



Public Notice

US Army Corps Of Engineers

Walla Walla District
201 North Third Avenue
Walla Walla, WA 99362-1876

PROPOSED MITIGATION AND MONITORING GUIDELINES

Date of Notice: December 16, 2003
Comments Due Date: January 15, 2004

We are soliciting comments on our proposed Mitigation and Monitoring Guidelines for Section 404 permits in Idaho. The Guidelines are attached to this notice. Also attached are a joint Corps/EPA cover letter, a joint Mitigation Plan Checklist and Supplement, and national guidance entitled "Incorporating the National Research Council's Mitigation Guidelines Into the Clean Water Act Section 404 Program". This national guidance was developed to aid in planning and implementing successful mitigation projects.

The Walla Walla District's Mitigation and Monitoring Guidelines will be used to evaluate compensatory mitigation proposals submitted along with an application for a Department of the Army permit under Section 404 of the Clean Water Act in Idaho. The Guidelines provide a framework to evaluate how well a compensatory mitigation plan will replace wetland (or waterway) functions that are lost when a wetland (or waterway) is filled. District mitigation guidelines are being developed across the Nation to address regional differences. A Public Notice announcing our final version of the Mitigation and Monitoring Guidelines will be published before June 1, 2004.

Section 404 of the Clean Water Act requires a Department of the Army permit for the discharge of dredged or fill material into waters of the United States, including wetlands. This includes excavation activities that result in the discharge of dredged material and destroy or degrade waters of the United States. Applicants who apply for a permit to fill wetlands or waterways are required to avoid and minimize impacts as much as possible. Any remaining impacts must be offset with compensatory mitigation to replace lost wetland (or waterway) functions. This public notice provides the public with a chance to comment on the guidance we are developing to evaluate compensatory mitigation plans submitted by permit applicants.

In addition to our proposed Guidelines, attached is a joint Corps/EPA cover letter, a joint Mitigation Plan Checklist and Supplement, and national guidance entitled "Incorporating the National Research Council's Mitigation Guidelines Into the Clean Water Act Section 404 Program". The one-page checklist and supplement were developed jointly by the Corps and EPA. The Corps envisions that the checklist would be placed in each application file that requires compensatory mitigation. The supplement would be used as a reference to inform applicants, consultants, or contractors of Corps requirements to use in designing their compensatory mitigation plans. The National Research Council document provides ten guidelines that applicants should follow in designing their compensatory mitigation.

Nationally, the Corps is commencing several major initiatives to improve the success of compensatory mitigation overall and in the context of a regional watershed approach, to respond to the president's National Mitigation Action Plan (MAP). MAP may be found at:

<http://www.epa.gov/owow/wetlands/NWMAP122402signed.pdf>

The Corps is committed to improving the success of mitigation and increasing efforts on mitigation compliance to meet the goal of no net loss of our Nation's aquatic resources. The first step toward this effort was to develop Mitigation Regulatory Guidance Letter (RGL) 02-2. The RGL may be viewed on our website, which is referenced at the end of this notice.

The second step was to develop the Mitigation Plan Checklist and Supplement, and the National Research Council document. These documents are attached to this public notice and they are also available on the web at <http://155.79.114.198/performance%20standards.htm> This guidance defines a minimum level of standards for compensatory mitigation and policy for applicants, the public, and Corps Regulators. The mitigation checklist and supplement was a multi-agency effort required as a result of the MAP. The national guidance will allow flexibility for uniqueness in each District. The recommendations of the National Academy of Science (NAS) "Compensating For Wetland Losses Under The Clean Water Act" report on Mitigation along with the Corps' implementation clarification set a minimum level for standardization purposes.

As the National Mitigation Action Plan (MAP) is implemented, there will be further changes to each District's Mitigation and Monitoring Guidelines as the Corps adds to their knowledge base on mitigation. The Corps anticipates additional changes to each District's guidelines in the next 3-5 years as the Corps begins to evaluate mitigation on more of a watershed basis.

This public notice provides the public an opportunity to comment on the Walla Walla District's proposed Mitigation and Monitoring Guidelines. We will accept written comments on the Guidelines until January 15, 2004. All comments should be submitted to:

Walla Walla District, Corps of Engineers
201 North Third Street
Walla Walla, WA 99362

All submitted comments will be made part of the public record. The Corps will consider all comments in developing the final Guidelines.

For further information about the Department of the Army permit program in Walla Walla District, please visit our web page at: <http://www.nww.usace.army.mil/html/offices/op/rf/rfhome.htm> or call us at 509-527-7150.



A. Bradley Daly
Chief, Regulatory Division