Information for a Complete Mitigation Bank Prospectus per CFR 332.8(d)(2)

This information list has been prepared to assist bank sponsors, their agents, and other interested parties with the successful development of a complete prospectus, pursuant to the requirements provided in the mitigation rule. The bank prospectus should be sufficiently detailed to assess the technical feasibility of the bank development plan and to support informed comment regarding the bank's operational objectives. The prospectus should be organized in the following format as described in the mitigation rule to facilitate the review of the proposed project by the IRT.

1. The Basics
    a. Include a letter from the property owner indicating his/her interest in developing a mitigation bank. The letter should indicate whether the sponsor owns the land or is acquiring an interest in the proposed bank site (fee simple acquisition, easement, etc.)
    b. Include proposed mitigation bank name.
    c. Describe purpose of bank and its relationship to Corps, Maryland Department of the Environment (MDE), and other involved regulatory programs and authorities (e.g., to provide compensatory wetland mitigation for unavoidable impacts to nontidal wetlands authorized under Section 404 of the Clean Water Act.).
    d. Provide 8 ½" by 11" vicinity map showing the site location and 8½" by 11" plan view drawings showing the proposed mitigation project as if you are looking straight down on it from above. Clearly show the entire project site, existing waterbodies, wetlands, 25-foot wetland buffers, 100-year floodplains, and proposed limits of work, including impacts to these resources. Depict and identify the areas of proposed wetland and waterway restoration, enhancement, establishment, and/or preservation.
    e. Provide contact information (name, address, phone, fax, email, etc.) for the Bank Sponsor(s), land owner(s) if different, consultant(s), etc.
    f. Provide names and mailing addresses of adjacent property owners and appropriate local officials (for public notice mailing).
    g. If available, include any reports and/or correspondence regarding historic properties, threatened or endangered species, and essential fish habitat.

2. Identify the objectives of the proposed mitigation bank.
    a. Describe the resource type(s) (e.g., forested/scrub-shrub/emergent wetland, stream, open water, supporting upland/riparian buffer, etc.) that are proposed.
    b. Describe the approximate amount(s) (acres, linear feet) of each compensation type of resource that will be provided.
    c. Identify the methods of proposed compensation (e.g., restoration, establishment, enhancement, and/or preservation) used to establish the mitigation bank.
    d. Describe the manner in which the proposed aquatic resource functions of the compensatory mitigation bank will address the functional needs of the watershed, ecoregion, physiographic province, or other geographic area of interest. Specify the aquatic resource functions to be restored or enhanced.

3. Describe how the mitigation bank will be established and operated.
    a. Include the address and site coordinates (latitude/longitude) of the proposed bank property.
    b. Describe the type of bank (e.g., single client, commercial use, etc.).
    c. Summarize the scope of work proposed to accomplish site development. Include any proposed phasing of bank development.
    d. Provide a conceptual mitigation work plan that shows the proposed locations of each resource type(s) and the estimated acreage and/or linear footage for each method of compensation.
    e. Describe the projected number and kind of credits (and acres).

f. Include the proposed credit release schedule. Note that the final, approved credit release schedule will be identified in the mitigation banking instrument.
g. Request a pre-application meeting with MDE and the Corps to discuss the Joint Permit Application process prior to or concurrent with the Prospectus submittal.
h. Submit a Joint Permit Application with the draft mitigation instrument. Alternatively, a Joint Permit Application should be submitted with the prospectus when a Department of the Army individual permit and public notice is needed for the proposed bank construction impacts to wetlands and waterways.

4. Identify the proposed geographic service area.
   a. Provide an 8½" by 11" map showing the bank site location and its position within the limits of the proposed service area(s) (e.g., a U.S. Geological Survey 8-digit HUC code, county boundaries, etc.).
   b. Provide a watershed-based rationale for determining the limits of the proposed service area.

5. Identify the general need for and technical feasibility of the proposed mitigation bank.
   a. Describe the overall watershed where the proposed mitigation bank is located (major tributaries, existing development trends, watershed needs, etc.)
   b. Describe the factors considered during the site selection process, including watershed scale features such as existing watershed plans, aquatic habitat diversity, habitat connectivity, relationships to hydrologic sources, land use trends, ecological benefits, and compatibility with adjacent land uses.
   c. Identify any regional or local benefits derived from the bank.
   d. Identify any potential threats to the bank site or resource type.
   e. Describe the proposed construction work required to develop the bank and the feasibility of these techniques to develop the bank. Mitigation banks should be designed to be self-sustaining over time with minimal maintenance.

6. Identify the proposed ownership arrangements and long-term management strategy for the proposed mitigation bank.
   a. Describe the proposed long-term ownership and use of the mitigation site once restoration activities are completed and the proposed project is determined to be successful.
   b. Identify the party responsible for long-term management.
   c. Identify the type of site protection mechanism to be secured by the Sponsor.
   d. Identify the "holder" of the site protection mechanism if a "holder" is required (e.g., conservation easement).

7. Summarize the qualifications of the Sponsor to successfully complete the type(s) of mitigation project proposed, including information describing any past such activities by the sponsor that demonstrate experience in the restoration, establishment, preservation, or enhancement of aquatic resources.

8. Describe the ecological suitability of the site to achieve the objectives of the proposed mitigation bank, including the physical, chemical, and biological characteristics of the bank site and how that site will support the planned types of aquatic resources and functions.
   a. Provide a preliminary title report indicating any easements or other encumbrances. Note, any liens and easements on the property that may affect a bank's viability will need to be resolved before a bank can be approved.
   b. Provide a written representation from the Bank Sponsor disclosing the current owner of the Bank lands and any existing or proposed easements or other encumbrances (including, but

not limited to mortgages, liens, rights-of-ways, servitudes, easements, mineral rights, etc.) that affects the property.

c. Include a title insurance policy insuring clear title to the Bank lands.
d. Identify all other existing or proposed crediting types that affect the property (e.g., TMDL, forest conservation, Critical Area mitigation, Natural Resource Conservation Service conservation programs, species conservation, etc.)
e. Summarize baseline ("without project condition") site conditions including land use, vegetation, hydrology, and soils. Photographs are encouraged.
f. Identify previous land uses of the site and adjacent properties.
g. Identify current zoning and any existing and proposed development adjacent to the bank. Identify current zoning within the bank site.
h. Summarize the historical hydrology of the site.
i. If applicable, identify any ecological monitoring that has been performed for the site and for what period (e.g., well data, vegetation diversity, channel morphology, erosion pins, crest gage, macro invertebrates, etc.).
j. Reference information on 8 ½" by 11" sheets showing boundaries of bank site overlaid on aerial photographs, National Wetland Inventory and State Wetland maps, NRCS soil surveys, FEMA 100-year floodplain boundary, 7.5 minute USGS map, and 8-digit HUC map.
k. A jurisdictional determination of waters of the U.S. from the Corps will be needed to support the method of compensation statement. The bank sponsor shall submit a request for a preliminary jurisdictional determination that includes data sheets and maps showing the approximate limits of waters of the United States on the project site. Include an estimate of the square feet or linear feet of wetlands or streams that are proposed to be impacted by bank construction. This information will be evaluated by the Corps in conjunction with the prospectus, and an accurate approved jurisdictional determination will be required prior to finalizing a mitigation banking instrument.
l. Identify the stream order and type (Rosgen or Cowardin classification).

9. Include assurance of sufficient water rights and/or hydrological influences on the site to support the long-term sustainability of the mitigation bank.
    a. Describe the relationship between the mitigation bank site and other aquatic resources within the sub-watershed and methods that will be implemented to ensure sufficient water rights to support the long-term sustainability of the proposed mitigation bank. The project sponsor must have sufficient control over hydrology inputs and outputs on the project site to ensure that hydrology is available. In addition, the proposed project should not result in the interruption of downstream flows or the flooding of upstream properties.
    b. Describe any existing hydrological disturbances on and adjacent to the site over which the Sponsor has no control.
    c. Describe any temporary or long-term structural management requirements (e.g., levees, weirs, culverts, etc.) needed to assure hydrological/vegetative restoration.
    d. Describe water source(s) and losses (e.g., precipitation, surface runoff, groundwater, stream, tidal).
    e. Describe hydroperiod (seasonal depth, duration, and timing of inundations and/or saturation).
    f. Describe the contributing drainage area (map and size).