

ILF Program Approval: Procedural Steps

Draft
Prospectus

- Optional but recommended
- 8 Elements, including Compensation Planning Framework
- IRT Comments Provided to Sponsor

Prospectus

- Same 8 Elements, including Compensation Planning Framework
- Public Notice

Draft
Instrument

- 9 Elements
- IRT Review

Final
Instrument

- Same 9 Elements

Project
Approval

- Mitigation plan

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~			
Phase II	Day 1**	Complete Prospectus Received by DE		
	Day 30	Public notice must be provided within 30 days of receipt of a complete prospectus	30	DE distributes comments to IRT members and sponsor within 15 days of the close of the public comment period.
	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	
Sponsor Considers Comments, Prepares and Submits Draft Instrument ~DE must notify sponsor of completeness w/in 30 days of submission~				
Phase III	Day 1	Complete Draft Instrument Received by IRT Members		
	Day 90	30-day IRT comment period begins 5 days after DE distributes draft instrument to IRT members	30	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.
		DE discusses comments with IRT and seeks to resolve issues ~ # of days variable~	60	
Sponsor Prepares Final Instrument ~Sponsor provides copies to DE and all IRT members~				
Phase IV	Day 1	Final Instrument Received by DE & IRT		
	Day 30	DE must notify IRT members of intent to approve/not approve instrument within 30 days of receipt.	30	IRT members have 45 days from submission of final instrument to object to approval of the instrument and initiate the dispute resolution process.
		Remainder of time for initiation of dispute resolution process by IRT members	15	
	Day 45	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