
SAN FRANCISCO DISTRICT

PUBLIC NOTICE

SPECIAL PUBLIC NOTICE

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

DATE: April 12, 2006
RESPONSE REQUIRED BY: May 12, 2006

PERMIT MANAGER: Katerina Galacatos

PHONE: 415-977-8440

Email: Katerina.Galacatos@usace.army.mil

1. **INTRODUCTION:** The Sacramento, San Francisco, and Los Angeles Districts of the U.S. Army Corps of Engineers (USACE), along with the U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Game (CDFG), as the Mitigation Bank Review Team (MBRT) are proposing the use of a standard Conservation Easement Deed template to ensure that Mitigation or Conservation Bank properties are retained in perpetuity in the condition described in the Banking Enabling Instrument (BEI) for that Bank and to prevent any use of the Bank property that would interfere or impair the functions and values established, restored, enhanced and/or preserved on the Bank property for banks that are within, or that propose service areas within the State of California.

This notice is to inform interested parties of the proposed Conservation Easement template and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>

AUTHORITY: This Conservation Easement template is proposed to be used to protect mitigation and conservation banks established to provide mitigation for impacts associated with projects authorized under the authorities of Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. This Conservation Easement template also is proposed

for protecting Conservation Bank properties established to provide mitigation for projects as required by USFWS and/or CDFG.

2. **PROPOSED PROJECT:**

In response to concerns over the increasing time it takes to develop, review, and approve individual mitigation bank proposals, especially the recording of Conservation Easements, USACE, USFWS, and CDFG have developed the attached draft Conservation Easement template. Use of this template is expected to speed review and approval of Conservation Easements, an essential aspect of the Bank approval process, therefore also reducing the amount of time and effort required to bring a Bank to fruition.

USACE, USFWS, and CDFG have committed to sustaining and improving a combined and coordinated approach to mitigation banking. The interagency group has developed a Banking Enabling Instrument template (Corps File Number 29912N) for application throughout the State of California and is preparing templates for a Bank Management Plan, a Conservation Bank Agreement and a Bank proposal/review Checklist that the agencies will soon publish for public comment.

EVALUATION FACTORS: Through the Corps' Public Notice process, the Corps, USFWS, and

CDFG are soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties to consider and potentially modify the proposed Conservation Easement template.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200600265, must be submitted to the office listed below on or before May 8, 2006:

Kathleen A. Dadey, Project Manager
US Army Corps of Engineers, Sacramento District
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Kathleen.A.Dadey@usace.army.mil

Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact Kathleen A. Dadey at 916-557-7253, or Kathleen.A.Dadey@usace.army.mil.