

# PUBLIC NOTICE



**US Army Corps  
of Engineers  
Kansas City District**

**Issue Date: January 27, 2010**

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**THIS NOTICE ANNOUNCES THE RELEASE OF  
THE MITIGATION BANKING INSTRUMENT OUTLINE,  
THE IN-LIEU FEE MITIGATION PROGRAM INSTRUMENT OUTLINE,  
AND THE PERMITTEE-RESPONSIBLE MITIGATION PLAN OUTLINE  
FOR THE STATE OF MISSOURI**

**This notice is for information only;  
No comments are requested.**

Pursuant to the Final Rule for the Compensatory Mitigation for Losses of Aquatic Resources (33 CFR Parts 325 and 332; and 40 CFR Part 230), dated April 10, 2008, notice is hereby given that the U.S. Army Corps of Engineers Districts operating in the State of Missouri have developed these documents in order to clarify the process and requirements of developing a compensatory mitigation bank instrument, an in-lieu fee compensatory mitigation program instrument, and a permittee-responsible mitigation plan within the State of Missouri.

The purpose of these outlines is to facilitate the approval process for mitigation banks, in-lieu fee programs, and permittee responsible mitigation plans by providing guidance to these individual parties regarding the development of appropriate documentation. The mitigation banking instrument outline and the in-lieu fee instrument outline includes a summary of the process for approval as well as a summary of the information required for a prospectus and draft instruments (see 33 CFR 332.8 / 40 CFR 230.98). A Compensatory Mitigation 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, was organized in order to clarify the requirements described in the mitigation rule; these documents reflect the PDT's interpretation of the requirements for these compensatory mitigation documents.

These documents are subject to periodic review and modification by the PDT. The documents can be accessed online at each Corps District's Regulatory website when posted; The Kansas City District website is: <http://www.nwk.usace.army.mil/regulatory/CompMit/compmit.htm> . The documents must be used for all proposed compensatory mitigation proposals within the State of Missouri.

**Point of Contact:** Questions may be directed to Douglas Berka, U.S. Army Corps of Engineers, Kansas City District by calling 816-389-3657 or email at [douglas.r.berka@usace.army.mil](mailto:douglas.r.berka@usace.army.mil) (FAX: 816-389-2032).