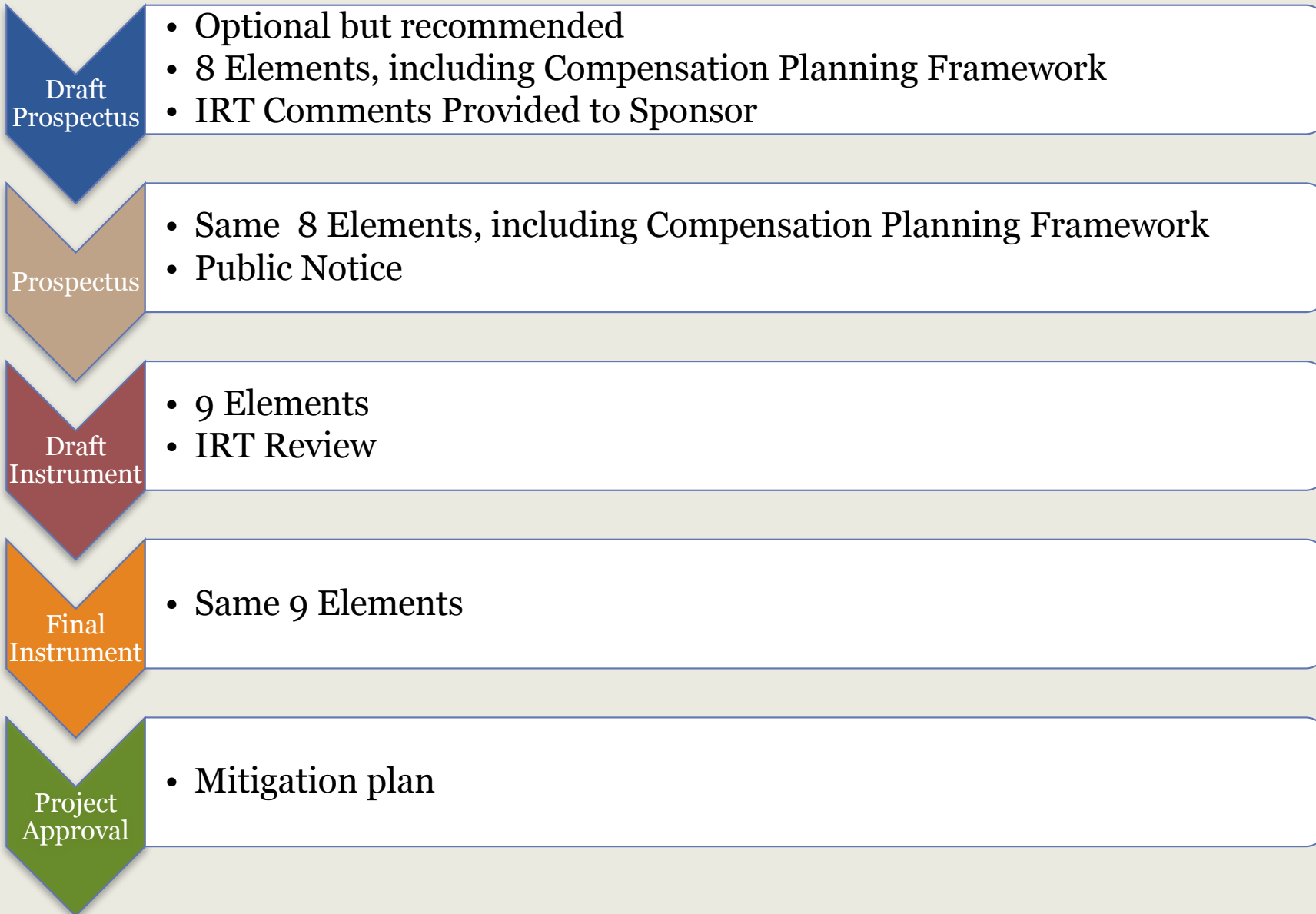


ILF Program Approval: Procedural Steps



Minimum 225 days

Compensatory Mitigation Rule Timeline for Bank or ILF Instrument Approval*

	Event	# of Days**	
Phase I	Optional Preliminary Review of Draft Prospectus	30	DE provides copies of draft prospectus to IRT and will provide comments back to the sponsor within 30 days.
Sponsor Prepares and Submits Prospectus ~DE must notify sponsor of completeness w/in 30 days of submission~			
Day 1** Complete Prospectus Received by DE			
Phase II	Public notice must be provided within 30 days of receipt of a complete prospectus	30	
Day 30			
Day 60	30-Day Public Comment Period	30	
Day 90	DE must provide the sponsor with an initial evaluation letter within 30 days of the end of the public comment period.	30	DE distributes comments to IRT members and sponsor within 15 days of the close of the public comment period.
Sponsor Considers Comments, Prepares and Submits Draft Instrument ~DE must notify sponsor of completeness w/in 30 days of submission~			
Day 1 Complete Draft Instrument Received by IRT Members			
Phase III	30-day IRT comment period begins 5 days after DE distributes draft instrument to IRT members	30	
Day 90	DE discusses comments with IRT and seeks to resolve issues ~ # of days variable~	60	90 Within 90 days of the receipt of a complete draft instrument by IRT members, the DE must notify the sponsor of the status of the IRT review.
Sponsor Prepares Final Instrument ~Sponsor provides copies to DE and all IRT members~			
Day 1 Final Instrument Received by DE & IRT			
Phase IV	DE must notify IRT members of intent to approve/not approve instrument within 30 days of receipt.	30	
Day 30			45
Day 45	Remainder of time for initiation of dispute resolution process by IRT members	15	45 IRT members have 45 days from submission of final instrument to object to approval of the instrument and initiate the dispute resolution process.
INSTRUMENT APPROVED/NOT APPROVED, or DISPUTE RESOLUTION PROCESS INITIATED			

EPA/Corps draft 4/02/08

Total Required Federal Review (Phases II-IV): ≤225 Days

*Timeline also applies to amendments

**The timeline in this column uses the maximum number of days allowed for each phase.

Step 1: The Prospectus

1

- Objectives

2

- How the ILF program will be established and operated

3

- Proposed service area

4

- Need and technical feasibility

5

- Ownership arrangements

6

- Qualifications

7

- Compensation Planning Framework (see below)

8

- Description of program account

Compensation Planning Framework

- 1 • Geographic service area
- 2 • Description of threats to aquatic resources by service area
- 3 • Analysis of historic resource loss by service area
- 4 • Analysis of current resource conditions by service area
- 5 • Goals and objectives for each service area
- 6 • Prioritization strategy for selecting and implementing projects
- 7 • Preservation justification
- 8 • Description of stakeholder involvement
- 9 • Long-term protection and management strategies
- 10 • Strategy for periodic evaluation and reporting

Step 2: The In-Lieu Fee Program Instrument

- 1 • Service area
- 2 • Accounting procedures
- 3 • Provision stating legal liability
- 4 • Default and closure provisions
- 5 • Reporting protocols
- 6 • Compensation Planning Framework
- 7 • Specificaiton of initial allocation of advanced credits
- 8 • Methodology for determining project-specific credits and fees
- 9 • Description of in-lieu fee program account

Step 3: The Mitigation Plan

- 1 • Objectives
- 2 • Site selection
- 3 • Site protection instrument
- 4 • Baseline information
- 5 • Determination of credits
- 6 • Mitigation work plan
- 7 • Maintenance plan
- 8 • Performance standards
- 9 • Monitoring and reporting requirements
- 10 • Long-term management plan
- 11 • Adaptive management plan
- 12 • Financial assurances