

*Appendix A. 2005 Corps Survey of District Mitigation Practices*

**District Query to Characterize Current Mitigation Practices (April 28, 2005)**

This questionnaire is intended to collect general information on current mitigation practices in each Corps District. The responses will be used to help finalize and evaluate the forthcoming proposed Department of the Army rulemaking on compensatory mitigation. The questionnaire has been designed so that it can be completed with minimal time and effort. Accordingly, please use best professional estimates (including ranges where you feel appropriate) in responding to questions for which hard data is not readily available.

The questionnaire seeks information on current mitigation practices. Accordingly, for those questions that do not ask about the number of something as of the current date (e.g., number of approved mitigation banks), please provide answers that correspond to the three-year time period 2002-2004. Do not provide multiple responses to any one question corresponding to each year during 2002-2004; rather, please provide one response for each question corresponding to the three year time period as a whole.

We ask that you electronically transmit your completed questionnaire to Steve Martin, CENAO-TS-REG. If any questions or uncertainty arise when filling out the questionnaire, you are welcome to contact Steve for assistance (phone: 757-201-7787; email: steven.m.martin@nao02.usace.army.mil). Thank you.

**A. Permitting and Compensatory Mitigation Requirements**

1. Estimate the approximate percentage of all permits together (pursuant to CWA Section 404 and RHA Sections 9 & 10) in which some form of compensatory mitigation is required

General Permits	_____	%
Individual Permits*	_____	%

\* Include both standard permits and letters of permission

**B. Use of Different Mitigation Providers**

1. Estimate the share of mitigation for all permits provided by:

Permit specific mitigation or DIY (Do-It-Yourself) mitigation	_____	%
In-lieu fee or similar consolidated fee-based programs	_____	%
Mitigation Banks	_____	%

For the next 3 questions, answers can be provided as a single value or as an estimated range.

2. Estimate the share of total required mitigation fulfilled using Permit specific (DIY) mitigation  
 For General Permits \_\_\_\_\_ Tidal \_\_\_\_\_ Non-Tidal wetlands \_\_\_\_\_ Streams  
 For Individual Permits \_\_\_\_\_ Tidal \_\_\_\_\_ Non-Tidal wetlands \_\_\_\_\_ Streams
3. Estimate the share of total required mitigation fulfilled using In-lieu Fee programs or similar consolidated cash contribution programs  
 For General Permits \_\_\_\_\_ Tidal \_\_\_\_\_ Non-Tidal wetlands \_\_\_\_\_ Streams  
 For Individual Permits \_\_\_\_\_ Tidal \_\_\_\_\_ Non-Tidal wetlands \_\_\_\_\_ Streams
4. Estimate the share of total required mitigation fulfilled using mitigation banks  
 For General Permits \_\_\_\_\_ Tidal \_\_\_\_\_ Non-Tidal wetlands \_\_\_\_\_ Streams  
 For Individual Permits \_\_\_\_\_ Tidal \_\_\_\_\_ Non-Tidal wetlands \_\_\_\_\_ Streams

**C. Establishment and Use of Federally-Approved Mitigation Banks**

1. Has your District approved any mitigation banks? \_\_\_\_\_ Yes \_\_\_\_\_ No  
 (If the answer is "No" please skip to part D below)
2. Indicate the number of approved mitigation banks  
 Number of single user mitigation banks (e.g., DOT banks) \_\_\_\_\_  
 Number of commercial (general use) mitigation banks \_\_\_\_\_
3. Estimate the total mitigation potentially available from these banks  
 \_\_\_\_\_ Acres \_\_\_\_\_ Credits  
 \_\_\_\_\_ Linear feet or \_\_\_\_\_ Square feet (streams - whichever is applicable)
4. Estimate the amount of mitigation currently available for debiting at these banks (e.g. as of April 1, 2005). If you can't answer this, please make sure to answer the next 2 questions (Questions 5 & 6).  
 Wetlands \_\_\_\_\_ Acres \_\_\_\_\_ Credits  
 Streams \_\_\_\_\_ Linear feet or \_\_\_\_\_ Square feet (whichever is applicable)
5. As of the current date, how many approved commercial banks have sold out total credit capacity (do not report on single user banks). \_\_\_\_\_
6. Indicate in one or more sentences your impressions about trends in the demand for commercial bank credits over the last 5 years. For example, does it appear that many commercial banks are having difficulty selling available credits?
7. Indicate the range of credit prices currently charged by commercial banks in your district, if known  
 Wetlands \_\_\_\_\_ acre \_\_\_\_\_ Credit  
 Streams \_\_\_\_\_ linear ft/square ft \_\_\_\_\_ Credit

8. Characterize the performance standards (success criteria) used for approved mitigation banks (check all that apply).
- 87 Manual Wetland Criteria  
 Functional or Ecological Performance\*  
 Other (describe)

\* For example, flood storage and habitat functions, woody stem counts, species diversity, etc.

9. Indicate the number of currently proposed mitigation banks that are likely to be eventually approved by the District
- Single User  
 Commercial

10. Indicate in one or more sentences trends in bank proposals over the last 5 years for single user and commercial banks (report separately for each bank type). For example, have commercial bank proposals been declining, increasing (indicate by how much if possible), or holding steady in recent years?

**D. Establishment and Use of Federally-Approved In-Lieu Fee & Similar Consolidated Cash Contribution Programs**

1. Has your District approved any In-Lieu Fee Programs or similar Consolidated Cash Contribution programs for mitigation purposes?  Yes  No  
 (If the answer is "No" please skip to part E below)
2. Number of In-Lieu Fee or similar programs in District  Operational  Discontinued
3. Estimate the amount of mitigation acreage actually put in the ground to date by In-Lieu Fee or similar programs (including preservation, restoration, enhancement, or creation activities)
- Acres  
 linear feet (streams)  
 square ft (streams)
4. Indicate the number of currently proposed In-Lieu Fee programs \_\_\_\_\_
5. Characterize the performance standards (success criteria) used for In-Lieu Fee Programs (check all that apply)
- 87 Manual Wetland Criteria  
 Functional or Ecological Performance\*  
 Other (describe)

\* For example, flood storage and habitat functions, woody stem counts, species diversity, etc.

6. Answer one of the following 2 questions, a. or b. (whichever is most applicable):

a. Indicate the average fee or range of fee rates charged by ILF programs or payments to consolidated cash contribution programs required per unit of impact (use and indicate whatever unit measure makes sense, e.g., acre, linear foot, square foot)

Wetlands \_\_\_\_\_ Acre \_\_\_\_\_ Credit  
Streams \_\_\_\_\_ linear ft \_\_\_\_\_ square foot \_\_\_\_\_ Credit

b. Estimate the amount of funds received by ILFs in a given year and the amount of impacts associated with those funds (use and indicate whatever unit measure makes sense, e.g., acre, linear foot, square foot)

\$ \_\_\_\_\_ for Wetland impacts Amount of impacts \_\_\_\_\_ Acre \_\_\_\_\_ Credit  
\$ \_\_\_\_\_ Stream impacts Amount of impacts \_\_\_\_\_ linear ft \_\_\_\_\_ square foot  
\_\_\_\_\_ Credit

### E. Use of Permit Specific (DIY) Mitigation

For the next 2 questions, you may use the following ranges: A = 0-10%, B = 11-25%, C = 26-50%, D = 51-75%, E = > 75%, or provide any range you think is appropriate (e.g., if you are confident in providing a narrower range, please do so. Alternatively, if you can only confidently provide a wider range, please do so).

1. For those permits in which permit-specific mitigation was included in permit conditions, what share of these permits stipulated that mitigation was to be conducted

\_\_\_\_\_ Entirely On-site,  
\_\_\_\_\_ Entirely Off-site,  
\_\_\_\_\_ Combination of on-site & off-site.

2. Characterize the performance standards (success criteria) used for permit-specific (DIY) mitigation (check all that apply)

\_\_\_\_\_ 87 Manual Wetland Criteria  
\_\_\_\_\_ Functional or Ecological Performance\*  
\_\_\_\_\_ Other (describe)

\* For example, flood storage and habitat functions, woody stem counts, species diversity, etc.

### F. Compliance and Success of Required Mitigation

**The questions in this section are meant to gauge the extent to which each District believes mitigation is in compliance with District requirements and is providing ecologically successful aquatic resources**

1. Estimate the share of approved commercial mitigation banks that:

Comply with permits, mitigation banking instrument and site plans \_\_\_\_\_%

Judged to be ecologically successful aquatic resources (i.e., achieved or trending towards full functioning) \_\_\_\_\_%

2. Estimate the share of In-Lieu Fee Projects that:

Comply with permits, in-lieu fee agreement, and site plans \_\_\_\_\_%

Judged to be ecologically successful aquatic resources (i.e., achieved or trending towards full functioning) \_\_\_\_\_%

3. Estimate the average lag time between permit issuance and completion of In-Lieu Fee or consolidated cash contribution mitigation for a typical permit \_\_\_\_\_

4. Estimate share of permit specific (DIY) mitigation that:

Comply with permits and site plans \_\_\_\_\_%

Judged to be ecologically successful aquatic resources (i.e., achieved or trending towards full functioning) \_\_\_\_\_%

