

This draft document contains excerpts from a document currently undergoing review, which identifies common errors found in bank proposals

<p>Common Errors</p>	<p>The following common errors have been found by CDFG Headquarters staff in the Habitat Conservation Planning Branch, when reviewing <i>final</i> draft bank packages; this includes both the agreement (the mitigation Bank Enabling Instrument [BEI] or the Conservation Bank Enabling Instrument [CBEI]) as well as the exhibits. By keying in on these common errors, bank sponsors can expect quicker review times by the IRTs and CDFG specifically:</p> <ol style="list-style-type: none"> 1. Report correct and consistent habitat acreages, percentages and credits throughout. These errors are likely effects of mid-way project changes by the bank sponsor (<i>for example: after starting the IRT process, the bank sponsor may decide to carve out a portion of the proposed bank land and instead utilize it for a permittee-responsible mitigation project, while not revising all of the proposed bank documents</i>); 2. Watch for credit rounding errors; 3. Report consistent APNs; 4. Large-scale copying/pasting errors occur as remnants from previous bank documents (<i>for example: a template from a previously approved bank is utilized again by the same bank sponsor however not all of the “old” information is revised.</i>) Incorrect references often include: <ol style="list-style-type: none"> a. extra appendices not required for the new bank are included, b. locations, c. APNs, d. construction methods, e. property acres, f. habitats, species, wetland acres, types and ratios, g. financial assurances, h. easement holders, i. long-term managers, j. permit references, k. credit calculations, etc. 5. Changes made during the development stages have not been updated throughout the binder (<i>for example: wetland acreages often change after the prospectus stage during preparation of the Development Plan. The acreage change, and respective acreage proportions and credit allocations discussed in the BEI/CBEI exhibits should be consistently updated to reflect the change</i>; 6. Names and terms used in the BEI/CBEI are inconsistent throughout the bank document, including the name of the bank; 7. Lists and tables should be accurate and reference the correct page(s); 8. Tables of content need to be accurate and reference the correct page, as applicable; 9. Excerpts should reference the parent document (<i>for example: Copies of Regional Water Quality Control Board [RWQCB] requirements/avoidance measures are often included in bank information. When directly copied from RWQCB handbooks, these documents begin in</i>
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<p>Common Errors (cont.)</p>	<p><i>mid-section and often in mid-sentence, which is confusing;</i></p> <p>10. Exhibits should be complete and accurate (<i>for example: when supplemental surveys are performed to provide more baseline information than the initial biological survey report, these surveys should also be included in the Biological Survey exhibit section. In addition, all species and habitat types to be included in the bank should be included in the Development Plan and Long-term Management Plan exhibits</i>);</p> <p>11. Titles of exhibits should be accurate (<i>for example: If Exhibit D-5 is the Long-Term Management Plan required under the BEI/CBEI then it should be called Long-Term Management Plan and Grazing Plan or Vernal Pool Management Plan (especially if management is primarily for non-vernal pool habitats)</i>);</p> <p>12. All parcels included in the bank need to be assessed (<i>for example: all parcels will need to have a Phase I Environmental Site Assessment, a cultural resources records search/inventory/assessment, etc.</i>);</p> <p>13. Annual report dates should be consistent and should be sent to all signatory agencies;</p> <p>14. The BEI/CBEI provides clarification in the Recitals Section regarding the difference between “Property” and “Bank Property.” The same distinction between Property and Bank Property should be made in all exhibits;</p> <p>15. Each IRT agency should confirm that the bank sponsor has addressed each of their respective comments during the IRT process and revised the appropriate documents, as applicable;</p> <p>16. Obvious spelling and grammar errors should be corrected;</p> <p>17. When letters of credit (LOCs) are utilized, they could contain the LOC terms outlined in the BEI/CBEI template;</p> <p>18. The minimum requirements for Exhibit C, Development Plan, are discussed in the BEI/CBEI template. These requirements are expected to be included in Exhibit C, at a minimum;</p> <p>19. Language in the exhibits should not conflict with the terms of the agreement; and</p> <p>20. Exhibits should be basically final, by the final review stage.</p>
<p>Improving Transparency, Consistency, & Review Time</p>	<p>In addition to the bank sponsor reducing the common errors found, IRT review time would be diminished if <i>each IRT agency</i> received the following information from the bank sponsor, after the prospectus stage:</p> <ol style="list-style-type: none"> 1. An organized binder with exhibits separated by descriptively labeled tabs. Tabs should not only say “Exhibit A” but “Exhibit A- Bank Location Maps,” for example. 2. An endowment analysis, such as a Property Analysis Record (PAR) or similar analysis, which includes documentation of the assumptions that went into the calculation(s). In addition, it is helpful to have a line-item

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Improving Transparency, Consistency, & Review Time (cont.)	<p>crosswalk between the Long-term Management Plan tasks and the PAR/PAR-like calculations to easily show where the management tasks are being included in the calculations;</p> <ol style="list-style-type: none">3. The same versions, and most recent versions, of all documents as they are revised throughout the IRT process and upon final submittal (<i>for example: if one agency requests changes it is important that all agencies receive a copy of the updated version thorough out the process</i>);4. All documents should be dated when they were created and/or revised to allow the agencies to confirm that they have received the most recent drafts.5. An errata sheet documenting the revisions made and where the change is reflected in the documents;6. Documents should fulfill the requirements of the multi-agency templates if multiple agencies will be signatory;7. Existing easements are to be listed in Exhibit D-5, the Long-term Management Plan, Section II. F. Easements that have been subordinated should also be included in this section. The statement “there are no existing easements on this property” is not appropriate if there are actually existing easements on the property.8. APN crosswalks in cases where APNs change during bank establishment should be provided;9. In a multi-agency bank use the term “IRT approved” instead of, CDFG, USFWS, or USACE approved;10. When a section of the template does not apply, replace the term “if applicable” with “not applicable” (assuming “not applicable” is correct). <p>Reminder for the final package: Within 30 days of the final Bank Establishment Date, the Bank Sponsor shall provide an electronic copy of the final, signed agreement including all of its exhibits, to each member of the IRT.</p>
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