

## 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.

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### 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)**

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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: \_\_\_\_\_

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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: \_\_\_\_\_