



**US Army Corps
of Engineers** ®
New England District

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Date: January 30, 2007

File Number: NAE-2006-3648

Refer Questions To: Ruth Ladd

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REGULATORY GUIDANCE LETTER 06-03 AND MITIGATION CHECKLIST AND GUIDANCE

The Regulatory Guidance Letter (RGL) 06-03 provides guidance on mitigation monitoring requirements for compensatory mitigation projects including the content for monitoring reports. Specifically, this RGL requires that mitigation sites typically be monitored for a minimum of five years and annual monitoring reports total no more than 10 pages in length. By incorporating this length requirement, we are ensuring that only the pertinent information is submitted for review pending our analysis if a site visit is warranted to insure mitigation compliance with specified permit conditions. Moving away from the large bulky monitoring reports is encouraged by the Paperwork Reduction Act and allows us to implement procedures that strongly encourage electronic submittals.

This RGL was formulated to complement and be consistent with the "Compensatory Mitigation for Losses of Aquatic Resources: Proposed Rule" (FR 71 FR 15520, issued March 28, 2006) and may be revised if this guidance is not consistent with the Final Rule.

The RGL is located on our website at <http://www.nae.usace.army.mil/reg/RGL06-03.pdf>.

The New England District (District), U.S. Army Corps of Engineers, Regulatory Division revised our mitigation checklist and associated guidance, for use in reviewing all mitigation for unavoidable impacts to wetlands and waters required by Corps permits issued under Section 404 of the Clean Water Act, to comply with this new RGL and other elements of the national Mitigation Action Plan. This draft revision was placed on public notice on October 31, 2006. Comments received during the public notice period have been reviewed and, where appropriate, incorporated into the final checklist and guidance which can be found at <http://www.nae.usace.army.mil/reg/index.htm> and then under "Mitigation." This Notice includes three related documents: 1) Regulatory Guidance Letter 06-03, 2) 2007 Mitigation Checklist, and 3) 2007 Mitigation Guidance which incorporates the requirements of RGL 06-03.

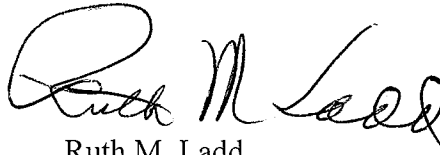
No major revisions were made based on the submitted comments. There were some wording changes to improve clarity, a definition for "noxious species" was included, and a source for New England climate data was added.

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Preliminary review of the checklist and guidance indicates that: 1) no environmental impact statement will be required; 2) implementation will not affect any species listed as threatened or endangered under the Endangered Species Act of 1973 (PL 93-205); and 3) no cultural or historic resources considered eligible or potentially eligible for listing on the National Register of Historic Places will be affected.

Any questions regarding the District checklist and guidance should be directed to Ruth Ladd at ruth.m.ladd@usace.army.mil, (978) 318-8818, (800) 343-4789, or, if calling from within Massachusetts, (800) 362-4367.

FOR THE DISTRICT ENGINEER:

A handwritten signature in black ink, appearing to read "Ruth M. Ladd". The signature is fluid and cursive, with the first name "Ruth" being the most prominent.

Ruth M. Ladd
Chief, Policy Analysis and Technical Support Branch
Regulatory Division