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.]