***Request for Input on California Interagency Mitigation Bank Checklist***

***Comments Due:* February 10, 2025**

***Subject:***

The U.S. Army Corps of Engineers’ (USACE) South Pacific Division, including its Sacramento, San Francisco, and Los Angeles Districts, along with the U.S. Fish and Wildlife Service (USFWS), the California Department of Fish and Wildlife (CDFW), the California Natural Resources Agency (CNRA), the National Marine Fisheries Service (NMFS), the United States Environmental Protection Agency (EPA), the State Water Resources Control Board (State Water Board), and the Natural Resources Conservation Service (NRCS), as potential participants in Interagency Review Teams (IRT), collectively known as IRT agencies, are evaluating the need to update the April 2024, Interagency Mitigation Bank checklists (Checklists). The purpose of this notice is to solicit comments from interested parties to support revision of the Checklists.

**AUTHORITY:** The May 3, 2021, California Interagency Mitigation Bank Checklists were previously updated on April 2024, and the IRT agencies are evaluating the need to revise the checklists. The revised checklists would be used in the development of mitigation banks within the state of California and mitigation banks in adjacent states with service areas that extend into the state of California, which provide compensatory mitigation for regulated impacts authorized under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act, as well as mitigation for the other IRT agencies.

**PROJECT** **DESCRIPTION:** Pursuant to the2011 *Memorandum of Understanding Concerning Mitigation and Conservation Banking and In-Lieu Fee Programs in California*, the IRT agencies are proposing to jointly revise the California Mitigation Bank Checklists to provide clarity on the information necessary for the draft prospectus, prospectus, and Bank Enabling Instrument to be considered complete. The IRT agencies have committed to establishing a combined and coordinated approach to mitigation banking in the State of California, which includes development of and regular updates to IRT approved template documents. It is expected that, with IRT approved templates, agencies, and mitigation bank sponsors will be able to proceed with confidence that regulatory needs are met, and the information used in the mitigation bank review and approval process is adequate, predictable, consistent, and timely.

The Checklists were previously updated in April 2024 to clarify service area justification requirements for conservation banks. Revisions are currently contemplated to improve consistency in completeness determinations throughout the state, to ensure required design documentation at the prospectus stage is conceptual, to address lessons learned by the IRT agencies, and to address any input from the public on the checklists. We are soliciting comments on any areas of the checklists that can be improved to inform any revisions. This public notice is being circulated prior to development of revisions and an additional notice will not be published prior to finalization of the revised checklists.

The Corps is soliciting comments from the public, federal, state, and local agencies, Indian tribes, and other interested parties to consider and evaluate the proposed revisions.

Written comments may be submitted, by February 10, 2024, via email to [Laura.b.shively@usace.army.mil](mailto:Laura.b.shively@usace.army.mil).

If you have questions or need additional information, please contact Ms. Laura Shively at (916) 557-5258 or email at [Laura.b.shively@usace.army.mil](mailto:Laura.b.shively@usace.army.mil).

**Attachments:**  April 2024, Interagency CA Mitigation Bank Checklists