

Attachment F: Basic Outline of a Banking Instrument

- I. Introduction
 - A. Purpose of bank and its relationship to COE or NRCS regulatory programs
 - B. Location, ownership of Parcel & identity of bank sponsor
 - 1. Contact person(s) and company name (if applicable)
 - 2. Consultant or preparers of compensatory mitigation plan (include resume with references)
 - C. List members of the MBRT
 - D. Disclaimer regarding authorities of the signatory parties
 - E. List of exhibits, including all appropriate supporting technical plans and documents
- II. Authorities
- III. Baseline conditions
 - A. Brief summary of overall proposed project and purpose
 - B. Project description
 - 1. Location
 - a. Legal
 - b. Directions using road names, highways etc.
 - c. Relative geographic location within watershed
 - d. Surrounding land use
 - e. Proximity to existing wetlands/streams
 - f. Maps (8.5 x 11 or 8.5 x 17)
 - Map information should include the following:
 - i. County
 - ii. USGS quadrangle map
 - iii. National Wetland Inventory map
 - iv. Aerial photograph, if available
 - 2. Impacted wetland acreages/stream linear feet
 - 3. Delineation Report
 - 4. Section 106, ESA and/or water rights documents (if applicable)
 - C. Site Information
 - 1. Wetland classification (Cowardin et. al., 1979)
 - 2. Functional assessment (include data sheets)
 - a. Biogeochemical processes
 - b. Plant maintenance
 - c. Hydrology (surface and sub-surface)
 - d. Habitat maintenance
 - 3. Vegetation (refer to wetland delineation)
 - a. Species composition
 - b. Community structure (dominant species for each stratum/zone)
 - 4. Soils
 - a. Soil series and description
 - b. Field characteristics (texture, organic matter, content, sedimentation, nutrients)
 - 5. Hydrology

- a. Source
- b. Surface water - hydroperiod
- c. Sub-surface water
 - Data should include
 - i. SCS county soil survey
 - ii. Wetland/stream delineation hydrology indicators
 - iii. Other published data (if available)

- D. Biological, ecological, characteristics of existing property
 - a. Describe what areas on-site are amenable to restoration, enhancement, or creation.
Estimate total acreage and/or linear feet of each
 - b. Describe existing aquatic habitat and species functions and how mitigation efforts will improve these characteristics
 - c. Describe wildlife species utilizing habitat within the property
 - d. Describe existing upland buffers with respect to existing wetlands/streams
 - e. Describe man-made disturbances such as logging, farming, non-agriculture.
Production facilities, roads, ditching, etc.
 - g. Discuss the relation of existing wetlands and riparian buffers with the proposed mitigation.

IV. Proposed compensatory mitigation plan

- 1. Goals and objective (include construction phases)
- 2. Short term objectives and functions desired
- 3. Long term objectives and functions desired
- 4. Assessment methodology
 - 1. Biogeochemical processes
 - 2. Plant maintenance
 - 3. Habitat maintenance
 - 4. Hydrology
- 5. Minimum Evaluation Criteria (in the absence of functional assessment)
 - a. Site meets Corps of Engineer's delineation criteria
 - b. Vegetation
 - Native species cover and richness should constitute between 60%-80% of the vegetation suitable for the project's water regime and site's potential.
 - Dominant species percent ratios should be based on regional conditions and wetland or stream type.
 - Invasive species cannot make up more than 10% in the third growing season after construction is finished.

Sponsor can gather data from nearby reference sites to fine tune evaluation criteria. Effort must be coordinated with and approved by the MBRT.

- c. Hydrology
 - Inundated or saturated for 5 to 12.5% of the growing season (or as defined in the current wetland delineation manual). Provide evidence.

- d. Soils
 - 1. Soils redox
 - 2. Organic matter

- V. Establishment of the Bank
 - A. Implementation timetable
 - B. Financial assurances to be secured by the sponsor
 - C. Real estate provisions
 - D. As-built reports

- VI. Operation of the Bank
 - A. Service area. Include both name, code, and include map.
 - B. Provisions for site access by MBRT
 - C. Schedule of credit availability
 - D. Conditions of debiting
 - E. Provisions for uses of the mitigation bank area

- VII. Maintenance and Monitoring of the Bank (See Appendix D)
 - A. Maintenance provisions (brief description of maintenance activities, maintenance periods, duration, responsibility of long-term maintenance, and preservation of bank in perpetuity). Include provisions for water rights when applicable.
 - B. Monitoring provisions (monitoring methods, frequency, and duration).
 - C. Reports and record keeping
 - D. Accounting procedure
 - E. Contingency plans/remedial actions
 - F. Long-term management responsibilities

- VIII. Responsibilities of MBRT
 - A. Oversight
 - B. Review of reports
 - C. Compliance inspections

- IX. Other Provisions
 - A. Force majeure (See Part B II.E)
 - B. Dispute resolution
 - C. Provisions pertaining to validity, modification and termination of the banking instrument.

- X. Definitions of Terms (optional)

- XI. Bank agreement page (See Appendix F for example)
 - 1. List signatory parties
 - 2. Restate objective
 - 3. List geographic service area
 - 4. Signature lines
 - a. Sponsor
 - b. Long-term manager
 - c. MBRT agencies
 - d. Corps of Engineers (District Engineer)