

PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:
Public Notice Number: NAN-2009-00224-EMI
Issue Date:
Expiration Date:

To Whom It May Concern:

The New York District, of the U.S. Army Corps of Engineers has received a request from Kane Mitigation, LLC, bank sponsor of the Federal and State approved Kane Mitigation Bank, to modify the existing Mitigation Banking Instrument by expanding the bank's service area. This notice is to inform interested parties of the proposed service area expansion request and solicit comments.

AUTHORITY: Issuance of a public notice regarding the proposed expansion of the Kane Wetland Mitigation Bank service area is required pursuant to the "Compensatory Mitigation for Losses of Aquatic Resources; Final Rule," (Rule) as published in April 10, 2008, Federal Register, Vol. 73, No. 70, Pages 19594-19705 (33 Code of Federal Regulations, Parts 325 and 332).

SPONSOR: Kane Mitigation, LLC
115 Wilcox Street, Suite 200
Castle Rock, Colorado 80104

LOCATION: The existing Kane Wetland Mitigation Bank is located in the Hackensack River watershed, in the Boroughs of Carlstadt, Moonachie, and South Hackensack, Bergen County, New Jersey.

SERVICE AREA: Within the existing bank service area, mitigation credits from the bank are used to compensate for unavoidable impacts to Waters of the United States and/or State Waters, including wetlands, occurring within the Hackensack Meadowlands District (HMD) or with a component in the HMD by NJ transportation agencies (NJ Transit, Port Authority, NJDOT, and NJTA) associated with the New Jersey Waterfront Development Law, New Jersey Freshwater Wetland Regulations, the Coastal Zone Management Rules, the New Jersey Flood Hazard Area Control Act, and Department of the Army permits issued under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344). The existing Service Area includes Hydrologic Unit Codes-11 (HUC) 02030103180 (Hackensack River) and HUC 02030103150050 (Lower Passaic River) primarily within Bergen and Hudson Counties, which watersheds surround and encompass the HMD.

ACTIVITY: The bank sponsor has requested to expand the mitigation bank's existing service area by including HUC 02030101170 and a portion of HUC 02030104010 into the bank service area. These two (2) additional HUC areas are immediately adjacent and contiguous with the existing service area.

As stated by the sponsor, the request is made to accommodate current and anticipated compensatory mitigation needs for New Jersey transportation agencies for unavoidable impacts arising from transportation-related activities and to allow for Kane Bank to provide off-site compensatory mitigation for unavoidable impacts to wetland resources associated with regulated activities occurring within the HMD or with a component of a project in the HMF.

**CENAN-OP-RE
MEMORANDUM FOR THE RECORD**

FEDERAL EVALUATION OF THE PROPOSAL: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. The New York District Corps of Engineers in evaluating this proposal will consider any comments received. Comments will be used to assess the bank sponsors proposal to expand the existing service area of the Kane Mitigation Bank.

SUBMITTAL OF COMMENTS: All comments regarding this prospectus should be submitted via email to Christopher.W.Minck@usace.army.mil, to reach this office by the expiration date of this notice, otherwise, it will be presumed that there are no objections to the activity.

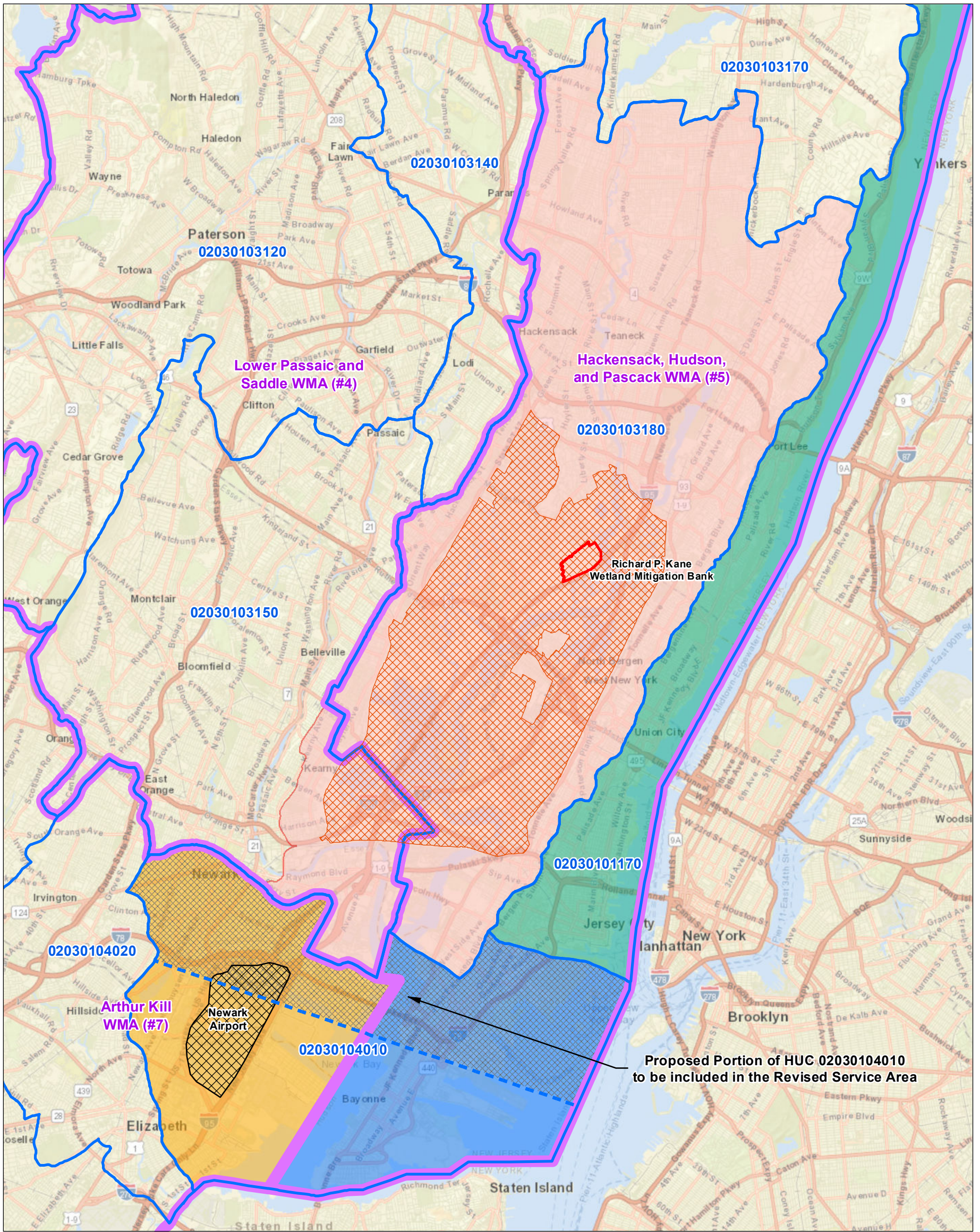
Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. Comments provided will become part of the public record for this permit application. All written comments, including contact information, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

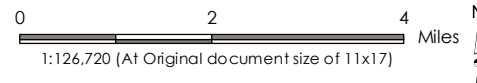
For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>.

FOR AND IN BEHALF OF
Stephan A. Ryba
Chief, Regulatory Branch

Enclosures



- Legend**
- Meadowlands District Boundary
 - Newark Airport
 - Kane Service Area
 - HUC 02030101170 in WMA5
 - HUC 02030104010 in WMA5
 - HUC 02030104010 in WMA7
 - Watershed Management Area Boundary



Project Location
Borough of Carlstadt,
Bergen County, NJ

Client/Project
Kane Mitigation LLC
Kane Wetland Mitigation Bank

Figure No.
X

Title
Proposed Revised Service Area

Notes

1. Coordinate System: NAD 1983 StatePlane New Jersey FIPS 2900 Feet
2. Source: Stanlec, Meadowlands Environmental Research Institute (MERI), NJ-GeoWeb
3. Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community