

APPENDIX F

SF MBRT Bank Development Process Checklist DRAFT 10/15/2004

This document has been formulated in an effort to provide SF MBRT members with assistance in preparing mitigation bank documents and to achieve a higher degree of uniformity and consistency in the process of establishing mitigation banks.

1. Scoping

Date of initial contact: _____

___ Region has conducted preliminary research and scoping and has determined that the site has potential as a bank.

___ Region conducted a site visit. Date of site visit: _____

___ Region has initiated coordination with other agencies who will be involved in approving this bank.

By: ___ phone ___ cc on conceptual approval letter.

2. Conceptual approval/acceptance.

___ **Jurisdictional delineation submitted to the Corps and verified. (CORPS)**

___ Region has provided the Bank Operator with the letter of conceptual acceptance/approval along with the package of explanatory information and templates. Date sent: _____

___ Distribution list started

___ Bank Activity Log Sheet started

3. Submittal of draft Bank Agreement Package.

___ Bank Operator has submitted two sets of the draft bank agreement package in three-ring binders.

Date received: _____

___ The draft package includes a red-line version and a clean copy of the agreement

___ The draft package includes any other applicable template-derived documents as well as all supporting materials to the draft agreement.

___ The draft package includes electronic, editable format of the Bank Agreement, Conservation Easement, and other applicable template-derived documents generated by the Bank Operator or their agent(s).

___ The draft package includes supporting documents for the Conservation Easement.

4. Review of the draft Bank Agreement Package.

___ **Issue Public Notice. (CORPS)**

___ **Determination made whether or not a permit is required for bank construction. (CORPS)**

___ **Determine if endangered species or cultural resource consultation is necessary. (CORPS)**

___ **Initiate consultation with FWS, NMFS, and/or SHPO, if necessary. (CORPS)**

___ Region has reviewed the draft bank agreement package for completeness and to determine if the documents are acceptable and consistent with policy.

___ Region coordinated with staff from other agencies involved to determine if the draft bank agreement documents are acceptable and consistent with their policies. Changes requested by other agencies (USFWS, Corps, EPA, RWQCB) have been reviewed by HCPB (and OGC if necessary) to ensure that the agreement still addresses our concerns. (In Comments column) indicate who, what agency/office, and the date coordination was completed. Make notes as necessary in the Bank Activity Log Sheet.

___ An informal review by HCPB and/or the OGC was conducted (significant variation from the template(s) or policy was proposed.) The informal review was completed (date): _____

___ Species experts were consulted

___ Request made to HCPB - Species Conservation and Recovery Program (SCARP) to review the Management Plan. Date requested: _____ Comments received back from HCPB - SCARP on (date): _____

___ The management plan has been distributed for review by the agencies.

___ The conservation easement package has been prepared.

___ The preliminary title report has been reviewed by Region.

___ The Level 1 Environmental Contaminants Survey has been reviewed by Region.

APPENDIX F

5. Revised drafts of documents in the Bank Agreement Package.

___ All necessary revisions have been made to all the bank agreement package documents and the current versions are in the package.

___ The Management Plan has received thorough review by the agencies and HCPB (if necessary) and has been revised as needed.

6. Final draft Bank Agreement Package.

___ The Regional Bank Coordinator is satisfied with all the changes and the entire Bank Agreement Package is complete.

___ Other agencies have completed their review, necessary revisions were made, and they are satisfied with the form/content of the Bank Agreement Package.

___ The Regional Bank Coordinator has reviewed it one last time to assure that all exhibits referenced in the agreement are included, appropriate, and in final form, and that all cross-references are accurate.

___ The final Management Plan is in the Bank Agreement Package.

___ Each binder includes electronic copies of all current versions of documents generated by the Bank Operator or their agent(s).

___ A tracking number has been obtained from HCPB

___ A tracking sheet has been prepared and enclosed with the bank documents

___ The tracking sheet has three signatures (staff, Regional Bank Coordinator, and Regional Manager).

___ One binder contains the original tracking sheet. (The second binder doesn't need a copy of the tracking sheet.)

___ A Change Sheet is in the Bank Agreement Package

___ A copy of the Distribution List is in the Bank Agreement Package.

___ The Conservation Easement Package is ready to go to LFB.

___ Region has set an appointment with HCPB to brief them on the bank specifics. Date set for meeting:

_____.

7. Final draft Bank Agreement Package and Conservation Easement Package submission

_____ **Prepare Decision Document (CORPS)**

a. Final draft Bank Agreement Package is submitted to HCPB.

___ The final Bank Agreement Package has been submitted to HCPB (attn: Statewide Bank Coordinator) in a three ring binder. Date sent to HCPB: _____

___ Bank Agreement Package includes electronic copy of clean and redline/strikeout versions.

___ Region has advised the applicant that review by Headquarters (HCPB) staff could take approximately two to four months.

b. Conservation Easement Package submitted to LFB

___ Region has sent the Conservation Easement Package to LFB. Date sent to LFB: _____

8. HCPB review. Final draft bank agreement package received at HCPB on (date):

___ HCPB has reviewed the documents and found them to be complete and consistent with policy. Y / N
Minor changes were necessary and were resolved by HCPB.

Y / N Major changes were necessary and the HCPB sent the documents back to the Region for resolution.
Date sent back to Region: _____ Date received back from Region:

_____ **Section chief reviews draft BEI (CORPS)**

___ Changes are indicated on the Change sheet in the agreement package

___ Hard copies and electronic copies of revised documents were inserted in the binder and updated on the disk in the binder

___ Tracking sheet signed by HCPB

9. Bank Agreement and Conservation Easement approved-as-to-form

_____ **Office of Council reviews BEI (CORPS)**

APPENDIX F

Request made to OGC to review the documents Date of request: _____ Deadline for response: _____ (30 days from request date) Response received: Y / N If yes, revisions were made: Y / N

___ Changes are indicated on the Change sheet in the agreement package.

___ Hard copies and electronic copies of revised documents were inserted in the binder and updated on the disk in the binder

Conservation Easement approved as to form by DFG on (date): _____ Approved as to form by (circle one): HCD Chief OGC

Conservation Easement approved as to form by FWS on (date): _____

Documents sent to the Region to get signatures. Check all that apply.

___ Bank Agreement ___ Conservation Easement ___ Grant Deed ___ Declaration of Trust Date sent: _____

10. Bank Agreement document signatures. Region received Bank Agreement documents back from HCPB on (date): _____.

Documents received (check all that apply):

___ Bank Agreement ___ Conservation Easement ___ Grant Deed ___ Declaration of Trust

___ Change Sheet with documents.

___ Change Sheet reviewed. Changes? (circle one) Y / N

___ Agencies notified of changes.

___ Agencies approved changes.

___ Region replaced documents in their copy of binder and on disk with latest versions.

___ Region sent Bank Agreement documents to Bank Operator with notification that they need to obtain signatures. Date sent: _____

Documents sent (check all that apply): ___ Bank Agreement ___ Conservation Easement ___ Grant Deed ___ Declaration of Trust

Format sent (circle one): printed copy write-protected electronic copy

___ Region received completed signature pages back from Bank Operator. Date received: _____

Document signature pages received (check all that apply):

___ Bank Agreement ___ Conservation Easement ___ Grant Deed ___ Declaration of Trust

___ **Present to Lt. Colonel for signature (CORPS)**

___ **Issue permit for construction, if necessary (CORPS)**

___ The Regional Manager signed the Bank Agreement.

___ Effective date filled in on first page of Bank Agreement. Effective date: _____

___ Signature pages were inserted into final Bank Agreement in Region's copy of binder

___ Copies of the signature pages and first page of Bank Agreement (with effective date) sent to other signatory agencies on (date:) _____ Sent to Bank Operator on (date) _____ ___ copy of first page of Bank Agreement (with effective date on it)

___ copy of signature page with Regional Manager's signature

___ Reminder that the approval of the Bank Agreement does not mean that the Bank may sell credits.

Credits may not be sold until the Bank Operator is informed by the Regional Conservation Bank

Coordinator that the Region has received a copy of the recorded Conservation Easement.

Sent to HCPB on (date) _____ :

___ copy of first page of Bank Agreement (with effective date on it)

___ copy of signature pages

___ copy of Bank Development Checklist pages with Step #10 completed

11. Bank Agreement is final (approved/signed).

a. Conservation Easement processing

___ LFB has been notified that the Bank Agreement is approved and

___ a copy of the approved Bank Agreement and the

___ original signed/notarized Conservation Easement have been forwarded to LFB. ___ Region

confirmed with LFB that the Conservation Easement package is complete.

b. Endowment account setup and endowment deposit processing

___ A copy of the approved Bank Agreement along with the request to set up the endowment has been sent to FASB. Date sent: _____

APPENDIX F

c. Project Tracking database record update

___ Copy of tracking sheet given to CESA/CEQA Program for entry into the Project Tracking database
OR

___ Region updated the Project Tracking database record

d. Financial assurances documentation. Bank Operator provided financial assurances documents
(check applicable items and record date received):

___ cash refundable security deposit Rec'd: _____

___ Letter of Credit Rec'd: _____

___ Other (specify): _____

12. Habitat Establishment

___ Region received an as-built from the Bank Operator

Date received: _____

13. Conservation easement recorded.

___ Regional Bank Coordinator received copy of recorded Conservation Easement on (date):

___ Region informed the Bank Operator on (date) _____ that Region received a copy of
the recorded Conservation Easement

___ A copy of the recorded Conservation Easement was sent to HCPB. Date sent: _____