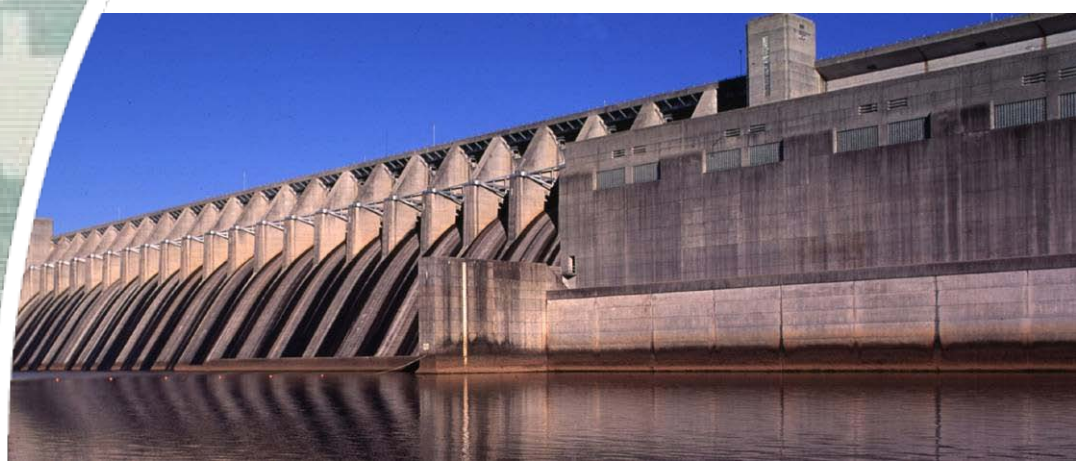


# In-Lieu Fee Program Update

Fall 2010 Consultant Workshop



US Army Corps of Engineers  
**BUILDING STRONG**<sup>®</sup>

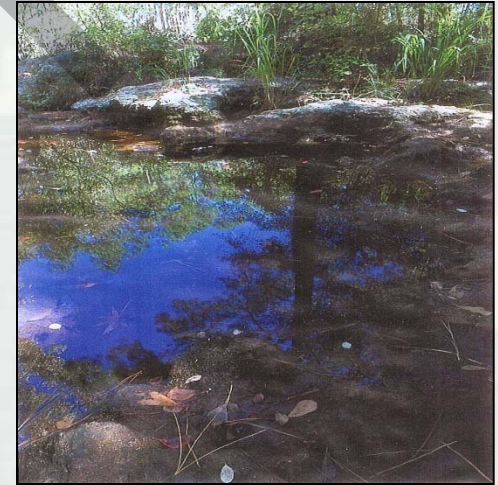
# In-Lieu Fee Program Requirements

- Requirements for In-Lieu Fee Program under 2008 Mitigation Rule
  - ▶ New and Existing In-Lieu Fee Programs must comply with 2008 Rule unless granted an extension to operate under an existing instrument
  - ▶ Mitigation Hierarchy – Applicants for 404 permits must demonstrate that there is no mitigation bank with suitable credits available that serves the project area
  - ▶ In-Lieu Fee Programs must be sponsored by Government Entity or Non-Profit
- Similar to mitigation banking. In-Lieu Fee Program sells credits to permittee, transferring mitigation obligation to the In-Lieu Fee Program.
- Operation of In-Lieu Fee Program governed by an In-Lieu Fee Instrument that undergoes review by the IRT and general public before USACE approves the Instrument.



# In-Lieu Fee Guidelines

- Issued Draft Guidelines to Establish and Operate In-Lieu Fee Programs in Georgia – Public Notice May 12, 2010 (1 Year Draft for Comments)
- Program Participant Approval:
  - ▶ 1) Optional Draft Prospectus (Completeness Review)
  - ▶ 2) Prospectus (IRT and Public Notice review/approve)
  - ▶ 3) Draft Instrument (IRT review/comment)
  - ▶ 4) Instrument (IRT approve)
- Participant Approved: Approved Instrument is operating agreement for In-Lieu Fee Program Participant with USACE and coordinating agencies
- Specific requirements for the In-Lieu Fee program approval and operating process can be found within the 2008 “Final National Mitigation Rule” and additional information specific to the Savannah District’s In-Lieu Fee Program can be found on Savannah District USACE Regulatory website.





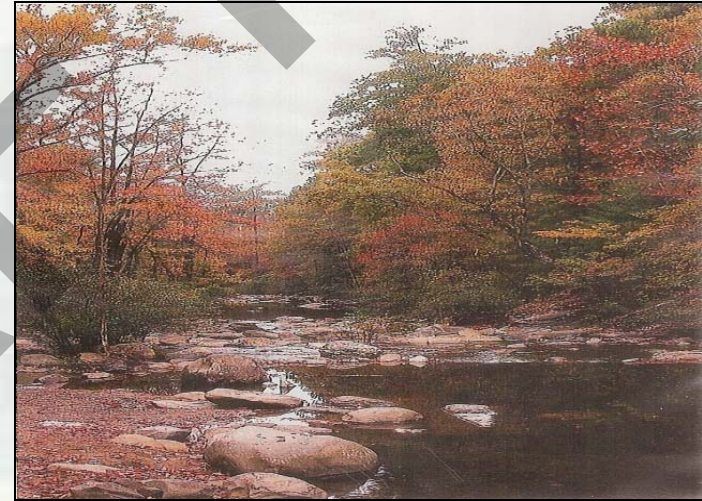
# Georgia Land Conservation Center In-Lieu Fee Program

- GLCC currently has an extension of their existing program and awaiting final decision under new rule
- Currently the only proposal in Georgia under the 2008 Rule is: “The Georgia Land Conservation Center In-Lieu Fee Program to Provide Compensatory Mitigation in the State of Georgia”. Prospectus: Public Notice August 11, 2010.
  - ▶ 30 day public notice
  - ▶ Corps decision to be issued October 2010



# How can you help?

- Comment on Draft Guidelines! 1 Year comment period.
- Work with Government and Non-Profit Entities to identify projects with restoration, enhancement, and preservation potential. Sites may need baseline data collection, design, and/or monitoring.
- Transparency of the In-Lieu Fee Program will be provided by publication to RIBITS.







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