

**Mitigation banking** is the restoration, creation, enhancement, or preservation of a [wetland](#), stream, or [habitat conservation](#) area which offsets expected adverse impacts to similar nearby [ecosystems](#).

In the [United States](#), the federal government (under section 404 of the [Clean Water Act](#)) as well as many state and local governments, require mitigation for the disturbance or destruction of wetland, stream, or [endangered wildlife](#) habitat. Once approved by regulatory agencies the mitigation bank may sell credits to developers whose projects will impact these various ecosystems.

Credits are the units of exchange and are defined as the ecological value associated with 1-acre (4,000 m<sup>2</sup>) of a wetland or ecosystem and the linear distance of a stream functioning at the highest possible capacity within the service area of the bank. Credits are evaluated by a Mitigation Bank Review Team.

The MBRT processes and permits the Mitigation Bank. They may consist of some or all of the following: U.S. Army Corps of Engineers National Marine Fisheries Service Environmental Protection Agency US Fish and Wildlife Service State Environmental Protection Divisions Local Water Management Districts County Environmental Departments Soil Conservation Service

There are many advantages to using a mitigation bank over other acceptable industry practices.

Mitigation banks place a perpetual conservation easement on the land, with a trust to fund its stewardship. Many large landowners, including the government are unable to maintain their land so as to retain ecological functionality due to the complexity of the task and the enormity of the cost. Mitigation banks provide advantages to on-site and small parcel mitigation. By consolidating necessary services to create, maintain, and monitor mitigation; banks are able to provide superior services at a lower cost.

Consolidating small parcel wetland loss creates larger more sustainable and functional ecosystems.

Mitigation banks provide many functional business advantages, allowing for ease of development; They allow a developer to maximize the use of their site. Because mitigation bank credits are created prior to impacts, purchasing credits from a mitigation bank decreases permitting time. The cost is often lower than acceptable alternatives. Regulatory burden and risk is passed from developer to mitigation bank.

Regulatory officials favor mitigation banks due to the consolidation of project parcels make monitoring easier for strained agencies.

## **Wetland Delineation**

Wetland delineation establishes the existence (location) and physical limits (size) of a wetland for the purposes of federal, state, and local regulations.

Wetland delineation is also an element of a “[jurisdictional determination](#).” This process identifies which water bodies within a project's boundaries meet the definition of "waters of the United States." For more information on this, see the Corps' [Regulatory Guidance Letter 08-02, Jurisdictional Determinations](#) (issued June 26, 2008, PDF 118 kb).

Remember that the Corps of Engineers (Corps), not applicants or their consultants, determines whether or not a wetland is a "water of the United States" and thus regulated under the federal Clean Water Act (CWA). If the Corps determines that a wetland is **not** subject to the CWA, the wetland may still be a "water of the State" and subject to regulation by Ecology as well as by local jurisdictions. For more information on Ecology's regulation of wetlands determined by the Corps to be non-jurisdictional due to their isolation from navigable waters, [click here](#).

*Wetland delineation should result in three things:*

1. A wetland boundary clearly marked in the field.
2. A map that clearly identifies data collection points and the boundaries of the delineated wetland. (Topographic and aerial site maps are very helpful.)
3. A report that explains how the boundary was determined. It should include:
  - A description of how and when the delineation was done.
  - Data forms used to delineate the wetland area (see [shaded box](#) for clarification on which forms to use).
  - The map described in #2 above.
  - A soil survey map.<PHOTOGRAPHS.< li>

[Click here](#) for a checklist of information that should be in your wetland delineation report, as well as a sample report outline.

## Database Field Definitions

### Wetland Mitigation Banks Database

**Additional Financial Assurance Information:** Additional information about the financial assurances for the bank.

**Additional Geographical Service Area Information:** Additional information about the geographical service area of the bank.

**Amount of Financial Assurance:** Amount of financial assurances required from the bank sponsor.

**Amount of Maintenance Assurance:** Amount of required financial assurance for maintenance.

**Assurance Length:** Length of time that the financial assurances must be maintained.

**Assurance Type:** Description of the type of required financial assurance for the bank.

**Available Credits:** The number of credits available for release from the bank.

**Available Credits Release Date:** The date on which the number of available credits was determined.

**Bank Client:** General type of client who buys credits from the bank.

**Bank Part of Regional Plan:** Whether or not the bank part of a regional plan.

**Bank Sponsored by State DOT:** Whether or not the bank is sponsored by a state department of transportation.

**Bank Status:**

Approved – Active: An approved bank that is authorized to sell credits.

Approved – Sold-out: An approved bank that has sold all of its credits.

Approved – Inactive: An approved bank that is currently not authorized to sell credits due to a failure to meet performance goals, the expiration of financial assurances, or other such factors.

Pending: A bank with a prospectus that has been submitted to the appropriate agency for review and approval.

Expired: A bank that has been formally approved by the appropriate agency, but is never constructed and has not generated credits for sale.

**Bank Type:**

Private Commercial: A bank sponsored by a private entrepreneur with credits available for sale on the open market.

Public Commercial: A bank sponsored by public entities to compensate for wetland losses caused by a combination of public works projects and private development.

Combination Public/Private: A bank established by a combination of public and private agencies to compensate for permitted wetland losses. Credits may be available to public agencies or to the general public.

Public: A bank sponsored by a federal, state, or local entity that sells credits only to other public agencies.

Single-Client: A bank for which the sponsor is also the principal credit user or client.

**Contingency Plans:** List of contingency plans or remedial actions and responsibilities if the bank does not perform.

**Credit Cost per Acre:** The amount a credit costs per acre of wetland.

**Credit Definition:** How credits are defined or assessed.

**Debiting Activities:** Types of permitted activities that are authorized to debit the bank.

**Definition Specified in Instrument:** Whether or not the success criteria are specified in the instrument that established the bank.

**Estimated Cost:** The estimated cost for the long-term maintenance required for the

bank.

**Estimated Time:** The estimated length of time that the long-term maintenance will occur.

**Financial Assurances:** Type of financial assurance required for bank establishment.

**Geographic Service Area:** The area that the bank serves.

**Instrument Type:** The type of instrument that authorized the establishment of the bank. MOA - Memorandum of Agreement, MOU - Memorandum of Understanding, Banking Instrument, Permit, Other.

**Land Ownership:** Entity that owns the land on which the bank is located.

**Land Ownership Upon Closure:** Entity that will own the bank after it closes.

**Maintenance Assurance Length:** Length of time that the financial assurances must be maintained.

**Maintenance Criteria:** List of criteria that a sponsor must meet to maintain the bank site.

**Maintenance Date:** Date or milestone for start of maintenance period.

**Maintenance Entity:** Entity responsible for long-term management.

**Maintenance Obligations:** Long-term obligations for monitoring and maintenance of the bank.

**Mitigation Banking Instrument:** The document that outlines the physical and legal characteristics of the establishment, operation, and maintenance of the wetland mitigation bank.

**Monitoring Length:** Length of monitoring period for the bank.

**No debiting Uplands:** Amount of upland acreage that cannot be used to generate credits.

**Permit Number:** Permit number of permit issued with respect to the bank.

**Prior Withdrawn Credits:** Whether or not credits can be sold before the bank is fully functioning.

**Public Access:** Whether or not the public will have access to the site following the end of the operational phase of the bank.

**Real Estate Provisions:** The type of legal protection required for the bank site. Also includes a description of the land ownership before the bank was established, *i.e.*, agricultural land or state-owned land, and then the legal protection once the bank is established, *i.e.*, fee title, title transfer, conservation easement.

**Regional Plan Name:** The name of the regional plan in which the bank is a part.

**Remediation or Enforcement:** Whether or not remedial or enforcement actions have been taken to correct operating deficiencies.

**Remediation or Enforcement Type:** Type of remediation or enforcement action taken at the bank.

**Source of Funding:** Source of funds for long-term maintenance.

**Sponsor Activities:** Activities required to be undertaken by the bank sponsor, such as restoration of hydrology or extensive planting.

**Stream:** Whether or not this bank provides stream mitigation.

**Success Criteria:** Criteria bank must meet to be deemed successful under the authorizing instrument.

**Total Acreage:** Acreage of bank including upland acreage (also known as buffers).

**Total Credits:** Number of credits authorized by the banking instrument to be issued for the bank.

**Unavailable Credits:** Number of credits unavailable for release from a bank, either because credits have been sold or because the bank is not yet authorized to release the credits.

**Unavailable Credits Release Date:** The date on which the number of unavailable credits was determined.

**Upland Acreage:** Amount of total acreage that consists of uplands.

**Watershed:** The watershed in which the bank is located.

**Withdrawal Stages:** A description of the stages or milestones when advanced withdrawal of the credits from the bank is permitted.