

PUBLIC NOTICE



US Army Corps
of Engineers
St. Louis District

Issue Date: April 9, 2010

ILLINOIS STREAM MITIGATION METHOD

**This notice is for information only
and no comments are requested.**

Project Information. Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. Code 403) and Section 404 of the Clean Water Act (33 U.S. Code 1344), notice is hereby given that the US Army Corps of Engineers Districts in the State of Illinois have developed guidance for making a determination of credits for projects that require stream mitigation within the State of Illinois. The US Army Corps of Engineers Districts in the State of Illinois, Illinois Environmental Protection Agency, and Illinois Department of Natural Resources will be testing the *Illinois Stream Mitigation Method* for 6 months from the date of this notice and will make any modifications to the method at the end of this test period. It is anticipated that any modifications to the method following the testing will be completed by November 2010.

Stream mitigation guidance described in the attached document is designed to supplement mitigation plan requirements in the Mitigation Rule released on April 10, 2008 (Compensatory Mitigation for Losses of Aquatic Resources). Specifically, this method addresses the requirements for making a determination of credits identified in Section 332.4 (c)(6) of the Mitigation Rule. This method is considered a part of an overall mitigation plan and does not replace any other mitigation plan requirements or components identified in the Mitigation Rule.

A Project Delivery Team (PDT) comprised of representatives from all Corps Districts with regulatory responsibilities in the State of Illinois and the US Environmental Protection Agency, US Fish and Wildlife Service, Natural Resource Conservation Service, Illinois Environmental Protection Agency, Illinois Department of Natural Resources, and the Illinois State Geological Survey was organized to design and evaluate this method. PDT goals included developing a rationale for making consistent credit determinations to compensate for unavoidable stream impacts resulting from permitted activities throughout the state. Numerous PDT meetings were held from October 2008 to January 2010 to consider agency comments in developing the attached method that is proposed for testing.

The Rock Island, Memphis, Louisville, Chicago, and St. Louis Corps Districts, as well as the Illinois Environmental Protection Agency and Illinois Department of Natural Resources, will adopt the *Illinois Stream Mitigation Method* as the standard tool for calculating adverse impacts and compensatory stream mitigation credits. They will consider regional differences in their use of the *Illinois Stream Mitigation Method* to adequately evaluate compensatory mitigation proposals in each respective district. The Corps Districts in Illinois have agreed to use flexibility in adapting this method to account for differing project considerations that may be identified during the permitting process or in project specific mitigation plans.

The *Illinois Stream Mitigation Method* will be subject to periodic review and modification as additional experience and information is gained. The *Illinois Stream Mitigation Method* can be accessed on-line at each Corps Districts Regulatory website: The St. Louis District Regulatory website is: <http://www.mvs.usace.army.mil/ConOps/permits/mitigation.html> The *Illinois Stream Mitigation Method* for compensatory mitigation becomes effective on January 1, 2011.

REQUEST TO POSTMASTERS: It is requested that this notice be conspicuously placed through May 9, 2010.