



US Army Corps
of Engineers
Portland District

INFORMATIONAL PUBLIC NOTICE

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Long-Term Site Protection for Compensatory Mitigation Projects: In accordance with the Federal Compensatory Mitigation Rule for Losses of Aquatic Resources (33 CFR 332.7(a)), the aquatic habitats, riparian areas, buffers, and uplands that comprise the overall compensatory mitigation project must be provided long-term protection through real estate instruments or other available mechanisms, as appropriate. Long-term protection may be provided through real estate instruments such as restrictive covenants (*i.e.*, deed restrictions); by conservation easements held by entities such as federal, tribal, state, or local resource agencies, non-profit conservation organizations, or private land managers; or by the transfer of title to such entities.

Deed restrictions and conservation easements may not be appropriate or practicable on federal land, state or local government-owned land, tidal areas, marine areas, or for in-stream projects. For government-owned property, long-term protection may be provided through federal facility management plans, or integrated natural resources management plans.

The real estate instrument, management plan, or other mechanism providing long-term protection of the compensatory mitigation site must, to the extent appropriate and practicable, prohibit incompatible uses (*e.g.*, clear cutting, grazing, mineral extraction) that might otherwise jeopardize the objectives of the compensatory mitigation project. Proof of recording with the Registrar of Deeds or other appropriate official charged with maintaining records on real property will need to be provided to the Portland District prior to the first discharge of dredged or fill material in a water of the U.S.

Beginning April 15, 2011, the Portland District will require long-term site protection on permittee-responsible compensatory mitigation projects.

Questions should be directed to the Corps' project manager assigned to the county in which the project is located. A list of the telephone numbers by county assignment may be found at <http://www.nwp.usace.army.mil/op/g/contact.asp>. Questions may also be directed to our main telephone number in Portland at (503) 808-4373 or in Eugene at (541) 465-6868.