

Regional Conservation Investment Strategies

Program Guidelines: Pilot MCA Completeness Checklist

This pilot MCA checklist is part of the Regional Conservation Investment Strategies Program Guidelines (Guidelines),¹ as referenced in Section 5 of the Guidelines. The following checklist includes items that are required of a Pilot MCA to be considered “complete.” Each item indicates the source of the requirement in the Fish and Game Code (Sections 1850 – 1861). All references apply to the subsequent nested bullets unless otherwise indicated. The organization of this checklist follows the format used in the previously released Draft MCA Template.

MCA Name:

Date submitted to CDFW:

INFORMATION PROVIDED TO APPLICANT REGARDING COMPLETENESS OR MEASURES NEEDED TO ACHIEVE COMPLETENESS:

Conditions for CDFW completeness review:

The following minimum requirements must be met before CDFW starts a completeness review:

- The appropriate fees have been paid (Fish & G. Code, § 1857).²
- The MCA occurs within the area of an approved RCIS that includes the requirements of Fish & G. Code, § 1856(b).
- If the MCA includes public lands, the public agency landowner approval letter or document is included as an attachment.
- The MCA will not be utilized to fund or offset the costs of the design,

¹ Fish & G. Code, § 1858

² See the [Regional Conservation Investment Strategies Program Guidelines: Fees](#) for the current fee schedule

construction, or mitigation of new Delta water conveyance facilities (Fish & G. Code, § 1855(d)).

- MCA Template used
 - Template edits are in track changes
 - All template language that is bracketed, bold, and italicized has been replaced with relevant information or deleted if not applicable.
- All MCA submittals are provided as PDFs; the MCA template is provided as a Word and PDF electronic file.

Accessibility

- All public draft MCA submittals are provided as PDFs that meet the Web accessibility standards of California Government Code 11135 and the U.S. Rehabilitation Act section 508.

MCA Template

- Section 1** – Full name of the MCA included (Fish & G. Code, § 1856(f)(17) and § 1798(b)(2)(A))
- Section 2** - Supporting Regional Conservation Investment Strategy (Fish & G. Code, § 1856(a))
 - RCIS in which the MCA is located is identified and described
 - Identify and describe the conservation and habitat enhancement action(s) that measurably advance the conservation objectives of an approved RCIS that may be used to create mitigation credits, which can be used to compensate for impacts to focal species and other species, habitat, and other natural resources.
- Section 3** – The MCA purpose and need are outlined along with any other objectives (Fish & G. Code, § 1856(c)).
- Section 4** - MCA Site and Service Area Information
 - 4.1** – Property Ownership Description: Owner(s) of the MCA site (Fish & G. Code, § 1856(f)(11) and § 1798(b)(2)(F))

- **4.2** – Contact information: Contact information for all applicable parties. Include: MCA sponsor, MCA site property owner, MCA site manager, conservation easement grantee, endowment holder, and any contractors or consultants (Fish & G. Code, § 1856(f)(1) and Fish & G. Code, § 1798(b)(2)(B)).
- **4.3** – Qualifications: Qualifications of all applicable parties, including: MCA sponsor, MCA site property owner, grantee (if applicable), MCA site manager, endowment holder (if applicable), any contractors, or consultants (Fish & G. Code, § 1856(f)(1)). Both the grantee and site manager are subject to CDFWs due diligence requirement.³
 - Endowment holder certification to CDFW (in the form of a letter) that it meets the requirements of Government Code section 65968, subdivision (e)(1-5) (Fish & G. Code, § 1856(f)(13)).
- **4.4** – Location Information: Location information to identify the MCA site, including size and address.
 - Exhibit A – Reference maps, including enhancement areas and a 7.5-minute United States Geological Survey map showing the proposed boundaries of the MCA; and photographs, including color aerial and ground-level photographs that reflect current conditions on the site and surrounding properties (Fish & G. Code, § 1856(f)(3), § 1856(f)(4), and § 1856(f)(17)).
 - Identifies public lands and permanently protected lands in the vicinity of the conservation actions or habitat enhancement actions (Fish & G. Code, § 1856(f)(8)).
- **4.5** – Service Area: A written description of the proposed MCA.

³ Information about the due diligence process is available on [CDFW's Endowments and Mitigation Land Management web page](#).

service area, rationale, and maps (Fish & G. Code, § 1856(f)(17), § 1798(b)(2)(I) and § 1798.5(a)(2)(D))

Exhibit B –Service Area

Section 5 - MCA Site Evaluation and Development

5.1 - Land Use Consistency Declaration: Outline that the MCA site has not been, or is not currently being used, as mitigation; is not designated or dedicated for park or open space use; and is not designated for purposes that may be inconsistent with habitat preservation (Fish & G. Code, § 1856(e), § 1856(f)(17) and § 1798(b)(2)(M)).

5.1 - Land Use Consistency Declaration (continued): If the MCA is located within the boundary of an existing NCCP, include approval from the NCCP implementing entity (Fish & G. Code, § 1856(j)).

Exhibit C – NCCP Approval (if applicable)

5.2 - Public Funding: Detailed description of any public funding received (if applicable) Fish & G. Code, § 1856(f)(17) Fish & G. Code, §1798(b)(2)(N)).

5.4 – Exhibit D: Natural Resources Evaluation, including documentation of biotic and abiotic baseline conditions, including past, current, and adjacent land uses, vegetation types, species information, topography, hydrology, and soil types (Fish & G. Code, § 1856(f)(7)).

5.5 – Tribal Resources Evaluation: A cultural resources records search was conducted.

Outline determination of tribal resource evaluation.

Exhibit E – Tribal Resources Evaluation (if applicable)

5.6 – Exhibit F: Phase I Environmental Site Assessment (conducted no more than six months prior to the date the MCA is submitted). Performed in accordance with the American Society of Testing and Materials (ASTM) Standard E1527-05 (Fish & G. Code, §

1856(f)(17) and § 1798.5(a)(2)(H)).

- **5.7 - Real Estate Records and Assurances:**
 - **5.7.1 – Exhibit G: Preliminary Title Report** (that is less than one year old), that identifies the owner of the fee simple title and shows all liens, easements, and other encumbrances and depicts all relevant property lines, easements, dedications, and other features including a legal description, and parcel maps (Fish & G. Code, § 1856(f)(17) and § 1798(b)(2)(L)).
 - **5.7.2 – Exhibit H: Property Assessment and Warranty** (that is less than 1 year old).⁴
 - **5.7.3 – Exhibit I: Real Estate Instrument: CDFW’s standard mitigation conservation easement** (with red-line track-changes in a Word document) or another long-term durability instrument (if applicable); and an explanation of how the long-term durability of the MCA site will be ensured (Fish & G. Code, § 1856(f)(12)).
 - If the MCA occurs within an approved NCCP area, the real estate instrument must provide perpetual protection of the land in a manner consistent with the NCCP.
 - **5.7.4 – Exhibit J: Title Insurance: Title Insurance** (if applicable) or an explanation why Title Insurance is not needed.
- **5.8 – Approvals: Permits, authorizations, and other approvals** obtained. For any that are unavailable, include a timeline and contact for each permit needed.

⁴ See template available on [CDFW’s Conservation and Mitigation Banking Instructions and Templates web page](#) (note: replace “bank” with “MCA site” and replace “BEI” with “MCA” in the referenced templates)

- Exhibit K - Permits (when available; prior to MCA Approval)
- 5.9 –Development Plan:**
 - Exhibit L – Draft Development Plan, if the MCA site development includes ground disturbance (Fish & G. Code § 1856, subdivision (f)(5) and §1798(a)(2)(B)).
 - Identify metrics or indicators by which the proposed conservation actions or habitat enhancement actions contribute to achieving the strategy’s conservation goals and objectives that can feasibly be measured with existing technology (Fish & G. Code, § 1856(f)(10)).
- Section 6 - Financial Assurances**
 - 6.1 - Security:** List all securities that will be needed (e.g., construction phase, interim management, performance security), including describing what period the securities will cover, the tasks or performance standards that are to be covered by the securities, and the proposed form and estimated value of each security (e.g. an irrevocable standby letter of credit, check, or a cashier’s check) (Fish & G. Code, § 1856(f)(17) and § 1798.5(a)(2)(G)).
 - Exhibit M – Security (when available)
 - 6.2 - Long-term Management Funding** has been described as follows (Fish & G. Code, § 1856(f)(13)):
 - Ensures that the implementation of the conservation action or habitat enhancement action will be adequately funded, and that long-term protection and management of the site will be funded in accordance with Chapter 4.6 (commencing with Section 65965) of Division 1 of Title 7 of the Government Code.

OR
 - For MCAs proposed by a state agency, other comparable funding mechanism approved by the department in

accordance with an adopted statewide policy regarding funding for long-term management and operations of mitigation sites.

- Exhibit N - Endowment Fund Analysis: A property analysis record or other comparable economic analysis of the funding necessary to support MCA maintenance activities, such as monitoring and reporting, in perpetuity (Fish & G. Code, § 1856(f)(17) and § 1798.5(a)(2)(F)).
- If the MCAs is proposed on CDFW lands, outline how the full cost of the MCA is accounted for.
- Exhibit O - Endowment Fund Schedule
- Section 7 - Credit Type, Release, Transfer and Use, and Reporting**
 - 7.1 - Credit Type and Quantity:** The MCA must describe the proposed type and quantity of credits to be created and the supporting rationale, including how the credits correlate to the focal species and other species, habitat, and other natural resources protected by the conservation actions or habitat enhancement actions (Fish & G. Code, § 1856(f)(9)).
 - Exhibit P - Credit Evaluation
 - Exhibit Q - Credit Table
 - 7.2 - Credit Release Schedule:** Credit Release Schedule for each type of credit, phases if applicable, and the performance-based milestones and achievement of ecological performance standards that are to be met prior to the credit release(s) (Fish & G. Code, § 1856(f)(18) and § 1856(g))
 - Exhibit R – Credit Release Schedule
 - 7.3 - Transfer and Use of Credits:**
 - Terms of the transfer and use of credits that explain the conditions under which the proposed credits may be used or

and how unused credits may be returned to the MCA sponsor (Fish & G. Code, § 1856(f)(15)).

- Identifies mitigation banks and conservation banks approved by the department as a mitigation alternative and explains how available mitigation credits at those banks will be purchased or used in combination with the mitigation credits created under the mitigation credit agreement or, if those available mitigation credits will not be purchased or used, why they will not be purchased or used (Fish & G. Code, § 1856(f)(6)).
 - Exhibit S – Transfer and Use of Credits
- 7.4 - Credit Reporting:** Explanation of how the proposed credits will be accounted for, including the specific methods proposed for reporting and maintaining a record of credit creation, release, use and/or transfer of credits (Fish & G. Code, § 1856(f)(15) and §(f)(18)).
 - 7.4.1 – Exhibit T - Bill of Sale**
 - 7.4.2 – Exhibit U - Credit Ledger**
- Section 8 - Management and Operations**
 - 8.1 - Exhibit V – A draft of the Interim Management and Monitoring Plan** (Fish & G. Code, § 1856(f)(17) and § 1798.5(a)(2)(B)).
 - 8.2 - Exhibit W – A draft of the Long-term Adaptive Management and Monitoring Plan** (Fish & G. Code, § 1856(f)(14), § 1856(f)(17) and § 1798.5(a)(2)(B)).
 - 8.3 - Remedial Action Plan:** A draft of the Remedial Action Plan (Fish & G. Code, § 1856(f)(17) and § 1798.5(a)(2)(B)).
 - 8.4 - MCA Site Closure Plan:** A draft of the Site Closure Plan (Fish & G. Code, § 1856(f)(17) and § 1798.5(a)(2)(B)).
- Section 10 - Responsibilities**

- **10.1 - Responsibilities of the MCA Sponsor and Property Owner:**
Describe the responsibilities of the MCA sponsor, CDFW, and the property owner.