

JUSTIFICATION FOR REVISION

The United States Army Corps of Engineers issued a rule that imposes standards and requirements for compensatory mitigation that offsets losses of aquatic resources and functions caused by activities authorized by Department of the Army permits. That rule went into effect on June 9, 2008. The rule requires applicants for Clean Water Act Section 404 permits to submit a statement explaining how they avoid and minimize impacts to aquatic resources, and describe what, if any, compensatory mitigation they propose to provide to offset authorized impacts. Therefore, the Corps standard permit application is being changed to include this mitigation statement. This will increase the paperwork burden. The rule also imposes the following additional paperwork burdens: (1) potential mitigation bank or in-lieu fee program sponsors have to submit a prospectus for their proposed mitigation banks or in-lieu fee programs; (2) the submission of monitoring reports for operational mitigation banks and in-lieu fee programs; (3) the preparation of compensation planning frameworks for in-lieu fee programs; (4) the preparation of in-lieu fee program accounts; (5) and the preparation of annual reports for operational mitigation banks and in-lieu fee programs.