



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: 22 February, 2013

Monitoring Requirements and Performance Standards for Compensatory Mitigation in North Carolina

The U.S. Army Corps of Engineers, Wilmington District (District) is issuing this public notice to seek comments from the public on the implementation of new District monitoring requirements and performance standards for compensatory mitigation sites. A public notice was previously issued on February 8, 2013, stating that this guidance would be implemented on February 23, 2013; however, the District has decided to seek comments on the guidance prior to implementation. As a result, this guidance will not go into effect on February 23rd as stated in the February 8th Public Notice, but will instead be reissued following consideration of the comments generated by this notice.

This guidance document was prepared in coordination with the North Carolina Interagency Review Team to provide updates to the existing District monitoring and performance standards, including the District Stream Mitigation Guidelines issued in 2003. The guidance and procedures contained in this document will apply to all mitigation banks, in-lieu fee programs (including the North Carolina Ecosystem Enhancement Program), and permittee-responsible mitigation sites authorized by the District. These standards are required for stream and wetland mitigation projects that are used to satisfy the requirements of Department of the Army permits issued in accordance with Section 404 of the Clean Water Act and Sections 9 and 10 of the Rivers and Harbors Act of 1899. These updates are intended to bring District monitoring requirements up to the current standards established in 33 CFR Part 332 – Compensatory Mitigation for Losses of Aquatic Resources, issued in April, 2008, and Regulatory Guidance Letter 08-03, issued in October, 2008, which establishes the minimum monitoring requirements for compensatory mitigation projects.

Written comments pertinent to the guidance will be received by the District until 5pm, March 25, 2013. Comments should be submitted to Mr. Todd Tugwell, US Army Corps of Engineers, 11405 Falls of Neuse Rd., Wake Forest, North Carolina, 27587, telephone (919) 846-2564.