

SPECIAL PUBLIC NOTICE



**US Army Corps
of Engineers
Kansas City District**

Issue Date: August 29, 2012

SOLICITATION FOR ENTITIES AVAILABLE TO HOLD CONSERVATION EASEMENTS ON COMPENSATORY MITIGATION LANDS

BACKGROUND: On April 10, 2008, the U.S. Army Corps of Engineers released Federal regulations entitled Compensatory Mitigation for Losses of Aquatic Resources (Mitigation Rule, 33 CFR Parts 325 and 332). The Mitigation Rule requires that all aquatic habitats, riparian areas, buffers and uplands that comprise an overall compensatory mitigation project, on private lands, be provided long-term protection through real estate instruments or other available mechanisms, as appropriate. Long-term protection may be through real estate instruments such as conservation easements held by entities such as Federal, tribal, state or local resource agencies, non-profit conservation organizations or private land managers; the transfer of title to such entities; or by restrictive covenants.

The Mitigation Rule regulations can be found online at:

http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/mitigation/FinalRule_Apr2008.pdf

PROJECT: The Kansas City District Regulatory Branch is seeking interest from the above-named entities that believe they are capable of holding conservation easements (grantees) to oversee and enforce the stipulations of the conservation easement placed on a compensatory mitigation site as required by the Department of the Army (DA) permit. The DA permits are issued under the Federal authorities listed below.

AUTHORITY: Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

PURPOSE OF THIS NOTICE: We will compile a list of entities that want to be considered as grantees of conservation easements on private land. The list will be posted on our website and made available to permittees, to mitigation bank sponsors and to in-lieu fee mitigation sponsors as a starting point for seeking an organization or entity to hold a conservation easement for authorized mitigation sites, mitigation banks and in-lieu fee project sites. We will note that we are furnishing the list without endorsement and that it is not inclusive of all appropriate easement holders. All agreements/easement management fees paid by the permittee, the mitigation bank sponsor, or the in-lieu fee mitigation program sponsor, would be negotiated, strictly, between the easement grantor and the easement grantee.

QUESTIONS AND RESPONSE: If you/your organization are interested in being on this list, please send a description of qualifications/experience in this field; mission/purpose statement for your organization; point of contact name, title, address, telephone number, email address and website URL to Mr. Douglas R. Berka at email: Douglas.R.Berka@usace.army.mil. You may contact Mr. Berka at telephone: 816-389-3657, or by letter to:

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ATTN: OD-R (Mitigation Project/Easement Holder List)