



**US Army Corps
of Engineers**®
St. Paul District



2019 BANK LISTENING SESSIONS REPORT



U.S. ARMY CORPS OF ENGINEERS AND WISCONSIN DEPARTMENT OF NATURAL
RESOURCES

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DRAFT

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EXECUTIVE SUMMARY

On November 19th and 20th, 2019 the U.S. Army Corps of Engineers (Corps) and Wisconsin Department of Natural Resources (WDNR) hosted workshops intended for mitigation bank sponsors, consultants, and other mitigation professionals, aimed at soliciting feedback and discussing the current state and federal mitigation bank processes, with a specific focus on ways to improve consistency and efficiency for the programs in Wisconsin.

In July 2019, the agencies solicited participation interest within the banking community through a jointly issued public notice. Interested individuals were asked to self-nominate by providing their name, organization, contact information, meeting location preference, and a brief summary of experience preparing and reviewing mitigation bank documents. Based on levels of interest across the state, sessions were held in Rhinelander and Milladore, Wisconsin.

To focus and facilitate participant feedback on the state of banking in Wisconsin, the agencies identified four broad categories for discussion: communication, agency review comments, agency guidance, and review and credit release processes. Participants were asked to come to the sessions with their top three impactful ideas for improving the banking programs in Wisconsin.

At each session, the agencies provided a brief introduction to the purpose of the session and ground rules to guide the discussions. The agencies presented a brief overview of mitigation banking in Wisconsin, including the overarching purpose of mitigation banking, a summary of banking activity in Wisconsin, and identifying what aspects of the mitigation program can and cannot be changed. The agencies then outlined the four categories for discussion and solicited feedback from participants regarding sufficiency of the four categories.

The agencies facilitated discussion with the participants and documented all comments and suggestions. Following discussion with the group, the agencies organized comments into similarly themed groups under each category, and participants were asked to vote for the items of greatest importance to them. Following this voting exercise, the agencies provided preliminary feedback on each item receiving a vote in terms of agency priority and timelines. At the end of each listening session, the agencies committed to developing a report summarizing session results and agency recommendations, as well as provide periodic updates on action items.

BANK LISTENING SESSIONS REPORT OUTLINE

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I. INTRODUCTION

Mitigation banking in Wisconsin is regulated and overseen at both the state and Federal level. At the state level, Chapter NR 350 of Administrative Code and 281.36 of Wisconsin State Statutes govern compensatory mitigation requirements and approval of compensation sites by the Wisconsin Department of Natural Resources (WDNR). At the Federal level, the Clean Water Act (CWA) and 33 CFR 332, also known as the Federal Mitigation Rule (FMR), provide the framework for the review, approval, and operation of mitigation banks, which are a preferred source of compensatory mitigation for unavoidable impacts to waters authorized by CWA Section 404 permits. The federal program is administered by the U.S. Army Corps of Engineers (Corps).

The WDNR, in conjunction with the Corps, developed the Guidelines for Compensatory Mitigation in Wisconsin to provide guidance to stakeholders on compensatory mitigation requirements and to outline the role of the state in the federal bank review process. Since 2008 the federal program has undergone changes that have significantly improved all aspects of mitigation under the FMR. In Wisconsin, the Corps now has a defined review process, standards established in Corps procedures, review processes in place to improve consistency in decisions and implementation, and a federal database for tracking the progress of pending and approved banks and transaction activity.

The current regulatory framework for mitigation banking in Wisconsin can be complex. There has been measurable progress in bringing the state and federal programs together to simplify and clarify the processes for the benefit of the public, yet there continues to be areas where differences and complexities can lead to uncertainty for bank sponsors or others involved with mitigation banking. The WDNR and the Corps agreed that soliciting input from bank sponsors, consultants, and others involved in mitigation banking would provide beneficial feedback on how to further improve mitigation banking in Wisconsin with the ultimate goal of maintaining a healthy and active mitigation banking program.

II. PURPOSE

The Corps and WDNR developed the 2019 Bank Listening Sessions as a first step in identifying and prioritizing agency actions aimed at improving the mitigation bank programs in Wisconsin, with the following specific goals:

- Increase agency awareness of challenges faced by mitigation bank stakeholders
- Gather stakeholder feedback on what aspects of the mitigation bank program are not clear, consistent, efficient or in need of improvement
- Solicit stakeholder input into which action items and issues should be prioritized by the agencies for resolution to amplify program improvements
- Identify areas of the mitigation bank program where additional guidance or clearer communication with stakeholders is needed
- Identify stakeholder training needs

III. LISTENING SESSION FRAMEWORK

ADVANCE WORK

The goal of the listening sessions was to gather feedback from stakeholders regarding what is working and what could work better. The Corps published a public notice (Appendix B) to make stakeholders aware of the proposed sessions. The public notice clearly stated that sessions were being held to solicit feedback and discuss the current state and federal mitigation bank review processes with a specific focus on ways to improve consistency and efficiency in the programs. The public was notified that the agencies had preliminarily identified four major topics to be covered at the sessions: communication, agency review comments, agency guidance, and review and credit release processes. Interested individuals were asked to register in advance and provide their name, organization, contact information, meeting location preference (north or south), and a brief summary of their experience preparing or reviewing mitigation bank documents.

The Corps received 34 responses to the public notice. Nine people requested a northern location and the remainder requested a southern meeting location. Locations that were conveniently located and had ample parking space were selected. The northern listening session was held November 19, 2019 at the Wisconsin Department of Natural Resource's Office (107 Sutliff Avenue, Rhinelander, Wisconsin). The southern listening session was held November 20, 2019 at the Mead Wildlife Area Education and Visitor Center (2148 County Hwy S, Milladore, Wisconsin). Those that were unable to attend in person were given the opportunity to join each session via Skype.

The agencies confirmed participant attendance via email and included a flyer (Appendix C) that reiterated the objective of the listening session and requested that all come with their top three impactful ideas to improve mitigation banking in Wisconsin. A week prior to the listening sessions, the agencies provided an agenda to participants, along with the informational flyer describing the meeting location and directions.

MEETING FLOW

Prior to the meeting, agency staff developed a leader agenda to ensure all agency staff were prepared and agreed on the ground rules and flow of the session. WDNR and the Corps agreed that the intention was to have sessions that provided minimal agency presentations and background, instead dedicating significant time to facilitated and respectful discussion by banking community participants.

The majority of each session was spent in this facilitated discussion. Attendees participated in a post-it note exercise, placing their top three impactful ideas under the main themes identified by the agencies. Agency staff then went through each idea with the group, asked for clarification or elaboration, and grouped ideas as needed. The agencies provided immediate feedback to participants on what ideas and changes could not be accomplished due to current legal or regulatory requirements.

The agencies provided additional feedback to attendees at the end of each session to give an agency perspective on which items would be short (less than 6 months) or long term (greater than 6 months). Agency staff made clear during the sessions that there would be no commitment to completing specific

actions, but that they would present a report with staff recommendations to agency leadership for approval. The agencies also discussed the potential for hosting training sessions in 2020 that could focus on the ideas raised and results of the listening sessions. At the end of the sessions, agency staff stayed to discuss programmatic or project-specific questions from participants. The detailed leader agenda is included below; the participant agenda is included as Appendix D.

DETAILED AGENDA

- i. **Introduction** (15 minutes)
 - a. Ground rules, cover the agenda, meeting logistics
 - b. What we want to accomplish
 - c. Introductions of agency staff
 - d. Introduction of attendees (20-30 seconds per person)
- ii. **Mitigation context** (5-10 minutes)
 - a. How wetland banking is different than other types of wetland restoration
 - b. Statistics on banking program in WI
 - c. What we can change what we can't
 - d. Bank review timeline
 - e. What's up next?
- iii. **Introduce main topics** (5 minutes)
 - a. Guidance
 - b. Communication
 - c. Agency comments
 - d. General banking process
- iv. **Posting of attendee's ideas by topic** (5 minutes)
 ---- Lunch ----
- v. **Group review of ideas** (60 minutes)
- vi. **Voting** (5 minutes)
- vii. **Attendee break/ Agency review** (20 minutes)
- viii. **Review agency priorities** (30 minutes)
- ix. **Open Discussion** (\leq 60 minutes)
 - a. Review of main ideas
 - b. What's going well
 - c. Request for trainings/outreach
- x. **Review of Due-outs** (5 minutes)
 - a. Joint summary report – drafted mid-January 2020
 - b. Schedule with leadership in mid-January to go over a summary and agency recommendations
 - c. Email updates to list if we make any discussed changes and/or request to be removed if no longer needed
 - d. Wetland Banking Training in spring 2020
 - e. Contact information available after meeting
- xi. **Remaining Questions**
 Agency staff will stay 20-30 minutes after session to answer any follow up questions from participants

MEETING ATTENDANCE

RHINELANDER

Nine participants representing bank sponsors, consulting firms, the Wisconsin Department of Transportation, and a city official attended the meeting. This session was lightly attended, with five participants attending in person and four via Skype. Skype participants used the chat feature and conference line to share their top three ideas, cast their votes, and to engage with agency staff and attendees in the facilitated group discussions.

MILLADORE

Twenty-five participants representing bank sponsors, consulting firms, the Wisconsin Wetland Conservation Trust, and the Wisconsin Department of Transportation were able to attend. This session was heavily attended as twenty-two participants were there in person and three chose to attend via the Skype meeting that was offered. Skype participants used the chat feature and conference line to share their top three ideas, cast their votes, and to engage with agency staff and attendees in the facilitated group discussions.

IV. SUMMARY OF FEEDBACK

Below is an agency staff summary of the feedback which received votes of support from participants. Feedback is organized by session location and then in descending order of votes (some topics were combined further after staff determined they may involve similar solutions). Complete notes from the listening sessions are included as Appendix E.

RHINELANDER

CREDIT RELEASE SCHEDULES (5 VOTES): Participants felt credit releases were too dependent on vegetation performance standards (PS) and felt the reviewing agencies should rely more on hydrologic lift and other wetland functions gained in the credit release schedule.

IMPROVE TIMELINES (3 VOTES): Participants felt that deadlines are not being met and it takes too long to receive IRT comments (not meeting request for comment deadlines), obtain final approval and signatures for Phase 4 letters, and to receive end of phase letters. One participant asked if other Chiefs could sign a MBI if the Branch Chief is unavailable for an extended period of time.

FLEXIBILITY (2 VOTES): Participants asked for more flexibility in site design (sponsors are taking all the risk if site fails), developing performance standards, and conducting adaptive management during the monitoring period. Participants felt that the reviewing agencies are too focused on vegetative quality/diversity, and should focus more on wetland functions gained and how this addresses watershed needs. They also asked for more flexibility to restore plant communities that will be successful at sites given current watershed conditions and land use changes, rather than restoring the historical wetland communities that were present at sites.

CLEAR AND CONSISTENT AGENCY COMMENTS (2 VOTES): Participants stated that the Corps should address IRT comments that conflict with theirs prior to sending end of phase letters to sponsor.

Other participants felt that the Corps and IRT should be more flexible to innovation or new ideas regarding site construction and less prescriptive on development of performance standards.

RIBITS (2 VOTES): Participants had concerns with the security of accessing RIBITS. Some participants would receive warning messages from their personal virus protection and asked if the WDNR could develop their own credit tracking site.

MORE OPEN TO PRESERVATION CREDIT (2 VOTES): Participants asked that the IRT be more open to approving preservation sites.

TEMPLATE MBI MODIFICATIONS (2 VOTES): Participants asked that we update the current MBI template to eliminate some minor errors and address out-of-date information to avoid additional OC review.

IMPROVE COMMUNICATION (1 VOTES): Participants asked that the Corps be more transparent when IRT review begins and ends. They asked for more communication with the consultant/sponsor when documents are received, IRT review begins, and when to expect end of phase letters.

ADAPTIVE MANAGEMENT (1 VOTES): Participants felt that Corps and WDNR should be more flexible after site construction if site develops differently than proposed in mitigation plan. Participants felt that revising the FMBI to reflect new wetland communities shouldn't require a major instrument modification.

MORE CONSULTATION WITH LOCAL EXPERTS/CONSULTANTS (1 VOTES): One participant felt that Corps and WDNR should rely more on local experts and experienced consultants on project-specific concerns.

NEWSLETTER IDEAS (1 VOTES): Participants stated that they like the Newsletter and ask that we continue to use this as a way to provide updates to the banking program and keep stakeholders informed of any changes to the program, success stories, etc. Some participants asked that the Corps and WDNR solicit newsletter ideas from consultants, sponsors, and other sources to provide content for future Newsletters.

COMPENSATORY STREAM MITIGATION PROCEDURES (1 VOTES): One participant asked when the compensatory stream mitigation procedures (under development) would be completed in our District.

PROCEDURES FOR DEVELOPING FORESTED WETLAND PERFORMANCE STANDARDS (1 VOTES): One participant asked for detailed procedures on developing appropriate PS for forested wetland communities.

PREFERENCE HIERARCHY (1 VOTES): Participants had questions on when it is appropriate to use ILF vs. PCB and asked for detailed guidance on when it is appropriate to go outside the BSA to obtain credits instead of using the Wisconsin ILF.

UTILITY CORRIDOR RESTORATION (1 VOTES): One participant asked if compensatory mitigation credit could be obtained from utility corridor restoration (after abandonment from ROW re-alignments).

MILLADORE

IMPROVE TIMELINES (13 VOTES): Participants felt that deadlines are not being met and it takes too long to receive IRT comments (not meeting request for comment deadlines), obtain final approval and

signatures for Phase 4 letters, and to receive end of phase letters. Many participants stated that Corps frequently misses deadlines for end of phase letters.

PREFERENCE HIERARCHY (13 VOTES): Participants had questions on when it is appropriate to use ILF vs. PCB and asked for detailed guidance on when it is appropriate to go outside the BSA to obtain credits instead of using the Wisconsin ILF.

STANDARDIZATION AND PROCEDURES (12 VOTES): Participants felt that clearer procedures are needed on how to develop appropriate performance standards – PS requirements/recommendations are not consistent and constantly changing from site to site. Some participants asked for clearer procedures on developing appropriate Hydrology PS and how to measure hydrologic lift. Participants also asked for clearer procedures on what happens when the majority of site is meeting PS, but a small portion of the site is not and had questions on how this would affect credit releases. Another participant felt that the level of information required in compensation site plans is becoming more extensive and exhaustive. The participant asked if the Corps could develop a detailed CSP checklist for consultants and sponsors to use during Phase 3 of the bank review process to ensure their submittals are complete.

CREDIT RELEASE SCHEDULES AND PERFORMANCE STANDARD PLANTING

IMPROVEMENTS (7 VOTES): Participants felt that the reviewing agencies are too focused on vegetative quality/diversity for credit release schedules. One participant asked that the Corps be more open to delayed woody planting and contract growing trees and shrubs for better shrub/forested wetland site success.

CONSIDERATION OF WATERSHED NEEDS – HOLISTIC APPROACH (6 VOTES):

Participants felt that the agencies should focus more on wetland functions gained and how this addresses watershed needs (i.e. using more of a holistic approach) to determine if sites have potential to restore lost wetland functions and meet functional goals that would benefit the watershed. Participants asked for more flexibility to restore plant communities that will be successful at sites given the current condition of the watershed and existing land use changes, rather than restoring historical wetland communities that were present at these sites.

CATTAILS (5 VOTES): One participant stated that the Corps and WDNR should be more flexible on NNI species management and more flexible on Vegetation PS where NNI species are adjacent to site or prevalent within the watershed.

ENHANCEMENT (4 VOTES): One participant (member of the Wisconsin Wetland Conservation Trust) asked if the agencies are open to enhancement only sites, what are expectations with sites that are predominately enhancement, how does crediting work, etc. Other participants agreed that there is lack of clarity and/or procedures for enhancement only sites and asked how the reviewing agencies determine if enhancement credit is warranted at a particular site.

LONG-TERM MANAGEMENT (2 VOTES): Participants felt that there is a need for clearer procedures for what to include (or what is required) in long-term management plans. Participants felt that this portion of the mitigation plan is the most ambiguous and leaves them feeling concerned about what will be required (and enforced) after the monitoring period has ended. Some participants also asked about the need for long-term endowment funds and asked when this is required and in what form.

SALES INFO (1 VOTES): Participants said at times it can be difficult to obtain location information, Corps and WDNR permit numbers, and other relevant information from the sponsor to fill out Affidavits of Credit Purchase. Participants asked the WDNR and Corps to update their internal procedures to

provide this information to sponsors at the appropriate time during permit reviews to avoid delays in credit purchase transactions.

V. STAFF EVALUATION OF FEEDBACK

Agency staff grouped all participant feedback into the following nineteen categories:

- 1) Improve Timelines within the Bank Review Process
- 2) Preference Hierarchy
- 3) Standardization and Procedures
- 4) Credit Release Schedules
- 5) Consideration of Watershed Needs – Holistic Approach
- 6) Enhancement
- 7) Flexibility
- 8) Clear and Consistent Agency Comments
- 9) RIBITS
- 10) Long-term Management
- 11) Preservation Credit
- 12) Template MBI Modifications
- 13) Improve Communication
- 14) Adaptive Management
- 15) More Consultation with Local Experts/Consultants
- 16) Newsletter Ideas
- 17) Compensatory Stream Mitigation Procedures
- 18) Utility Corridor Restoration
- 19) Sales Information

Following is a summary of potential actions and the priority level of each category, ordered by the combined number of votes.

- 1) **IMPROVE TIMELINES (16 VOTES)**: Comments on this topic included timeliness of IRT comments and end-of-phase letters, including Phase 4 approvals. Agency staff identified a short-term, high priority action to update internal procedures to shorten timeframes for evaluating bank proposals.
- 2) **PREFERENCE HIERARCHY (14 VOTES)**: The agencies received questions about when it is appropriate to use the Wisconsin ILF rather than a private commercial bank, and when it is appropriate to go outside of the bank service area to obtain in-kind credits rather than using the Wisconsin ILF. The agencies noted some concern and confusion among participants. Agency staff identified a long-term, high priority action to develop outreach events to improve understanding of decision-making factors.
- 3) **STANDARDIZATION AND PROCEDURES (13 VOTES)**: Participants noted a desire for more consistency and requested procedures for developing appropriate performance standards for vegetation and hydrology, how to measure hydrologic lift, clearer guidelines on the level of information required for a compensation site plan, and how to assess situations where the majority of the site is meeting performance standards, but a small area is not. Agency staff identified a long-term,

high priority action to develop joint procedures to address these items and develop external training for stakeholders.

- 4) **CREDIT RELEASE SCHEDULES (7 VOTES)**: Participants felt credit release schedules were too dependent on meeting vegetation performance standards rather than successfully restoring wetland hydrology and other measures of function. One participant suggested delaying woody vegetation planting to ensure long-term site success in shrub and forested wetland communities. Agency staff identified a long-term, medium priority action to develop joint procedures and external training.
- 5) **CONSIDERATION OF WATERSHED NEEDS – HOLISTIC APPROACH (6 VOTES)**: Participants suggested that restoring critical functions relative to watershed needs or impairments should be more heavily weighted in site selection rather than focusing on restoring historic wetland communities and other factors (i.e. use a holistic approach to selecting sites and developing mitigation plans and performance standards). Agency staff identified long-term, high priority actions to develop joint procedures and internal and external training.
- 6) **ENHANCEMENT (4 VOTES)**: Participants asked if sites that would predominately generate enhancement credit are acceptable to the agencies. They requested detailed procedures and asked what type of information and site characteristics would be acceptable to the agencies. Agency staff identified a long-term, medium priority action to develop joint procedures and/or a checklist to aid stakeholders and reviewing agencies.
- 7) **FLEXIBILITY (2 VOTES)**: Participants asked for more flexibility in site design (sponsors feel they are taking all the risk) and to explore watershed needs and consider which wetland communities can realistically be restored given current land uses. Participants also asked for more flexibility in developing appropriate performance standards and credit release schedules. Agency staff identified both short and long-term, medium priority actions to develop joint procedures and internal and external training to address these topics.
- 8) **CLEAR AND CONSISTENT AGENCY COMMENTS (2 VOTES)**: Participants noted inconsistencies between agency comments and that comments sometimes lack the detail necessary to provide direction to the sponsor. Agency staff identified a short term, medium priority action to improve internal and external coordination.
- 9) **RIBITS (2 VOTES)**: Participants noted agency delays in uploading documents to the RIBITS cyber repository. Some also questioned the security of RIBITS, noting that their personal virus protection would give them warnings that the site may not be secure. Agency staff identified a short-term, high priority action to improve internal procedures to ensure timely RIBITS updates and provide stakeholders an update on this topic in the next newsletter.
- 10) **LONG-TERM MANAGEMENT (2 VOTES)**: Participants requested clarification regarding long-term management (LTM) requirements. They expressed that ambiguity surrounding LTM plans gives them some level of concern whether the management they are conducting is sufficient to remain in compliance long-term. There were also questions regarding ownership transfers and costs associated with maintaining the site in perpetuity. Agency staff identified a long-term, low priority action to develop external training that would address LTM requirements and the potential use of endowments to provide funds to conduct LTM. Agency staff also recommend developing joint procedures if needed.
- 11) **MORE OPEN TO PRESERVATION CREDIT (2 VOTES)**: A participant requested the agencies to be more open to preservation sites. The consensus among the northern session group was that preservation sites are generally discouraged and there is confusion regarding which characteristics are

required or desired by the agencies and what information is required in mitigation plans. Agency staff identified a long-term, low priority action to develop joint procedures to address this topic.

- 12) **TEMPLATE MBI MODIFICATIONS (2 VOTES)**: Participants noted that there are some sections in the template MBI that need to be updated. They also requested clarification regarding what constitutes a major versus minor modification. Agency staff identified a short-term, high priority action to update the template MBI and develop external training on MBI modifications to address this topic.
- 13) **IMPROVE COMMUNICATION (1 VOTE)**: Participants from both sessions noted that agency communication could be improved during bank reviews. They noted that some sponsors aren't being notified when IRT reviews and comment periods begin and end at certain phases, sponsors are not made aware of fatal flaws with their sites early in the review process, and communication could be improved to manage expectations on timelines for end of phase letters. Agency staff identified short-term, medium priority action to improve internal procedures during bank reviews to address this item.
- 14) **ADAPTIVE MANAGEMENT (1 VOTE)**: Participants at the northern session felt that there should be more flexibility to use adaptive management on sites rather than requiring instrument modifications, such as when sites develop different wetland communities than proposed in the mitigation plan. Agency staff identified a short-term, low priority action to develop internal and external training to address this topic.
- 15) **MORE CONSULTATION WITH LOCAL EXPERTS/CONSULTANTS (1 VOTE)**: A northern session participant recommended that the agencies rely more on local experts and experienced consultants for project-specific concerns. Agency staff discussed this topic further with the participant after the session and determined this was an issue in the past, but is no longer a concern.
- 16) **NEWSLETTER IDEAS (1 VOTE)**: Participants at both sessions agreed that the Newsletter is a valuable communication tool and they felt the agencies should continue using the Newsletter to provide updates to stakeholders and discuss the state of the banking program. They also asked that the agencies solicit ideas from sponsors and consultants for content. Agency staff identified a short-term, medium priority action to continue to use the Newsletter as an outreach and communication tool and solicit ideas for future content.
- 17) **COMPENSATORY STREAM MITIGATION PROCEDURES (1 VOTE)**: A participant inquired into the status of the Corps procedures for compensatory stream mitigation. Agency staff noted that developing stream mitigation procedures is a short-term, high priority action currently underway.
- 18) **UTILITY CORRIDOR RESTORATION (1 VOTE)**: A participant asked if compensatory mitigation credit could be obtained from utility corridor abandonment/restoration. Agency staff identified a long-term, low priority action to address this question on a case-by-case basis for project-specific requests.
- 19) **SALES INFORMATION (1 VOTES)**:
A participant noted that it is difficult to obtain location information, Corps and WDNR permit numbers, and other relevant information from the sponsor to complete Affidavits of Credit Purchase. Agency staff identified a short-term, medium priority action for the WDNR to update their internal procedures to provide this information to applicants and sponsors during permit reviews.

After the bank listening sessions, agency staff evaluated participant feedback and developed a crosswalk table (Appendix A) to show short term, long term, and on-going actions to respond to the nineteen topics that received votes. The agencies are assigning the highest priority to actions related to the most popular topics. The actions are grouped into five categories and summarized below. The top five topics that received the most votes were: improving timelines, outreach on the preference hierarchy, standardization and additional procedures (including credit release schedules and enhancement), flexibility in site selection/restoration design (i.e., holistic approach to watershed needs), and improved communication.

IMPROVE TIMELINES

- Regarding timing of the final phase of mitigation project reviews, the Corps has streamlined internal processes to improve timeliness on FMBI decisions.
- Regarding timing on all phases of mitigation project reviews, the agencies recognize that better communication is an integral component of improving timelines. The Corps has begun engaging the IRT and sponsors prior to sending Initial Evaluation Letters and Status Update Letters, to ensure a full understanding of the project proposal and to discuss questions. The agencies are increasing coordination to ensure that comments are timely, comments clearly distinguish between what is required and what is recommended, and agency comments are reconciled so that there are not conflicting recommendations or requirements.
- Another integral component of timely reviews is the quality of information provided by sponsors. Therefore, sponsors are encouraged to contact the agencies if they have questions when they are preparing their submittals or responding to agency comments. Further, timeliness of review may be impacted by novel design, construction or monitoring approaches. Therefore, sponsors are encouraged to highlight new design, construction or monitoring approaches, and include rationale for these approaches.

OUTREACH ON THE PREFERENCE HIERARCHY

- The agencies have scheduled a virtual workshop for May 21, 2020 to discuss the preference hierarchy framework in the FMR and state statute.
- The agencies are willing to host another outreach event for preference hierarchy if there is interest from participants after this first outreach event.
- This was also discussed at the Critical Methods workshop on March 4, 2020.

STANDARDIZATION AND PROCEDURES

The agencies are collaboratively revising procedures to promote effective and streamlined decision making. Specifically:

- The agencies have drafted procedures for Performance Standards and Credit Release Schedules. The general contents will be discussed with the mitigation community during a virtual outreach session in June. Opportunity will be provided for participants to ask questions and offer suggestions to help ensure the final product is useful. Version 1.0 of the document will be finalized and released following the outreach session.

- The Corps has identified a short-term solution for timely RIBITS entry and will evaluate whether other alternatives should be considered.
- The Corps continues to develop compensatory stream mitigation procedures, which address both functional loss of streams associated with regulated impacts and functional gain at compensation sites. This document is expected to be coordinated with agencies in summer 2020 and released as Version 1.0 later in the year. Until Version 1.0 is released, applicants and sponsors are encouraged to discuss all project specific questions, both impact and compensation related, with the agencies.
- The Corps has begun updating the template Mitigation Bank Instrument and will coordinate the revised template with the IRT and distribute it to sponsors.
- The agencies are currently developing vegetative performance standards, vegetative monitoring protocols, and information regarding sponsor requirements and restrictions. Updates will be provided in newsletters and outreach events.
- Additional procedures related to enhancement, long-term management, adaptive management and utility corridor restoration may be developed over time as needs dictate.

REQUESTS FOR MORE FLEXIBILITY

- Participants requested flexibility in site selection and restoration design, and that a holistic approach to watershed needs be considered. The agencies agree that a holistic approach to watershed needs must be considered and recognize there are many challenges in determining what is most needed in watersheds and how projects can be designed to offset watershed stressors. To assist in site selection, the agencies are drafting a site selection checklist that will provide a framework for site selection, including factors that may lead to successful sites as well as factors that should be avoided in most cases.
- Some participants expressed the importance of agencies reviewing sites holistically rather than judging success strictly on numerical performance standards. The agencies agree sites should be assessed holistically and that in many cases if optimum performance standards are not met, a more a holistic evaluation may be conducted to assess if sites are on a trajectory to success.

BETTER COMMUNICATION FROM THE AGENCIES

- The agencies intend to continue using the Mitigation Newsletter to highlight innovative mitigation techniques, communicate program updates, including joint agency initiatives described above, and notify the mitigation banking community of upcoming outreach events.
- The agencies support innovation in mitigation and encourage discussing new approaches and techniques with sponsors and local experts.
- The agencies intend to continue conducting listening sessions, outreach events, and workshops for stakeholders.
- The agencies are committed to improving communication on project-specific reviews and providing timely, meaningful feedback on decisions, schedules, and needs identified in IELs and SULs.
- The Corps is continuing monthly staff training to build and maintain expertise and ensure agency commitments are met, including proactive communication with the IRT and sponsors.

VII. LESSONS LEARNED

The listening sessions generated meaningful stakeholder feedback. The agencies will follow this model and apply lessons learned to future sessions. Most discussions included an appropriate level of detail, without being too site specific, and were useful in informing agency actions. Participation was productive and professional. When discussions strayed from the topic, the facilitator was able to effectively redirect the discussion. Identifying a facilitator in advance was critical to keeping sessions on time and ensuring all participants had an opportunity to express their views. Time was allotted for participants to bring individual site and issue discussions to the agencies after the session; this was an effective practice that should be continued. Communicating expectations and soliciting questions in advance increased participant preparation and ensured that the discussions were focused and there was ample time for discussing and voting on topics, providing agency feedback, and answering questions. Lunch was offered at the sessions; the agencies should consider also offering refreshments or notifying participants that they may wish to bring their own refreshments. At the beginning of each session, the agencies outlined formal ground rules and included these in the participant agenda. Future sessions should continue this practice. A major achievement of the format and facilitation of these sessions was ensuring engagement and constructive feedback from all participants throughout the session. It ensured that all participants were heard and understood, and reducing the potential for feedback to be dominated by particular parties or revolving around specific projects. The agencies notified participants one week prior to the sessions that they could participate via Skype if they were unable to attend in person. Future sessions should also include a call-in option (conference line or Skype meeting), although it should be emphasized that in-person participation is more effective and strongly encouraged. Having a sign-in sheet was also useful. Future organizers should continue to document lessons learned; the lessons from the earlier Minnesota sessions were extremely helpful in the success of the Wisconsin sessions.

APPENDICES

APPENDIX A- Crosswalk Table for Joint Agency Recommendations

APPENDIX B- Public notice soliciting interest in participating in listening session

APPENDIX C- Informational flyer

APPENDIX D- Participant agenda

APPENDIX E- Meeting notes