In-Lieu Fee Program Update

Fall 2010 Consultant Workshop
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.