

California Department of Fish and Wildlife

Conservation and Mitigation Banking Guidelines

Proposed Program Clarifications

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Banking Statute

- Fish and Game Code Sections 1797-1799.1
- Effective January 1, 2013
- Section 1799.1(c) requires:
 - CDFW to adopt guidelines
 - In coordination with interested parties



Intent for Guidelines

- Address issues from bankers
- Help CDFW staff
- Living document – posted to CDFW web



Basis for the Guidelines

- Stakeholder meetings in 2012
- Initial implementation in 2013
- Past experience with banks



Draft Guidelines

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- Ch. 1: Banking Statute of 2013
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Draft Guidelines

Focus for Today

- Ch. 1: Banking Statute of 2013
 - Definitions
- Ch. 5: Additional Guidance



Ch. 1: Definitions

- 10 terms defined – 5 key
 - Amendment
 - Simple, Complex
 - Clerical Change
 - CDFW Modification
 - Unsolicited Change



Bank “Amendment”

- “Simple” - administrative
 - Change bank name, address, sponsor, owner, decrease credits or service area, etc.
- “Complex” – substantive
 - Increase service area, increase number or type of credits, more phases, change CE holder, etc.

“Clerical Change”

- A change to CDFW-approved bank:
 - No substantive impact on the bank
 - Typos, errors, update email, phone, etc.
 - Not an amendment = no fee



“CDFW Modification”

- Change proposed by CDFW to a CDFW-approved bank
 - independent
 - with other banking agencies
- Can be clerical, simple or complex
- Agreed to by bank sponsor
- Not an amendment = no fee

“Unsolicited Change”

- Clarify definition in code
 - Only changes requested by the bank sponsor
 - Not changes from other agencies
 - Banker should not have to pay a fee for agency changes



Ch. 5: Additional Guidance

- 8 areas of guidance – 5 highlighted today
 - Clarifying Fees
 - Determining acceptability
 - Processing banks approved by others
 - Mutually agreed time extensions
 - Guidance for CEQA-resources banks

Clarifying Fees

- Statute – higher fees for greater staff effort
- Fee exceptions criteria
 - Little or no staff effort
 - Changes initiated by CDFW
 - Unsolicited change, amendment



Unsolicited Change Fee

- Applies during bank agreement and amendment review processes
- No fee charged if another signatory agency initiates the change
- Banker initiates multiple separate changes, may trigger additional fees



Amendment Fee

- Change initiated by banker = amendment fee applies
- CDFW Modification, is not an amendment = no fee
- Change initiated by another signatory agency together with CDFW = no fee
- Change initiated by another signatory agency independent of CDFW = amendment fee applies

Determining Acceptability

- Includes all info in checklists
- High quality habitat for target species
- Species use
- Land is appropriate for banking (policy)
- Identifies encumbrances on property
- Sufficient certainty – successful conservation, mitigation, adaptive management, financial assurances

Processing Banks Approved by Others

- Banks where CDFW was not a signatory
 - It's a new bank to CDFW
 - Comply with new statute
 - Start with draft prospectus or prospectus
 - Fees are applicable



Mutually Agreed Time Extensions

- Various factors can affect review times
 - Other agencies
 - Headquarters review of conservation easement
- Rather than:
 - Find incomplete or not acceptable
 - Trigger more fees
- Allows for agency alignment, resolve issues

Guidance for CEQA Banks

- Sensitive habitats, species of special concern, foraging habitat, wetlands
- Encourage CEQA resources banks to:
 - Seek CDFW approval
- Benefits to banker:
 - CDFW support use of bank's credits
 - CEQA lead agencies rely on CDFW recommendations

Guidelines Review Process

- 4 week public comment period (3/18 – 4/15)
- Online survey
 - <https://www.surveymonkey.com/s/mitbank>
 - 26 questions ~ 45 minutes
 - Room for comments/suggestions
- Final posted to banking website
 - Summer 2014
 - Amended as policy needed/evolves

Staying in Touch



- Banking email newsletter
 - Sign up on banking webpages
 - Public email - mitbank@wildlife.ca.gov
 - Email subscribe to newsletter



Q & A

Guidelines:

[www.dfg.ca.gov/habcon/
conplan/mitbank/guidelines](http://www.dfg.ca.gov/habcon/conplan/mitbank/guidelines)

Contact:

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