

SPECIAL PUBLIC NOTICE



US Army Corps
of Engineers
Little Rock District

File Number: 2016-00146
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IMPLEMENTATION OF THE MISSOURI WETLAND MITIGATION METHOD (MWMM)

This notice is an informational notice only. No comments are requested.

JOINT PUBLIC NOTICE: This public notice is issued jointly with the Missouri Department of Natural Resources.

BACKGROUND: The U.S. Army Corps of Engineers Districts within the State of Missouri (Kansas City, Little Rock, Memphis, Rock Island, St. Louis) (Corps) have adopted the MWMM on November 17, 2017. The MWMM is the primary tool the Corps will use for the evaluation of wetland impacts and mitigation proposals for Department of the Army permit actions within the State of Missouri. The MWMM will enhance the Corps ability to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions.

The Corps, along with other State and Federal agencies, drafted the MWMM to address conformance with the 2008 Compensatory Mitigation Rule (see 33 CFR part 332), improved consistency, flexibility and transparency throughout Missouri when addressing impacts to jurisdictional wetlands. As part of this implementation, a public notice was issued on May 6, 2016, requesting public input on the MWMM. We evaluated all comments received and tested various public recommendations in the development of this final version of the 2017 MWMM.

PURPOSE: For projects approved pursuant to the Corps Regulatory Program with jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344), the Corps must require compensatory mitigation to offset losses of aquatic functions and services. The MWMM creates a tool to identify impacts to aquatic ecosystems (debits) and effects of mitigation actions (credits) so that debit and credits can be compared in like terms. Use of a standard assessment tool improves efficiency, communication and consistency and provides increased predictability in the mitigation design and evaluation process.

APPROVED GRANDFATHERING PROVISIONS: The following bullets identify those situations where mitigation credit evaluations using the ratio based wetland mitigation evaluation will be maintained and where the 2017 MWMM will apply.

- Wetland mitigation credit determinations made for approved Mitigation Banking Instruments and approved In-Lieu-Fee (ILF) projects using the ratio based wetland mitigation evaluation will remain unchanged. The Adverse Impact Worksheet accompanying the 2017 MWMM is suitable for determining debits (credits required) from the approved mitigation bank or ILF project where credits were established using the ratio based wetland mitigation evaluation.
- Effective immediately, those mitigation banks that are pending final approval will need to be reevaluated using the 2017 MWMM to determine the total number of wetland credits generated by the proposed mitigation activities. However, if the review period has been more than 6 months, this provision shall be waived.
- Effective immediately, those ILF mitigation projects that are pending final approval will need to be reevaluated using the 2017 MWMM to determine the total number of wetland credits generated by the proposed mitigation activities. However, if the review period has been more than 6 months, this provision shall be waived.
- Department of the Army permit evaluations that are pending authorization before the date of this public notice will remain valid and will not require the use of the method.
- Permittee-responsible mitigation plans being developed by permit conditions or as part of an ongoing permit evaluation where the Corps and permittee/permit applicant have agreed upon the mitigation site and design aspects of the mitigation plan and/or discussed the potential mitigation credits generated using the ratio based wetland mitigation evaluation will remain valid at the discretion of the Regulatory project manager.
- Effective immediately, all new permittee-responsible mitigation plans will need to be evaluated using the 2017 MWMM to determine the total number of wetland credits generated by the proposed mitigation activity.

EFFECTIVE DATE: The MWMM became effective on November 17, 2017. The MWMM will act as the primary tool the Corps will use for evaluating wetland impacts and mitigation proposals for new permit actions within the State of Missouri.

MWMM DOCUMENT: The 2017 MWMM is located on the District's webpage at <http://www.swl.usace.army.mil/Portals/50/docs/regulatory/2017-11-14%20MWMM%20Method%20Final%20.pdf>

PERIODIC REVIEW: The MWMM will be reviewed and updated as necessary based upon experiences during use.

ADDITIONAL INFORMATION: Additional information about the 2017 MWMM may be obtained by contacting Mr. James Reenan, Missouri State Regulatory Office, 515 East High Street, Suite 202, Jefferson City, MO 65101, at telephone (816) 389-3832 or via email at james.s.reenan@usace.army.mil.