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NATIONAL MITIGATION BANKING ASSOCIATION UPDATE

For Immediate Review

FEBRUARY, 2003

Since December 24th five new major federal wetland polices have been released:

- ▲ the [Regulatory Guidance Letter \(RGL\)](#), December 24, 2002, by the U.S. Army Corps of Engineers,
- ▲ the [National Wetlands Mitigation Action Plan \(NWMAP\)](#), December 24, 2002, by the Bush Administration,
- ▲ an [EPA-Corps News Release](#), December 27, 2003
- ▲ the [Solid Waste Agency of Northern Cook County \(SWANCC\) Guidance](#), January 10, 2003, by the U.S. Army Corps of Engineers and the Environmental Protection Agency (see Appendix A on Page 22),
- ▲ the [Advance Notice of Proposed Rulemaking on the Clean Water Act Regulatory Definition of "Waters of the United States."](#) January 14, 2003, by the U.S. Army Corps of Engineers and the Environmental Protection Agency, and
- ▲ the [National Cooperative Highway Research Program](#), January 14, 2003, by the Transportation Research Board.

These policies, which can be directly accessed above, will have major impacts on how all mitigation will be carried out in the United States and will have the most significant impacts on mitigation banking since the original Regulatory Guidance in 1994.

The Board of Directors of the National Mitigation Banking Association held high-level meetings with officials of the U.S. Army Corps of Engineers and the Environmental Protection Agency in Washington D.C. on December 11 and 12, 2002. Representing the Association were Rich Mogensen, Peggy Strand, Mike Rosen, Dave Clark, John Ryan, Don Ewoldt, Mike Rolband, and Lew Lautin.

The Association had the privilege of being one of the first groups to meet with Mark Sudol, the new Regulatory Chief of the Corps Headquarters in Washington, D.C. Mark was joined at the meeting by Chip Smith, Assistant for Environment, Tribal and Regulatory Affairs of the U. S. Army Civil Works. The Board also met with John Goodin, Chief of Wetlands and Aquatic Resources Regulatory Branch, of the EPA the following day.

In both meetings we were assured that, based on our strong environmental successes to date, the NSA study, and the GAO report, the level of support for mitigation banking from both agencies is reaching new heights. With Mark Sudol now at the Corps and continuing support from the EPA, your NMBA Board feels that there are unprecedented opportunities to achieve significant progress on behalf of our industry.

The new policies released since December 24th, with the possible exception of the SWANCC guidance which calls for rule making, will allow our industry to move forward with the strongest federal regulatory support ever.

The Association has submitted a response to the EPA and Corps regarding the January 10th *SWANCC Guidance* and the January 14th *Advance Notice of Proposed Rulemaking on the Clean Water Act Regulatory Definition of "Waters of the United States."* [Click here to view the NMBA—SWANCC ANPRM response.](#)

We hope that this glimpse into our meetings in Washington and our follow-up with SWANCC properly conveys our resulting optimism. We traveled to these meetings at our own expense because of the responsibility we feel toward the industry and because we see a long awaited and exciting window of opportunity to advance our industry.

The Board is discussing increasing the number of Board members to further diversify the Board of Directors and encourage new members to get more involved and help direct the Association's future. Information on this and other exciting new NMBA programs will be posted on the web site as they develop.

The Annual Meeting of the National Mitigation Banking Association will take place on April 23rd during the 6th National Mitigation & Conservation Banking Conference, which is coming up soon ... April 23-25 in San Diego. This year's conference will focus on Practice and Policy with informative speakers and engaging sessions. We look forward to another exciting program and excellent networking opportunities. We hope to see you there. [Click to register for the conference or for conference details \(www.mitigationbankingconference.com\).](#)

With the addition of Lew Lautin as Executive Director, payment of 2003 dues at a record pace and a renewed commitment of the entire board, we feel that this will be a break-out year for mitigation banking.

Rich Mogensen
President

Lew Lautin
Executive Director