

SPECIAL PUBLIC NOTICE



US Army Corps
of Engineers
Kansas City District

Public Notice No. 2008-00424
Issue Date: August 13, 2018

UPDATE

KANSAS STREAM MITIGATION GUIDANCE (KSMG)

Background: The U.S. Army Corps of Engineers-Kansas City District (Corps) adopted the KSMG on October 30, 2008, after a request from the Kansas Natural Resources Sub-cabinet and the Kansas Stream Mitigation Task Force (Task Force), and after a public notice for comment and review for conformance with the Compensatory Mitigation Rule (see 33 CFR part 332). The KSMG became the primary tool the Corps used for the evaluation of stream impacts and mitigation proposals for permit actions within the State of Kansas, including Indian Country.

The Corps conducted a comprehensive review of the KSMG to address inconsistencies and issues identified during its first year of use and issued a 30-day public notice on December 31, 2009, for public comment. The Corps then further modified the KSMG based upon internal review, consideration of public comment and the completion of field testing exercises. As a result, the Corps adopted KSMG version 2 (KSMGv2) on June 25, 2010.

As a matter of a periodic review, the Corps requested comments and recommendations from state and Federal agencies in August 2016, and after review of agency comments, issued 30-day public notice with seven proposed modifications on August 15, 2017. With completion of this review, we are issuing KSMG version 3 (KSMGv3). Substantive modifications are limited to the original seven proposed updates. Other revisions consist of editorial improvements.

Purpose: For projects approved pursuant to the Corps Regulatory Program 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 requires compensatory mitigation to offset losses of aquatic functions. The KSMG is an assessment tool for identifying impacts (debits) to aquatic ecosystems and effects (credits) of mitigation actions so that the 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.

Effective Date: Effective the date of this notice, KSMGv3 is adopted for use and is the primary tool the Corps will use for evaluating stream impacts and mitigation proposals for new permit actions within the State of the Kansas, including Indian Country. Complete permit applications received prior to the effective date of KSMGv3, can continue to be evaluated under KSMGv2, unless specifically requested by the applicant to reevaluate the application under KSMGv3. Additionally, if a substantial investment in time and effort is documented as part of pre-application consultation with the Corps, the Corps may determine on a project specific basis to continue with use of KSMGv2 for that project.

KSMG Document: The updated KSMGv3 document and KSMG calculation sheets are located on the District's webpage at <http://www.nwk.usace.army.mil/Missions/Regulatory-Branch/State-of-Kansas/>.

Periodic Review: The KSMG will be reviewed and updated as necessary based upon experiences during use, with a comprehensive review when needed. Comments may be provided at any time, or held for the next comprehensive review.

Additional Information: Additional information about the KSMG may be obtained by contacting Mr. Brian Bartels, Kansas State Regulatory Office, 2710 NE Shady Creek Access Road, El Dorado, Kansas, 67042, at telephone (316) 322-8247 or via e-mail at brian.c.bartels@usace.army.mil.