

# Mitigation and Conservation Bank Approval in Northern California

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# Definitions

- ▶ Mitigation Bank – Provides credits to be used for compensatory mitigation under Section 404 CWA and/or Section 10 RHA – and usually for compensation for species impacts under ESA and CESA
- ▶ Conservation Bank – Provides compensation for ESA and CESA impacts only
- ▶ In Lieu Fee Programs – since adoption of “Mitigation Rule” (33 CFR 332) in 2008, ILF programs must comply with similar requirements as banks



# Interagency Review Team (IRT)

- ▶ Sacramento District and San Francisco District Teams
- ▶ Members: USACE, EPA, FWS, DFG, and increasingly RWQCB
- ▶ Primary role of the IRT is to facilitate the establishment of banks or ILF programs through development of necessary “instruments”



# IRT Approval

- ▶ All Mitigation Banks and ILF programs must obtain approval from IRT prior to being able to sell credits
- ▶ Conservation Banks, while encouraged to present their proposals to the IRT (for information only), they are not required to do so and often work only with the resource agencies (DFG, FWS, NMFS) for approvals



# Procedures

- ▶ Prospectus (or Draft Prospectus):
  - Summary of proposed bank information
  - Objectives
  - Proposed service area(s)
  - Need for bank
  
- ▶ Schedule meeting with IRT – one hour for presentation, Q&A, suggestions/recommendations by agencies



# Procedures (cont.)

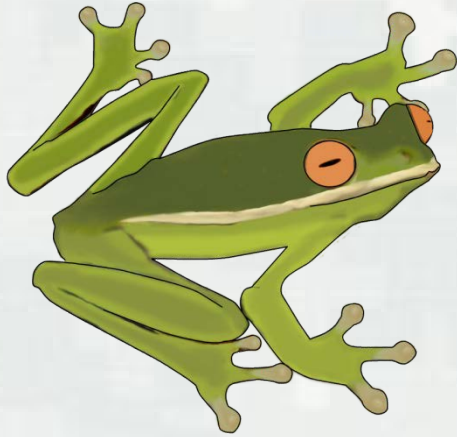
- ▶ Public Notice and comment on Prospectus – within 30 days
- ▶ Prepare Draft Bank Enabling Instrument and submit to IRT
- ▶ Corps reviews for completeness – informs sponsor w/in 30 days
  - Closure provisions
  - Reporting protocols



# Procedures (cont.)

- ▶ Draft BEI:
  - Service area(s) – currently default is 10 digit HUC watershed
  - Accounting procedures, credit release schedule
- ▶ IRT review – 30 days
- ▶ Final BEI
- ▶ Project implementation
  - Credit release and accounting





# RIBITS

**Regional Internet Bank Information  
Tracking System**

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# RIBITS



Regulatory In-lieu Fee and Bank Information Tracking System

[Manage]

[Calendar]

**Navigation**

- Home
- Mitigation Concepts
- Existing Banks & ILF Sites
- Reporting
- Bank Establishment
- Assessment Tools
- Credit Classifications
- Related Sites
- Training
- ILF Programs

**Select One To Filter By**

LOGOUT MTHOMPSON

USACE District: Sacramento

State: ALL STATES

USFWS Field Office: ALL OFFICES

**Map for Sacramento**

Roads  Borders

A map of the United States with state boundaries and major cities labeled. Sacramento, California, is highlighted with a red pin. Other cities shown include Seattle, Portland, Walla Walla, Omaha, St. Paul, Detroit, Chicago, Rock Island, Buffalo, New York, San Francisco, Louisville, Huntington, Philadelphia, Kansas City, St. Louis, Norfolk, Little Rock, Nashville, Wilmington, Los Angeles, Albuquerque, Tulsa, Memphis, Charleston, Savannah, Vicksburg, Mobile, Ft. Worth, New Orleans, Galveston, and Jacksonville. The map includes data from SIC, NOAA, U.S. Navy, NGA, GEBCO, and is powered by Google Earth and TerraMetrics.

Data SIC, NOAA, U.S. Navy, NGA, GEBCO  
Image USDA Farm Service Agency  
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**New Items**

- Plug-in Information

**Map Results**



# Points of Contact

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Sacramento District Main Page

Regulatory Home Page



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