

MITIGATION CREDIT AGREEMENT FRAMEWORK CHECKLIST

This framework checklist is part of the Regional Conservation Investment Strategies Program Guidelines (Guidelines) (Fish & Game Code, § 1856(a)) as referenced in Section 5 of the Guidelines. The following checklist includes items that are required of an advanced mitigation Framework to be considered for review and approval by CDFW. Each item indicates the source of the requirement in the Fish & G. Code, § 1850 – 1860; specifically, the framework is described in Fish & G. Code, § 1856(c). All references apply to the subsequent nested bullets unless otherwise indicated. The organization of this checklist follows the format used in the MCA Template.

Framework Name:

MCA sponsor:

Date submitted to CDFW:

Conditions for CDFW Framework review:

1. The appropriate fees have been paid (Fish & G. Code, § 1857).¹
2. The Framework occurs within the area of an approved RCIS that includes the requirements of Fish & G. Code, § 1856(b).
3. Identify the RCIS that the Framework occurs in.
 - A process and the terms and conditions on which CDFW will base its review and approval of mitigation credits on future sites.
 - A description of the conservation actions or habitat enhancement actions that are consistent with, and will measurably advance the conservation objectives of, an approved regional conservation investment strategy, and will be used to create mitigation credits. List the focal species, non-focal species and other conservation elements associated with those actions.
 - A prioritization strategy for selecting future sites to implement the conservation actions or habitat enhancement actions described in the Framework.
4. If the MCA Template is included as part of the Framework, template edits are in track changes.

Accessibility:

Prior to approval, the Framework document must meet the Web accessibility standards of California Government Code 11135 and the U.S. Rehabilitation Act section 508.

¹ See the [Regional Conservation Investment Strategies Program Guidelines: Fees](#) for the current fee schedule.

MCA Template:

Check all information that is included in the Framework for CDFW consideration.

Section 1

Full name of the MCA included (Fish & G. Code, § 1856(g)(17) [referencing Fish & G. Code, § 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

Section 3

The MCA purpose and need are outlined along with any other objectives (Fish & G. Code, § 1856(d)).

- Identify and describe the conservation and habitat enhancement action(s) that will be implemented to measurably advance the conservation objectives of an approved RCIS that may be used to create mitigation credits, which can be used to offset compensatory mitigation requirements for impacts to focal species, non-focal species, and/or other conservation elements.

Section 4

MCA Site and Service Area Information

- 4.1** – Property Ownership Description: Owner(s) of each MCA site (Fish & G. Code, § 1856(g)(11) and (g)(17) [referencing Fish & G. Code, § 1798(b)(2)(F)])
- 4.2** – Contact Information: Contact information for all applicable parties, including MCA sponsor, MCA site property owner(s), MCA land manager(s), conservation easement grantee or long-term durability agreement entity, endowment holder, and any contractors or consultants (Fish & G. Code, § 1856(g)(1) and (g)(17) [referencing Fish & G. Code, § 1798(b)(2)(B)]).
 - Exhibit A- Contact Information
- 4.3** – Qualifications: Qualifications of all applicable parties, including: MCA sponsor, land manager, conservation easement grantee (if applicable), endowment holder (if applicable), and any contractors, or consultants (Fish & G. Code, § 1856(g)(1)). Both the conservation easement grantee and land manager are subject to CDFW's due diligence requirement.²
 - Endowment holder provided a self-certification letter to CDFW that indicates they meet the criteria in Government Code sections 65965-65968, and they specifically meet the requirements of 65968, subdivision (e)(1-5) (Fish & G. Code, § 1856(g)(13)).

² Information about the due diligence process is available on [CDFW's Endowments and Mitigation Land Management web page](#).

- **4.4** – Location Information: Location information to identify the MCA site(s), including size and address.
 - Exhibit B – General vicinity map and site map, reference maps, including enhancement areas and a 7.5-minute United States Geological Survey map showing the proposed boundaries of the MCA.
 - Identifies public lands and permanently protected lands in the vicinity of the conservation actions or habitat enhancement actions (Fish & G. Code, § 1856(g)(8)).
 - KMZ file showing the location of the MCA site(s).
 - Exhibit C- Photographs, including color aerial and ground-level photographs that reflect current conditions on the site and surrounding properties (Fish & G. Code, § 1856(g)(4) and (g)(17) [referencing Fish & G. Code, § 1798(b)(2)(E)]).
- **4.5** – Service Area: A written description and map of the service area for each credit type, including an ecological based justification for how each service area was determined (Fish & G. Code, § 1856(g)(17) [referencing Fish & G. Code, § 1798(b)(2)(I) and § 1798.5(a)(2)(D)])
 - Identifies overlapping 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 lieu of, or in combination with, the mitigation credits created under the MCA or, if those available mitigation credits will not be purchased or used, why they will not be purchased or used (Fish & G. Code, § 1856(g)(6)).
 - Exhibit D – Service Area Map
 - KMZ file showing the service area for each credit type

Section 5

MCA Site Declarations and Review

- **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(f) and (g)(17) [referencing Fish & G. Code, § 1798(b)(2)(M)]).
- **5.1** - Land Use Consistency Declaration (continued): If the MCA is located within the boundary of an existing NCCP, include the NCCP implementing entity approval of the creation of the MCA credits (Fish & G. Code, § 1856(k)).
 - Exhibit E – NCCP Approval Letter (if applicable)
- **5.2** - Public Funding: Detailed description of any public funding or grants received (if applicable) (Fish & G. Code, § 1856(g)(17) [referencing Fish & G. Code, § 1798(b)(2)(N)]).

- **5.3** - MCA Site Inspection by CDFW: The MCA Sponsor and Land Manager allows representatives of CDFW to inspect the MCA site. The MCA will be inspected by CDFW prior to MCA approval.
- **5.4** – Tribal Resources
 - Exhibit F – Tribal Resources Summary
- **5.5** – Approvals: List all permits, authorizations, and other approvals needed for the MCA.
 - Once obtained, copies of all permits, authorizations, and other approvals shall be provided to CDFW.
- **5.6** - Compliance with the California Environmental Quality Act
 - Submit all CEQA documents related to the MCA prior to MCA approval.
 - Provide the name of the Lead Agency, state clearinghouse number and type of document, and date certified.

Section 6

MCA Site Development, Management, and Operations

- **6.1**- Exhibit G – 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(g)(7)).
- **6.2** –Development Plan:
 - Exhibit H – Draft Development Plan. As appropriate, a combined Development and Interim Management and Monitoring Plan may be submitted, and when preservation credits only are proposed (Fish & G. Code § 1856 (g)(5) and (g)(17) [referencing Fish & G. Code, § 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(g)(10)).
- **6.3** - Exhibit I – Interim Management and Monitoring Plan (Fish & G. Code, § 1856(g)(17) [referencing Fish & G. Code, § 1798.5(a)(2)(B)]).
- **6.4** - Exhibit J –Long-term Management and Monitoring Plan (Fish & G. Code, § 1856(g)(14) and (g)(17) [referencing Fish & G. Code, § 1798.5(a)(2)(B)]).

Section 7

MCA Site Evaluation

- **7.1** – Exhibit K: 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 E1527-13 (Fish & G. Code, § 1856(g)(17) [referencing Fish & G. Code, § 1798.5(a)(2)(H)]).

- **7.2** – Exhibit L: Legal Description and Plat Map.³
- **7.3** – Exhibit M: Property Assessment and Warranty.⁴
 - Preliminary Title Report that is less than one year old (Fish & G. Code, § 1856(g)(17) [referencing Fish & G. Code, § 1798(b)(2)(L)]).
- **7.4**– Exhibit N: 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(g)(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.
- **7.5** – Exhibit O: Title Insurance: Title Insurance (if applicable) or an explanation why Title Insurance is not needed.

Section 9

Financial Securities and Funding

- **9.1** - Security: List all securities that will be needed (e.g., construction, performance, interim management, compliance), including what time period each security will cover, the tasks, performance-based milestones, and/or performance standards that are to be covered by each security, and the proposed form and estimated value of each security (e.g., an irrevocable standby letter of credit or cash) (Fish & G. Code, § 1856(g)(17) [referencing Fish & G. Code, § 1798.5(a)(2)(G)]).
 - Exhibit P – Security Analysis
- **9.2** - Long-term Management Funding has been described as follows (Fish & G. Code, § 1856(g)(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 Q – Endowment Fund Analysis: A property analysis record or other comparable economic analysis of the funding necessary to support MCA maintenance activities,

³ [CDFW's Land Survey Reference](#)

⁴ See template PAW 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)

- such as monitoring and reporting (Fish & G. Code, § 1856(g)(17) [referencing Fish & G. Code, § 1798.5(a)(2)(F)]).
- If the MCA is proposed on CDFW lands, outline how the full cost of the MCA is accounted for (see RCIS Program Guidelines Section 5.2.4(e)).
- Exhibit R – Endowment Fund Schedule

Section 10

Credit Type, Release, Sale and Use, and Reporting

- 10.1** - 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, non-focal species, and other conservation elements protected by the conservation actions or habitat enhancement actions (Fish & G. Code, § 1856(g)(9)).
 - Each credit must be designated as either, 1) permanent preservation credits as conservation actions; 2) permanent establishment credits as conservation actions; or 3) non-permanent establishment credits as habitat enhancement actions.
- 10.2** - Credit Evaluation and Table: The MCA must explain the methods and calculations undertaken to formulate the quantity and value of each type of credit for each focal species, non-focal species, and other conservation elements.
 - Exhibit S – Credit Evaluation
 - Exhibit T – Credit Table
- 10.3** - 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 each credit release(s) (Fish & G. Code, § 1856(g)(18)).
 - Exhibit U – Credit Release Schedule
- 10.4** - Credit Sale and Use:
 - Terms of sale and use of credits that explain the conditions under which the proposed credits may be sold, used, or returned back to the MCA sponsor (Fish & G. Code, § 1856(g)(15)).
 - Exhibit V – Credit Sale and Use
- 10.5** - Credit Reporting: Explanation of how the proposed credits will be accounted for, including the specific methods proposed for reporting and maintaining a record of all credits created, released, sold, used, or returned (Fish & G. Code, § 1856(g)(15) and (f)(18)).
 - Exhibit W – Credit Receipt
 - Exhibit X – Credit Ledger