



US Army Corps
of Engineers®

Regulatory Division
1455 Market Street
San Francisco, CA 94103-1398

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Project: Mitigation In-Lieu Fee Program

NUMBER: 2005-00420

DATE: June 8, 2009

PROJECT MANAGER: Thomas Cavanaugh PHONE: 415-503-6574 Email: Thomas.J.Cavanaugh@usace.army.mil.

SUBJECT: 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), the California Department of Fish and Game (CDFG), the California Resources Agency, the National Marine Fisheries Service (NMFS), the United States Environmental Protection Agency (EPA), and the Natural Resources Conservation Service (NRCS) as potential participants in Interagency Review Teams (IRT) will be hosting three forums to present information to current and potential in-lieu fee mitigation providers concerning opportunities for new in-lieu fee providers and requirements for existing in-lieu fee providers to adapt their programs to current requirements. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: These forums are intended to provide information on current requirements for current and potential in-lieu fee mitigation providers who may wish to develop in-lieu fee mitigation programs. In-lieu fee programs would provide mitigation for projects authorized under the authorities of Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act. Additionally, it is hoped that these programs may also provide mitigation for projects authorized by USFWS, CDFG, NMFS, and/or NRCS.

DESCRIPTION: On April 10, 2008, the Corps of Engineers and the Environmental Protection Agency published the Final Rule on Compensatory

Mitigation for Losses of Aquatic Resources. This rule replaced most previous guidance concerning compensatory mitigation, including the previous in-lieu fee guidance, which was published in 2000. This new rule includes a requirement that existing in-lieu fee providers must adapt their programs to the requirements of the new rule within a specified time if they wished to continue to operate their existing programs. New requirements also specify that only non-profits or government entities may operate in-lieu fee programs and that these programs undergo the same IRT review and approval process as mitigation banks and meet substantially the same standards as mitigation banks.

The first forum will be held on June 22, 2009, at 10 AM, in Sacramento, California:

Sacramento Area Council of Governments
Board Room
1415 L Street, third floor
Sacramento, CA 95814

The second forum will be held on June 24, at 10 AM, in Los Angeles, California:

U.S. Environmental Protection Agency
Conference Room
600 Wilshire Blvd., Suite 1460
Los Angeles, CA 90017
Phone: (213) 244-1800

The third forum will be held June 30, 2009 at 12:30 PM in Tucson, Arizona:

Joel Valdez Main Library
4th Floor Boardroom
101 N. Stone Ave.
Tucson, AZ 85701
(520) 594-5500

<http://www.library.pima.gov/locations/main/parking.cfm>

If you have questions or need additional information please contact Tom Cavanaugh, 415-503-6574, Thomas.J.Cavanaugh@usace.army.mil.