

**A TRAINING COURSE FOR  
MITIGATION BANKING AND IN-LIEU FEE PROGRAM  
INTERAGENCY REVIEW TEAMS**



**Reference Document:  
Real Estate Protection Instruments**

**A. Federal Real Estate Protection Instrument Policy**

**2008 Compensatory Mitigation for Losses of Aquatic Resources**

*§332.4 Planning and documentation*

(c) *Mitigation Plan.* [The mitigation plan must include:]

(4) *Site protection instrument.*

*§ 332.7 Management.*

(a) *Site protection.*

*§ 332.8 Mitigation banks and in-lieu fee programs.*

(t) *Site protection.*

**2003 Model Compensatory Mitigation Plan Checklist**

- ☐ Site Protection and Maintenance
  - List parties and responsibilities
  - Provide evidence of legal protective measures

**6. Site Protection and Maintenance**

- a. Long-term legal protection instrument (e.g. conservation easement, deed restriction, transfer of title).
- b. Party(ies) responsible and their role (e.g. site owner, easement owner, maintenance implementation). If more than one party, identify primary party.

**B. Select Bibliography of Corps District & State Model Real Estate Protection Instruments**

**Charleston District**, U.S. Army Corps of Engineers. "Charleston District Conservation Easement Model." September 2010.

"Charleston District Model Restrictive Covenants." September 2010.

**Michigan Department of Environmental Quality**, Land and Water Management Division. "Conservation Easement Checklist." November 7, 2007.

**Mobile District**, U.S. Army Corps of Engineers. "Model Mitigation Bank Conservation Easement." Undated.

**Norfolk District**, U.S. Army Corps of Engineers. "Declaration of Restrictions."

**Omaha District**, U.S. Army Corps of Engineers. "Conservation Easement for Mitigation Banks – Template." Undated.

**Sacramento, San Francisco, and Los Angeles Districts**, U.S. Army Corps of Engineers. U.S. Fish and Wildlife Service, California Department of Fish and Game, California Resources Agency, National Marine Fisheries Service, U.S. Environmental Protection Agency, and Natural Resources Conservation Service. March 2010. "Conservation Easement Deed Template for Mitigation and Conservation Banks in California."

"Property Assessment and Warranty Standard Template." July 2009.

**Savannah District**, U.S. Army Corps of Engineers. "Amendments to Declaration of Covenants and Restrictions." January 7, 2004.

"Model Declaration of Covenants and Restrictions." October 15, 2008.

"Standards for Qualified Conservation Easements." Undated.

**Wilmington District**, U.S. Army Corps of Engineers. "Wilmington District Process for Preservation of Mitigation Property." November 25, 2003. (includes Model Conservation Easement, Restrictive Covenants Guidance, Model Declaration of Restrictions and Process Documents.)

"Model Conservation Easement" Revised August 2003

### **ADDITIONAL RESOURCES:**

DOD Integrated Natural; Resource Plan Manual. 2013. Number 4715.3

The Nature Conservancy. 2016. The Nature Conservancy Stewardship Costs Calculator.

The Nature Conservancy. 2016. The Nature Conservancy Stewardship Costs Calculator Accompanying Handbook