



3. Approval of final compensatory mitigation plans may include a requirement for the applicant to provide sufficient financial assurances to ensure a high level of confidence that the compensatory mitigation will be successfully completed. If sureties are required, there must be a provision that requires a minimum of a 120 day advance notification to the District Commander prior to termination or revocation of any such surety.

4. All compensatory mitigation sites shall require long-term protection through real estate instruments or other appropriate mechanisms (e.g., management plan for government property). A minimum 60-day advance notice to the District Commander shall be required for real estate instruments, management plans or other long-term protection instrument before voiding or modifying the instrument

As previously noted, the purpose of this notice is to alert applicants to several major changes that will affect the application and review process for federal permits; this notice is not an exhaustive or complete summary of the new Mitigation Rule. All applicants should read the full text of the rule and are required to comply with all applicable sections of the complete rule.

Additional information on the Final Mitigation Rule and any questions concerning the above points should be directed to Mr. William H. Jenkins by calling (215) 656-6726 or by writing to this office at the above address.

  
For Frank J. Cianfrani  
Chief, Regulatory Branch