

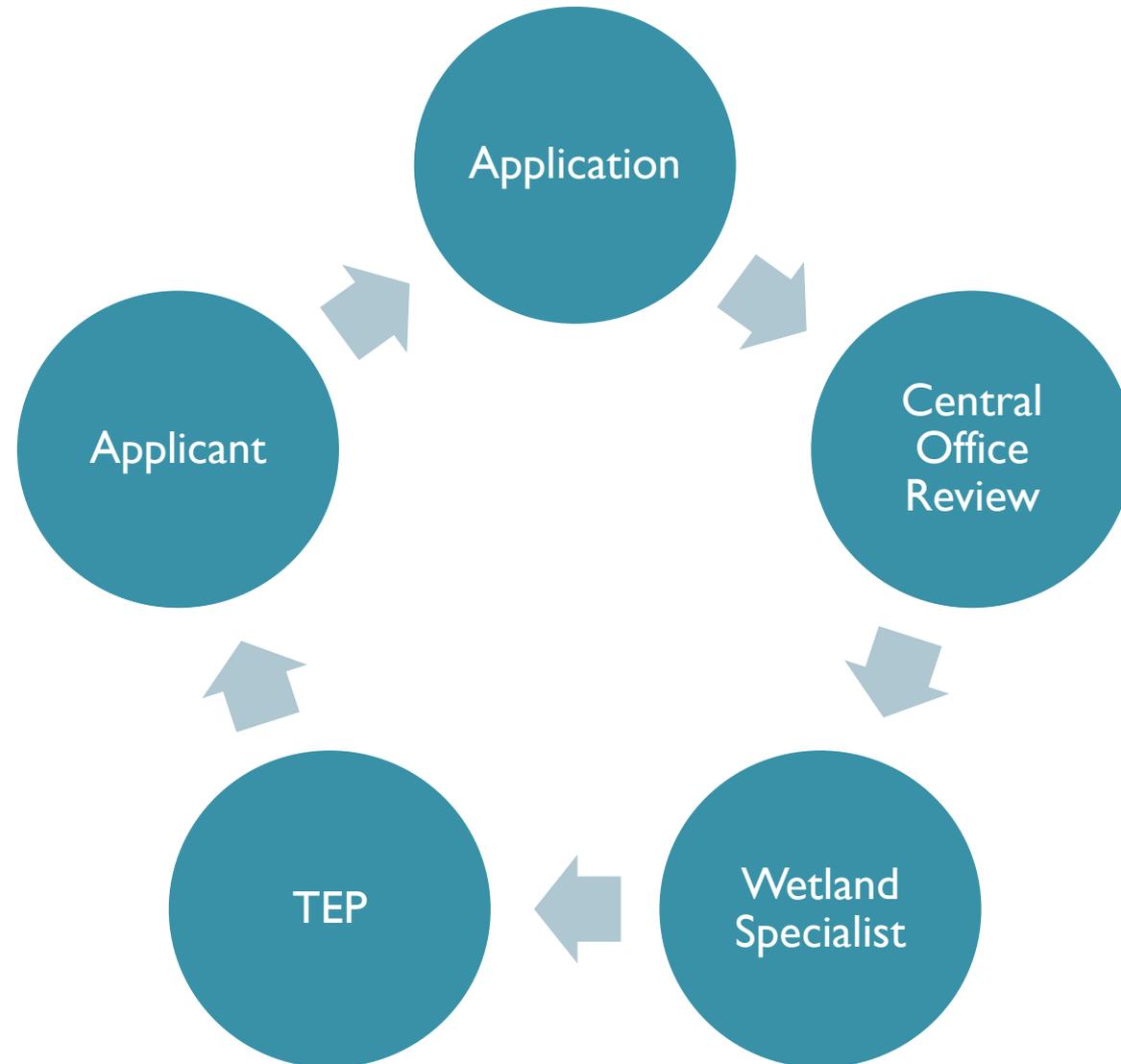


BWSR Review of Applications, Banking Requirements, Credit Use

Agriculture Bank Training Session

BWSR Academy 2012

BWSR Review of Bank Applications



BWSR Review of Bank Applications

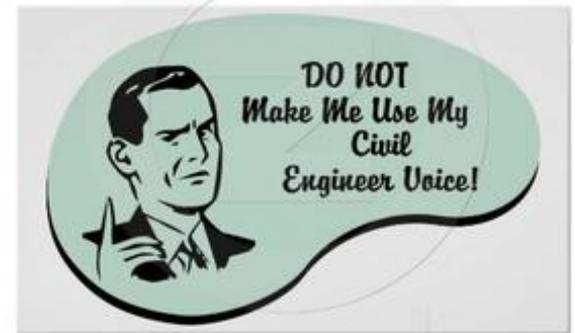
BWSR Central Office reviews all concept plans and full applications.

Engineering Staff

Vegetation Specialist

Bank Coordinator

Monitoring Staff



BWSR Review of Bank Applications

What is Central Office looking at?

Engineering:

- Engineering Standards must be met.
- Must be sustainable with minimal maintenance.
- Advice on design and construction

BWSR Review of Bank Applications

What is Central Office looking at?

Vegetation:

- Reasonable expectations and performance standards?
- Standard plan submittals provided?
- Advice on methods, seed mixes, implementation, and maintenance/mgmt.

BWSR Review of Bank Applications

What is Central Office looking at?

General:

- Crediting (program consistency)
- Application clarity
- Long-term sustainability issues

BWSR Review of Bank Applications

What is Central Office looking at?

General:

- Credit release schedule and performance measures.
- Monitoring plan consistency with performance measures.

BWSR Review of Bank Applications

BWSR can and will appeal faulty decisions.

BWSR can deny an application for deposit if the bank does not clearly meet program requirements.

BWSR can refuse to accept an easement if there is high risk to the state.

BWSR Review of Bank Applications

Why is the State at risk?

When the State accepts an easement, it accepts the responsibility for monitoring and enforcing the easement conditions.

The more problems with easements, the more public \$\$ it costs to deal with them.

BWSR Review of Bank Applications

BWSR cannot effectively review bank applications without the local TEP.

In general, deference is given to the LGU and TEP's review and findings.



BWSR Review of Bank Applications

What we care about:

Good restoration projects with high public value.

Low long-term risk of failure.

Consistent application of the rules



BWSR Review of Bank Applications

What we don't care about:

Who does the project.

How much money they have or don't have.

How good a person they are.

How they do their project (ultimately anyway) as long as they meet the performance standards.



I got my banking plan approved, now what?

Legal Survey

Title Insurance

Conservation Easement

Fees

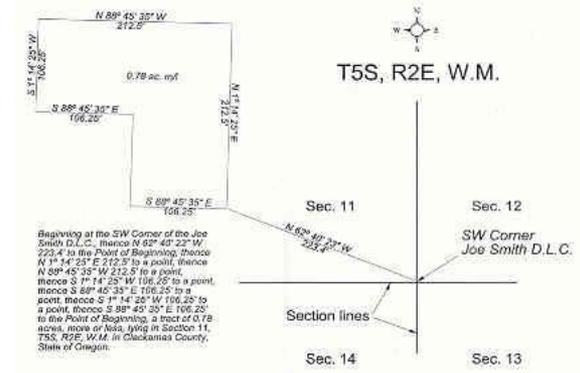


Legal Survey

Legal boundary survey of land subject to easement conditions.

Access easement if not adjacent to public road.

Copy of property deed.



AIR RIGHTS EASEMENT LEGAL DESCRIPTION

THAT PORTION OF LOT 4, BLOCK 25, PLAT OF THE SECOND ADDITION TO THE TOWN OF SEATTLE, AS LAID OFF BY THE HEIRS OF SARAH A. BELL (DECEASED), ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 121, KING COUNTY, WASHINGTON, LYING ABOVE A BOTTOM LIMIT ELEVATION OF 162.0 FEET AND LYING BELOW A TOP LIMIT ELEVATION OF 518.4 FEET, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WESTERLY CORNER OF SAID LOT 4; SAID POINT OF COMMENCEMENT LYING 33.00 FEET DISTANT AT RIGHT ANGLES TO THE CENTERLINE OF RIGHT OF WAY OF 8TH AVENUE;

THENCE NORTH 42°17'45" EAST ALONG THE NORTHWEST LINE OF SAID LOT 4, A DISTANCE OF 82.48 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SOUTH 47°42'39" EAST 7.76 FEET TO A POINT FROM WHICH THE RADIUS OF A NON TANGENT CURVE, CONCAVE NORTHWEST BEARS NORTH 43°23'23" WEST;
SAID CURVE HAVING A RADIUS OF 271.52 FEET;

THENCE NORTHEASTERLY 65.55 FEET ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 13°49'53";

THENCE NORTH 54°35'08" WEST 1.00 FEET TO A POINT FROM WHICH THE RADIUS OF A NON TANGENT CURVE, CONCAVE NORTHWEST BEARS NORTH 57°13'54" WEST;
SAID CURVE HAVING A RADIUS OF 270.49 FEET;

THENCE NORTHEASTERLY 17.63 FEET ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 03°44'01", TO THE NORTHEAST LINE OF SAID LOT 4;

THENCE NORTH 47°42'39" WEST ALONG SAID NORTHEAST LINE, A DISTANCE OF 0.31 FEET TO SAID NORTHWEST LINE OF LOT 4;
THENCE SOUTH 42°17'45" WEST ALONG SAID NORTHWEST LINE, A DISTANCE OF 82.48 FEET TO THE POINT OF BEGINNING;

SAID ELEVATIONS DESCRIBED HEREIN ARE EXPRESSED IN TERMS OF NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) AS OF THE DATE OF THIS INSTRUMENT, AND ARE BASED UPON CITY OF SEATTLE BENCHMARK NO. 5007B, BEING A 2 INCH SURFACE BRASS DISK IN THE CONCRETE WALK AT THE NORTH QUADRANT OF INTERSECTION OF WESTLAKE AVENUE AND LENORA STREET AND HAVING A PUBLISHED ELEVATION OF 79.22 FEET;

Title Insurance

State of MN is named as the insured

Amount of policy based on anticipated credits and their value.

Bank applicant must hire title agent.

Consent and Subordination documents if needed.



Legal Issues

- title,
- other existing easements
- ability to obtain consent and subordination

Could prevent recording of the easement and thus deposit into the banking system.

Despite having an approved bank plan!

Legal Issues

- What to do?



Initiate title search and consent/subordination inquiry early in the process!

Obtain some degree of confidence that there will be no legal constraints before investing a lot of \$\$\$ in project implementation.

BWVSR will help

Fees

Initial Deposit:

Up to \$1000 deposit fee

\$500 annual maintenance fee



Using Ag Bank Credits

Minnesota Board of Water & Soil Resources

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Agricultural Wetland Banking



- [Agricultural Wetland Banking: Available Credits \(9-5-2012\)](#)
- [Agricultural Banking Fact Sheet \(5-8-12\)](#)
- [Agricultural Banking Site Selection and Establishment Guidance \(2-7-12\)](#)
- [Protection of Wetlands Previously Restored via Conservation Programs Guidance \(4-19-12\)](#)
 - [Agricultural Bank Site Evaluation Tool – Guidance Document \(4-19-12\)](#)
 - [Agricultural Bank Site Evaluation Tool – Web Calculator](#)
- [Agricultural Wetland Banking Presentation \(1-19-12\)](#)
- [Frequently Asked Questions \(5-8-12\)](#)
- [Options for Expiring CRP - UM Extension Fact Sheet](#)
- [Replacement Wetland Scoping Document - 1st Step in Ag Banking Application Process \(Word\) or PDF](#)

Minnesota Board of Water and Soil Resources

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Using Ag Bank Credits

For WCA

Ag bank credits can be used to replace impacted wetlands on a cultivated field if the area is not converted to nonagricultural land for at least ten years.



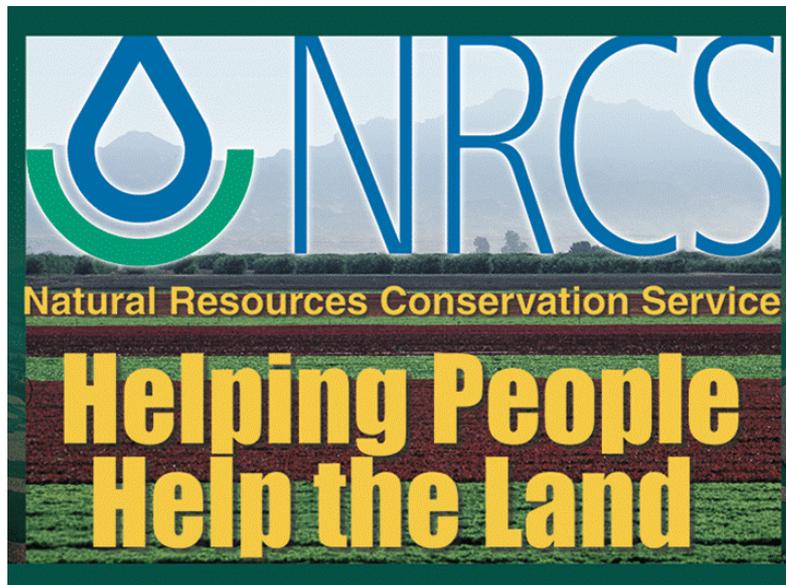
Using Ag Bank Credits

- Complete and process application to withdrawal credits just like using any other bank.
- LGU needs to make sure that the proposed impact is eligible to use bank credits before signing withdrawal form – *if the impact is not exempt.*

Using Ag Bank Credits

What if impact on cultivated field is WCA exempt?

Then NRCS designates replacement, authorizes withdrawal, etc.



Any more banking questions?

