

**SAVANNAH DISTRICT, US ARMY CORPS OF ENGINEERS,
REGULATORY GUIDELINES TO EVALUATE PROPOSED MITIGATION
BANK CREDIT PURCHASES IN THE STATE OF GEORGIA**



Photo courtesy of:
Murphy B. Winn, retired
US Army Corps of Engineers

This document was prepared by the Regulatory Division, Savannah District, US Army Corps of Engineers, and coordinated with the US Environmental Protection Agency, US Fish and Wildlife Service, and Georgia Department of Natural Resources

**SAVANNAH DISTRICT, US ARMY CORPS OF ENGINEERS,
REGULATORY GUIDELINES TO EVALUATE PROPOSED MITIGATION
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I. SUBJECT

Guidance for selecting a mitigation bank that would adequately compensate for aquatic resource losses, as authorized in a Department of the Army (DA) permit in accordance with section 404 of the Clean Water Act (CWA) and/or sections 9 or 10 of the Rivers and Harbors Act (RHA) of 1899.

II. PURPOSE

The purpose of this document is two fold:

- It provides recommendations to aid permittee, their agent, and other interested parties when selecting credits at a previously approved US Army Corps of Engineers, Savannah District, Regulatory Division (herein after referenced as USACE) mitigation bank(s) to compensate for aquatic resource losses associated with an approved DA permit, as in accordance with the Final Mitigation Rule (hereinafter referred to as The Rule), dated April 10, 2008.
- It provides recommendations to aid USACE regulatory project manager/specialist (PM/S) when determining if proposed bank credits are available and appropriate to compensate for aquatic resource losses permitted in a DA permit.

III. APPLICABILITY

This document should be used as a reference when selecting a mitigation bank to compensate for USACE-approved aquatic resource losses in the State of Georgia.

The provisions provided herein have been developed to provide clarity for selecting a mitigation bank in the State of Georgia:

- Potential banks that have been submitted to the USACE after the effective date of this document shall be evaluated for availability and appropriateness in accordance with the 8-digit Hydrologic Unit Code (HUC) approach outlined herein.
- USACE-approved banks that have been signed by the Chief, Regulatory Division (or designated appointee) prior to the effective date of this document shall be

evaluated for availability and appropriateness in accordance with the conditions presented in the Banking Instrument (BI)¹ and the approach outlined herein. Specific examples where a BI governs is as follows:

- Where primary service areas have been established in the BI that differ from the boundaries posted at: <http://www.sas.usace.army.mil/MBSA.htm>, the boundaries presented in the BI shall be used for the analysis of that bank. Furthermore, where a Primary Service Area (PSA) contains more than one digit 8-digit HUC, the 8-digit HUC analysis discussed later in this document does not apply to a bank that was submitted prior to the effective date of this document. If the bank is included within the PSA of the impact area and the bank has appropriate credits available, credits may be purchased from the “grandfathered” bank to offset the permitted impacts.
- Where aquatic resources are generally classified as a stream or wetland resource category, that category may be considered appropriate in the analysis for compensation of such resources, respectively.

The provisions provided herein have been developed to be in accordance with the requirements in The Rule, dated April 10, 2008 ((33 CFR Part 332) and (40 CFR Part 230)). Of particular importance is the recognition that the purpose of mitigation bank credits is to compensate for aquatic resource functions and services lost or impacted from an USACE authorized project.

The recommendations presented herein do not:

- Alter the regulations or circumstances under which compensatory mitigation may be required;
- Address in-lieu-fee or site specific mitigation requirements; or
- Alter provisions provided in the CWA or RHA.

¹It is the responsibility of the applicant and potential banker to provide necessary information documenting deviations from the guidelines presented herein. Without proper documentation, banks may not be “grandfathered” under this clause.

IV. BANK AND CREDIT SOURCE SELECTION PROCESSES

1. Background

The Rule requires that a watershed approach be taken when using mitigation bank credits to fulfill compensatory mitigation requirements, and it requires the USACE to approve the bank selected as the source of such credits.

As stipulated in The Rule, a watershed approach to compensatory mitigation should take into account:

- Baseline Ecological Conditions, including, for example:
 - Historic and existing plant communities
 - Soil conditions
 - Aquatic resource delineations
 - Compensation credits²
- Landscape position
 - Distance between impact site and proposed mitigation bank
 - Type of aquatic resource at impact site and proposed mitigation bank
 - Stream order types/differences (e.g., ephemeral, intermittent and/or perennial)
 - Wetland type and relationship with other aquatic resources in area
- Aquatic resource functions
 - Impact site losses
 - Bank resource objectives and functions
 - Comparative site analysis: impact losses versus bank gains
 - Streams: chemical, biological, physical functions
 - Wetlands: ecological and physical functions

Where practicable, the suite of aquatic functions to be lost at the impact site should be compensated at the proposed mitigation bank(s).

To aid applicants in their selection of an appropriate credit source, a fact sheet has been solicited from all approved banks. Information includes, for example, primary/secondary service areas, HUCs, and habitat categories. It is recommended that this information be used to support the findings: does the proposed compensatory mitigation bank fulfill the compensation requirements of the DA permit in light of the watershed approach, in-kind replacement of lost functions and services, and proximity to the impacts? Fact sheets can be found at: <http://www.sas.usace.army.mil/Banking.htm> or information can be requested from the USACE Project Manager/Regulatory Specialist (PM/S).

²Compensation credits shall be generated using the Savannah District Mitigation SOP, as amended, unless otherwise approved by the USACE. Additionally, compensation credit calculations will need to be verified by the USACE.

The applicant must include the information necessary to verify that the proposed bank credits adequately compensate for aquatic resource functional losses based on a watershed analysis. The USACE role is to evaluate the proposed mitigation strategy for its appropriateness in compensating for lost aquatic resource functions, as authorized in the subject DA permit. If the choice of a particular mitigation bank does not adequately compensate for the aquatic resources to be lost, the PM/S will provide comments to the applicant, identifying the concerns and requesting additional information to support recommendation(s).

2. Procedural Steps

As noted in The Rule, the USACE must provide a final concurrence letter/e-mail transmission stating that the submitted proposal is an acceptable approach for compensating for impacts permitted in a specific DA authorization.

We recommend that the following analysis/recommendation be provided to the USACE when the permit application is submitted. Note that the permittee should not purchase bank credits until the USACE has provided concurrence with all recommendations. If not, the credits may not be applied for use.

The process is as follows:

- a. PSA³ Analysis:
 - (1) The applicant shall:
 - (a) Identify PSA and 8-digit HUC of proposed impact area.
 - (b) Identify functional resource losses and credits needed for compensation.⁴
 - (c) Identify names and locations of banks in PSA by 8-digit HUC. In matrix format, present approximate distances to impact area and credit types (wetland and/or stream) available for sale at each bank.
 - (d) Determine if appropriate (i.e., stream and/or wetland credits) credits exist in PSA, based on a watershed approach, and identify which bank(s) could fulfill compensatory mitigation requirements permitted in the DA authorization. The level of

³ The US Geological Survey (USGS) has established 52 watersheds based on the 8-digit Hydrologic Unit Codes (HUC) within the state boundary of Georgia. In Georgia, these HUCs were reviewed by the IRT and used, in part, to establish standardized service areas. These service areas were developed to compensate lost aquatic functions associated with permitted impacts to waters to the US within a consistent geographical area where aquatic resources are similar in kind and function. The Savannah District issued a PN, dated March 2004, informing the public of the above service area procedures.

⁴See Footnote #2 above.

information and analysis needed to support a watershed approach shall be commensurate with the scope and scale of the proposed impacts requiring a DA permit, as well as the functional losses to result.

- i. For impacts that are within the thresholds of a Nationwide Permit (NWP), any mitigation bank may be used for the replacement of credits providing the resource functional replacements are the same (i.e., freshwater for freshwater, estuarine for estuarine, and marine for marine) and the bank is located within the same PSA as is the proposed impacts. Examples are provided in the attached Supplement.
- ii. For impacts exceeding the thresholds of a NWP, a watershed analysis shall be conducted to support final applicant recommendations. Preference shall be given first where similar resources (or habitats) occur in the same 8-digit HUC versus those occurring outside the HUC, but within the same PSA. Examples are provided in the attached Supplement. Note that bank credit recommendations shall be based on functional resource replacements as well as overall landscape position.

(e) Identify if credits from above analysis are available:

- i. Verbal or written communication with the Point of Contact (POC) for each of the banks identified above via face to face or telephone communication. POC contact information is available at:
<http://www.sas.usace.army.mil/bankPOCs.xls>.
- ii. Document (date and time) when communication was completed and with whom you spoke (include telephone number).
- iii. Ask bank's POC if type of credits required are available. If the needed credits are not available at the time of the communication, ask if there are credits expected to be available in the near future. (i.e., before work is to be initiated, as described in DA permit). Document responses.

- (f) Provide final recommendations and supporting documentation on availability and appropriateness of bank credit proposal to USACE PM/S who is assigned to subject permit application.
- (2) The USACE PM/S shall review and provide a final determination stating if submitted recommendations are appropriate. Notification may be in the form of a letter or an e-mail transmission.⁵
 - (a) If credits are determined not appropriate, the applicant must adequately address the USACE concerns, resubmit recommendations/supporting justification, and re-request USACE determination.
 - (b) If credits are determined appropriate, the applicant may purchase and secure said mitigation bank credits, if available.⁶

If it is determined that appropriate replacement credits are not available within the PSA of the permitted impact area, the scope of analysis may be expanded to include the Secondary Service Area (SSA). Note that it is the applicant's responsibility to investigate the availability and appropriateness of all bank credits within the applicable PSA before considering those available in a SSA.

b. 12-Digit HUC PSA Analysis (Optional):

- (1) The applicant shall:
 - (a) Identify PSA, 8-digit HUC, and 12-digit HUC of proposed impact area.
 - (b) Identify functional resource losses and credits needed for compensation.⁷
 - (c) Identify names and locations of banks in PSA by 12-digit HUC. In matrix format, present approximate distances to

⁵For Individual Permits, the PM/S review period begins at the end of the 30-day Joint Public Notice Comment Period. If the PM/S has not acted (or requested additional information in writing/e-mail) on a mitigation proposal within 30-days of the close of the JPN comment period, the request should be forwarded to the Mitigation Liaison Specialist. If additional information has been requested and another 30-days has passed since the new information has been submitted to the Regulatory PM/S, the request should be forwarded to the Mitigation Liaison Specialist. If Mitigation Liaison Specialist has not acted on a request within 60-days of receipt of the request, the request should be forwarded to the Savannah District, Regulatory Chief.

⁶Recommend securing credits after the permit decision has been made. If credits are secured prior to a permit decision, securing of such credits will not influence permit decision.

⁷See Footnote #1 above.

impact area and credit types (wetland and/or stream) available for sale at each bank.

- (d) Determine if appropriate (i.e., stream and/or wetland credits) credits exist in PSA, based on a watershed approach, and identify which bank(s) could fulfill compensatory mitigation requirements permitted in the DA authorization.
 - (e) Identify if credits from above analysis are available (see process step a(1)(e) above.
 - (f) Provide final recommendations and supporting documentation on availability and appropriateness of bank credit proposal to USACE PM/S who is assigned to subject permit application.
- (2) The USACE PM/S shall review and provide a final determination stating if submitted recommendations are appropriate. Notification may be in the form of a letter or an e-mail transmission.⁸
- (a) If credits are determined not appropriate, the applicant must adequately address the USACE concerns, resubmit recommendations/supporting justification, and re-request USACE determination.
 - (b) If credits are determined appropriate, the applicant may purchase and secure said mitigation bank credits, if available.⁹

As the Rule indicates that a Watershed Approach should be used to support the decision-making process and distance between the impact site and the proposed bank site is recognized as a factor in the overall equation, the USACE will reduce the credit needs by 10% when the applicant purchases credits deemed appropriate from the 12-digit impact HUC.

- c. SSA Analysis: After the USACE concurs that appropriate replacement credits are not available within the PSA of the permitted impact area; the following steps must be completed to determine if potential credits exist in the SSA:

- (1) This applicant shall:
 - (a) Provide documentation from above analysis demonstrating that credits are not available and/or appropriate to replace subject impacts from banks within PSA.

⁸See Footnote # 4 above

⁹See Footnote #5 above.

- (b) Provide SSA analysis similar to that conducted above for a PSA (see Section 2.a.1).
 - (c) Provide final recommendations and supporting documentation on availability and appropriateness of bank credit proposal to USACE PM/S who is assigned to subject permit application.
- (2) The USACE PM/S shall review and provide final determination stating if submitted recommendations are appropriate. Notification may be in the form of a letter or an e-mail transmission.¹⁰
- (a) If credits are determined not appropriate, the applicant must adequately address the USACE concerns, resubmit recommendations/supporting justification and re-request USACE determination.
 - (b) If credits are determined appropriate, the applicant may purchase and secure said mitigation bank credits, if available.¹¹

Note that if credits are available and determined appropriate in the PSA, those credits must be used before considering potential credits in a SSA. **It is the applicant's responsibility to investigate the availability of bank credits from the applicable service areas.** The SSA is restricted to use for projects where it has been clearly demonstrated that appropriate credits are not currently available and are not reasonably anticipated to be available in the near future in the PSA of the permitted impact area. Each USACE decision shall be based on a case-by-case review of the facts presented by the applicant when making the final determination. **Compensation at a mitigation bank for impacts at a site that is not within either the primary or secondary service area is not acceptable, unless approved by the entire IRT.**

3. Process Summary

The applicant must provide the information necessary for the USACE to verify that proposed bank credits adequately compensate for aquatic resource functional losses based on a watershed analysis, as authorized in a DA permit. In summary:

- Replacement credits should be obtained from a mitigation bank whose Primary Service Area (PSA) encompasses the impact area, if available and appropriate.
 - If appropriate credits are obtained from a bank whose PSA includes the impact area, and is also located within the 12-digit impact HUC in which the impact area is located, the USACE will reduce the overall credit need to mitigate for the impact by 10%.

¹⁰ See Footnote #4 above.

¹¹ See Footnote #5 above.

- For banks that were not submitted to the USACE prior to the effective date of the guidance document, and if there are multiple 8-digit HUCs within the PSA, credits should be obtained from a mitigation bank within the 8-digit HUC in which the impact occurred, if available and appropriate. If appropriate credits are not available from a mitigation bank within the impact HUC, replacement credits may be obtained elsewhere in the approved PSA, if appropriate and available.
- For grandfathered banks, the analysis may be fulfilled by assessing those banks that have available and appropriate credits within the PSA, as approved in the signed Banking Instrument.
- If appropriate credits are not available in the PSA, replacement credits may be obtained from the Secondary Service Area (SSA).
- Compensation for impacts at a site that is not within either the PSA or SSA of an approved mitigation bank is not acceptable, unless approved by the Interagency Review Team.

If the choice of a particular mitigation bank does not adequately compensate for the aquatic resources to be lost, the PM/S will provide comments to the applicant, identifying the concerns and requesting additional information to support recommendation(s).

If for any reason a modification to the originally approved source or amount of the required mitigation credits is proposed, another credit source approval review will need to be requested by the applicant.

All pertinent documentation and analyses for a given determination shall be adequately reflected in the record and clearly demonstrate the basis for the findings. Although the level of documentation may vary among projects, each USACE decision shall be based on a case-by-case review of the facts presented by the applicant when making the final determination.

Prior to the purchase of credits, the USACE must provide a final concurrence letter/e-mail transmission stating that the submitted proposal is an acceptable approach for compensating for aquatic resource impacts permitted in a specific DA authorization.

If you have comments or questions concerning this document, please contact Justin Hammonds, Mitigation Liaison Specialist, of the Regulatory Division, at (770) 904-2365.

V. DURATION

This guidance is effective immediately and remains in effect unless revised or rescinded.

SUPPLEMENT TO EVALUATE PROPOSED MITIGATION BANK CREDIT PURCHASES IN THE STATE OF GEORGIA

Example 1.

Case Facts: As authorized in a Nationwide Permit (NWP) and in accordance with the Savannah District's Mitigation Standard Operating Procedures (SOP), the project (*USACE File Number*) would need to obtain 1.5 wetland credits and 50 stream credits. This project is located in the Upper Blue River Basin Primary Service Area (PSA) and in the 30267001 8-digit Hydrologic Unit Code (HUC). There are 5 banks located in the PSA. Additional information and analyses are provided in the following matrix:

RESOURCE ANALYSIS				
IMPACT SITE DATA				
Resource Category	Service Area; HUC	Distance to Impact Site	Credits Needed	
Freshwater Wetland	PSA; 30267001	--	1.5	
Stream	PSA; 30267001	--	50	
			Sufficient Credits Available	Recommended for Use
MITIGATION BANK DATA				
Alpha Mitigation Bank				
Stream	PSA; 30267001	4 miles	Yes	
Bravo Mitigation Bank				
Stream	PSA; 30267001	2 miles	Yes	X
Freshwater Wetland	PSA; 30267001	2 miles	Yes	X
Charlie Mitigation Bank				
Stream	PSA; 30267002	10 miles	Unknown	
Freshwater Wetland	PSA; 30267002	10 miles	Unknown	
Delta Mitigation Bank				
Freshwater Wetland	PSA; 30267002	15 miles	Unknown	
Echo Mitigation Bank				
Freshwater Wetland	PSA; 30267002	50 miles	Unknown	
Stream	PSA; 30267002	50 miles	Unknown	

Applicant Recommendations: Proposes to purchase all credits from the Bravo Mitigation Bank. Banker POC indicated on 30 Sep 09 that sufficient credits were available to cover project needs.

USACE Determination: Concur with Applicant proposal.

Example 2.

Case Facts: As authorized in a NWP and in accordance with the SOP, the project (*USACE File Number*) would need to obtain 1.4 marine wetland credits. This project is located in the Lower Purple River Basin PSA and in the 80200456 8-digit HUC. There are 2 banks located in the PSA. Additional information and analyses are provided in the following matrix:

RESOURCE ANALYSIS				
IMPACT SITE DATA				
Resource Category	Service Area; HUC	Distance to Impact Site	Credits Needed	
Marine Wetland	PSA; 80200456	- -	1.4	
			Sufficient Credits Available	Recommended for Use
MITIGATION BANK DATA				
X-Ray Mitigation Bank				
Freshwater Wetland	PSA; 30267005	4 miles	Yes	X
Holiday Mitigation Bank				
Estuarine Wetland	PSA; 30267005	20 miles	Yes	

Applicant Recommendations: Proposes to purchase all credits from the X-Ray Mitigation Bank. Banker POC indicated on 13 Sep 09 that sufficient credits were available to cover applicant needs. These credits are available and closest to the impact site.

USACE Determination: Do not concur with Applicant proposal. The applicant is not allowed to purchase freshwater or estuarine wetland credits to replace marine wetland impacts. Determination needs to consider resource category/functional changes and location considerations. In this case, mitigation may include use of permittee responsible compensation. The applicant will need to provide a revised analysis.

Example 3.

Case Facts: As authorized in a NWP and in accordance with the SOP, the project (*USACE File Number*) would need to obtain 7.5 wetland credits and 5000 stream credits. This project is located in the Blue River Basin PSA and in the 30267010 8-digit HUC. There are no banks located in the PSA. However, there are 4 banks located in the SSA. Additional information and analyses are provided in the following matrix:

RESOURCE ANALYSIS				
IMPACT SITE DATA				
Resource Category	Service Area; HUC	Distance to Impact Site	Credits Needed	
Freshwater Wetland	PSA; 30267010	- -	7.5	
Stream	PSA; 30267010	- -	5000	
			Sufficient Credits Available	Recommended for Use
MITIGATION BANK DATA				
Alpha Mitigation Bank				
Stream	SSA; 30267001	4 miles	Unknown	
Bravo Mitigation Bank				
Stream	SSA; 30267001	24 miles	Unknown	
Freshwater Wetland	SSA; 30267001	24 miles	Unknown	
Charlie Mitigation Bank				
Stream	SSA; 30267002	50 miles	Unknown	
Freshwater Wetland	SSA; 30267002	50 miles	Unknown	
Delta Mitigation Bank				
Freshwater Wetland	SSA; 30267002	15 miles	Unknown	

Applicant Recommendations: Proposes to purchase all credits from SSA bank(s), as there are no credits available in the PSA. Determination of credits would assess the following factors: availability and appropriateness (i.e., functional credits available at the different banks and location of the banks).

USACE Determination: Concur with Applicant proposal. In this case, it is appropriate to assess banks in the SSA.

Example 4.

Case Facts: As authorized in a NWP and in accordance with the SOP, the project (*USACE File Number*) would need to obtain 1.4 freshwater wetland credits. This project is located within the Blue River Basin (BRB) PSA and in the 33333333 8-digit HUC. There are no banks located in the PSA or SSA. However, there is 1 bank located in the adjacent PSA (i.e., Red River Basin (RRB)). Additional information and analyses are provided in the following matrix:

RESOURCE ANALYSIS				
IMPACT SITE DATA				
Resource Category	Service Area; HUC	Distance to Impact Site	Credits Needed	
Freshwater Wetland	BRB PSA; 33333333	- -	1.4	
			Sufficient Credits Available	Recommended for Use
MITIGATION BANK DATA				
Zulu Mitigation Bank				
Freshwater Wetland	RRB PSA; 22222222	14 miles	Yes	X

Applicant Recommendations: Proposes to purchase all credits from Zulu Mitigation Bank, as there are no credits available in the BRB PSA and/or SSA.

USACE Determination: Coordinate Applicant's proposal with the full IRT to determine appropriateness. If determined appropriate by the IRT, concur with Applicant proposal. If determined inappropriate by the IRT, do not concur with Applicant proposal. In the even that USACE/IRT does not concur, the applicant would not be allowed to purchase freshwater wetland credits in the adjacent PSA; rather, mitigation may include use of In-Lieu Fee or permittee responsible compensation. The applicant would need to provide a revised analysis.

Example 5.

Case Facts: As authorized in accordance with the SOP, the project (*USACE File Number*) would need to obtain 25 wetland credits. This project is located in the Upper Red River Basin PSA and in the 30267005 8-digit HUC. There are 2 banks located in the PSA. Additional information and analyses are provided in the following matrix:

RESOURCE ANALYSIS				
IMPACT SITE DATA				
Resource Category	Service Area; HUC	Distance to Impact Site	Credits Needed	
Freshwater Wetland	PSA; 30267005	- -	25	
			Sufficient Credits Available	Recommended for Use
MITIGATION BANK DATA				
Alpha Mitigation Bank				
Freshwater Wetland	PSA; 30267005	1 mile	Yes	
Stream	PSA 30267005	1 mile	Yes	
Bravo Mitigation Bank				
Stream	PSA; 30267006	15 miles	Yes	X
Freshwater Wetland	PSA; 30267006	15 miles	Yes	X
Note that Bravo Bank BI was submitted for USACE review in Dec 2005.				

Applicant Recommendations: Proposes to purchase all credits from the Bravo Mitigation Bank. Banker POC indicated on 30 Sep 09 that sufficient credits were available to cover applicant needs. POC indicated that original BI was submitted for review prior to the effective date of this document and that the PSA for this bank although larger than those identified on the USACE web page also services the Upper Red River Basin. POC also indicated that BI for this restoration effort would serve for all freshwater wetland impacts. Documentation demonstrating bank was proposed in Dec 2005 and credits are appropriate were provided to USACE.

USACE Determination: Concur with Applicant proposal.

Example 6.

Case Facts: Using the Savannah District's Mitigation SOP, the project (*USACE File Number*) would need to obtain 60 wetland credits. The project is located within the Middle Red River Basin PSA and in the 30200066 8-digit HUC. There are 2 banks located in the PSA. Additional resource information and analyses are provided in the following matrix:

RESOURCE ANALYSIS				
IMPACT SITE DATA				
Resource Category	Service Area; HUC	Distance to Impact Site	Credits Needed	
Freshwater Wetland	PSA; 30200066	- -	60	
			Sufficient Credits Available	Recommended for Use
MITIGATION BANK DATA				
Charlie Mitigation Bank				
Stream	PSA; 30200066	4 miles	Yes	X
Delta Mitigation Bank				
Freshwater Wetland	PSA; 30200065	10 miles	Yes	

Applicant Recommendations: Proposes to purchase all credits from the Charlie Mitigation Bank. Banker POC indicated on 05 Oct 09 that sufficient credits were available to cover applicant needs. These credits are of greatest value, because they are the least expensive to purchase and the nearest to the project impact site.

USACE Determination: Do not concur with Applicant proposal. The applicant is not allowed to purchase stream credits to replace freshwater wetland impacts. Determination needs to consider resource category/functional changes and location factors; cost is not a consideration in this analysis. It is likely that the Delta Mitigation Bank may be an appropriate bank, depending on the type of wetlands and functions existing at the bank site and those projected for loss at the development site. The applicant will need to provide a revised analysis.

Example 7:

Case Facts: Using the SOP, the project (*USACE File Number*) would need to obtain 250 freshwater wetland credits to replace proposed impacts to a cypress swamp. This project is located in the Black River Basin PSA and in the 30300221 8-digit HUC. There are 2 banks located in the PSA. Additional information and analyses are provided in the following matrix:

RESOURCE ANALYSIS						
Resource Category	Type	Location	Landscape Position	Distance to Impact Site	Credits Needed	
IMPACT SITE DATA						
Freshwater Wetland	Cypress swamp	PSA; 30300221	Adjacent to Stream	- -	250	
					Sufficient Credits Available	Recommended for Use
MITIGATION BANK DATA						
Echo Mitigation Bank						
Freshwater Wetland	Pine flatwoods	PSA; 30300221	Adjacent to Stream	4 miles	Yes	
Foxtrot Mitigation Bank						
Freshwater Wetland	Cypress swamp	PSA; 30300222	Adjacent to Stream	25 miles	Yes	X

Applicant Recommendations: Proposes to purchase all credits from the Foxtrot Mitigation Bank. Banker POC indicated on 15 Oct 09 that sufficient credits were available to cover applicant needs. In this case functional replacement of the cypress swamp with cypress swamp is considered more important than distance.

USACE Determination: Concur with Applicant proposal.

Example 8.

Case Facts: Using the SOP, the project (*USACE File Number*) would need to obtain 1,000 stream credits and 5 wetland credits. This project is located in the Middle Green River PSA and in the 30300331 8-digit HUC. There is 1 bank located in the PSA and 4 banks in the SSA. Additional information and analyses are provided in the following matrix:

RESOURCE ANALYSIS				
IMPACT SITE DATA				
Resource Category	Service Area; HUC	Distance to Impact Site	Credits Needed	
Freshwater Wetland	PSA; 30300331	- -	5	
Stream	PSA; 30300331	- -	1000	
			Sufficient Credits Available	Recommended for Use
MITIGATION BANK DATA				
Golf Mitigation Bank				
Stream	PSA; 30300331	4 miles	Yes	
Freshwater Wetland	PSA; 30300331	4 miles	Yes	
Halo Mitigation Bank				
Stream	SSA; 30300332	2 miles	Yes	X
Freshwater Wetland	SSA; 30300332	2 miles	Yes	X
India Mitigation Bank				
Stream	SSA; 30300332	10 miles	Yes	
Freshwater Wetland	SSA; 30300332	10 miles	Yes	
Lima Mitigation Bank				
Freshwater Wetland	SSA; 30300332	15 miles	Yes	
Macke Mitigation Bank				
Freshwater Wetland	SSA; 30300332	20 miles	Yes	
Stream	SSA; 30300332	20 miles	Yes	

Applicant Recommendations: Proposes to purchase all credits from banks in the SSA. Banker POC indicated on 16 Oct 09 that sufficient credits were available to cover applicant needs. These credits are of greatest value, because they are the least expensive to purchase and are closest to the impact site.

USACE Determination: Do not concur with Applicant proposal. The applicant is not allowed to purchase credits in the SSA, until they demonstrate that credits available in the PSA are not appropriate and/or not available. Note that determination needs to consider

resource category/functional changes and location considerations; cost is not a consideration in this analysis. The applicant will need to provide a revised analysis, discussing the availability and appropriateness of the credits available at the Golf Mitigation Bank.

Example 9.

Case Facts: Using the SOP, the project (*USACE File Number*) would need to obtain 1,000 stream credits and 35 wetland credits. This project is located in the Middle Purple River PSA and in the 33300022 8-digit HUC. Additional information and analyses are provided in the following matrix:

RESOURCE ANALYSIS					
IMPACT SITE DATA					
Resource Category	Type	Location	Landscape Position	Distance to Impact Site	Credits Needed
Freshwater Wetland	Bottomland Hardwood	PSA 33300022	Adjacent to Stream	- -	35
Stream	Intermittent	PSA 33300022	2 nd Order	- -	1000
					Sufficient Credits Available
MITIGATION BANK DATA					
Romeo Mitigation Bank					
Stream	Intermittent	PSA 33300022	2 nd Order	2 miles	No
Freshwater Wetland	Bottomland Hardwood	PSA 33300022	Adjacent to Stream	2 miles	No
Sierra Mitigation Bank					
Stream	Perennial	SSA 33300021	2 nd Order	10 miles	Yes
Freshwater Wetland	Emergent	SSA 33300021	Adjacent to Stream	10 miles	Yes
Tango Mitigation Bank					
Freshwater Wetland	Bottomland Hardwood	SSA 33300021	Adjacent to Stream	20 miles	Yes
Stream	Intermittent	SSA 33300021	2 nd Order	20 miles	Yes

Applicant Recommendations: Proposes to purchase all credits from the Tango Mitigation Bank. Romeo Banker POC indicated on 15 Sep 09 that sufficient credits were not available to cover applicant needs: there were no stream credits available and wetland credits may be available in 5 months. As all permits have been obtained and site construction may initiate once mitigation credits are secured, this site was dismissed. Sierra and Tango Banker POCs indicated on 17 Sep 09 that sufficient credits were available to cover applicant needs. In talking with the Tango Mitigation POC, POC indicated that wetland restoration efforts were similar to impacts to occur at project site.

USACE Determination: Concur with Applicant proposal.

Example 10.

Case Facts: Using the SOP, the project (*USACE File Number*) would need to obtain 3,000 stream credits and 150 wetland credits. This project is located in the Oso River PSA and in the 33300033 8-digit HUC. Additional information and analyses are provided in the following matrix:

RESOURCE ANALYSIS					
IMPACT SITE DATA					
Resource Category	Type	Location	Landscape Position	Distance to Impact Site	Credits Needed
Freshwater Wetland	Bottomland Hardwood	PSA 33300022	Adjacent to Stream	- -	150
Stream	Intermittent	PSA 33300022	2 nd Order	- -	3000
					Sufficient Credits Available
MITIGATION BANK DATA					
Long Beach Mitigation Bank					
Stream	Intermittent	PSA 33300022	2 nd Order	2 miles	1000
Freshwater Wetland	Bottomland Hardwood	PSA 33300022	Adjacent to Stream	2 miles	No
Vienna Mitigation Bank					
Stream	Intermittent	PSA 33300021	2 nd Order	10 miles	500
Freshwater Wetland	Bottomland Hardwood	PSA 33300021	Adjacent to Stream	10 miles	100
Wilmington Mitigation Bank					
Freshwater Wetland	Emergent	SSA 33300020	Adjacent to Stream	20 miles	Yes
Stream	Intermittent	SSA 33300020	2 nd Order	20 miles	Yes
Newport Mitigation Bank					
Freshwater Wetland	Bottomland Hardwood	PSA 33300021	Adjacent to Stream	30 miles	50
Marshfield Mitigation Bank					
Stream	Intermittent	PSA 33300021	2 nd Order	25 miles	1500
Tybee Mitigation Bank					
Marine Wetland	Salt Marsh	SSA 33300020	Adjacent to River	100 miles	Yes
River	Perennial	SSA 33300020	4 th Order	100 miles	Yes
Falls Church Mitigation Bank					
Stream	Intermittent	SSA 33300020	2 nd Order	45 miles	150

Applicant Recommendations: Proposes to purchase the credits as follows:

- Long Beach: 1,000 stream credits
- Vienna:
 - 500 stream credits
 - 100 freshwater wetland credits
- Newport: 50 freshwater wetland credits
- Marshfield: 1,500 stream credits

Banker POCs indicated on 15 Sep 09 that sufficient credits were available to cover applicant needs.

USACE Determination: Concur with Applicant proposal.

Example 11.

Case Facts: Using the SOP, the project (*USACE File Number*) would need to obtain 100 stream credits. The project is located within the Middle Red River Basin PSA and in the 30200066 8-digit HUC. Project construction and operation is likely to affect listed fish habitat or passage. There are 2 banks located in the PSA and 1 in the SSA. Additional information and analyses are provided in the following matrix:

RESOURCE ANALYSIS					
IMPACT SITE DATA					
Resource Category	Service Area; HUC	Distance to Impact Site	Listed Species Impacts	Credits Needed	
Stream	PSA; 30200066	- -	Yes	100	
			Bank Benefits Listed Species	Sufficient Credits Available	Recommended for Use
MITIGATION BANK DATA					
Charlie Mitigation Bank					
Stream	PSA; 30200066	4 miles	No	No	
Delta Mitigation Bank					
Freshwater Wetland	PSA; 30200065	10 miles	Yes	Yes	
Mensing Mitigation Bank					
Stream	SSA 30200067	20 miles	Yes	Yes	X

Applicant Recommendations: Proposes to purchase all credits from the Mensing Mitigation Bank. Banker POC indicated on 05 Oct 09 that sufficient credits were available to cover applicant needs. These credits would fulfill stream impact and Threatened and Endangered (T&E) species requirements.

USACE Determination: Concur with Applicant proposal. Projects that impact listed species habitat must mitigate for that loss at a bank that benefits listed species (unless the applicant proposes to purchase credits at an appropriate T&E conservation bank).

Example 12.

Case Facts: Using the SOP, the project (*USACE File Number*) would need to obtain 500 stream credits. The project is located within the Silver River Basin PSA and in the 30200333 8-digit HUC. Project construction and operation is likely to affect listed fish habitat or passage. There are 2 banks located in the PSA. Additional information and analyses are provided in the following matrix:

RESOURCE ANALYSIS					
IMPACT SITE DATA					
Resource Category	Service Area; HUC	Distance to Impact Site	Listed Species Impacts	Credits Needed	
Stream (Perennial)	PSA; 30200333	- -	Cherokee Darter Habitat	500	
			Bank Benefits Listed Species	Sufficient Credits Available	Recommended for Use
MITIGATION BANK DATA					
November Mitigation Bank					
Stream (Perennial)	PSA; 30200333	4 miles	No	Yes	
Oscar Mitigation Bank					
Stream (Perennial)	PSA; 30200333	20 miles	Yes	Yes	X

Applicant Recommendations: Proposes to purchase all credits from the Oscar Mitigation Bank. These credits would fulfill stream impact and T&E species requirements.

USACE Determination: Concur with Applicant proposal. Projects that impact listed species habitat must mitigate for that loss at a bank that benefits listed species (unless the applicant proposes to purchase credits at an appropriate T&E conservation bank).