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The Honorable R. D. James  
Assistant Secretary of the Army for Civil Works  
108 Army Pentagon  
Washington, DC 20310  
rickey.d.james.civ@mail.mil

July 17, 2020

Dear Mr. James:

The National Environmental Banking Association (NEBA) represents mitigation bankers across the United States. Our current membership is at work in nearly every one of the 38 U.S. Army Corps of Engineer's Districts. NEBA represents business committed to high standards for environmental restoration and preservation of our wetlands and natural habitats using mitigation banks. The association's members have established and operated mitigation, conservation and other banks throughout the U.S. since the early 1990's.

By this letter, The National Environmental Banking Association is requesting that the Assistant Secretary of the Army (Civil Works) order a programmatic review of Corps Districts for compliance and consistency with regard to the 2008 Mitigation Rule (the Rule). This audit should include a review of implementation of the 2008 Mitigation Rule Hierarchy and its Timeline. Further, consistent implementation of the 12 elements required for all forms of mitigation under the Rule should be carefully reviewed.

Over the past decade our members and Board of Directors have spent considerable time with Corps Regulatory Chiefs at districts, divisions and at headquarters. We continue these efforts because we are keenly interested in consistent implementation of the Rule. This would result in many more banks coming into the program.

Our members inform us that some districts, including Omaha, Walla Walla, Galveston, Seattle and others have vastly differing programs from the norm. Because of this, our membership would respectfully request that this programmatic review be used to help identify and address programmatic inconsistencies where they may exist across the Districts. Such a review would be very helpful in identifying opportunities for programmatic improvement and improved training.

Please feel free to reach out to us if we may answer any questions or provide any further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna Collier", is written over a horizontal line.

Chairwoman

Headquarters

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