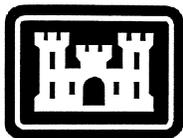


PUBLIC NOTICE



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

Issue Date: January 27, 2010

**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 KANSAS**

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

Pursuant to the Final Rule for the Compensatory Mitigation for Losses of Aquatic Resources “Mitigation Rule” (33 CFR Parts 325 and 332; and 40 CFR Part 230), dated April 10, 2008, notice is hereby given that the Kansas City District, U.S. Army Corps of Engineers, working in consultation with the state and federal natural resource agencies within the State of Kansas has 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 Kansas.

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 natural resource and wildlife agencies as well as the Kansas City District, was organized in order to interpret and 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: <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 Kansas.

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 (FAX 816-389-2032).