

## FORWARD

The prospectus is intended to provide an overview of the proposed mitigation bank. It must provide a summary of the material associated with the proposed mitigation bank at a sufficient level of detail to serve as a basis for informed comment from the public and the Interagency Review Team (IRT). This process is necessary for district engineers, IRT members, and the public to effectively evaluate the potential for the proposed mitigation bank to provide successful and sustainable compensatory mitigation projects.

The review process begins when the applicant submits a complete prospectus to the district engineer. The basic components of a complete prospectus are detailed in the Code of Federal Regulations (CFR) at Title 33 Navigation and Navigable Waters, Part 332.8(d)(2)(i)-(vii). This document is intended to provide the reader with a better understanding of the level of detail which needs to be provided for each of the items noted at 33 CFR 332.8(d)(2) and to make note of additional items which are necessary to allow for the publication of a public notice to solicit comments on the proposed mitigation bank project or to provide clarity to the review process.

Due to the ongoing evolution of the regulations, policies and guidance associated with this process, the prospectus template is intended to be a living document. Be sure to check with our office to ensure that you are utilizing the most current version. The Version date is noted in the lower right corner of each page.

## GUIDANCE ON INFORMATION REQUIRED

With the expectation of Section 13., in utilizing this document, the reader is expected to include all of the information specific to their proposal within the prospectus. The information noted in Section 13 is to be provided separate from the prospectus but at the same time the prospectus is submitted. The following information is intended to provide the reader with assistance in filling out each section of the prospectus.

### FRONT PAGE:

For the front page of the prospectus, use the Left Click feature of your mouse or touchpad to select each of the greyed text box areas. Once selected, fill in the appropriate information. Remember to replace "DATE" at the bottom of the page with the date the document is submitted. .

## **TABLE OF CONTENT PAGE:**

The Table of Contents (TOC) for this document is designed to track the page numbers for each Section. **DO NOT MAKE ANY CHANGES TO IT.**

In order to update the TOC once you have finished entering information in the document, place your cursor over any portion of the TOC. This action should cause the entire TOC to be highlighted. On your mouse or touchpad, use the Left click feature to reveal tabs at top left corner of the TOC. Again, using the Left click feature, click on the words "Update Table." This will open an action box with two selection options. Select the "Update Page Numbers" only radio button, then click OK. This should update the section page numbering for the TOC.

## **LIST OF TABLES:**

*Please list all tables included in the prospectus. At a minimum, there should be at one table which provides an Acreage Breakdown that detail current acreages of existing conditions and acreages of proposed restoration types.*

## **LIST OF FIGURES:**

*Please ensure that all figures and maps are formatted as follows:*

- *All submittals should be in color.*
- *All figures providing linear measurements should include a graphic scale.*
- *Orient or note North on all figures/maps/drawings.*
- *Figures/maps/drawings need to be reproducible so ensure any map legends or symbol usage is clearly identifiable when copied.*
- *Use a master map and subsequent match line pages to appropriately represent large areas.*
- *Map scales should not exceed 1:400 in order to maintain visual clarity for verbiage and definition between separate items shown on the map.*

## **SECTION 1 – INTRODUCTION:**

*This section should contain introductory information for the project including at a minimum:*

- *the proposed name of the bank,*
- *the location and total size (only those lands to be placed under conservation easement) of the bank,*
- *the proposed use of the bank, and*
- *a general description of the current conditions of the bank site (e.g. existing ecosystems, existing easements, etc).*

## **SECTION 2 – BANK LOCATION AND ENCUMBRANCES:**

*Provide detailed information about the location of the site (i.e. lat/long coordinates near the center of the site, county, section, township, range, nearby road crossings, etc.) and a general description of the surrounding property. It is also very helpful to differentiate the acreage types (current conditions) of the entire proposed bank in detail in this section. A vicinity map should be included in the prospectus as Figure 1 and referred to in this section. The vicinity map should clearly show the location of the site in relation to nearby towns, communities, water features, and landmarks. The names of each of these should be shown on the map and the distance from the site should be easily determined (for example, the scale of the map should be displayed.)*

***A title insurance commitment (TIC) is required to be submitted with the prospectus. The TIC package should reflect Department of Justice guidelines for title and provide the following information:***

- The TIC must be no more than 90 days old.
- The TIC must identify all mortgages, liens, easements, right of ways, servitudes, leases, covenants, conditions, restrictions, reservations, or any other interests or encumbrances as well as the history of property ownership including any information related to ownership interests and/or rights to surface and sub-surface oil, gas, or minerals that may affect rights to develop the property as planned and the ability to place conditions or restrictions on the property.
- The TIC package must also include a figure which depicts the location of all easements and encumbrances in relation to the proposed bank boundary with enough accuracy to allow for verification of the boundaries.
- While the Jacksonville District would like to see a TIC cover the previous 100 years of real estate interest associated with the proposed project site, DOJ guidelines focus on looking at the prior 40-60 years. Therefore, the TIC must cover, at a minimum, the last 60 years.

*If the property was purchased with special funding sources such as state or federal programs or with grants, the funding sources should be identified and specific information related to these programs or grants should be provided. Likewise, if any grants or reimbursement programs have been associated with restoration or maintenance of the property, please identify them.*

## **SECTION 3 – PROJECT GOALS AND OBJECTIVES:**

*This section is related to 33 CFR 332.8(d)(2)(i).*

### **General Information Associated With PROJECT GOALS AND OBJECTIVES**

*For a prospectus submitted to the U.S. Army Corps of Engineers, Jacksonville District (CESAJ), this section should include the following information:*

- Utilizing the “USACE Jacksonville District Mitigation Bank Credit Classification Categories”, identify the credit Classification Category/ies anticipated to result from the proposed activities within the identified Community Type/s. The Classification Categories document is available upon request.
- Identify the acreage of each Community Type anticipated to result from the proposed activities. (For example, “there will be 132 acres of freshwater Shallow Marsh and 230 acres of Bay Swamp.”)
- Identify the proposed methods for establishing the mitigation bank in accordance with the regulations at 33 CFR 332.2. There are four methods of carrying out compensatory mitigation projects:
  - ◆ Restoration – divided into two categories:
    - RE-ESTABLISHMENT (gain in area and functions),
    - REHABILITATION (gain in functions only),
  - ◆ ENHANCEMENT (gain in selected function/s, may cause decline in other functions),
  - ◆ ESTABLISHMENT (creation, gain in area and functions), and
  - ◆ PRESERVATION (no gain in area or functions).

Use the terms (shown in all capital letters above) to identify the methods proposed to be utilized for the proposed project.

- Identify the aquatic functions that will be restored or enhanced by the proposed project. (For example, sediment retention, nutrient attenuation, wildlife habitat, etc.).

**GOAL** - Clearly defined project goal(s) should provide the intended results of the mitigation project in terms of aquatic ecosystem functions and hydrologic conditions within a watershed context. A goal identifies what the mitigation project is trying to accomplish, i.e. what the end product will be.

- Example Goal:

*The overall goal of XXXMB is to [preserve, establish, rehabilitate, re-establish, and/or enhance] approximately XXX acres of upland and wetland ecosystems to ultimately improve fish and wildlife habitat use/connectivity and the overall integrity of the communities within the XXX watershed.*

**Objectives** - Project objectives identify the specific elements that are proposed to be undertaken in order to meet the goal(s) of the mitigation project. The objectives include a list of specific, measureable outcomes for the proposed mitigation activities. These outcomes will be used to demonstrate whether or not the goals of the mitigation plan have been achieved. One goal may have several objectives, but each objective is tied to a particular goal.

*When listing the specific elements of the objectives, if more than one goal has been identified, please indicate which goal each element is tied to. Objectives should include the following information: (not all inclusive):*

- *A description of the resource type(s) and amount(s) that will be provided.*
- *The method (per information noted above) to be utilized for the project.*
- *How the anticipated functions of the mitigation project will address watershed needs.*

*Each existing community assessment area (which may consist of numerous polygons on-site) needs to have specific objectives describing the proposed mitigation activities and resulting target assessment area community.*

- *Example Objectives:*
  - ◆ *Re-establishment of hydrology to 10 acres of drained upland pine plantation community UP1 will be accomplished through filling 300 linear feet of on-site ditches and raising the invert of two culverts that drain water off-site by 8 inches which will result in 10 acres of assessment area W1 Hydric Pine Flatwoods.*
  - ◆ *Re-establishment of hydrology to 200 acres of drained upland pine plantation communities (UP1-48 acres, UP2-38 acres, UP3-43 acres, UP4-29 acres, UP5-31 acres and UP6-11 acres) will be accomplished through filling 500 linear feet of on-site ditches and raising the invert of two culverts that drain water off-site by 8 inches which will result in 200 acres of assessment area W1 Hydric Pine Flatwoods.*
  - ◆ *Enhancement of XXX acres of emergent wetland vegetation in the improved pastures through prescribed fire, removal of exotics, removal of shrubs, and planting of native FACW and OBL species consistent with the planting plan included in Appendix XXX.*

#### **SECTION 4 – ESTABLISHMENT OF THE MITIGATION BANK:**

*This section should describe how the mitigation bank will be established, as stated in 33 CFR 332.8(d)(2)(ii). For a prospectus submitted to the CESAJ, this section should include the following information:*

##### **4.1 Site Work Plan**

- *Provide a summarization of the work necessary to accomplish site restoration/enhancement and describe how the proposed work will meet the identified goals and objectives.*
- *Provide a conceptual development plan related to the proposed work.*
- *Provide any other site-specific maps and cross-sections showing the proposed work.*
- *Identify any temporary or long-term structural management requirements (levees, weirs, culverts, etc.,) needed to assure hydrologic/vegetative restoration.*

## 4.2 Current Site Risks

- *Identify any potential threats to the bank site or resource type the bank intends to provide and/or protect.*
- *Describe any existing hydrologic disturbances on and adjacent to the site over which the sponsor has no control.*
- *Identify zoning and any existing and/or proposed development adjacent to the bank.*

## 4.3 Long-Term Sustainability of the Site

- *Discuss factors that contribute to the long term sustainability of the site. Include any known or perceived challenges associated with long-term sustainability of the project and what you are proposing to overcome or minimize those challenges.*
- *In general, compensatory mitigation sites should not require active engineering features (such as pumps). Initial establishment of a site may require some level of active engineering but the projects should be planned and designed to be self-sustaining over time.*

## 4.4 Implementation Assurances

- *Provide details on the financial assurances to be provided in association with proposed implementation and monitoring activities. This includes all activities required to be undertaken until such time as the project shall be determined to be in a long-term management status.*

## **SECTION 5 – OPERATION OF THE MITIGATION BANK:**

*This section should describe how the mitigation bank will be operated, as stated in 33 CFR 332.8(d)(2)(ii). For a prospectus submitted to the CESAJ, this section should include the following information:*

### 5.1 Site Protection

- *Identify the proposed site protection instrument that would be utilized. (Note: If the site is to be protected by conservation easement, include a current aerial photograph identifying the area to be protected by the conservation easement.)*
- *Identify the “holder” of that instrument if a “holder” is required.*
- *Identify the method for providing long term financial mechanism/s.*

## 5.2 Long-Term Strategy

- *Provide details on the long-term strategy for the mitigation bank.*
- *Provide details on how the long-term strategy handles long-term structural management requirements (levees, weirs, culverts, etc) needed to assure hydrologic/vegetative restoration.*

## **SECTION 6 – PROPOSED SERVICE AREA:**

*This section should identify the proposed service area, as stated in 33 CFR 332.8(d)(2)(iii). The service area is the watershed, ecoregion, physiographic province, and/or other geographic area within which the mitigation bank or in-lieu fee program is authorized to provide compensatory mitigation required by Department of the Army permits. The service area must be appropriately sized to ensure that the aquatic resources provided will effectively compensate for adverse environmental impacts across the entire service area.*

*For a prospectus submitted to the CESAJ, this section should be developed utilizing the “Guidance for the Establishment of Service Areas for Mitigation Bank and In-Lieu Fee Programs in the Jacksonville District (Guidance).” The Guidance document can be obtained from the RIBITS webpage at [https://ribits.ops.usace.army.mil/ords/f?p=107:2](https://ribits.ops.usace.army.mil/ords/f?p=107:2;);; in Menu item Bank & ILF Establishment, under the Jacksonville District Guidance Documents section or by contacting a member of the Jacksonville District Mitigation Review Team.*

## **SECTION 7 – GENERAL NEED AND TECHNICAL FEASIBILITY:**

*This section should identify the general need for the proposed mitigation bank in this area as stated in 33 CFR 332.8(d)(2)(iv.). For a prospectus submitted to the CESAJ, this section should include the following information:*

### **7.1 General Need**

- *Identify any regional or local benefits anticipated to be derived from establishment of the bank.*
- *Identify any watershed plans the mitigation project would accommodate. For example, if there is a watershed plan where mitigation at this site will increase the goals and objectives of the watershed plan then it would be good to identify that plan in this section.*

## **7.2 Technical Feasibility**

- *Discuss the feasibility of accomplishing the proposed activities (construction, planting, burning, etc.) required to develop the bank and any limitations or challenges to accomplishing identified activities.*
- *Discuss the potential limitations or challenges of maintaining the improvements proposed to be accomplish over time.*

## **SECTION 8—PROPERTY OWNERSHIP AND LONG TERM MANAGEMENT STRATEGY:**

### **8.1 Project Representatives**

*This section should provide details on the proposed ownership arrangements for the mitigation bank, as stated in 33 CFR 332.8(d)(2)(v). For a prospectus submitted to the CESAJ, this section should be filled out as shown in the body of the prospectus.*

### **8.2 Proposed Long-Term Ownership and Management Representatives**

*This section should provide details on the proposed long-term management strategy for the mitigation bank, as stated in 33 CFR 332.8(d)(2)(v). For a prospectus submitted to the CESAJ, this section should identify the proposed long-term ownership and the party responsible for long-term management. If the party is not known at the time of submittal, please include information on how that party will be identified in the future.*

## **SECTION 9 – QUALIFICATIONS OF THE SPONSOR:**

*This section should describe the qualifications of the Sponsor to successfully complete the type(s) of mitigation project(s) proposed, including information describing any past such activities by the sponsor, as stated in 33 CFR 332.8(d)(2)(vi).*

## **SECTION 10 – ECOLOGICAL SUITABILITY OF THE SITE:**

*This section should 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 function, as stated in 33 CFR 332.8(d)(2)(vii)(A). For a prospectus submitted to the CESAJ, this section should include the following information:*



## **10.1 Historical Ecological Characteristics of the Site**

- *Summarize the historical hydrology of the site.*
- *Summarize historical plant communities/vegetative structure located on the site*
- *Identify previous land uses of the site and adjacent properties. Photographic evidence, such as aerials depicting historical and current conditions at the site, is encouraged. Please ensure that the boundaries of the proposed bank are clearly marked on any submittals provided.*

## **10.2 Current Ecological Characteristics of the Site**

- *Identify any temporary or long-term structural management requirements (levees, weirs, culverts, ditches etc.) currently located on the site.*
- *Describe any existing hydrologic disturbance on and adjacent to the project site over which the sponsor has no control.*
- *Summarize current site conditions including land use, vegetation, hydrology, and soils. Photographic evidence, such as aerials depicting historical and current conditions at the site, is encouraged. Please ensure that the boundaries of the proposed bank are clearly marked on any submittals provided.*
- *If known, include information on rare or T/E species, historic properties, impaired waters (303(d) streams), etc.*
- *Provide information on water source(s) and losses(s) (precipitation, surface runoff, groundwater, stream, tidal, etc.).*
- *Provide information on the hydroperiod (seasonal depth, duration, and timing of inundation and/or saturation).*
- *Identify the contributing drainage area (map and size).*
- *Provide details about the “waters” found on the site. An approved jurisdictional determination of “waters of the U.S.” from the Corps is not required for the Prospectus. However, a full accounting of all waters on site should be provided. This includes any wetlands, streams, ditches, water control structures, ponds or other applicable features.*

## **10.3 Site Suitability**

- *Referencing current site conditions, provide details on the ecological suitability of the site to achieve the objectives of the proposed mitigation bank.*
- *Provide information detailing how the site will support the planned types of aquatic resources and functions.*
- *If possible, include any anticipated obstacles/challenges which might arise from utilization of the adjacent property.*

**SECTION 11 – WATER RIGHTS ASSURANCES:**

*This section should describe the assurance of sufficient water rights to support the long-term sustainability of the mitigation bank, as stated in 33 CFR 332.8(d)(2)(vii)(B). For a prospectus submitted to the CESAJ, this section should include the following information:*

- *Information pertaining to the current source/s of water supplying the site.*
- *Information pertaining to the anticipated impact of the proposed plan on the current water source/s (i.e. will there be an increase or decrease in the amount of water required for the site to function?).*
- *Information to support the long-term availability of water to support of the site.*

**SECTION 12 – REFERENCES:**

- *Provide a list of all applicable references related to this document.*

**SECTION 13 – ADDITIONAL ITEMS NEEDED:**

*In order to proceed with the publication of a public notice for the proposed mitigation project and to address the need to provide certain visual information on several electronic platforms, the following items are **required**:*

- *A PDF format electronic version of the complete prospectus, to include all attachments and enclosures. If the file is too large to send by e-mail, please contact a member of the Jacksonville District Mitigation Review Team to determine how the file may be submitted.*
- *Separate data files for the proposed service area and the footprint of the proposed bank site. These should be provided in kml format.*
- *Self-adhesive mailing labels for all adjoining property. These should be in the following format (all CAPS, no punctuation):*

**14-1**

**NAME  
ADDRESS  
CITY STATE ZIP CODE**

**PLEASE ENSURE THAT THIS AND ALL PRECEEDING PAGES ARE DELETED PRIOR TO SUBMITTAL OF YOUR PROSPECTUS.**

# ***MITIGATION BANK PROSPECTUS***

for the proposed

\_\_\_\_\_ **Mitigation Bank**

Located in  
[Name] County, Florida

**Submitted to:**

**U.S. ARMY CORPS OF ENGINEERS  
JACKSONVILLE DISTRICT  
SAJ- \_\_\_\_\_ - \_\_\_\_\_**

**Prepared for:**

Name of Applicant  
Sponsor Address  
City, State ZIP

**Prepared by:**

Name of Agent/Consulting Company  
Address  
City, State ZIP

**DATE**

\*\*\* MITIGATION BANK PROSPECTUS

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Table 1

Table 2+ *Provide any additional tables as appropriate.*

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Figure 1 Vicinity Map

Figure 2 Site Plan (Should show current conditions including land use/habitat and hydrological conditions on the site, this may take more than one figure)

Figure 3 Hydrologic Cataloging Unit Map

Figure 4 Soil Survey Map

Figure 5 Restoration Plan (Should show mitigation type locations, hydrological modifications, boundary of conservation easement etc.)

Figure 6 Proposed Mitigation Service Area Map

Figure 7 Additional figures may include historical aerials/topos and other pertinent site plans

Figure 8+ *Provide any additional figures as appropriate*

# **\*\*\* MITIGATION BANK PROSPECTUS**

## **1.0 INTRODUCTION**

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## **2.0 BANK LOCATION AND ENCUMBRANCES**

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## **3.0 PROJECT GOALS AND OBJECTIVES**

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## **4.0 ESTABLISHMENT OF THE MITIGATION BANK**

### **4.1 Site Work Plan**

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### **4.4 Implementation Assurances**

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## **5.0 OPERATION OF THE MITIGATION BANK**

### **5.1 Site Protection**

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### **5.2 Long-Term Strategy**

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## **6.0 PROPOSED SERVICE AREA**

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## **7.0 GENERAL NEED AND TECHNICAL FEASIBILITY**

**\*\*\* MITIGATION BANK PROSPECTUS**

**7.1 General Need**

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**7.2 Technical Feasibility**

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**8.0 PROPERTY OWNERSHIP AND LONG TERM MANAGEMENT STRATEGY**

**8.1 Project Representatives**

Sponsor:            *Name or Company Name*  
                          *Address*  
                          *City, State, Zip Code*  
                          *Email address (if applicable)*  
                          *Phone Number*

Consultant:        *Name or Company Name*  
                          *Address*  
                          *City, State, Zip Code*  
                          *Email address (if applicable)*  
                          *Phone Number*

Property Owner:    *Name or Company Name of Sponsor*  
                          *Address*  
                          *City, State, Zip Code*  
                          *Email address (if applicable)*

**8.2 Proposed Long-Term Ownership and Management Representatives**

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**9.0 QUALIFICATIONS OF THE SPONSOR**

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**10.0 ECOLOGICAL SUITABILITY OF THE SITE**

**10.1 Historical Ecological Characteristics of the Site**

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**10.2 Current Ecological Characteristics of the Site**

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**\*\*\* MITIGATION BANK PROSPECTUS**

**10.3 Site Suitability**

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**11.0 WATER RIGHTS ASSURANCES**

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**12.0 REFERENCES**

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