

Name of bank: Burdell Ranch Wetland Conservation Bank

Tracking #: 1802-1999-002-3



Bank Agreement Package Checklist

DRAFT 4/29/2003

BankAgreementPackageChecklist4-29-03.pdf

This document has been formulated in an effort to provide DFG staff with assistance in preparing conservation bank documents and to achieve a higher degree of uniformity and consistency in the process of establishing conservation banks throughout the state. This checklist is intended to ensure that a Bank Agreement Package submitted to the Habitat Conservation Planning Branch (HCPB) is complete.

The following list of items must be addressed within Bank Agreement documents or submitted with a Bank Agreement. Some of these items are information to be supplied by the bank owner, while others are issues which are negotiated to the satisfaction of all parties. Because each conservation bank is unique, additional items not listed here may be requested for inclusion in the Bank Agreement by one or more of the parties.

Please note that this is a working draft. This checklist is designed for use with the Bank Development Process overview and the Bank Development Process Checklist to prepare the Bank Agreement Package. The draft flowchart, Establishing a Conservation Bank, is a schematic representation of the steps in the Bank Development Process overview. This document will be redistributed as revisions occur. If you have questions about this draft checklist please contact Debbie McEwan at HCPB at (916) 657-4436 or drmcewan@dfg.ca.gov

Instructions: For each item, place a checkmark in the brackets in front of the item if it is included in the Bank Agreement Package. Indicate n/a if it doesn't apply. Add comments as needed to clarify specifics about an item.

		Location in the bank agreement package
1	<input checked="" type="checkbox"/> Table of Contents (List of Exhibits)	
2	<input checked="" type="checkbox"/> Bank Agreement (or Bank Enabling Instrument)	
	<input checked="" type="checkbox"/> Name of the bank. If land ownership will be granted to the DFG, the name of the bank will be in accordance with State Fish and Game Commission policy.	
	<input checked="" type="checkbox"/> Name and address/phone number of person/organization to hold fee title to the land.	
	<input checked="" type="checkbox"/> Name and address/phone number of person/organization who will have land management responsibility for the bank. This entity must have demonstrated experience in natural lands management.	
	<input checked="" type="checkbox"/> Name and address/phone number of the person or entity who will hold a conservation easement on the property.	
3	<input checked="" type="checkbox"/> General location map of the bank property	Exhibit A
4	<input checked="" type="checkbox"/> Accurate current map of bank property on a minimum 7-1/2 min. U.S.G.S. Quad map, or larger scale if possible. <input checked="" type="checkbox"/> map shows boundaries of the bank and boundaries of each bank phase if more than one is proposed	Exhibit A
5	<input type="checkbox"/> Written description of each bank phase, if more than one phase is proposed. [] The description includes: [] phase boundaries [] target habitats/species [] the number of mitigation credits associated with each phase.	
6	<input type="checkbox"/> Aerial photo of bank and surrounding properties	
7	<input type="checkbox"/> Legal description of the bank property	
8	<input type="checkbox"/> County assessor parcel map(s) of the bank property	
9	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> Map of the service area of the bank [] Written description of the service area of the bank	Exhibit A
10	<input checked="" type="checkbox"/> Biological resource survey report. Description of the biological resources on the bank property.	Exhibit B

		Location in the bank agreement package
11	<input type="checkbox"/> discussion or description of real estate assurances	
12	<input checked="" type="checkbox"/> draft Conservation Easement (or Grant Deed)	Exhibit F
13	<input checked="" type="checkbox"/> Preliminary title report indicating any easements or other encumbrances on the property.	Exhibit I
14	<input type="checkbox"/> discussion or description of financial assurances	
	<input type="checkbox"/> explanation of endowment amount (how it was derived, including any calculations and corresponding explanation of them, or a PAR report or equivalent	
15	<input checked="" type="checkbox"/> Declaration of Trust (may be required by federal agencies)	Exhibit C
16	<input type="checkbox"/> Mitigation Payment Transmittal Form	
17	<input type="checkbox"/> The bank agreement package includes information that indicates the current owner of the bank property agrees to accurately delineate and mark (property corners) in the field all boundaries of the bank property, including any bank phases, before the first bank mitigation credit is sold, fee title transferred, or conservation easement granted.	
18	<input checked="" type="checkbox"/> Level I environmental contaminants survey Report. Results of the survey for the entire bank property. If the DFG assumes ownership of the bank property, all hazardous wastes will be removed and the site certified clean prior to close of escrow and title transfer.	Exhibit E
19	<input type="checkbox"/> Results of an archeological records search to identify known cultural resource sites on the property. If earth-moving or facilities (e.g., fencing, structures, etc.) are planned for the bank property, on-site reconnaissance for archeological resources may be required.	
20	<input checked="" type="checkbox"/> Management Plan (final version) (See checklist for Management Plan)	Exhibit B & Exhibit D
21	<input checked="" type="checkbox"/> conservation credit purchase agreement	Exhibit J
22	<input checked="" type="checkbox"/> acknowledgement of sale of credits	Exhibit K
23	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> Number and <input checked="" type="checkbox"/> kind of mitigation credits to be made available at the bank and <input type="checkbox"/> any constraints on types of credits to be sold as determined by the DFG.	Exhibit H
24	<input checked="" type="checkbox"/> Development or restoration plan May be a stand-alone document or (more typically) a section in the management plan.	Exhibit B
25	<input type="checkbox"/> As-built drawing of constructed habitat and description of any deviation from the planned habitat.	
26	<input type="checkbox"/> bank completion plan (conservation bank) or bank closure plan (wetland mitigation bank) (for a conservation bank, the bank completion plan may be a section in the Management Plan)	

Additional informational items not on this checklist and which are included along with this Bank Agreement may be listed here (indicate their location in the agreement package).

Habitat Management Plan checklist

	Comments
<input checked="" type="checkbox"/> Habitat Management Plan (final version) is included in the Bank Agreement Package	
The management plan at a minimum discusses the following issues (see also the DFG - LFB <i>Guide and Annotated Outline for Writing Land Management Plans</i> , March 2002):	
<input checked="" type="checkbox"/> a. General description of the bank (e.g., location, acreage, target habitats/species, key aspects (connectivity, characteristics of special significance, adjacency to other conserved lands, etc))	
<input checked="" type="checkbox"/> b. Current property description, including:	
<input checked="" type="checkbox"/> geographical setting	
<input checked="" type="checkbox"/> property boundaries	
<input checked="" type="checkbox"/> property land uses	
<input type="checkbox"/> adjacent property land uses	
<input type="checkbox"/> location relative to regional open space plans	
<input checked="" type="checkbox"/> geology, soils, climate, hydrology	
<input type="checkbox"/> mineral and <input type="checkbox"/> water rights associated with the property. The DFG will not support a bank on property that does not include mineral and water rights.	
<input type="checkbox"/> Identification of any potential prescriptive rights claims on the property (e.g., road access, etc.). Because the State does not recognize prescriptive rights claims, all such claims must be settled prior to close of escrow and title transfer if the DFG takes ownership of the bank property. If the settlement of prescriptive rights claims reduces the biological values of the bank, the mitigation value of the bank will be reduced correspondingly.	
<input type="checkbox"/> water availability, if water is needed to sustain habitat	
<input type="checkbox"/> cultural or historic features on-site	
<input type="checkbox"/> c. Historic property description, including:	
<input type="checkbox"/> geographical setting	
<input type="checkbox"/> property boundaries	
<input type="checkbox"/> property land uses	
<input type="checkbox"/> adjacent property land uses	
<input type="checkbox"/> location relative to regional open space plans	
<input type="checkbox"/> geology, soils, climate, hydrology	
<input type="checkbox"/> mineral and <input type="checkbox"/> water rights associated with the property.	
<input type="checkbox"/> water availability, if water is needed to sustain habitat	
<input type="checkbox"/> cultural or historic features on-site	
<input type="checkbox"/> d. Description of assessment methodologies	
<input checked="" type="checkbox"/> e. Description of biological resources on-site, including:	
<input checked="" type="checkbox"/> description of vegetation communities, habitats, and plant species	
<input type="checkbox"/> vegetation map	
<input type="checkbox"/> description of animals species	
<input type="checkbox"/> sensitive or special status species - locations and status	
<input checked="" type="checkbox"/> f. Development or restoration plan May be a stand-alone document or (more typically) a section in the management plan.	
<input type="checkbox"/> rationale for site selection	
<input checked="" type="checkbox"/> biological (habitat and species) goals	
<input type="checkbox"/> discussion of species life history requirements that are met by the site	
<input checked="" type="checkbox"/> specific creation, restoration, or enhancement activities or methodologies	

Habitat Management Plan (continued)	Comments
<input checked="" type="checkbox"/> g. Management needs of the property including:	
<input checked="" type="checkbox"/> overall management goals	
<input type="checkbox"/> discussion of any management constraints which may affect meeting the goals	
<input type="checkbox"/> discussion of applying adaptive management to management of the property	
<input checked="" type="checkbox"/> further restoration or enhancement of habitats	
<input type="checkbox"/> if special management needs are necessary to maintain the biological values on the property, these should also be discussed in detail.	
<input type="checkbox"/> discussion of contingency actions	
<input type="checkbox"/> monitoring of resources	
<input type="checkbox"/> provisions for uses (see BEI Sec V-I . . . bank sponsor shall not . . . ; see Prohibited Uses section of Conservation Easement)	
<input type="checkbox"/> the management plan includes information which confirms that trash, structures, or other items on-site that would reduce the long-term biological value or health/safety of the site will be removed before the first mitigation credit is sold, or includes agreement from DFG to do otherwise	
<input type="checkbox"/> the management plan addresses conditions for allowing public access to the property and what measures may be needed if public access needs to be controlled (e.g., fencing, gates, etc.)	
<input type="checkbox"/> control of public access	
<input type="checkbox"/> public uses (if any)	
<input type="checkbox"/> maintenance of facilities	
<input type="checkbox"/> discussion of recording keeping related to management activities	
<input type="checkbox"/> the management plan is of sufficient detail to accurately estimate the needed management budget and endowment and includes:	
<input type="checkbox"/> information about the funding mechanism for management activities	
<input type="checkbox"/> discussion of start-up tasks and their funding	
<input type="checkbox"/> a PAR report or equivalent is included in the management plan along with an explanation of the derivation of the endowment amount necessary to carry out appropriate management of the bank in perpetuity	
<input type="checkbox"/> discussion of management plan review and revision/update	
<input checked="" type="checkbox"/> h. Monitoring plan	
<input checked="" type="checkbox"/> description of performance or success criteria	
<input checked="" type="checkbox"/> general monitoring as agreed to in the Bank Agreement (access, resources, site maintenance)	
<input checked="" type="checkbox"/> i. Operations and maintenance summary	
<input checked="" type="checkbox"/> start-up tasks and costs	
<input type="checkbox"/> If access control measures are not initiated by property owner prior to bank establishment, sufficient management funds to initiate needed access control activities at the time of bank start-up should be included in the start-up funding.	
<input checked="" type="checkbox"/> O&M tasks and costs	
<input checked="" type="checkbox"/> staffing needs and costs	
<input checked="" type="checkbox"/> equipment needs and costs	
<input type="checkbox"/> PAR report or equivalent	

Habitat Management Plan (continued)	Comments
<input type="checkbox"/> j. Annual reporting	
<input type="checkbox"/> schedule for yearly reporting to the Department of Fish and Game and other agencies	
<input type="checkbox"/> the annual report will discuss	
<input type="checkbox"/> an accounting of funds received and expended for management of the property during the previous year	
<input type="checkbox"/> the status of the biological resources on the property	
<input type="checkbox"/> the results of any biological monitoring or studies conducted on the property	
<input type="checkbox"/> all management actions taken on the property	
<input type="checkbox"/> description of any problems encountered in managing the property	
<input type="checkbox"/> description of management actions that will be undertaken in accordance with the Management Plan in the coming year	