

**WAC 173-700-222 Content of the instrument.** The minimum technical elements required in the instrument are:

- (1) The goals and objectives of the project;
- (2) Site location including city or county, proximity to existing roads and other landmarks, and a vicinity map showing location of the proposed site(s);
- (3) A description of existing conditions of the proposed site(s) including, but not limited to:
  - (a) Local land use or zoning designation;
  - (b) Current uses;
  - (c) Presence of liens, rights of way, easements, or other encumbrances;
  - (d) The landscape position of the site including WRIA, basin, and subbasin location;
  - (e) Wetland types present on the site including Cowardin classification and HGM class of each wetland;
  - (f) Other habitat types present;
  - (g) Technical information on wetland delineations, soil types, vegetation, and water sources, including surface water features and groundwater information;
  - (h) An analysis of functions provided by on-site wetlands;
  - (i) Adjacent land uses that might affect the bank's function;
  - (j) Site constraints, conflicts, or known risks that could affect bank development or function;
  - (k) Identification of all buildings, structures, and other built features that would remain on the site after construction;
  - (l) Identification of existing mitigation sites and whether they will remain on-site after construction; and
  - (m) Detailed site map(s) that includes, but is not limited to:
    - (i) Total area of site;
    - (ii) Location, delineated boundaries, size, and number of existing wetlands;
    - (iii) Location of all streams, ponds, and other water features on and adjacent to the site;
    - (iv) Location and type of all known water control features on and adjacent to the site; and
    - (v) Presence of rights of way, easements, or other encumbrances.
- (4) A statement of how the bank meets any watershed restoration needs and how its design and location are ecologically appropriate;
- (5) The rationale for site selection addressing the considerations listed in WAC 173-700-303;
- (6) A detailed description of the proposed bank site including, but not limited to:
  - (a) The bank size;
  - (b) The Cowardin and HGM classes, wetland rating, and sizes of wetlands and other aquatic resources proposed;
  - (c) A description of the buffers for the site and any other habitats provided on the site;
  - (d) The functions to be provided by the bank and level of increase over existing conditions;
  - (e) Detailed site design plans and specifications to include grading plans, planting plans, and specifications for any structures; and
  - (f) Construction timing and schedules.
- (7) Documentation of the ownership of bank lands and a legal description of the bank site;

- (8) A detailed description of sponsor responsibilities for construction implementation, monitoring and reporting, and maintenance;
- (9) A description and map of the service area and accompanying rationale that demonstrates the service area is ecologically appropriate;
- (10) The potential number of credits to be generated by the bank and a credit description consistent with WAC 173-700-310;
- (11) A description of any restrictions on use of credits;
- (12) Documentation of water rights for the proposed bank, if required;
- (13) An evaluation of historic, cultural, and archaeological resources on the bank site;
- (14) Credit tracking and accounting procedures including reporting requirements;
- (15) Performance standards for determining bank success and credit release including a schedule for the phased release of credits, if necessary;
- (16) Monitoring plan and reporting protocols including a clear statement of responsibility for conducting the monitoring and reporting;
- (17) An adaptive management plan and statement of responsibility for adaptive management activities;
- (18) Financial assurances;
- (19) The ownership arrangements and long-term management plan for the bank;
- (20) Provisions for permanent protection of the bank site;
- (21) Force majeure clause (identification of sponsor responsibilities in the event of catastrophic events that are beyond the sponsor's control);
- (22) Any supporting documentation requested by the department;
- (23) A provision stating that legal responsibility for providing the compensatory mitigation lies with the sponsor once a permittee secures credits from the sponsor; and
- (24) Default and closure provisions.

[Statutory Authority: Chapter 90.84 RCW. WSR 09-19-013 (Order 04-13), § 173-700-222, filed 9/3/09, effective 10/4/09.]