



Special Notice

**US Army Corps
of Engineers.**

Nashville District
Memphis District

Public Notice No. 08-40

Date: July 1, 2008

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214-2660

Subject: Annual Public Notice (PN) for the Tennessee In-Lieu-Fee (ILF) Program

Location: This PN applies to ILF projects within the state of Tennessee including areas in the Memphis and Nashville Districts of the U.S. Army Corps of Engineers.

Reporting Period: Calendar Year 2007

General Information: The ILF program is a fee-based compensatory mitigation option whereby money is paid by a permit applicant to a third party who assumes responsibility to develop and implement compensatory mitigation.

In-lieu-fee arrangements are established between Corps Districts and natural resource management organizations following consultation with other Federal agencies. In Tennessee, the Tennessee Wildlife Resources Foundation (TWRf) provides compensatory stream mitigation through the Tennessee Stream Mitigation Program (TSMP). The TSMP was established via an August 16, 2002, Memorandum of Agreement (MOA). Agencies involved in the development and execution of the MOA include the Tennessee Department of Environment and Conservation, U.S. Army Corps of Engineers (Memphis and Nashville Districts), Tennessee Valley Authority, Environmental Protection Agency, U.S. Fish and Wildlife Service, Tennessee Wildlife Resources Agency, and the Tennessee Wildlife Resources Foundation.

"Federal Guidance on the Use of In-Lieu-Fee Arrangements for Compensatory Mitigation Under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor Act" was published in the Federal Register on November 7, 2000, (FR Vol. 65, No. 216, November 7, 2000). The guidance states that the Corps will track all uses of ILF arrangements and report those figures by public notice on an annual basis. The guidance also requires ILF programs to submit an annual report for review by the overseeing agencies. The TSMP has submitted

its annual report. The attached tables provide a summary of ILF activities. The complete report can be reviewed at: www.lrn.usace.army.mil/cof/. Information contained in the report satisfies the Corps annual public notice requirements.

The Nashville District serves as the lead district for the ILF program within the state of Tennessee. As the lead district, this public notice is being circulated to notify the public of the availability of the annual account tracking report for ILF programs.

Please be advised the Corps is not seeking public comment on this notice. Questions should be directed to: Marty Tyree at marty.g.tyree@usace.army.mil, 615-369-7514 of the Nashville District or Roger Allan at roger.s.allan@usace.army.mil, 901-544-3682 of the Memphis District.