

California Department of Fish and Wildlife

## Basic Outline of Fees and Review Steps for Bank Amendments

This document is intended to describe in outline form the process for bank amendment review and amendment payments as directed by Fish and Game Code Sections 1797 – 1799.1. This outline provides additional explanation of the [Amendment Review Process Flowchart](http://www.dfg.ca.gov/habcon/conplan/mitbank/templates.html) available at <http://www.dfg.ca.gov/habcon/conplan/mitbank/templates.html>.

\*Fees adjusted annually per FGC § 1799.1(a)

### Bank Amendment Package

- \$7,539.50\* Initial Review Fee (FGC § 1798.6(c)(1))
- 30 days for CDFW to review and determine completeness
  
- **If Not Complete** - may be made complete and resubmitted – no fee
  
- **If Complete** - 90 days for CDFW to review and determine acceptability (FGC § 1798.6(b)). CDFW may request clarifying information during the bank amendment review process (FGC § 1798.6(b)(2)) – no fee
  - If *Simple* Amendment – no additional fee.
  - If *Complex* Amendment – additional \$17,591.50\* fee (FGC § 1798.6(c)(1))
  
- CDFW (Regional Manager or equivalent/higher level) may request (in writing) supplemental information during review - no fee
  - New 90-day review for acceptability begins upon receipt of requested information (FGC § 1798.6(e))
  - If requested information not received within 60 days then Bank Amendment Package deemed unacceptable (FGC § 1798.6(e)). May resubmit Bank Amendment package with new \$7,539.50 initial fee (restart 30 day completeness review)
  
- If person seeking Bank Amendment proposes changes necessitating additional review time (and not solicited by CDFW), CDFW shall collect change review fee of \$10,052.25\* (FGC § 1798.6(f))
  - New 90-day review for acceptability begins upon receipt of proposed changes and fee

**Disclaimer: This outline is for general information only, and does not limit or change the requirements of Chapter 7.9 of the Fish and Game Code.**

- If CDFW determines 90 days is insufficient to complete review (e.g., if proposed Bank Amendment is complex or documents substantially deviate from standard forms), it may extend acceptability review time by 60 days (FGC § 1798.6(g))
  - ***If Not Acceptable***
    - May resubmit with new \$7,539.25\* fee (restart 30 day review for completeness) (FGC § 1798.6(h))
  - ***If Acceptable*** – Notify Bank Sponsor; finalize and circulate documents for signature
    - No Bank Amendment shall be operative, vested or final, nor Bank credits issued, until CDFW has approved Bank Amendment in writing and (if applicable) conservation easement recorded
    - Implementation fee – \$60,313.50\* total (may be apportioned by number of credits released/total number of credits approved for Bank)
      - A penalty of 10 percent of the amount of fees due shall be collected if there is a failure to remit the amount payable when due (FGC § 1799(e)(2)).

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