

For Conservation Banks located in any part of Recovery Units 2, 3, or 4 of the *Recovery Plan for the California Red-legged Frog*, dated May 28, 2002

The Service Area will be all of recovery Units:

#2-North Coast Range Foothills and Western Sacramento Valley

#3-North Coast and North San Francisco Bay

#4-South and East San Francisco Bay

The ability for the Conservation Bank to offer credit sales to project proponents will be based on a process involving the bank's relative proximity to each impact site. The process will use a hierarchical approach in determining whether the bank's credits are appropriate to compensate for the impacts, and will be determined through the section 7 consultation process itself. The following steps outline this hierarchy:

- 1) When a project proponent wishes to purchase conservation bank credits to satisfy conservation measure obligations to minimize the impact of incidental take on listed species, they must first either:
  - a) Go to a conservation bank within Service Area, within the County of impact,  
Or
  - b) Project proponent may consider other conservation banks outside the County of impact, and within Service Area, but they can be no farther away in linear distance than the farthest in-County bank.
- 2) If no conservation bank exists within the County of impact, project proponent may go to the next nearest available bank within Service Area. Any bank generally the same distance away from impact site as the next nearest bank may also provide credits (with FWS approval).

#### **Use of credits from a bank outside of its Service Area**

On a case-by-case basis for some species, if no conservation bank exists in the predetermined biologically-based, ecoregional Service Area, the next nearest same-species bank in an adjacent Service Area may provide credits based on evaluation and approval by a FWS biologist.

#### **Use of individual, permittee-responsible mitigation**

Individual, permittee-responsible mitigation ("turn-key") projects may also be considered by the FWS to satisfy conservation measure obligation under the following circumstances:

- a) Any such turn-key site must be within the County of impact,  
Or
- b) Any such turn-key site must not be farther away from impact site in linear distance than appropriate "out-of-County" banks with available credit.