

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 Process Flowchart](#) available the [California Department of Fish and Wildlife's \(CDFW\) Conservation and Mitigation Banking Instruction and Templates web page](#).

Bank Amendment Package

- Bank Amendment fee* Initial Review Fee (Fish & G. Code § 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 (Fish & G. Code § 1798.6(b)). CDFW may request clarifying information during the bank amendment review process (Fish & G. Code § 1798.6(b)(2)) – no fee
 - **If Simple Amendment** – no additional fee
 - **If Complex Amendment** –Complex amendment fee* subtracted from fee submitted if a Simple Amendment fee was submitted instead of a Complex Amendment fee (Fish & G. Code § 1798.6(c)(1))
- **CDFW Supplemental Information Request** - CDFW (regional manager or equivalent/higher level) may request (in writing) supplemental information, which includes CDFW comments on the bank amendment package, during review - no fee
 - If requested information not received within 60 days, then Bank Amendment Package deemed

*See [current banking fee schedule](#) for appropriate fees, fees are adjusted annually per Fish and Game Code § 1799.1(a).

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unacceptable (FGC § 1798.6(e)). If the bank sponsor needs longer than 60 days to submit the requested supplemental information then the bank sponsor may request a voluntary time extension with CDFW. If Bank Amendment Package is deemed unacceptable, bank sponsor may resubmit Bank Amendment package with new Bank Amendment fee* (restart 30 day completeness review) (Fish & G. Code § 1798.6 (h))

→ New 90-day review for acceptability begins upon receipt of requested information (Fish & G. Code § 1798.6(e))

- **Unsolicited Changes** - If bank sponsor seeking Bank Amendment proposes changes necessitating additional review time (and not solicited by CDFW), CDFW shall collect change review fee* (Fish & G. Code § 1798.6(f))

→ New 90-day review for acceptability begins upon receipt of proposed changes and fee

- **CDFW Issued Extension** - 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 (Fish & G. Code § 1798.6(g))

- **If Not Acceptable** - May resubmit with new Bank Amendment fee* (restart 30-day review for completeness) (Fish & G. Code § 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

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CDFW has approved Bank Amendment in writing and, if applicable, conservation easement recorded

- Implementation fee* – 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 (Fish & G. Code § 1799(e)(2))

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