

PUBLIC NOTICE

**CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

REGULATORY DIVISION

23 May 2008

Refer to: Compensatory Mitigation for Losses of Aquatic Resources

The US Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA) have issued regulations governing compensatory mitigation for activities authorized by permits issued by the Department of the Army. The purpose of this local public notice is to provide interested parties with general information about the new regulations. The regulations were published in the Federal Register (Volume 73, Number 70, Page 19594) on Thursday, April 10, 2008, and are available online at the following Corps of Engineers website:
http://www.usace.army.mil/cw/cecwo/reg/news/final_mitig_rule.pdf

One of the primary goals of these regulations is to improve the quality and success of compensatory mitigation projects that are designed to offset impacts to aquatic resources authorized by Department of the Army permits. The regulations emphasize the use of a watershed approach in selecting compensatory mitigation sites, require measurable ecological performance standards and regular monitoring for all types of compensatory mitigation, and specify the components of a complete mitigation plan, such as site protection instruments, financial assurances, and the identification of the parties responsible for specific project tasks.

These regulations are effective on June 9, 2008, and supersede previous guidance documents (1995 Mitigation Banking Guidance, 2000 In-Lieu Fee Guidance, and 2002 Compensatory Mitigation Guidance Letter) and portions of the Corps/EPA Mitigation Memorandum of Agreement. The Charleston District has begun updating several of our local policies and procedures regarding compensatory mitigation to comply with these regulations. As these updates become available they will be posted under mitigation on our local website:
<http://www.sac.usace.army.mil/?action=mitigation.home>