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

   ___ 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.

   ____ 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.
   ____ 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: ________________
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: ________________