2016*.