



**US Army Corps
of Engineers®**

**Galveston District
Regulatory Division**

Special Public Notice

**Mitigation Bank / ILF SOP
20 September 2018**

Galveston District Standard Operating Procedure for Mitigation Bank / In-Lieu-Fee Proposals

PURPOSE OF PUBLIC NOTICE: To inform you of a new SWG Standard Operating Procedure for which you might be interested. Additional information may be found on the District's web site located at: <http://www.swg.usace.army.mil/BusinessWithUs/Regulatory/>

INTRODUCTION: The purpose of the Standard Operating Procedure (SOP) is to disseminate established standards and implemented preferential criteria required to expedite the effective review and approval of mitigation bank and in-lieu fee proposals by the U.S. Army Corps of Engineers, Galveston District (SWG) and the SWG Inter-agency Review Team (IRT).

LOCATION: This SOP will be applicable to all mitigation bank and in-lieu fee proposals within the boundaries of SWG.

SUMMARY: As outlined in 33 CFR Part 332, Compensatory Mitigation for Losses of Aquatic Resources; Final Rule, dated 10 April 2008, (Federal Register, Vol. 73, No. 70) (Mitigation Rule), the USACE and U.S. Environmental Protection Agency established a hierarchy for compensatory mitigation with a preference for mitigation bank credits. Pursuant to 33 CFR 332.8(b), the SWG Inter-agency Review Team (IRT) was established to review proposals submitted for the establishment and management of mitigation banks and in-lieu fee programs. The primary role of the IRT is to facilitate the establishment of mitigation banks and/or in-lieu fee programs through the development of mitigation banking or in-lieu fee program instruments. The IRT reviews the draft prospectus, complete prospectus, draft mitigation banking instrument (MBI), and final MBI with all associated documents (e.g. mitigation plan, long-term management plan, conservation easement, financial agreements, etc.), and provides comments to the Corps. SWG has received a large number of bank proposals, most of which have varied significantly in format, size, and approaches proposed. The SOP was developed based on input from the IRT, along with elements of similar documents published by other Corps districts. It will serve to increase predictability and transparency for the public and allow for a more consistent and efficient SWG IRT review process.

ORGANIZATION OF STANDARD OPERATING PROCEDURE: The SOP provides the specific level of information required by SWG at each stage of the bank/ILF evaluation process, including checklists and templates to ensure complete submittals.

CONCLUSION: By following the above guidelines for providing the level of documentation for each submittal required by 33 CFR 332.8 to the SWG IRT; and by including the requested information in the Appendices; sponsors will benefit from a streamlined and comprehensive review by the Corps and the IRT within a predictable timeframe. These Guidelines along with use of the SWG Checklist and Templates (found at: <https://www.swg.usace.army.mil/Business-With-Us/Regulatory/>) will serve to increase predictability and transparency for mitigation banking activities, in addition to expediting the MB/ILF review process.

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