



## A TRAINING COURSE FOR MITIGATION BANKING INTERAGENCY REVIEW TEAMS



### Reference Document 3 Mitigation Bank and In-Lieu Fee Documentation – From Conceptual Plan to Final Instrument

#### A. Necessary Elements of the Prospectus, Draft and Final Instrument, and Mitigation Plan

##### Prospectus (§332.8(d)(2))

- For both mitigation banks and ILF: must include 6 elements
  1. Objectives
  2. How the bank or ILF will be established and operated
  3. Proposed service area
  4. Need and technical feasibility
  5. Ownership arrangements
  6. Qualifications
- For mitigation banks: must include 2 additional elements
  1. Ecological suitability
  2. Assurance of sufficient water rights
- For ILF: must include 2 additional elements
  1. Compensation planning framework
  2. Description of program account

##### Draft Instrument (§332.8(d)(6))

- For both mitigation banks and ILF: must include 5 elements
  1. Service area
  2. Accounting procedures
  3. Provision stating legal liability
  4. Default and closure provisions
  5. Reporting protocols
- For mitigation banks: must include 2 additional elements
  1. **Mitigation plan** (with 12 key elements)
  2. Credit release schedule
- For ILF: must include 4 additional elements
  1. Compensation planning framework
  2. Specification of initial allocation of advanced credits
  3. Methodology for determining project-specific credits and fees
  4. Description of ILF program account

### **Final Instrument (§332.8(d)(8))**

- The final instrument for mitigation banks and ILF must include all of the elements listed above for the draft instrument, and supporting documentation addressing IRT comments

### **ILF Project Plan (§332.8(j))**

- The ILF Project plan must include:
  1. **Mitigation plan** (with 12 key elements) for each project
  2. Credit release schedule

### **Mitigation Plan (§332.4(c))**

- Mitigation plans must be submitted for all three forms of compensatory mitigation. Mitigation banks and in-lieu fee programs must prepare a mitigation plan for each separate compensatory mitigation project site  
Mitigation plans must include the following 12 elements:
  1. Objectives
  2. Site selection
  3. Site protection instrument
  4. Baseline information
  5. Determination of credits
  6. Mitigation work plan
  7. Maintenance plan
  8. Performance standards
  9. Monitoring requirements
  10. Long-term management plan
  11. Adaptive management plan
  12. Financial assurances
  13. Other information



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#### B. Policy on the IRT Process

##### 2008 Compensatory Mitigation for Losses of Aquatic Resources

###### §332.2 Definitions.

*Compensatory mitigation project* means compensatory mitigation implemented by the permittee as a requirement of a DA permit (i.e., permittee-responsible mitigation), or by a mitigation bank or an in-lieu fee program.

*In-lieu fee program* means a program involving the restoration, establishment, enhancement, and/or preservation of aquatic resources through funds paid to a governmental or non-profit natural resources management entity to satisfy compensatory mitigation requirements for DA permits. Similar to a mitigation bank, an in-lieu fee program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the in-lieu program sponsor. However, the rules governing the operation and use of in-lieu fee programs are somewhat different from the rules governing operation and use of mitigation banks. The operation and use of an in-lieu fee program are governed by an in-lieu fee program instrument.

*In-lieu fee program instrument* means the legal document for the establishment, operation, and use of an in-lieu fee program.

*Instrument* means mitigation banking instrument or in-lieu fee program instrument.

*Interagency Review Team (IRT)* means an interagency group of federal, tribal, state, and/or local regulatory and resource agency representatives that reviews documentation for, and advises the district engineer on, the establishment and management of a mitigation bank or an in-lieu fee program.

*Mitigation bank* means a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing compensatory mitigation for impacts authorized by DA permits. In general, a mitigation bank sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the mitigation bank sponsor. The operation and use of a mitigation bank are governed by a mitigation banking instrument.

*Mitigation banking instrument* means the legal document for the establishment, operation, and use of a mitigation bank.

## §332.4 Planning and documentation

### (c) Mitigation plan

#### (1) Preparation and Approval.

(iii) Mitigation banks and in-lieu fee programs must prepare a mitigation plan including the items in paragraphs (c)(2) through (c)(14) of this section for each separate compensatory mitigation project site. For mitigation banks and in-lieu fee programs, the preparation and approval process for mitigation plans is described in § 332.8.

(2) *Objectives.* A description of the resource type(s) and amount(s) that will be provided, the method of compensation (i.e., restoration, establishment, enhancement, and/or preservation), and the manner in which the resource functions of the compensatory mitigation project will address the needs of the watershed, ecoregion, physiographic province, or other geographic area of interest.

(3) *Site selection.* A description of the factors considered during the site selection process. This should include consideration of watershed needs, onsite alternatives where applicable, and the practicability of accomplishing ecologically self-sustaining aquatic resource restoration, establishment, enhancement, and/or preservation at the compensatory mitigation project site. (See § 332.3(d).)

(4) *Site protection instrument.* A description of the legal arrangements and instrument, including site ownership, that will be used to ensure the long-term protection of the compensatory mitigation project site (see § 332.7(a)).

(5) *Baseline information.* A description of the ecological characteristics of the proposed compensatory mitigation project site and, in the case of an application for a DA permit, the impact site. This may include descriptions of historic and existing plant communities, historic and existing hydrology, soil conditions, a map showing the locations of the impact and mitigation site(s) or the geographic coordinates for those site(s), and other site characteristics appropriate to the type of resource proposed as compensation. The baseline information should also include a delineation of waters of the United States on the proposed compensatory mitigation project site. A prospective permittee planning to secure credits from an approved mitigation bank or in-lieu fee program only needs to provide baseline information about the impact site, not the mitigation bank or in-lieu fee project site.

(6) *Determination of credits.* A description of the number of credits to be provided, including a brief explanation of the rationale for this determination. (See § 332.3(f).)

(i) For permittee-responsible mitigation, this should include an explanation of how the compensatory mitigation project will provide the required compensation for unavoidable impacts to aquatic resources resulting from the permitted activity.

(ii) For permittees intending to secure credits from an approved mitigation bank or in-lieu fee program, it should include the number and resource type of credits to be secured and how these were determined.

(7) *Mitigation work plan.* Detailed written specifications and work descriptions for the compensatory mitigation project, including, but not limited to, the geographic boundaries of the project; construction methods, timing, and sequence; source(s) of water, including connections to existing waters and uplands; methods for establishing the desired plant community; plans to control invasive plant species; the proposed grading plan, including elevations and slopes of the substrate; soil management; and erosion control measures. For stream compensatory mitigation projects, the mitigation work plan may also include other relevant information, such as planform geometry, channel form (e.g., typical channel cross-sections), watershed size, design discharge, and riparian area plantings.

(8) *Maintenance plan.* A description and schedule of maintenance requirements to ensure the continued viability of the resource once initial construction is completed.

(9) *Performance standards.* Ecologically-based standards that will be used to determine whether the compensatory mitigation project is achieving its objectives. (See § 332.5.)

(10) *Monitoring requirements.* A description of parameters to be monitored in order to determine if the compensatory mitigation project is on track to meet performance standards and if adaptive management is needed. A schedule for monitoring and reporting on monitoring results to the district engineer must be included. (See § 332.6.)

(11) *Long-term management plan.* A description of how the compensatory mitigation project will be managed after performance standards have been achieved to ensure the long-term sustainability of the resource, including long-term financing mechanisms and the party responsible for long-term management. (See § 332.7(d).)

(12) *Adaptive management plan.* A management strategy to address unforeseen changes in site conditions or other components of the compensatory mitigation project, including the party or parties responsible for implementing adaptive management measures. The adaptive management plan will guide decisions for revising compensatory mitigation plans and implementing measures to address both foreseeable and unforeseen circumstances that adversely affect compensatory mitigation success. (See § 332.7(c).)

(13) *Financial assurances.* A description of financial assurances that will be provided and how they are sufficient to ensure a high level of confidence that the compensatory mitigation project will be successfully completed, in accordance with its performance standards (see § 332.3(n)).

(14) *Other information.* The district engineer may require additional information as necessary to determine the appropriateness, feasibility, and practicability of the compensatory mitigation project.

§332.8 *Mitigation banks and in-lieu fee programs.*

(a) *General considerations.*

(1) All mitigation banks and in-lieu fee programs must have an approved instrument signed by the sponsor and the district engineer prior to being used to provide compensatory mitigation for DA permits.

(d) *Review process.*

(1) The sponsor is responsible for preparing all documentation associated with establishment of the mitigation bank or in-lieu fee program, including the prospectus, instrument, and other appropriate documents, such as mitigation plans for a mitigation bank. The prospectus provides an overview of the proposed mitigation bank or in-lieu fee program and serves as the basis for public and initial IRT comment. For a mitigation bank, the mitigation plan, as described in § 332.4(c), provides detailed plans and specifications for the mitigation bank site. For in-lieu fee programs, mitigation plans will be prepared as in-lieu fee project sites are identified after the instrument has been approved and the in-lieu fee program becomes operational. The instrument provides the authorization for the mitigation bank or in-lieu fee program to provide credits to be used as compensatory mitigation for DA permits.

(2) *Prospectus.* The prospectus must provide a summary of the information regarding the proposed mitigation bank or in-lieu fee program, at a sufficient level of detail to support informed public and IRT comment. The review process begins when the sponsor submits a complete prospectus to the district engineer. For modifications of approved instruments, submittal of a new prospectus is not required; instead, the sponsor must submit a written request for an instrument modification accompanied by appropriate documentation. The district engineer must notify the sponsor within 30 days whether or not a submitted prospectus is complete. A complete prospectus includes the following information:

(i) The objectives of the proposed mitigation bank or in-lieu fee program.

(ii) How the mitigation bank or in-lieu fee program will be established and operated.

(iii) The proposed service area.

(iv) The general need for and technical feasibility of the proposed mitigation bank or in-lieu fee program.

(v) The proposed ownership arrangements and long-term management strategy for the mitigation bank or in-lieu fee project sites.

(vi) The qualifications of the sponsor to successfully complete the type(s) of mitigation project(s) proposed, including information describing any past such activities by the sponsor.

(vii) For a proposed mitigation bank, the prospectus must also address:

(A) The ecological suitability of the site to achieve the objectives of the proposed mitigation bank, including the physical, chemical, and biological characteristics of the bank site and how that site will support the planned types of aquatic resources and functions; and

(B) Assurance of sufficient water rights to support the long-term sustainability of the mitigation bank.

(viii) For a proposed in-lieu fee program, the prospectus must also include:

(A) The compensation planning framework (see paragraph (c) of this section); and

(B) A description of the in-lieu fee program account required by paragraph (i) of this section.

(3) *Preliminary review of prospectus.* Prior to submitting a prospectus, the sponsor may elect to submit a draft prospectus to the district engineer for comment and consultation. The district engineer will provide copies of the draft prospectus to the IRT and will provide comments back to the sponsor within 30 days. Any comments from IRT members will also be forwarded to the sponsor. This preliminary review is optional but is strongly recommended. It is intended to identify potential issues early so that the sponsor may attempt to address those issues prior to the start of the formal review process.

(4) *Public review and comment.* Within 30 days of receipt of a complete prospectus or an instrument modification request that will be processed in accordance with paragraph (g)(1) of this section, the district engineer will provide public notice of the proposed mitigation bank or in-lieu fee program, in accordance with the public notice procedures at 33 CFR 325.3. The public notice must, at a minimum, include a summary of the prospectus and indicate that the full prospectus is available to the public for review upon request. For modifications of approved instruments, the public notice must instead summarize, and make available to the public upon request, whatever documentation is appropriate for the modification (e.g., a new or revised mitigation plan). The comment period for public notice will be 30 days, unless the district engineer determines that a longer comment period is appropriate. The district engineer will notify the sponsor if the comment period is extended beyond 30 days, including an explanation of why the longer comment period is necessary. Copies of all comments received in response to the public notice must be distributed to the other IRT members and to the sponsor within 15 days of the close of the public comment period. The district engineer and IRT members may also provide comments to the sponsor at this time, and copies of any such comments will also be distributed to all IRT members. If the construction of a mitigation bank or an in-lieu fee program project requires a DA permit, the public notice requirement may be satisfied through the public notice provisions of the permit processing procedures, provided all of the relevant information is provided.

(5) *Initial evaluation.*

(i) After the end of the comment period, the district engineer will review the comments received in response to the public notice, and make a written initial evaluation as to the potential of the proposed mitigation bank or in-lieu fee program to provide compensatory mitigation for activities authorized by DA permits. This initial evaluation letter must be provided to the sponsor within 30 days of the end of the public notice comment period.

(ii) If the district engineer determines that the proposed mitigation bank or in-lieu fee program has potential for providing appropriate compensatory mitigation for activities authorized by DA permits, the initial evaluation letter will inform the sponsor that he/she may proceed with preparation of the draft instrument (see paragraph (d)(6) of this section).

(iii) If the district engineer determines that the proposed mitigation bank or in-lieu fee program does not have potential for providing appropriate compensatory mitigation for DA permits, the initial evaluation letter must discuss the reasons for that determination. The sponsor may revise the prospectus to address the district engineer's concerns, and submit the revised prospectus to the district engineer. If the sponsor submits a revised prospectus, a revised public notice will be issued in accordance with paragraph (d)(4) of this section.

(iv) This initial evaluation procedure does not apply to proposed modifications of approved instruments.

(6) *Draft instrument.*

(i) After considering comments from the district engineer, the IRT, and the public, if the sponsor chooses to proceed with establishment of the mitigation bank or in-lieu fee program, he must prepare a draft instrument and submit it to the district engineer. In the case of an instrument modification, the sponsor must prepare a draft amendment (e.g., a specific instrument provision, a new or modified mitigation plan), and submit it to the district engineer. The district engineer must notify the sponsor within 30 days of receipt, whether the draft instrument or amendment is complete. If the draft instrument or amendment is incomplete, the district engineer will request from the sponsor the information necessary to make the draft instrument or amendment complete. Once any additional information is submitted, the district engineer must notify the sponsor as soon as he determines that the draft instrument or amendment is complete. The draft instrument must be based on the prospectus and must describe in detail the physical and legal characteristics of the mitigation bank or in-lieu fee program and how it will be established and operated.

(ii) For mitigation banks and in-lieu fee programs, the draft instrument must include the following information:

(A) A description of the proposed geographic service area of the mitigation bank or in-lieu fee program. The service area is the watershed, ecoregion, physiographic province, and/or other geographic area within which the mitigation bank or in-lieu fee program is authorized to provide compensatory mitigation required by DA permits. The service area must be appropriately sized to ensure that the aquatic resources provided will effectively compensate for adverse environmental impacts across the entire service area. For example, in urban areas, a U.S. Geological Survey 8-digit hydrologic unit code (HUC) watershed or a smaller watershed may be an appropriate service area. In rural areas, several contiguous 8-digit HUCs or a 6-digit HUC watershed may be an appropriate service area. Delineation of the service area must also consider any locally-developed standards and criteria that may be applicable. The economic viability of the mitigation bank or in-lieu fee program may also be considered in determining the size of the service area. The basis for the proposed service area must be documented in the instrument. An in-lieu fee program or umbrella mitigation banking instrument may have multiple service areas governed by its instrument (e.g., each watershed within a state or Corps district may be a separate service area under the instrument); however, all impacts and compensatory mitigation must be accounted for by service area;

(B) Accounting procedures;

(C) A provision stating that legal responsibility for providing the compensatory mitigation lies with the sponsor once a permittee secures credits from the sponsor;

(D) Default and closure provisions;

(E) Reporting protocols; and

(F) Any other information deemed necessary by the district engineer.

(iii) For a mitigation bank, a complete draft instrument must include the following additional information:

(A) Mitigation plans that include all applicable items listed in § 332.4(c)(2) through (14); and

(B) A credit release schedule, which is tied to achievement of specific milestones. All credit releases must be approved by the district engineer, in consultation with the IRT, based on a determination that required milestones have been achieved. The district engineer, in consultation with the IRT, may modify the credit release schedule, including reducing the number of available credits or suspending credit sales or transfers altogether, where necessary to ensure that all credit sales or transfers remain tied to compensatory

mitigation projects with a high likelihood of meeting performance standards;

(iv) For an in-lieu fee program, a complete draft instrument must include the following additional information:

(A) The compensation planning framework (see paragraph (c) of this section);

(B) Specification of the initial allocation of advance credits (see paragraph (n) of this section) and a draft fee schedule for these credits, by service area, including an explanation of the basis for the allocation and draft fee schedule;

(C) A methodology for determining future project-specific credits and fees; and

(D) A description of the in-lieu fee program account required by paragraph (i) of this section.

(7) *IRT review.* Upon receipt of notification by the district engineer that the draft instrument or amendment is complete, the sponsor must provide the district engineer with a sufficient number of copies of the draft instrument or amendment to distribute to the IRT members. The district engineer will promptly distribute copies of the draft instrument or amendment to the IRT members for a 30-day comment period. The 30-day comment period begins 5 days after the district engineer distributes the copies of the draft instrument or amendment to the IRT. Following the comment period, the district engineer will discuss any comments with the appropriate agencies and with the sponsor. The district engineer will seek to resolve issues using a consensus based approach, to the extent practicable, while still meeting the decision-making time frames specified in this section. Within 90 days of receipt of the complete draft instrument or amendment by the IRT members, the district engineer must notify the sponsor of the status of the IRT review. Specifically, the district engineer must indicate to the sponsor if the draft instrument or amendment is generally acceptable and what changes, if any, are needed. If there are significant unresolved concerns that may lead to a formal objection from one or more IRT members to the final instrument or amendment, the district engineer will indicate the nature of those concerns.

(8) *Final instrument.* The sponsor must submit a final instrument to the district engineer for approval, with supporting documentation that explains how the final instrument addresses the comments provided by the IRT. For modifications of approved instruments, the sponsor must submit a final amendment to the district engineer for approval, with supporting documentation that explains how the final amendment addresses the comments provided by the IRT. The final instrument or amendment must be provided directly by the sponsor to all members of the IRT. Within 30 days of receipt of the final instrument or amendment, the district engineer will notify the IRT members whether or not he intends to approve the instrument or amendment. If no IRT member objects, by initiating the dispute resolution

process in paragraph (e) of this section within 45 days of receipt of the final instrument or amendment, the district engineer will notify the sponsor of his final decision and, if the instrument or amendment is approved, arrange for it to be signed by the appropriate parties. If any IRT member initiates the dispute resolution process, the district engineer will notify the sponsor. Following conclusion of the dispute resolution process, the district engineer will notify the sponsor of his final decision, and if the instrument or amendment is approved, arrange for it to be signed by the appropriate parties. For mitigation banks, the final instrument must contain the information items listed in paragraphs (d)(6)(ii), and (iii) of this section. For in-lieu fee programs, the final instrument must contain the information items listed in paragraphs (d)(6)(ii) and (iv) of this section. For the modification of an approved instrument, the amendment must contain appropriate information, as determined by the district engineer. The final instrument or amendment must be made available to the public upon request.

#### Mitigation Plan Preparation for Mitigation Banks and ILF Projects

NOTE: For wetland/stream mitigation banks, mitigation plans are prepared and submitted for review as part of the mitigation instrument (see §332.8(d)(6)(iii)(A)). For ILF projects, the mitigation plan is prepared and submitted for review as follows:

#### *§332.8 Mitigation banks and in-lieu fee programs*

##### *(j) In-lieu fee project approval.*

(1) As in-lieu fee project sites are identified and secured, the sponsor must submit mitigation plans to the district engineer that include all applicable items listed in § 332.4(c)(2) through (14). The mitigation plan must also include a credit release schedule consistent with paragraph (o)(8) of this section that is tied to achievement of specific performance standards. The review and approval of in-lieu fee projects will be conducted in accordance with the procedures in paragraph (g)(1) of this section, as modifications of the in-lieu fee program instrument. This includes compensatory mitigation projects conducted by another party on behalf of the sponsor through requests for proposals and awarding of contracts.

(2) If a DA permit is required for an in-lieu fee project, the permit should not be issued until all relevant provisions of the mitigation plan have been substantively determined, to ensure that the DA permit accurately reflects all relevant provisions of the approved mitigation plan, such as performance standards.



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### Reference Document 3 Mitigation Banking and In-Lieu Fee Documentation From Conceptual Plan to Final Banking Instrument

#### C. Bibliography of Resource Materials: Pre-Application and Prospectus Guidance, Mitigation Banking Instrument Templates & Mitigation Plan Checklists & Guidance

#### State & District Examples of Pre-Application and Prospectus Guidance (Consistent with Mitigation Regulations)

##### Mobile District, U.S. Army Corps of Engineers: Initial Review Checklist

- The Mobile District provides bank applicants with a checklist outlining the information that must be provided to the MBRT for the pre-application coordination phase.
- U.S. Army Corps of Engineers, Mobile District. Undated. "Initial Review Checklist."
- <https://samribits.sam.usace.army.mil/bankestablishprocess.php>

##### Mobile District, U.S. Army Corps of Engineers: Prospectus Checklist

- The Mobile District provides bank sponsors with a checklist to be used at the pre-application coordination phase of the joint state/federal Mitigation Bank Review Team (MBRT) process to facilitate the exchange of information between prospective mitigation bankers and regulatory agency staff.
- U.S. Army Corps of Engineers, Mobile District. Undated. "Prospectus Checklist."
- <https://samribits.sam.usace.army.mil/prospectuschecklist.php>

##### New Orleans District, U.S. Army Corps of Engineers: Prospectus Checklist

[http://216.83.232.125:443/pls/htmldb/f?p=101:27:686264454175071938::NO:RP:P27\\_BUTTON\\_KEY:10](http://216.83.232.125:443/pls/htmldb/f?p=101:27:686264454175071938::NO:RP:P27_BUTTON_KEY:10)

**Sacramento, San Francisco, and Los Angeles Districts, U.S. Army Corps of Engineers: Prospectus Checklist May 2008**

<http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/BankDocs/Prospectus%20Checklist.pdf>

**Savannah District, U.S. Army Corps of Engineers:**

- A one-page outline to use in development of a bank prospectus.
- U.S. Army Corps of Engineers. Savannah District. March 2006. "Guidelines on the Establishment & Operation of Wetland Mitigation Banks in Georgia: Appendix D Bank Prospectus."
- <http://www.sas.usace.army.mil/bankguid2.htm>.

**State and Corps District Mitigation Banking Instrument Templates (Generally Consistent with Mitigation Regulations)**

Chicago District, U.S. Army Corps of Engineers. "Interagency Coordination Agreement on Mitigation Banking Within the Regulatory Boundaries of Chicago District, Corps of Engineers". June 2008

<http://www.lrc.usace.army.mil/co-r/MBICAJun2008.pdf>

Institute for Water Resources, U.S. Army Corps of Engineers. "National Wetland Mitigation Study: Model Banking Instrument." May 1996.

[http://www.iwr.usace.army.mil/inside/products/pub/iwrreports/wmb\\_tp1\\_May96.pdf](http://www.iwr.usace.army.mil/inside/products/pub/iwrreports/wmb_tp1_May96.pdf).

Norfolk District, U.S. Army Corps of Engineers, Virginia Department of Environmental Quality. April 21, 2008. "Draft Mitigation Banking Template." *[Attempts to incorporate provisions of joint Corps-EPA mitigation regulations]*

[http://www.nao.usace.army.mil/technical%20services/Regulatory%20branch/PN/Draft\\_MBI\\_Template\\_2008/MBI\\_Template\\_PN\\_2008.htm](http://www.nao.usace.army.mil/technical%20services/Regulatory%20branch/PN/Draft_MBI_Template_2008/MBI_Template_PN_2008.htm)

Sacramento, San Francisco, and Los Angeles Districts, U.S. Army Corps of Engineers. "Template Mitigation Bank Enabling Instrument." May 2008.

<http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/BankDocs/MITIGATION%20BANK%20ENABLING%20INSTRUMENT.pdf>

## Corps District and State Mitigation Plan Checklists & Guidance

Baltimore District, U.S. Army Corps of Engineers. "Mitigation and Monitoring Guidelines." November 2004. (Includes Mitigation Plan Checklist.)  
<http://www.nab.usace.army.mil/Regulatory/Mitigation/FinalMitigationGuidelinesNov04.pdf>.

Buffalo District, U.S. Army Corps of Engineers. "Corps of Engineers Checklist for Preparing Compensatory Mitigation Plans for the Buffalo District." October 2004.  
[http://www.lrb.usace.army.mil/regulatory/mitigation\\_checklist.htm](http://www.lrb.usace.army.mil/regulatory/mitigation_checklist.htm).

"Mitigation and Monitoring Guidance." October 2004. (Includes Mitigation Plan Checklist.)  
<http://www.lrb.usace.army.mil/regulatory/mitigation.htm>.

Buffalo, Huntington, Louisville, and Pittsburgh Districts, U.S. Army Corps of Engineers. "U.S. Army Corps of Engineers Mitigation Guidelines Checklist for the State of Ohio." September 23, 2004.  
[http://www.lrh.usace.army.mil/kd/Items/actions.cfm?action=Show&item\\_id=4467&destination=ShowItem](http://www.lrh.usace.army.mil/kd/Items/actions.cfm?action=Show&item_id=4467&destination=ShowItem).

Charleston District, U.S. Army Corps of Engineers. "Checklist for Compensatory Mitigation Proposals." June 2008.  
<http://www.sac.usace.army.mil/?action=mitigation.home>

Chicago District, U.S. Army Corps of Engineers. "Compensatory Mitigation Plan Checklist." Undated.  
<http://www.lrc.usace.army.mil/co-r/mitgr.htm>.

Detroit District, U.S. Army Corps of Engineers. "Detroit District U.S. Army Corps of Engineers Mitigation Guidelines and Requirements." December 2008. (Includes guidance on monitoring and performance standards, and a mitigation plan checklist.)  
<http://www.lre.usace.army.mil/functions/rf/html/MitigationGuidelinesDec2008.pdf>

Fort Worth District, U.S. Army Corps of Engineers. "Draft Mitigation Guidelines." December 24, 2003. (Includes guidance on monitoring and performance standards, and a mitigation plan checklist.)  
<http://www.swf.usace.army.mil/pubdata/environ/regulatory/permitting/mitigation/fwmitguid.pdf>.

- Huntington and Pittsburgh Districts, U.S. Army Corps of Engineers. "U.S. Army Corps of Engineers Mitigation Guidelines Checklist for the State of West Virginia." September 23, 2004.  
[http://www.lrh.usace.army.mil/kd/Items/actions.cfm?action=Show&item\\_id=4480&destination=ShowItem](http://www.lrh.usace.army.mil/kd/Items/actions.cfm?action=Show&item_id=4480&destination=ShowItem).
- Little Rock District, U.S. Army Corps of Engineers. "Compensatory Mitigation: Standard Operating Procedures." June 9, 2006. (Includes mitigation plan checklist.)<http://www.swl.usace.army.mil/regulatory/pdf/compensatorymitigationguidelines.pdf>.
- Los Angeles District, U.S. Army Corps of Engineers. "Final Mitigation Guidelines and Monitoring Requirements." April 29, 2004. (Includes Mitigation Plan Checklist.)  
<http://www.spl.usace.army.mil/regulatory/>
- Memphis District, U.S. Army Corps of Engineers. "Mitigation Guidance and Monitoring Guidelines." September 24, 2004. (Includes Mitigation Plan Checklist.)  
<http://www.mvm.usace.army.mil/regulatory/guidelines/Mitigation.Guidelines.pdf>
- Mobile District, U.S. Army Corps of Engineers. "Compensatory Mitigation Guidelines." September 22, 2006. (Includes Mitigation Plan Checklist.)  
<http://www.sam.usace.army.mil/RD/reg/SAM-2006-2008-MBM.pdf>.
- "Initial Review Checklist." Undated.  
<https://samribits.sam.usace.army.mil/ribits/pdfs/Bank%20Establishment%20Process.pdf>
- New England District, U.S. Army Corps of Engineers. "Mitigation Plan Checklist." January 12, 2007.  
<http://www.nae.usace.army.mil/reg/Mitigation%20Plan%20Checklist.pdf>.
- New Jersey Department of Environmental Protection, Wetlands Mitigation Council. "Wetland Mitigation Bank Proposal Checklist for Completeness." May 17, 2002. <http://www.state.nj.us/dep/landuse/forms/wmcbank.pdf>.
- New Orleans District, U.S. Army Corps of Engineers. "Compensatory Mitigation Standard Operating Procedures." June 29, 2004. (Includes Mitigation Plan Checklist.)  
<http://www.mvn.usace.army.mil/ops/regulatory/mitigateSOP.pdf>.

- New York District, U.S. Army Corps of Engineers. "Final Notice Announcing the Compensatory Mitigation Guidelines and Mitigation Checklist for Review of Mitigation Plans for the U.S. Army Corps of Engineers, New York District." January 10, 2005. (Includes Mitigation Plan Checklist and guidance on monitoring.)  
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