



**DEPARTMENT OF THE ARMY**  
CHARLESTON DISTRICT, CORPS OF ENGINEERS  
69A HAGOOD AVENUE  
CHARLESTON, SOUTH CAROLINA 29403-5107

**FEBRUARY 26, 2018**

**SPECIAL PUBLIC NOTICE**

***CHARLESTON DISTRICT SOLICITATION FOR COMMENTS REGARDING  
UPDATE TO THE 2010 GUIDELINES FOR PREPARING A COMPENSATORY  
MITIGATION PLAN***

The U.S. Army Corps of Engineers, Charleston District, Regulatory Division is developing an update to the Charleston District 2010 “Guidelines for Preparing a Compensatory Mitigation Plan” (2010 Guidelines). This public notice is being distributed to all interested stakeholders to solicit public input for consideration in updating the 2010 Guidelines.

**BACKGROUND:** On April 10, 2008, the U.S. Army Corps of Engineers and the Environmental Protection Agency jointly published regulations (see 33 CFR Part332, 33 CFR 325.1(d)(7), and 40 CFR 230.91-98) entitled, “Compensatory Mitigation for Losses of Aquatic Resources,” (Mitigation Rule). One of the primary goals of these regulations was to improve the quality and success of compensatory mitigation plans that are designed and implemented to offset impacts to aquatic resources authorized by Department of the Army Permits. The Mitigation Rule emphasized the strategic selection of compensatory mitigation sites on a watershed basis and established equivalent standards for all three types of compensatory mitigation (i.e., mitigation banks, in-lieu fee programs, and permittee-responsible mitigation plans). In response to the Mitigation Rule, the Charleston District Regulatory Division released the 2010 Guidelines on October 7, 2010, which updated and replaced the Charleston District’s prior Standard Operating Procedures for Compensatory Mitigation (RD-SOP-02-01), dated September 19, 2002.

Since 2010, however, there have been several unique and innovative tools for evaluating permitted impacts to aquatic resources, as well as compensatory mitigation methods for offsetting those permitted impacts. Whereas early assessment methods primarily focused on specific activities, new tools seek to capture the ecological functional loss or functional lift of a proposed action. These new methods provide a less subjective method for evaluating compensatory mitigation plans to offset permitted impacts. In coordination with the South Carolina Interagency Review Team (IRT), the Charleston District is reviewing evaluation tools and credit calculation methods from other Corps districts and academia, including Fischenich’s “Functional Objectives for

Stream Restoration (2006)” and Harmon’s “Stream Functions Pyramid (2012)”. The Charleston District is seeking public comment on the strengths and weaknesses of the 2010 Guidelines. These comments will be consolidated and considered in developing new Charleston District compensatory mitigation guidelines. The 2010 Guidelines can be found on the Charleston District website at:

<http://www.sac.usace.army.mil/Missions/Regulatory/Compensatory-Mitigation>

COMMENTS: Anyone wishing to comment on this public notice must provide comments no later than 60 days from the date of this notice. Please reference “Compensatory Mitigation Guideline Revisions” in your comments and submit comments in writing to the following address:

US Army Corps of Engineers  
ATTN: David B. Wilson, Regulatory Division  
69A Hagood Avenue  
Charleston, SC 29403

If there are any questions concerning this public notice, please contact David B. Wilson at 843-329-8026 or toll free at 1-866-329-8187.