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WE NEED FINAL MITIGATION REGULATIONS

PROPOSAL WAS A GOOD START

- ALL MITIGATION MUST MEET SAME ENVIRONMENTAL STANDARDS
- STREAMLINED PROCESS WITH DEADLINES FOR MITIGATION BANKS

BUT

FINAL REGULATIONS ARE OVERDUE

- LEVEL PLAYING FIELD
 - PERMITTEE AND MITIGATION BANK EQUIVALENCY
- ALL MITIGATION MUST HAVE EQUIVALENT FINANCIAL ASSURANCES
 - ALL MUST SECURE ECOLOGICAL PERFORMANCE
 - ALL MUST SECURE LONG TERM MAINTENANCE
- IN LIEU FEE ARRANGEMENTS MUST MEET MITIGATION BANK STANDARDS
 - ELIMINATE "DELAYED MITIGATION"
 - EXPEDITE COMPLIANCE OF PRE-EXISTING ARRANGEMENTS

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BACKGROUND ON MITIGATION REGULATIONS

MITIGATION REGULATIONS WERE REQUIRED BY DECEMBER 2003 LAW:

Section 314 of the National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108-136) requires the Secretary of the Army, acting through the Chief of Engineers, to issue regulations "establishing performance standards and criteria for the use, consistent with section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), of on-site, off-site, and in-lieu fee mitigation and mitigation banking as compensation for lost wetlands functions in permits issued by the Secretary of the Army under such section." See 33 U.S.C. 1344 note.

ARMY AND ENVIRONMENTAL PROTECTION AGENCY ISSUED PROPOSED REGULATIONS ON MARCH 28, 2006,

WE ARE STILL AWAITING FINAL REGULATIONS.