

**Environmental Law Institute  
Compensatory Mitigation Response Form  
August 2005**

We would greatly appreciate it if you could take the time to review the questions and charts below and respond accordingly. Some helpful definitions are included on the last page of the response form, and may also be found at <http://www2.eli.org/wmb/terms.htm#type3>. Please return your responses by **September 16, 2005** by fax or email, or in the enclosed self-addressed, stamped envelope. Responses and questions should be directed to:

Jared Thompson  
Environmental Law Institute  
2000 L Street NW, Suite 620  
Washington, DC 20036  
PH: 202/939-3247  
FAX: 202/939-3868  
E-Mail: [jthompson@eli.org](mailto:jthompson@eli.org)

Name: \_\_\_\_\_ Affiliation: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**1. Type of Mitigation Used to Satisfy §404 Requirements**

Compensatory mitigation is required to replace wetlands and aquatic resources unavoidably lost or adversely affected by impacts permitted through the Clean Water Act §404 program. Mitigation requirements can be satisfied through the restoration, enhancement, creation, or preservation of wetlands and aquatic resources.

A. Please indicate below, in your best estimate, the percentage of required **wetland** mitigation that is being satisfied through each type of mitigation in your district annually (please use FY03 estimates if they are available). This includes mitigation conducted under individual and general permits.

\_\_\_\_\_ % Restoration

\_\_\_\_\_ % Enhancement

\_\_\_\_\_ % Creation

\_\_\_\_\_ % Preservation

- B. Please indicate below, in your best estimate, the percentage of required **stream** mitigation that is being satisfied through each type of mitigation in your district annually (please use FY03 estimates if they are available). This includes mitigation conducted under individual and general permits.

\_\_\_\_\_ % Restoration

\_\_\_\_\_ % Enhancement

\_\_\_\_\_ % Creation

\_\_\_\_\_ % Preservation

## 2. Cost Estimates for Different Mitigation Types

As discussed above, mitigation requirements can be satisfied through the restoration, enhancement, creation, or preservation of wetlands and aquatic resources.

- A. Do you have any cost estimates, or are you familiar with any sources of information (published, unpublished, etc.) that provides cost estimates, for the average price per acre of **wetland** restoration, enhancement, creation or preservation?

- Yes  
 No

- i. If so, please include the cost estimates with your Response Form or provide a citation that can be easily located.

- B. Do you have any cost estimates for the average price per linear foot of **stream** restoration, enhancement, creation, or preservation?

- Yes  
 No

- i. If so, please include the cost estimates with your Response Form or provide a citation that can be easily located.

### 3. Methods of Satisfying Mitigation Requirements

Compensatory mitigation is required to replace wetlands and aquatic resources unavoidably lost or adversely affected by impacts permitted through the Clean Water Act §404 program. Compensatory mitigation requirements can be satisfied through several different methods, including permittee-responsible mitigation, mitigation banks, or in-lieu-fee mitigation.

- A. Please indicate below, in your best estimate, the percentage of required **wetland** mitigation that is being satisfied through each mitigation method in your district on an annual basis (please use FY03 estimates if they are available). This includes mitigation conducted under individual and general permits.

\_\_\_\_\_ % satisfied through permittee-responsible mitigation

\_\_\_\_\_ % satisfied through the purchase of credits at a mitigation bank

\_\_\_\_\_ % satisfied through the payment of fees into an established in-lieu-fee program

\_\_\_\_\_ % satisfied through other means. Please specify:

- B. Please indicate below, in your best estimate, the percentage of required **stream** mitigation that is being satisfied through each mitigation method in your district on an annual basis (please use FY03 estimates if they are available). This includes mitigation conducted under individual and general permits.

\_\_\_\_\_ % satisfied through permittee-responsible mitigation

\_\_\_\_\_ % satisfied through the purchase of credits at a mitigation bank

\_\_\_\_\_ % satisfied through the payment of fees into an established in-lieu-fee program

\_\_\_\_\_ % satisfied through other means. Please specify:

## 4. Mitigation Banks

### 4A. Bank Accuracy

Please review Chart 4A below (begins next page), which lists mitigation banks identified in your district as of December 2001. Please indicate the requested information in the space provided or in a separate document.

If the information in Chart 4A below is accurate, please check the box in the left hand column.

If the information in Chart 4A below is inaccurate, please provide updated information in the right hand column. In particular, please provide information on the status, classification, and additional characteristics of the approved and pending banks in your district.

*Status: Is the bank approved or pending? If approved, is it active or inactive? If inactive, is it suspended, sold-out, or inactive for other reasons? See definitions below for further clarification.*

*Re-classification: For example, is the bank still a bank? If not, has it been reclassified as in-lieu-fee programs, a site completed under an umbrella agreement, or does it fit another classification?*

*Credit Type: What type of credits does the authorizing instrument allow the bank to sell? Wetland credits? Stream credits? Stream and wetland credits? Other credit types?*

*Additional corrections: For example, information on the year established, bank type, or other information.*

**Chart 4A**

Check If All Information Is Accurate	Mitigation Banks (as of December 2001)	Updated Information
<input type="checkbox"/>	<p><b><u>Geist Reservoir Mitigation Bank</u></b>  <b>Bank Sponsor:</b> Shorewood Corporation  <b>County:</b> Hamilton  <b>City:</b>  <b>State:</b> IN  <b>Watershed:</b>  <b>Corps District:</b> Louisville  <b>Year Established:</b> 1990  <b>Status:</b>  <input checked="" type="checkbox"/> Approved  <input type="checkbox"/> Active  <input checked="" type="checkbox"/> Inactive  <input type="checkbox"/> Suspended  <input checked="" type="checkbox"/> Sold-out  <input type="checkbox"/> Other reasons  <input type="checkbox"/> Pending  <b>Credit Types:</b>  <input checked="" type="checkbox"/> Wetland credits  <input type="checkbox"/> Stream credits  <input type="checkbox"/> Wetland and stream credits  <input type="checkbox"/> Other  <b>Bank Type:</b> single client</p>	<p><b>Status:</b>  <input type="checkbox"/> Approved  <input type="checkbox"/> Active  <input type="checkbox"/> Inactive  <input type="checkbox"/> Suspended  <input type="checkbox"/> Sold-out  <input type="checkbox"/> Other reasons. Specify:  <input type="checkbox"/> Pending  <b>Reclassification:</b>  <input type="checkbox"/> Bank  <input type="checkbox"/> In-Lieu-Fee Program  <input type="checkbox"/> Umbrella Program  <input type="checkbox"/> Other. Please specify:  <b>Credit Types:</b>  <input type="checkbox"/> Wetland credits  <input type="checkbox"/> Stream credits  <input type="checkbox"/> Wetland and stream credits  <input type="checkbox"/> Other. Specify:  <b>Additional corrections:</b></p>

(continued next page)

<input type="checkbox"/>	<p><b><u>Morse Reservoir Wetland Mitigation Bank</u></b>  <b>Bank Sponsor:</b> Shorewood Corporation  <b>County:</b> Hamilton  <b>City:</b>  <b>State:</b> IN  <b>Watershed:</b>  <b>Corps District:</b> Louisville  <b>Year Established:</b> 1990  <b>Status:</b>  <input checked="" type="checkbox"/> Approved  <input type="checkbox"/> Active  <input checked="" type="checkbox"/> Inactive  <input type="checkbox"/> Suspended  <input checked="" type="checkbox"/> Sold-out  <input type="checkbox"/> Other reasons  <input type="checkbox"/> Pending  <b>Credit Types:</b>  <input checked="" type="checkbox"/> Wetland credits  <input type="checkbox"/> Stream credits  <input type="checkbox"/> Wetland and stream credits  <input type="checkbox"/> Other  <b>Bank Type:</b> single client</p>	<p><b>Status:</b>  <input type="checkbox"/> Approved  <input type="checkbox"/> Active  <input type="checkbox"/> Inactive  <input type="checkbox"/> Suspended  <input type="checkbox"/> Sold-out  <input type="checkbox"/> Other reasons. Specify:  <input type="checkbox"/> Pending  <b>Reclassification:</b>  <input type="checkbox"/> Bank  <input type="checkbox"/> In-Lieu-Fee Program  <input type="checkbox"/> Umbrella Program  <input type="checkbox"/> Other. Please specify:  <b>Credit Types:</b>  <input type="checkbox"/> Wetland credits  <input type="checkbox"/> Stream credits  <input type="checkbox"/> Wetland and stream credits  <input type="checkbox"/> Other. Specify:  <b>Additional corrections:</b></p>
<input type="checkbox"/>	<p><b><u>Schroeder Mitigation Bank</u></b>  <b>Bank Sponsor:</b> Gary W. Schroeder  <b>County:</b> Tippecanoe  <b>City:</b>  <b>State:</b> IN  <b>Watershed:</b> Lower Wabash  <b>Corps District:</b> Louisville  <b>Year Established:</b> 1999  <b>Status:</b>  <input checked="" type="checkbox"/> Approved  <input checked="" type="checkbox"/> Active  <input type="checkbox"/> Inactive  <input type="checkbox"/> Suspended  <input type="checkbox"/> Sold-out  <input type="checkbox"/> Other reasons  <input type="checkbox"/> Pending  <b>Credit Types:</b>  <input checked="" type="checkbox"/> Wetland credits  <input type="checkbox"/> Stream credits  <input type="checkbox"/> Wetland and stream credits  <input type="checkbox"/> Other  <b>Bank Type:</b> private commercial</p>	<p><b>Status:</b>  <input type="checkbox"/> Approved  <input type="checkbox"/> Active  <input type="checkbox"/> Inactive  <input type="checkbox"/> Suspended  <input type="checkbox"/> Sold-out  <input type="checkbox"/> Other reasons. Specify:  <input type="checkbox"/> Pending  <b>Reclassification:</b>  <input type="checkbox"/> Bank  <input type="checkbox"/> In-Lieu-Fee Program  <input type="checkbox"/> Umbrella Program  <input type="checkbox"/> Other. Please specify:  <b>Credit Types:</b>  <input type="checkbox"/> Wetland credits  <input type="checkbox"/> Stream credits  <input type="checkbox"/> Wetland and stream credits  <input type="checkbox"/> Other. Specify:  <b>Additional corrections:</b></p>

<input type="checkbox"/>	<p><b><u>Wolfe Mitigation Bank</u></b>  <b>Bank Sponsor:</b>  <b>County:</b>  <b>City:</b>  <b>State:</b> IN  <b>Watershed:</b>  <b>Corps District:</b> Louisville  <b>Year Established:</b>  <b>Status:</b>  <input type="checkbox"/> Approved  <input type="checkbox"/> Active  <input type="checkbox"/> Inactive  <input type="checkbox"/> Suspended  <input type="checkbox"/> Sold-out  <input type="checkbox"/> Other reasons  <input checked="" type="checkbox"/> Pending  <b>Credit Types:</b>  <input checked="" type="checkbox"/> Wetland credits  <input type="checkbox"/> Stream credits  <input type="checkbox"/> Wetland and stream credits  <input type="checkbox"/> Other  <b>Bank Type:</b> single client</p>	<p><b>Status:</b>  <input type="checkbox"/> Approved  <input type="checkbox"/> Active  <input type="checkbox"/> Inactive  <input type="checkbox"/> Suspended  <input type="checkbox"/> Sold-out  <input type="checkbox"/> Other reasons. Specify:  <input type="checkbox"/> Pending  <b>Reclassification:</b>  <input type="checkbox"/> Bank  <input type="checkbox"/> In-Lieu-Fee Program  <input type="checkbox"/> Umbrella Program  <input type="checkbox"/> Other. Please specify:  <b>Credit Types:</b>  <input type="checkbox"/> Wetland credits  <input type="checkbox"/> Stream credits  <input type="checkbox"/> Wetland and stream credits  <input type="checkbox"/> Other. Specify:  <b>Additional corrections:</b></p>
<input type="checkbox"/>	<p><b><u>G &amp; L Mitigation Bank</u></b>  <b>Bank Sponsor:</b> G &amp; L  <b>County:</b> Nelson  <b>City:</b>  <b>State:</b> KY  <b>Watershed:</b>  <b>Corps District:</b> Louisville  <b>Year Established:</b> 1998  <b>Status:</b>  <input checked="" type="checkbox"/> Approved  <input checked="" type="checkbox"/> Active  <input type="checkbox"/> Inactive  <input type="checkbox"/> Suspended  <input type="checkbox"/> Sold-out  <input type="checkbox"/> Other reasons  <input type="checkbox"/> Pending  <b>Credit Types:</b>  <input checked="" type="checkbox"/> Wetland credits  <input type="checkbox"/> Stream credits  <input type="checkbox"/> Wetland and stream credits  <input type="checkbox"/> Other  <b>Bank Type:</b> private commercial</p>	<p><b>Status:</b>  <input type="checkbox"/> Approved  <input type="checkbox"/> Active  <input type="checkbox"/> Inactive  <input type="checkbox"/> Suspended  <input type="checkbox"/> Sold-out  <input type="checkbox"/> Other reasons. Specify:  <input type="checkbox"/> Pending  <b>Reclassification:</b>  <input type="checkbox"/> Bank  <input type="checkbox"/> In-Lieu-Fee Program  <input type="checkbox"/> Umbrella Program  <input type="checkbox"/> Other. Please specify:  <b>Credit Types:</b>  <input type="checkbox"/> Wetland credits  <input type="checkbox"/> Stream credits  <input type="checkbox"/> Wetland and stream credits  <input type="checkbox"/> Other. Specify:  <b>Additional corrections:</b></p>

<input type="checkbox"/>	<p><b><u>Nelson County Wetland Mitigation Bank</u></b> <b><u>Number One</u></b> <b>Bank Sponsor:</b> PTRL Environmental Services <b>County:</b> Nelson <b>City:</b> <b>State:</b> KY <b>Watershed:</b> Salt River <b>Corps District:</b> Louisville <b>Year Established:</b> 1997 <b>Status:</b>  <input checked="" type="checkbox"/> Approved  <input checked="" type="checkbox"/> Active  <input type="checkbox"/> Inactive  <input type="checkbox"/> Suspended  <input type="checkbox"/> Sold-out  <input type="checkbox"/> Other reasons  <input type="checkbox"/> Pending  <b>Credit Types:</b>  <input checked="" type="checkbox"/> Wetland credits  <input type="checkbox"/> Stream credits  <input type="checkbox"/> Wetland and stream credits  <input type="checkbox"/> Other  <b>Bank Type:</b> private commercial</p>	<p><b>Status:</b>  <input type="checkbox"/> Approved  <input type="checkbox"/> Active  <input type="checkbox"/> Inactive  <input type="checkbox"/> Suspended  <input type="checkbox"/> Sold-out  <input type="checkbox"/> Other reasons. Specify:  <input type="checkbox"/> Pending  <b>Reclassification:</b>  <input type="checkbox"/> Bank  <input type="checkbox"/> In-Lieu-Fee Program  <input type="checkbox"/> Umbrella Program  <input type="checkbox"/> Other. Please specify:  <b>Credit Types:</b>  <input type="checkbox"/> Wetland credits  <input type="checkbox"/> Stream credits  <input type="checkbox"/> Wetland and stream credits  <input type="checkbox"/> Other. Specify:  <b>Additional corrections:</b></p>
<input type="checkbox"/>	<p><b><u>Pond Creek Water Storage/Wetland Mitigation Bank</u></b> <b>Bank Sponsor:</b> PTRL Environmental Services <b>County:</b> Jefferson <b>City:</b> <b>State:</b> KY <b>Watershed:</b> Pond Creek <b>Corps District:</b> Louisville <b>Year Established:</b> 1998 <b>Status:</b>  <input checked="" type="checkbox"/> Approved  <input checked="" type="checkbox"/> Active  <input type="checkbox"/> Inactive  <input type="checkbox"/> Suspended  <input type="checkbox"/> Sold-out  <input type="checkbox"/> Other reasons  <input type="checkbox"/> Pending  <b>Credit Types:</b>  <input checked="" type="checkbox"/> Wetland credits  <input type="checkbox"/> Stream credits  <input type="checkbox"/> Wetland and stream credits  <input type="checkbox"/> Other  <b>Bank Type:</b> private commercial</p>	<p><b>Status:</b>  <input type="checkbox"/> Approved  <input type="checkbox"/> Active  <input type="checkbox"/> Inactive  <input type="checkbox"/> Suspended  <input type="checkbox"/> Sold-out  <input type="checkbox"/> Other reasons. Specify:  <input type="checkbox"/> Pending  <b>Reclassification:</b>  <input type="checkbox"/> Bank  <input type="checkbox"/> In-Lieu-Fee Program  <input type="checkbox"/> Umbrella Program  <input type="checkbox"/> Other. Please specify:  <b>Credit Types:</b>  <input type="checkbox"/> Wetland credits  <input type="checkbox"/> Stream credits  <input type="checkbox"/> Wetland and stream credits  <input type="checkbox"/> Other. Specify:  <b>Additional corrections:</b></p>

<input type="checkbox"/>	<p><b><u>Wetland Bank of Kentucky (Hawkings Bank)</u></b> <b>Bank Sponsor:</b> Highview Engineering Inc, <b>County:</b> Nelson <b>City:</b> Boston <b>State:</b> KY <b>Watershed:</b> Salt River <b>Corps District:</b> Louisville <b>Year Established:</b> 1998 <b>Status:</b> <input checked="" type="checkbox"/> Approved <input checked="" type="checkbox"/> Active <input type="checkbox"/> Inactive <input type="checkbox"/> Suspended <input type="checkbox"/> Sold-out <input type="checkbox"/> Other reasons <input type="checkbox"/> Pending <b>Credit Types:</b> <input checked="" type="checkbox"/> Wetland credits <input type="checkbox"/> Stream credits <input type="checkbox"/> Wetland and stream credits <input type="checkbox"/> Other <b>Bank Type:</b> private commercial</p>	<p><b>Status:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Active <input type="checkbox"/> Inactive <input type="checkbox"/> Suspended <input type="checkbox"/> Sold-out <input type="checkbox"/> Other reasons. Specify: <input type="checkbox"/> Pending</p> <p><b>Reclassification:</b> <input type="checkbox"/> Bank <input type="checkbox"/> In-Lieu-Fee Program <input type="checkbox"/> Umbrella Program <input type="checkbox"/> Other. Please specify:</p> <p><b>Credit Types:</b> <input type="checkbox"/> Wetland credits <input type="checkbox"/> Stream credits <input type="checkbox"/> Wetland and stream credits <input type="checkbox"/> Other. Specify:</p> <p><b>Additional corrections:</b></p>
--------------------------	---	---

#### 4.B. Mitigation Bank Completeness

Have we identified all of the approved (including approved active, approved inactive, approved sold-out) and pending mitigation banks in your district?

- Yes
- No

If we have not identified all of the approved and pending mitigation banks in your district, please provide an updated list of the approved (including approved active, approved inactive, approved sold-out) and pending mitigation banks in your district using Chart 4B below. Please provide information on the bank name, bank sponsor, status, and bank type (see definitions at end of survey and at <<http://www2.eli.org/wmb/terms.htm#type3>>). Please also include any banks in your district that are approved through a state/local program, rather than the Corps.

<b>Chart 4B</b>
<b>Mitigation Banks Approved or Pending Approval Not Identified Above</b>
<b>Bank Name:</b> <b>Bank Sponsor:</b> <b>County:</b> <b>State:</b> <b>Year Established:</b> <b>Status:</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Approved<ul style="list-style-type: none"><li><input type="checkbox"/> Active</li><li><input type="checkbox"/> Inactive<ul style="list-style-type: none"><li><input type="checkbox"/> Suspended</li><li><input type="checkbox"/> Sold-out</li><li><input type="checkbox"/> Other reasons. Specify:</li></ul></li></ul></li><li><input type="checkbox"/> Pending</li></ul>
<b>Credit Types:</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Wetland credits</li><li><input type="checkbox"/> Stream credits</li><li><input type="checkbox"/> Wetland and stream credits</li><li><input type="checkbox"/> Other. Specify:</li></ul>
<b>Bank Type:</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Private commercial bank</li><li><input type="checkbox"/> Public commercial banks</li><li><input type="checkbox"/> Combination public/private bank</li><li><input type="checkbox"/> Public banks</li><li><input type="checkbox"/> Single-client bank</li></ul>

**Bank Name:**  
**Bank Sponsor:**  
**County:**  
**State:**  
**Year Established:**  
**Status:**

- Approved
  - Active
  - Inactive
    - Suspended
    - Sold-out
    - Other reasons. Specify:
- Pending

**Credit Types:**

- Wetland credits
- Stream credits
- Wetland and stream credits
- Other. Specify:

**Bank Type:**

- Private commercial bank
- Public commercial banks
- Combination public/private bank
- Public banks
- Single-client bank

**Bank Name:**  
**Bank Sponsor:**  
**County:**  
**State:**  
**Year Established:**  
**Status:**

- Approved
  - Active
  - Inactive
    - Suspended
    - Sold-out
    - Other reasons. Specify:
- Pending

**Credit Types:**

- Wetland credits
- Stream credits
- Wetland and stream credits
- Other. Specify:

**Bank Type:**

- Private commercial bank
- Public commercial banks
- Combination public/private bank
- Public banks
- Single-client bank

**Bank Name:**  
**Bank Sponsor:**  
**County:**  
**State:**  
**Year Established:**  
**Status:**

- Approved
  - Active
  - Inactive
    - Suspended
    - Sold-out
    - Other reasons. Specify:
- Pending

**Credit Types:**

- Wetland credits
- Stream credits
- Wetland and stream credits
- Other. Specify:

**Bank Type:**

- Private commercial bank
- Public commercial banks
- Combination public/private bank
- Public banks
- Single-client bank

**Bank Name:**  
**Bank Sponsor:**  
**County:**  
**State:**  
**Year Established:**  
**Status:**

- Approved
  - Active
  - Inactive
    - Suspended
    - Sold-out
    - Other reasons. Specify:
- Pending

**Credit Types:**

- Wetland credits
- Stream credits
- Wetland and stream credits
- Other. Specify:

**Bank Type:**

- Private commercial bank
- Public commercial banks
- Combination public/private bank
- Public banks
- Single-client bank

## 5. In-Lieu-Fee Programs

### 5A. In-Lieu-Fee Program Accuracy

Please review Chart 5B below (begins next page), which lists the in-lieu-fee programs identified in your district as of December 2001. Please indicate the requested information in the space provided or in a separate document.

If the information in Chart 5A below is accurate, please check the box in the left hand column.

If the information in Chart 5A below is inaccurate, please provide updated information in the right hand column. In particular, please provide updated information on the status, classification, and additional characteristics of the approved and pending in-lieu-fee programs in your district.

*Status: For example, is the in-lieu-fee program approved or pending? If approved, is it active or inactive? If inactive, is it suspended or inactive for other reasons? See definitions below for further clarification.*

*Reclassification: For example, is the in-lieu-fee program we identified still classified as an in-lieu-fee program? If not, has it been reclassified as a mitigation bank, site completed under an umbrella agreement, or does it fall under another classification?*

*Credit Type: What type of credits does the authorizing instrument allow the in-lieu-fee program to generate? Wetland credits? Stream credits? Stream and wetland credits? Other credit types?*

*Additional corrections: For example, is any of the information on the in-lieu-fee program's name, sponsor, administrator, number of completed projects, number of projects pending, number of acres/feet of permitted losses, or total number of acres/feet replaced inaccurate?*

<b>Chart 5A</b>		
<b>Check If All Information Is Accurate</b>	<b>In-Lieu-Fee Programs (as of December 2001)</b>	<b>Updated Information</b>
<input type="checkbox"/>	<p><b><u>Louisville and Jefferson County Metropolitan Sewer District Program</u></b>  <b>State:</b> KY  <b>Corps District:</b> Louisville  <b>Type:</b> Corps  <b>Status:</b>  <input checked="" type="checkbox"/> Approved  <input checked="" type="checkbox"/> Active  <input type="checkbox"/> Inactive  <input type="checkbox"/> Suspended  <input type="checkbox"/> Other reasons. Specify:  <input type="checkbox"/> Pending  <b>Credit Types:</b>  <input checked="" type="checkbox"/> Wetland credits  <input type="checkbox"/> Stream credits  <input type="checkbox"/> Wetland and stream credits  <input type="checkbox"/> Other. Specify:  <b>Sponsor:</b> Louisville and Jefferson County Metropolitan Sewer District  <b>Administrator:</b> USACE, Louisville District</p>	<p><b>Status:</b>  <input type="checkbox"/> Approved  <input type="checkbox"/> Active  <input type="checkbox"/> Inactive  <input type="checkbox"/> Suspended  <input type="checkbox"/> Other reasons. Specify:  <input type="checkbox"/> Pending</p> <p><b>Reclassification:</b>  <input type="checkbox"/> Bank  <input type="checkbox"/> In-Lieu-Fee Program  <input type="checkbox"/> Umbrella Program  <input type="checkbox"/> Other. Please specify:</p> <p><b>Credit Types:</b>  <input type="checkbox"/> Wetland credits  <input type="checkbox"/> Stream credits  <input type="checkbox"/> Wetland and stream credits  <input type="checkbox"/> Other. Specify:</p> <p><b>Additional corrections:</b></p>

(continued next page)

<input type="checkbox"/>	<p><b><u>Northern Kentucky University</u></b> <b>State:</b> KY <b>Corps District:</b> Louisville <b>Type:</b> Corps <b>Status:</b> <input checked="" type="checkbox"/> Approved <input checked="" type="checkbox"/> Active <input type="checkbox"/> Inactive <input type="checkbox"/> Suspended <input type="checkbox"/> Other reasons. Specify: <input type="checkbox"/> Pending <b>Credit Types:</b> <input checked="" type="checkbox"/> Wetland credits <input type="checkbox"/> Stream credits <input type="checkbox"/> Wetland and stream credits <input type="checkbox"/> Other. Specify: <b>Sponsor:</b> Northern Kentucky University <b>Administrator:</b> USACE, Louisville District</p>	<p><b>Status:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Active <input type="checkbox"/> Inactive <input type="checkbox"/> Suspended <input type="checkbox"/> Other reasons. Specify: <input type="checkbox"/> Pending <b>Reclassification:</b> <input type="checkbox"/> Bank <input type="checkbox"/> In-Lieu-Fee Program <input type="checkbox"/> Umbrella Program <input type="checkbox"/> Other. Please specify: <b>Credit Types:</b> <input type="checkbox"/> Wetland credits <input type="checkbox"/> Stream credits <input type="checkbox"/> Wetland and stream credits <input type="checkbox"/> Other. Specify: <b>Additional corrections:</b></p>
--------------------------	---	--

### 5.B. In-Lieu-Fee Program Completeness

Have we identified all of the approved and pending in-lieu-fee programs in your district?

- Yes
- No

If we have not identified all of the approved and pending in-lieu-fee programs in your district, please provide an updated list using Chart 5B below. Please provide information on the in-lieu-fee program name, sponsor, administrator, status, number of completed projects, number of projects pending, number of acres/feet of permitted losses, total number of acres/feet replaced, and the amount of funding collected for the program since its inception (see definitions at end of survey and at <<http://www2.eli.org/wmb/terms.htm#type3>>).

<b>Chart 5B</b>
<b>In-Lieu-Fee Programs Approved or Pending Approval Not Identified Above</b>
<p><b>Program Name:</b> <b>State:</b> <b>Corps District:</b> <b>Type:</b> <b>Status:</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> Approved<ul style="list-style-type: none"><li><input type="checkbox"/> Active</li><li><input type="checkbox"/> Inactive<ul style="list-style-type: none"><li><input type="checkbox"/> Suspended</li><li><input type="checkbox"/> Other reasons. Specify:</li></ul></li></ul></li><li><input type="checkbox"/> Pending</li></ul> <p><b>Credit Types:</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> Wetland credits</li><li><input type="checkbox"/> Stream credits</li><li><input type="checkbox"/> Wetland and stream credits</li><li><input type="checkbox"/> Other. Specify:</li></ul> <p><b>Sponsor:</b> <b>Administrator:</b></p>

**Program Name:**

**State:**

**Corps District:**

**Type:**

**Status:**

- Approved
  - Active
  - Inactive
    - Suspended
    - Other reasons. Specify:
- Pending

**Credit Types:**

- Wetland credits
- Stream credits
- Wetland and stream credits
- Other. Specify:

**Sponsor:**

**Administrator:**

**Program Name:**

**State:**

**Corps District:**

**Type:**

**Status:**

- Approved
  - Active
  - Inactive
    - Suspended
    - Other reasons. Specify:
- Pending

**Credit Types:**

- Wetland credits
- Stream credits
- Wetland and stream credits
- Other. Specify:

**Sponsor:**

**Administrator:**

**Program Name:**

**State:**

**Corps District:**

**Type:**

**Status:**

- Approved
  - Active
  - Inactive
    - Suspended
    - Other reasons. Specify:
- Pending

**Credit Types:**

- Wetland credits
- Stream credits
- Wetland and stream credits
- Other. Specify:

**Sponsor:**

**Administrator:**

**Program Name:**

**State:**

**Corps District:**

**Type:**

**Status:**

- Approved
  - Active
  - Inactive
    - Suspended
    - Other reasons. Specify:
- Pending

**Credit Types:**

- Wetland credits
- Stream credits
- Wetland and stream credits
- Other. Specify:

**Sponsor:**

**Administrator:**

## **Umbrella Banking Agreements**

### **6A. Umbrella Bank Accuracy**

Please review Chart 6A below (begins next page), which lists the active and pending umbrella banking agreements identified in your district as of December 2001. Please indicate the requested information in the space provided or in a separate document.

If the information in Chart 6A below is accurate, please check the box in the left hand column.

If the information in Chart 6A below is inaccurate, please provide accurate information in the right hand column. In particular, please provide updated information on the status, classification, and additional characteristics of the approved and pending umbrella banking agreements programs in your district

*Status: For example, is the umbrella banking agreement approved or pending? If approved, is it active or inactive? If inactive is it suspended or inactive for other reasons? See definitions below for further clarification.*

*Reclassification: For example, is the umbrella program we identified still classified as an umbrella program? If not, has it been reclassified as a mitigation bank, in-lieu-fee program/site, or does it fall under another classification?*

*Credit Type: What type of credits does the authorizing instrument allow the umbrella program to generate? Wetland credits? Stream credits? Stream and wetland credits? Other credit types?*

*Additional corrections: For example, is any of the information provided on the umbrella agreement's name, where it operates, year established, agreement status, agreement type, and number of individual banks/projects authorized under the agreement inaccurate?*

**Chart 6A**

Check If All Information Is Accurate	Umbrella Banking Agreements (as of December 2001)	Updated Information
<input type="checkbox"/>	<p><b><u>Kentucky Transportation Cabinet</u></b>  <b>Agreement Sponsor:</b>  <b>State:</b> KY  <b>Corps District:</b> Louisville  <b>Year Established:</b>  <b>Status:</b>  <input type="checkbox"/> Approved  <input type="checkbox"/> Active  <input type="checkbox"/> Inactive  <input type="checkbox"/> Suspended  <input type="checkbox"/> Other reasons. Specify:  <input checked="" type="checkbox"/> Pending  <b>Credit Types:</b>  <input checked="" type="checkbox"/> Wetland credits  <input type="checkbox"/> Stream credits  <input type="checkbox"/> Wetland and stream credits  <input type="checkbox"/> Other. Specify:  <b>Agreement Type:</b>  <b>How Many Individual Sites Approved:</b>  <b>How Much Total Acreage/Linear Feet Approved:</b></p>	<p><b>Status:</b>  <input type="checkbox"/> Approved  <input type="checkbox"/> Active  <input type="checkbox"/> Inactive  <input type="checkbox"/> Suspended  <input type="checkbox"/> Other reasons. Specify:  <input type="checkbox"/> Pending  <b>Credit Types:</b>  <input type="checkbox"/> Wetland credits  <input type="checkbox"/> Stream credits  <input type="checkbox"/> Wetland and stream credits  <input type="checkbox"/> Other. Specify:  <b>Reclassification:</b>  <input type="checkbox"/> Bank  <input type="checkbox"/> In-Lieu-Fee Program  <input type="checkbox"/> Umbrella Program  <input type="checkbox"/> Other. Please specify:  <b>Additional corrections:</b></p>

### 6.B. Umbrella Banking Completeness

Have we identified all of the approved and pending umbrella banking agreements in your district?

- Yes
- No

If not, please provide an updated list of the approved or pending umbrella banking agreements in your district using Chart 6B below. Please provide information on the umbrella agreement's name, where it operates, year established, agreement status, agreement type, and number of individual banks/projects authorized under the agreement.

<b>Chart 6B</b>
<b>Umbrella Banking Agreements Approved or Pending Approval Not Identified Above</b>
<b>Umbrella Agreement Name:</b> <b>Agreement Sponsor:</b> <b>State:</b> <b>Corps District:</b> <b>Year Established:</b> <b>Status:</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Approved<ul style="list-style-type: none"><li><input type="checkbox"/> Active</li><li><input type="checkbox"/> Inactive<ul style="list-style-type: none"><li><input type="checkbox"/> Suspended</li><li><input type="checkbox"/> Other reasons. Specify:</li></ul></li></ul></li><li><input type="checkbox"/> Pending</li></ul>
<b>Credit Types:</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Wetland credits</li><li><input type="checkbox"/> Stream credits</li><li><input type="checkbox"/> Wetland and stream credits</li><li><input type="checkbox"/> Other. Specify:</li></ul>
<b>Agreement Type:</b> <b>How Many Individual Sites Approved:</b> <b>How Much Total Acreage/Linear Feet Approved:</b>

**Umbrella Agreement Name:**

**Agreement Sponsor:**

**State:**

**Corps District:**

**Year Established:**

**Status:**

- Approved
  - Active
  - Inactive
    - Suspended
    - Other reasons. Specify:
- Pending

**Credit Types:**

- Wetland credits
- Stream credits
- Wetland and stream credits
- Other. Specify:

**Agreement Type:**

**How Many Individual Sites Approved:**

**How Much Total Acreage/Linear Feet Approved:**

**Umbrella Agreement Name:**

**Agreement Sponsor:**

**State:**

**Corps District:**

**Year Established:**

**Status:**

- Approved
  - Active
  - Inactive
    - Suspended
    - Other reasons. Specify:
- Pending

**Credit Types:**

- Wetland credits
- Stream credits
- Wetland and stream credits
- Other. Specify:

**Agreement Type:**

**How Many Individual Sites Approved:**

**How Much Total Acreage/Linear Feet Approved:**

**Umbrella Agreement Name:**

**Agreement Sponsor:**

**State:**

**Corps District:**

**Year Established:**

**Status:**

- Approved
  - Active
  - Inactive
    - Suspended
    - Other reasons. Specify:
- Pending

**Credit Types:**

- Wetland credits
- Stream credits
- Wetland and stream credits
- Other. Specify:

**Agreement Type:**

**How Many Individual Sites Approved:**

**How Much Total Acreage/Linear Feet Approved:**

**Umbrella Agreement Name:**

**Agreement Sponsor:**

**State:**

**Corps District:**

**Year Established:**

**Status:**

- Approved
  - Active
  - Inactive
    - Suspended
    - Other reasons. Specify:
- Pending

**Credit Types:**

- Wetland credits
- Stream credits
- Wetland and stream credits
- Other. Specify:

**Agreement Type:**

**How Many Individual Sites Approved:**

**How Much Total Acreage/Linear Feet Approved:**

## **Definitions:**

For the purposes of this Response Form, the following definitions apply.

### **Mitigation Banking Definitions**

A **mitigation bank** is a wetland or stream restoration, creation, enhancement, or preservation project undertaken to compensate for unavoidable losses to wetlands, streams, and other aquatic resources expressly for the purpose of providing compensatory mitigation in advance of authorized impacts.

**Approved** banks are those that have a formal agreement that has been signed by the U.S. Army Corps of Engineers. Approved banks may be active or inactive.

An **active** bank is one that has been approved to sell credits and is pursuing credit sales.

An **inactive** bank is one that has been approved to sell credits but is either suspended, sold-out, or inactive and not currently selling credits for other reasons.

A **suspended** bank is one whose credit sales have been suspended *by a regulatory agency* because of a failure to meet performance standards, a failure to fulfill administrative requirements, or other reasons.

A **sold-out** bank is one that has been approved and for which all of the available credits have been sold.

A bank that is **inactive for other reasons**, may include those that were approved, but never pursued.

A **pending** bank is one with a complete draft banking instrument or prospectus, but for which the instrument has not yet been approved by the U.S. Army Corps of Engineers.

Mitigation banks can be classified as one of five types. **Private commercial** banks are those that are sponsored by a private entrepreneur with credits available for sale on the open market. **Public commercial** banks are those that are sponsored by public entities to compensate for losses to wetlands, streams, and other aquatic resources caused by a combination of public works projects and private development. **Combination public/private** banks are those established by a combination of public and private agencies to compensate for permitted losses to wetlands, streams, and other aquatic resources. Credits may be available to public agencies or to the general public. **Public** banks are those sponsored by a federal, state, or local entity that sell credits only to other public agencies. **Single-client** banks are those for which the sponsor is also the principal credit user or client.

For further definitions of the fields provided in the attached chart, please see: <http://www2.eli.org/wmb/terms.htm#type3>.

### **In-Lieu-Fee Mitigation Definitions**

An **in-lieu-fee mitigation** project is one in which a permittee provides funds to an in-lieu-fee sponsor (public or private) instead of either completing project-specific mitigation or purchasing credits from an approved mitigation bank.

An **approved** in-lieu-fee program is one that has a formal agreement that has been signed by the U.S. Army Corps of Engineers. Approved in-lieu-fee programs may be active or inactive.

An **active** in-lieu-fee program is one that has been approved to accept funds in-lieu of mitigation.

An **inactive** in-lieu-fee program is one that has been approved to accept funds but is either suspended or inactive for other reasons.

A **suspended** in-lieu-fee program is one in which a regulatory agency has ordered the program to suspend accepting funds because of a failure to meet the obligations set forth in the authorizing instrument or other reasons.

An in-lieu-fee program that is **inactive for other reasons**, may include those that were approved, but never pursued.

A **pending** in-lieu-fee program is one with a complete in-lieu-fee agreement, but for which the agreement has not yet been approved by the U.S. Army Corps of Engineers.

For further definitions of the fields provided in the attached chart, please see: <http://www2.eli.org/wmb/terms.htm#type3>.

### **Umbrella Banking Agreement Definitions**

**Umbrella agreements** are banking instruments sponsored by a single entity to establish and operate a regional banking program with multiple sites. Umbrella agreements establish the parameters of the banking program and supplemental site-specific information (e.g., individual site plan information) is addressed in a separate document.

An **approved** umbrella banking program is one that has a formal agreement that has been signed by the U.S. Army Corps of Engineers. Approved umbrella programs may be active or inactive.

An **active** umbrella program is one that has been approved to sell credits and is pursuing credit sales.

An **inactive** umbrella program is one that has been approved to sell credits but is either suspended or inactive for other reasons.

A **suspended** umbrella program is one whose credit sales have been suspended *by a regulatory agency* because of a failure to meet performance standards, a failure to fulfill administrative requirements, or other reasons.

An umbrella program that is **inactive for other reasons**, may include those that were approved, but never pursued.

A **pending** umbrella program is one with a complete draft umbrella banking instrument or prospectus, but for which the instrument has not yet been approved by the U.S. Army Corps of Engineers.

For further definitions of the fields provided in the attached chart, please see: <http://www2.eli.org/wmb/terms.htm#type3>.

### **Miscellaneous Definitions**

**Grey area mitigation** (or ad hoc mitigation) is compensatory mitigation that cannot be characterized as mitigation banking, in-lieu fee mitigation, or permittee-responsible mitigation (e.g., consolidated banking, pooled mitigation, or mitigation fees).