

PUBLIC NOTICE



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**US Army Corps
of Engineers
Little Rock District**

30-Day Notice

REQUEST FOR COMMENTS FOR MISSOURI STREAM MITIGATION METHOD (MSMM)

On March 30, 2007, the five U.S. Army Corps of Engineers (Corps) Districts in the State of Missouri adopted the MSMM. The MSMM was developed in response to agency comments for implementing a stream mitigation assessment method to adequately address compensatory mitigation for stream impacts and the need for a consistent standard to be used in all Corps Districts in the State of Missouri. The MSMM became the primary tool used for the evaluation of stream impacts and mitigation proposals for Department of the Army permit evaluations within the State of Missouri. The Missouri Department of Natural Resources also modified their State of Missouri Aquatic Resources Mitigation Guidelines to include the MSMM.

On March 18, 2010, a Project Delivery Team (PDT) comprised of representatives from Federal and state agencies as well as the Kansas City, Little Rock, Memphis, Rock Island, and St. Louis Districts of the Corps, convened to discuss aligning the document with Corps and USEPA joint regulation for Compensatory Mitigation for Losses of Aquatic Resource; Final Rule (Federal Register / Vol. 73, No. 70 Pages 19594-19687, April 10, 2008) (herein referred to as Mitigation Rule), national guidance, statewide policies, user comments received over the course of the 3- year implementation period, and Regulatory Project Manager experience. Therefore, the MSMM has been developed and modified using best available information and applies scientific concepts to assist regulatory agency personnel in determining a value which represents the loss of aquatic functions at an impact or project site.

The MSMM describes the preferred method for quantifying unavoidable stream impacts associated with the review of permit applications submitted for authorization 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 MSMM will typically be applied on those permit evaluations where a pre-construction notification is required to be submitted to the Corps, and the Corps determines that compensatory mitigation is necessary to offset unavoidable stream impacts associated with the permit evaluation. Therefore, the MSMM will be the preferred method when assessing mitigation requirements for all types of stream systems (perennial, intermittent, and ephemeral) that contain an ordinary high water mark and are determined to be jurisdictional waters of the United States.

Another key element of the MSMM is to address the requirements for making a determination of credits identified in Section 332.4 (c)(6) of the Mitigation Rule and does not replace any other mitigation plan requirements or components identified in the rule. All mitigation plan documentation must be prepared in accordance with the Mitigation Rule, which governs planning, implementation, and management of permittee-responsible and third party compensatory mitigation projects. Therefore, the MSMM is intended to serve as a tool for determining the amount of stream mitigation credits that a proposed project will generate based on the mitigation plan prepared for Stream Mitigation Banks, Individual In-Lieu Fee Stream Project Approvals, or Permittee-Responsible Mitigation Sites within the State of Missouri. A copy of the MSMM can be viewed at the following web address:

[http://www.mvs.usace.army.mil/ConOps/permits/pn/Amended Missouri Stream Mitigation Method March 2012.pdf](http://www.mvs.usace.army.mil/ConOps/permits/pn/Amended_Missouri_Stream_Mitigation_Method_March_2012.pdf)

Comments on the MSMM can be submitted to Mr. Shawn Sullivan at the U.S. Army Corps of Engineers, St. Louis District Regulatory Branch, 1222 Spruce Street, St. Louis, Missouri, 63103 or by email at shawn.f.sullivan@usace.army.mil Comments relating to the MSMM are due by close of business April 26, 2012.