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

The prospectus initiates the planning and review process by the Interagency Review Team (IRT) and must be sufficiently detailed to support informed comment from the public and IRT regarding the bank's potential to provide successful and sustainable compensatory mitigation projects. This information list is intended to provide bank sponsors, their agents, and other interested parties with a better understanding of the level of detail that is needed for each of the components for a complete prospectus, pursuant to the mitigation rule (332.8(d)(2)(i)-(vii)). Information provided in the prospectus and this initial evaluation process will serve as the basis for establishing the mitigation banking instrument.

While optional, submittal of a draft prospectus (33 CFR 332.8(d)(3)) is strongly recommended for IRT comment and consultation to identify potential issues needing to be addressed prior to the start of the formal prospectus review process.

BASIC INFORMATION
1. Proposed Mitigation Bank or Umbrella Bank Site Name: **Mill Swamp Mitigation Bank**
2. Name of Sponsor: **Johnson, Mirmiran and Thompson, Inc** Mailing Address: **40 Wight Avenue, Hunt Valley, Maryland 21030** Phone Number: **410-316-2360** Email Address: **jkoser@jmt.com**
3. Name of Consultant (if different from sponsor): **Same** Mailing Address: Phone Number: Email Address:
4. Project Location (Lat/Long in decimal degrees): **38° 39' 34" N, 77° 04' 42 W**
5. Type of Mitigation Bank: ☒ **Private Commercial** ☐Public Commercial ☐Combination Private/Public ☐Single-Client ☐Private Non-Profit
6. List of figures, maps, other attachments: **Listed in section 10 of the Prospectus Document.**
OBJECTIVES OF THE PROPOSED BANK
7. Describe the overall goals and objectives of the proposed mitigation bank: **The primary purpose of the bank is to provide commercial compensatory stream and wetland mitigation credits for unavoidable impacts to streams and nontidal wetlands authorized under Section 404 of the Clean Water Act. Other crediting types may be explored as secondary purposes through the development of the site-specific mitigation banking instrument.**
8. Aquatic Functions: Identify the aquatic functions to be restored/enhanced/established: **Listed in section 4.c of the Prospectus Document**
9. Describe how the work proposed above will result in an improvement in the aquatic functions listed: Listed in section 4.c of the Prospectus Document
10. Total acreage of the proposed mitigation bank: **30.55**
11. Describe how the proposed aquatic resource functions of the bank will address the functional needs of the watershed and/or ecoregion: **Listed in section 4.c of the Prospectus Document**
12. In the table below, indicate the approximate quantity of wetlands (acres), open water (acres), rivers (linear feet/acres), and streams (linear feet/acres) proposed to be created, restored, enhanced, and/or preserved for purposes of providing compensatory mitigation. Indicate the waterbody type (emergent wetland, scrub/shrub wetland, forested wetland, perennial stream, intermittent stream, ephemeral stream, open water, other) or upland resources. For uplands, indicate if designated as an upland buffer.

Table 1: Proposed Mitigation by Aquatic Resource Type				
Proposed Aquatic Resource Type/Upland Resources	Created	Restored	Enhanced	Protected
PFO Wetlands	4.66		13.05	
Perennial Stream		3,057 LF		
Resource Buffer			6.08	

13. In the table below, indicate the approximate total quantity of existing delineated wetlands (acres) and waterways (linear feet) located in the project area

Table 2: Existing Wetlands by Aquatic Resource Type		
Existing Aquatic Resource Type	Linear Feet of Project Area	Acres in Project Area
Emergent wetland		2.61
Scrub/Shrub wetland		1.27
Forested wetland		1.55
Perennial stream	3,766	
Intermittent stream		
Ephemeral stream		
Other:		

ESTABLISHMENT AND OPERATION OF THE BANK

14. Baseline Conditions: Provide the following figures and maps in pdf format with the bank boundaries identified:

☒ A vicinity map
☒ A USGS 7.5' topographic map
☒ A current aerial photograph
☒ A soil survey map
☒ A map of the drainage area contributing to the bank, including the size in acres
☒ A map showing proposed bank location in relationship to USGS 8-digit HUC watershed

15. Proposed Conditions: Provide a conceptual mitigation development plan in pdf format showing all proposed mitigation type locations, existing wetlands and waterways, property boundaries, bank boundaries, boundaries of conservation easement, excluded areas (e.g., easements and rights-of-way, etc.), buffer widths, hydrological modifications, and acreage/linear footage of all proposed wetlands and waterways. Label all resources and features. **Provided in Appendix A**

16. If applicable, describe the functional/conditional assessment methodology proposed to assess wetland and/or other aquatic resource restoration, creation, enhancement, and/or preservation activities: **Provided in Section 3.a of Prospectus Document.**

17. Describe any funding received or expected to be received for natural resources protection, restoration, acquisition, enhancement, or other purposes on all or a portion of the proposed bank property from federal or state agencies, grants, or nonprofits (e.g., funding source, amount received, purpose, number of acres affected by each purpose, etc.): **None.**

PROPOSED SERVICE AREA(S)

18. Describe the proposed primary and secondary service areas:
Primary: **Middle Potomac-Anacostia-Occoquan Service Area (HUC 02070010)**
Secondary: **Lower Potomac Watershed (HUC 02070011)**

19. Provide the basis of the service area(s) and rationale supporting its location and extent: **Provided in section 4.b in the Prospectus Document.**

20. Provide a map (8.5" by 11") in pdf format with the bank location and its position within the limits of the proposed geographic service area(s). **Provided in Appendix A**

GENERAL NEED AND TECHNICAL FEASIBILITY
21. Describe how the bank project aligns with existing watershed, estuary, or conservation plans and goals (e.g., http://watershedresourcesregistry.org). Include mapping in pdf format to support the basis for this alignment (e.g., green infrastructure, forest interior dwelling species habitat, priority watersheds or habitat for species of concern, etc.): **Provided in the Site Evaluation Report.**
22. General need for the type(s) and anticipated number of compensatory mitigation credits that are proposed to be generated by the proposed bank. Discuss past, current, or anticipated demand for proposed compensation: **Provided in section 5.a in the Prospectus Document.**
23. Summarize the proposed work intended to accomplish site activities and address site impairments and its feasibility, including any alterations to hydrology, anticipated grading needs and proposed structures, soil amendments, plantings, proposed phasing of bank implementation, etc.: **Provided in section 5.b in the Prospectus Document.**
PROPOSED OWNERSHIP ARRANGEMENTS & LONG -TERM MANAGEMENT STRATEGY
24. Describe whether the sponsor owns the land or is acquiring an interest in the proposed bank site (e.g., fee simple acquisition, mitigation easement, etc.): **A Conservation Easement will be secured and placed on the site.**
25. Is the bank located on public lands? ☐ Yes ☒ **No**
26. ☐Preliminary Title Report: Attach a current (dated within six months of submittal) preliminary title report identifying any easements, mortgages, liens, right of ways, or other encumbrances. **Provided in Appendix C**
27. Attach a map in pdf format depicting the location of all easements and encumbrances in relation to the proposed bank boundary and all relevant property lines. **Provided in Appendix A**
28. Provide a property assessment that summarizes and explains each recorded or unrecorded lien or encumbrance on, or interest in, the proposed bank property, including, without limitation, each exception listed in the preliminary title report: **Provided in section 8 of the Prospectus Document.**
29. Provide a written statement from the property owner that there are no easements, encumbrances, or other interests in the property, not previously disclosed to the Corps (e.g., leases, mechanic's liens that might not show up in the title report): **Provided in Appendix C.**
30. Describe the manner in which each encumbrance may affect the operation or ecological value and services and long-term sustainability of the mitigation bank and how the conflict(s) are intended to be resolved: **No conflict exists.**
31. Describe any prior permitting history for the bank site: **There is no known past permitting on the bank site.**
32. Identify the proposed form of site protection instrument (e.g., conservation easement, declaration of restrictive covenants, etc.) that would be utilized for the bank site and the likely responsible parties: **A Conservation Easement will be secured and placed on the site, the easement will be recorded and held by a non-profit entity. At this time, the intent is for the North American Land Trust (NALT) to be the easement holder. However, this will be confirmed and updated at the MBI stage.**
33. Identify the proposed long-term ownership and long-term management strategy, including long term financial mechanism(s): **NALT will also be responsible for the long-term management of the site and will utilize an endowment for funding as approved through the mitigation banking instrument.**
34. Identify the likely party that would be responsible for long-term management: **North American Land Trust (NALT)**
SPONSOR QUALIFICATIONS
35. Describe the qualifications of the Sponsor to successfully complete the type(s) of mitigation project proposed: **Provided in section 7 of the Prospectus Document.**
36. Provide list of prior mitigation or restoration experience (including design, implementation, and monitoring): **Provided in section 7 of the Prospectus Document.**
ECOLOGICAL SUITABILITY OF THE SITE

37. Describe the ecological suitability of the bank site, including the chemical, physical, and biological characteristics, to support the proposed types of mitigation to be implemented and the associated aquatic functions: **Information provided in the Site Evaluation Report.**
38. Summarize current conditions of the bank site and surroundings, including land use, vegetation, hydrology, and soils (e.g., forested, row crops, pasture, ditched and drained wetlands, previously channelized stream, etc.). Photos should be provided: **Provided in section 3.a of the Prospectus Document, Photo log provided in Appendix A.**
39. Summarize past and recent land uses of the bank site and adjacent properties: **Residential and Agricultural**
40. Identify any proposed development adjacent to the bank site: **There is no known proposed development adjacent to the bank site.**
41. Describe the Bank site's location relative to other protected lands and connection to existing aquatic and terrestrial resources: **Information provided in the Site Evaluation Report.**
42. Describe any potential sources of soil and water chemical contamination of the proposed wetlands and/or other aquatic resources within the bank site from adjacent or upstream sources (https://www.epa.gov/enviroatlas/enviroatlas-interactive-map and https://mywaterway.epa.gov/ for 303d list, brownfields, point source discharges, etc.): **Information provided in the Site Evaluation Report.**
43. Describe any and all existing and known proposed private or commercial airports located or proposed to be located within 5 miles of the proposed bank site. This information is required in order to comply with the FAA Advisory Circular (AC) 150/5200-33C, Hazardous Wildlife Attractants on or Near Airports, which can be found on the FAA's website at: https://www.faa.gov/documentLibrary/media/Advisory_Circular/150-5200-33C.pdf: **Yes, information provided in the Site Evaluation Report.**
44. **STREAM MITIGATION PROJECTS:** For stream compensatory mitigation projects, the following relevant information should also be included.
44a) Identify the percentage of impervious cover in the HUC12 watershed: **Information provided in the Site Evaluation Report.**
44b) Identify any stream barriers to aquatic movement between the mitigation site and large downstream waters (i.e., having at least 20 square miles in drainage area or tidal waters): **Information provided in the Site Evaluation Report.**
44c) Describe any noticeable sheens, odors, unusual color, or excessive algal blooms observed in the streams at the proposed bank site. If applicable, provide a map in pdf format showing those reach locations and extent of the observed impairment: **Information provided in the Site Evaluation Report.**
44d) Describe any topographic or infrastructure constraints limiting stream design options or increasing failure risk (consider both stream and stream valley): **Information provided in the Site Evaluation Report.**
44d) Describe any stream mitigation prioritization model that was used and relevant score and include relevant mapping: **JMT uses a proprietary site tool as well as the Watershed Resource Registry to prioritize sites, the score and mapping from WRR is located in Appendix B.**
45. **FISH PASSAGE MITIGATION PROJECTS:** For fish passage mitigation projects, the following relevant information should also be included. **N/A**
45a) Identify the individual barrier prioritization tier scores for anadromous fish and resident fish in the Chesapeake Bay watershed (https://freshwaternetwork.org/chesapeake/): **N/A**
45b) Sediment management: Describe proposed sediment management plans, anticipated particle sizes, potential accumulated pollutants based on past upstream land uses and discharges, and estimated volumes of sediment removal and sediment release: **N/A**
ASSURANCE OF SUFFICIENT WATER RIGHTS
46. Describe how the existing water rights and/or hydrologic influences on the bank site are sufficient to support the long-term sustainability of the proposed mitigation bank site: **Provided in section 9 of the Prospectus Document**
47. Describe the hydrologic source(s) and losses (precipitation, surface runoff, groundwater, stream, tidal, etc.) for the proposed bank: **Both surface and subsurface hydrologic connections are driving the wetland's form and function**

48. Describe the hydroperiod (seasonal/continuous depth, duration, and timing of inundation and/or saturation) for the bank site: **Provided in section 9.e of the Prospectus Document**
49. Describe any existing hydrologic disturbances or alterations on and adjacent to the bank site, including those the Sponsor may not be able to manage or control: **Provided in section 9.b of the Prospectus Document**
50. Identify any temporary or long-term structural management requirements (e.g., levees, weirs, culverts, etc.) needed to assure hydrologic/vegetative restoration: **None.**
ADDITIONAL INFORMATION (Provide as separate attachments)
51. Provide a letter from the property owner indicating their interest in developing a mitigation bank and allowing access to the bank site for the sponsor and IRT agencies. **Provided in Appendix C**
52. List of adjacent property owners, local post office, local newspaper, and appropriate local officials (name and mailing address) for public notice mailing. **Provided in Appendix C**
53. Agency Coordination: If available, attach any reports and/or correspondence regarding historic properties, threatened or endangered species, essential fish habitat, and state environmental resources. **Provided in Appendix C**
54. Provide contact information for property owner (name, address, phone, email). **Provided in section 1.d of the Prospectus Document**
MARYLAND-SPECIFIC COMPENSATORY MITIGATION BANKS
55. Attach a Maryland Department of the Environment mitigation bank application. This application can be found on MDE Wetlands and Waterways Program website: https://mde.maryland.gov/programs/water/WetlandsandWaterways/AboutWetlands/Documents/MDE-mitigationbank-application-with-instructions-form.pdf **Attached.**