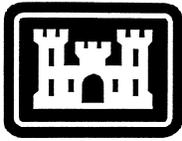


# SPECIAL PUBLIC NOTICE



US Army Corps  
of Engineers  
Kansas City District

Public Notice No. 2008-424  
Issue Date: October 30, 2008

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## ADOPTION OF KANSAS STREAM MITIGATION GUIDANCE (KSMG)

**Joint Public Notice:** This public notice is issued jointly with the Kansas Natural Resources Sub-cabinet and the Kansas Stream Mitigation Task Force.

**Background:** In early 2008, the Kansas Natural Resources Sub-cabinet reported that the Kansas Stream Mitigation Task Force had completed development for the draft KSMG and requested that the Kansas City District (District) notice the KSMG for public comment and adopt a final KSMG for use in determining compensatory mitigation requirements for impacts to jurisdictional streams in Kansas. The KSMG was provided for public comment on March 30, 2008. Comments received were provided back to the KSMG drafting committee for response, and all responses were evaluated by the District. This final version incorporates changes based upon public comment.

**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 of Engineers must require compensatory mitigation to offset losses of aquatic functions. The KSMG creates a level tool to identify impacts to aquatic ecosystems (debits) and effects of mitigation actions (credits) 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:** At 30 days from this notice, the KSMG becomes the primary tool the District will use for evaluating stream impacts and mitigation proposals for new permit actions within the State of the Kansas, including Indian Country. Note: In February 2007, the District, in coordination with the other Missouri Corps Districts, adopted the *Missouri Stream Mitigation Method* (MSMM). When evaluating compensatory mitigation proposals, the District will consider regional differences when deciding which "stream tool" to use and apply in transition areas. The District will also use flexibility in adapting the KSMG to account for specific environmental functions.

**KSMG Document:** The final KSMG is located on the District's webpage at <http://www.nwk.usace.army.mil/regulatory/regulatory.htm>, and posted within the "Mitigation Tools and Guidance" information box under Hot Topics.

**Periodic Review:** The KSMG will be reviewed and updated as necessary based upon experiences during use, with a comprehensive review at the end of one year. Comments may be provided at any time, or held for the one-year review.

**Additional Information:** Additional information about the KSMG may be obtained by contacting Mr. Thomas A. McCabe, Kansas State Regulatory Office, 2710 NE Shady Creek Access Road, El Dorado, Kansas, 67042, at telephone (316) 322-8247 or via e-mail at [Thomas.a.mccabe@usace.army.mil](mailto:Thomas.a.mccabe@usace.army.mil).