Permittee-Responsible Mitigation Plan for

[MVN Permit Number]

[Name Of Parish], Louisiana

[Date]

[Permittee Name]

[Permittee Address]

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Figure 3 etc….

[Required Figures includes the following:

Vicinity Map that follows the same requirements as the vicinity map for a permit;

Existing Conditions information such as the land use, habitat, soil types and

hydrological conditions on the site;

Restoration Plan figures include the plan view drawing which follows the same

requirements as the one needed for a permit, typical cross-sections, mitigation type, hydrological modifications, boundary of site;

And any other figures necessary to support the mitigation site as appropriate restoration for the impacts]

PERMITTEE-RESPONSIBLE MITIGATION PLAN

[MVN Permit Number]

1. Introduction
   1. Responsibilities of Parties
      1. Mitigation Site Owner (Owner)
         1. The Owner through the permittee will furnish satisfactory evidence of clear title prior to the execution of this Permittee-Responsible Mitigation Plan (PRMP).
         2. The Owner will grant a perpetual conservation servitude over the Mitigation Site in accordance with Louisiana law and La. R. S. 9:1272. Upon execution of the conservation servitude, the Owner will record it with an attached copy of the permit for the impact project and this PRMP in the conveyance records of [*Parish The Mitigation Site Is Located*] Parish, unless such conservation servitude was previously executed and properly recorded by a former owner pursuant to this PRMP. Proof of such recordation will be provided to CEMVN, Regulatory Branch, within 15 days of filing.
         3. The Owner will not allow any prohibited uses of the Mitigation Site as set forth in the PRMP and the conservation servitude.
         4. To help ensure the long-term protection, operation and management, the Mitigation Site is to remain free and clear of all mortgages and encumbrances, except those identified in Section 3.4.4. The Owner will not identify the Mitigation Site as collateral for any loan or place any other encumbrances not listed in Section 3.4.4 on the Mitigation Site. If an encumbrance other than those listed above is placed on or is discovered to burden the Property, the Owner shall notify CEMVN of such encumbrance within fifteen (15) days of discovery. In the notification the Owner shall specify a plan to clear the encumbrance from the Property title.
         5. The Owner will allow the permittee or his/responsible party/contractor access to the Property. Any limitations on such access are to be a matter of contract between the Owner and the permittee. The Owner will also allow access to the Mitigation Site to CEMVN and the Holder of the Conservation Servitude in accordance with this PRMP.
         6. The Owner will make periodic inspections of the Mitigation Site of not less than once per year to verify that use of the Property is consistent with this PRMP and the conservation servitude.
         7. In the event the Owner discovers a prohibited use or any damage to the Mitigation Site, the Owner shall notify the CEMVN within 15 days of its discovery of such use or damage.
         8. The Owner will be responsible for advising the Permittee and CEMVN of any pending sale of the Mitigation Site or any other change in ownership at least 60 days prior to the effective site.
      2. Permittee
         1. The Permittee is responsible for the compensatory mitigation requirement in the impact project’s DA permit which is associated with this PRMP and includes, but is not limited to 1) the compensatory mitigation project on the Mitigation Site, and 2) the long-term management, maintenance, monitoring, and protection of the Mitigation Site. Upon transfer of the permit the new Permittee will then assume the responsibility of the present Permittee.
         2. The Permittee will perform all necessary work to establish, monitor and maintain aquatic habitats and buffers as described in the PRMP.
         3. The Permittee will be responsible for maintaining all records, monitoring the Mitigation Site for success, conducting remedial action as necessary to ensure success, and providing this information to CEMVN in reports documenting Mitigation Site usage and the results of monitoring in accordance with provisions in this PRMP.
         4. The Permittee will be responsible for advising CEMVN of any pending sale of the Mitigation Site or any other change in ownership at least 60 days prior to the effective site.
         5. The Permittee will obtain all appropriate environmental documentation, permits and other authorizations needed to establish and maintain the Mitigation Site. Compliance with this PRMP does not fulfill the requirement, or substitute, for such authorization.
      3. Holder of the Conservation Servitude (Holder)
         1. The Holder shall hold and enforce the conservation servitude placed on those lands within the Mitigation Site subject to a recorded perpetual conservation servitude so that the Mitigation Site is protected in perpetuity.
         2. The Holder will notify CEMVN within 24 hours of the discovery of any action taken to void or modify the conservation servitude.
         3. The Holder shall perform yearly inspections and provide annual reports as to compliance with restricted and approved uses of the Mitigation Site identified in the conservation servitude.
      4. Long Term Steward

Unless otherwise approved by CEMVN, the Permittee is the Long-term Steward. Should the Permittee choose to designate someone other than himself as Long-term Steward, the Permittee must notify CEMVN in writing of his intent at least 60 days prior to the effective date of the new Steward’s assumption of this position. This notice must include the proposed Steward’s name, its qualifications, name of its authorized representative, if different, its address and phone number, the anticipated date of the assumption of the position. CEMVN will review the submitted information to determine the competency of the new Steward and provide the Permittee a response within the 60 day time period. However, it is understood by both the Permittee and the Steward that the contractual agreement of responsibilities to be performed by the Steward does not alter the ultimate responsibility of the Permittee for legal responsibility for the compensatory mitigation requirement of the DA permit associated with this PRMP. Unless the permit is transferred with prior CEMVN approval, the Permittee remains responsible for the long-term management, maintenance, monitoring, and protection of the compensatory mitigation project.

1. Impact Site
   1. Location

[*Provide detailed information about the impact site location such as coordinates, parish, section, township, range, etc., of impact site*]

* 1. Baseline Conditions of Impact Site

[Describe the ecological characteristics of the impact site including the physical, chemical, and biological characteristics. These characteristics should include specifics on current site conditions including land use, vegetation, hydrology, historical and current hydroperiod information, and soils. The applicant must also provide details about the corps-issued jurisdictional determination (JD) of “waters of the U.S.” and refer to the JD documentation in this section*.*]

* + 1. Adjacent/Surrounding Land Uses

[Describe what land uses are adjacent to the impact site and in the surrounding area; are there development trends occurring in the vicinity of the site]

* + 1. Land Use

[Identify current land use; how long? If site is abandoned, how long has it been abandoned? If property has a logging history, identify latest logging activities.]

* + 1. Soils

[Describe soils on site, discuss how past land uses may have impacted them; and reference a soils map; include map as an attachment.]

* + 1. Hydrology

[Discuss the current hydrology of the impact site and surrounding area conditions and reference a map showing the current hydrology; include map as an attachment]

* + 1. Vegetation

[Describe existing community and reference a map delineating communities; include map as an attachment]

* + 1. Wetlands

[Describe the jurisdictional determination outcome and reference the JD; include JD map as an attachment]

* 1. Impact Details
     1. Description of Impacts

[*Provide detailed description of the impacts ; such as the resource type(s) , quality, quantity and duration. Include a description of the direct, indirect and cumulative effects of the project.*]

* + 1. Assessment method(s)

[*Identify the assessment method(s) used to quantify impacts to aquatic resource functions (e.g. MCM, CEMVN ratio matrix, ect). Explain findings. Please note that the same method is used for both the impact and the mitigation sites*.]

1. Goals and Objectives of Mitigation Plan

[*Provide detailed description of the resource type(s) and amount(s) that will be provided, the method of compensation (i.e., restoration, establishment, enhancement, and/or preservation), and the manner in which the resource functions of the compensatory mitigation project will address the impacts associated with the permit as well as the needs of the watershed, ecoregion, physiographic province, or other geographic area of interest.*]

1. Mitigation Site
   1. Property Location

The Property is located at latitude [Coordinates In Decimal Degrees] N and longitude – [Coordinates In Decimal Degrees] W (approximate center point) in [Name Of Parish] Parish, Louisiana (Attachment A). This location includes all or portions of Sections XX, TXS – RXXE. The Property is located approximately X.X miles [Compass Direction] from [Town Name], Louisiana. To reach the Property, [Directions To The Site From The Largest Nearby City/Town].

* 1. Property Ownership

The property owner (Owner) is [*Name Of Owner*]. They have owned the Property for XX years.

* 1. Property Legal Definition

A certain parcel of land, together with all buildings and improvements thereon, and all of the rights, ways, privileges, servitudes, prescriptions, advantages and appurtenances thereunto belonging, or in anywise appertaining, situated as stated above and more fully described as follows:

[Insert legal description of the property to be encumbered by the conservation servitude here].

The perimeter of the Property is defined by the following coordinates in decimal degrees:

Latitude \_\_\_\_\_\_\_\_ N and Longitude –\_\_\_\_\_\_\_\_ W

Latitude \_\_\_\_\_\_\_\_ N and Longitude –\_\_\_\_\_\_\_\_ W

Latitude \_\_\_\_\_\_\_\_ N and Longitude –\_\_\_\_\_\_\_\_ W

Latitude \_\_\_\_\_\_\_\_ N and Longitude –\_\_\_\_\_\_\_\_ W

Latitude \_\_\_\_\_\_\_\_ N and Longitude –\_\_\_\_\_\_\_\_ W

Latitude \_\_\_\_\_\_\_\_ N and Longitude –\_\_\_\_\_\_\_\_W

* 1. Recorded Liens, Encumbrances, Easements, Servitudes or Restrictions

Clear and merchantable title to the Property has been documented by a title report /opinion Attachment [#] generated by [*Company Name*]. Any exceptions to the real estate title not subordinated to the conservation servitude are listed below:

[Provide a determination as to whether or not there are any recorded liens, encumbrances, easements, servitudes, or restrictions on the property that cannot be subordinated to the conservation servitude or would otherwise affect the restoration/enhancement/ preservation efforts on the property contrary to this PRMP.]

* 1. Site Selection

[Provide a description of the site selection criteria utilized to determine appropriateness of the mitigation project for use as compensatory mitigation. Typical factors that must be discussed include (1) watershed scale features; (2) size and location of the proposed mitigation site in relation to hydrologic sources, (provide a map of geographic boundaries of the mitigation site); (3) compatibility with adjacent land uses and existing watershed plans; (4 the proposed mitigation plan’s effect on threatened or endangered species or cultural resources; and (5) provide an explanation of parameters used in selection of the mitigation site in comparison to the impact site.]

* 1. Baseline Information

[The applicant must describe the ecological characteristics of the proposed mitigation site. These characteristics should include, but is not limited to: (1) specifics on historical and existing site conditions including land use, vegetation, and hydrology; (2) soils information from the most current NRCS survey, and (3) details about the corps-issued jurisdictional determination (JD) of “waters of the U.S,” with a reference to the approved JD which should be an attachment to this PRMP. Note that the JD is necessary to support the method of compensation. In each of these sections, provide details on how that particular characteristic of the site will support the planned types of aquatic resources and functions]

* + 1. Land Use
       1. Historical Land Use

#### [Identify as best you can the original ecosystem at the site then identify the land use history of the site, what and when. If property has a logging history, identify latest logging activities.]

* + - 1. Current Land Use

#### [Identify current land use; how long? If site is abandoned, how long has it been abandoned?]

* + 1. Soil

[Describe soils on site and reference a soils map that needs to be included as one of the figures of this PRMP, discuss the hydric status of each soils as well as the suitability for wetland restoration; discuss how past land uses may have impacted these soils]

* + 1. Hydrology
       1. Historical Drainage Patterns

#### [DISCUSS historical drainage patterns information should be provided on existing conditions map, provide a map of showing what the historical drainage patterns including connections to adjacent waters and uplands.]

* + - 1. Existing Drainage Patterns

#### [Describe existing hydrology and features that have altered the sites wetland hydrology. Provide a map of the existing drainage patterns of the site including connections to adjacent waters and uplands. DISCUSS how these alterations have changed site and area wetland conditions. What affect will these alterations have on the Permittee’s ability to restore wetland hydrology to the site? What’s required to restore wetland hydrology and discuss risks involved?]

* + 1. Vegetation
       1. Historical Plant Community

#### [Describe what probably occurred based on historical data, soils, hydrology]

* + - 1. Existing Plant Community

#### [Describe existing community; if existing community not hydric what would be required to restore the site and what risks are involved in the restoration effort.]

* + 1. Jurisdictional Determination

[Describe the details on the corps-issued jurisdictional determination (JD) of “Waters of the U.S,” with a reference to the approved JD, a copy of which should be an attachment to this PRMP. Note that the JD is necessary to support the method of compensation.]

1. Assessment Methodology

[The applicant, with input from the CEMVN project manager and interested resource agencies, will establish the number and resource type of credits that are necessary to fully offset impacts from the authorized project. The credit determination must be based on a functional assessment unless there is not one practically available.]

1. Mitigation Work Plan

[*This PRMP must provide detailed specifications and work descriptions for the proposed compensatory mitigation project, including, but not limited to:*

* *Work required, construction methods to be used, timing, and sequence. Proposed grading plan, including elevations and slopes of the substrate,*
* *Soil management and erosion control measures;*
* *Source(s) of water, inundation periods, depth, periods with no surface water;*
* *Plant community to be established include a species list and % composition; discuss edaphic and hydrology considerations in species selection;*
* *Methods of establishing the desired plant community, natural regeneration, planting densities, species distribution, method of planting, herbivory/weed control, fertilizers, etc.;*
* *Plans to eliminate/control invasive plant and/or animal species;*
* *Drawings: Plan view and cross-sections of proposed work; Map showing the proposed mitigation type;]*

1. Mitigation Site Maintenance Plan

[The applicant must provide a detailed description of what maintenance work will be required and schedule of required maintenance to insure the continued viability of the resource following initial construction and prior to long-term milestones.]

1. Performance Standards

[*The applicant must incorporate the performance standards identified in the mitigation work plan templates used for mitigation banks for the habitat type intended to be restored.*

1. Monitoring and Reporting Requirements

[The applicant must incorporate the monitoring and reporting requirements identified in the mitigation work plan templates used for mitigation banks for the habitat type intended to be restored]

1. Financial Assurances
   1. Construction and Establishment (C&E) Fund
      1. Estimate of C&E Funds Required

The Permittee agrees to provide Financial Assurances sufficient to ensure satisfactory completion for the work described in this PRMP and any future Adaptive Management Plan(s). The Permittee is establishing the Construction and Establishment (C&E) financial assurance to assure sufficient funds are available to perform work required to construct and maintain the Mitigation Site through successful attainment of long term success criteria. An assessment of the initial and capital costs and ongoing management funds required to manage and monitor the Mitigation Site is included in [Attachment Name/Number] of this PRMP and provides an estimate of work and cost requirements for construction and establishment of the Mitigation Site through achievement of long term success criteria. [Describe in detail the method of assessing initial construction costs and ongoing management funds required for a third-party to manage and monitor the lands through the first 15 years (7 years for saline/brackish marsh systems).

[Note: The applicant must provide a description of the financial assurances that will be used for the mitigation site as well as documentation demonstrating that they are sufficient to ensure a high level of confidence that the compensatory mitigation project will be successfully completed, in accordance with its performance standards.

CEMVN will review the documentation and determine its appropriateness based on several factors which includes, but is not limited to: the size and complexity of the proposed compensatory mitigation project, the degree of completion of the project at the time of project approval, the likelihood of success, the past performance of the applicant, and any other factors CEMVN deems appropriate.

In determining the assurance amount, the district engineer shall consider the cost of providing replacement mitigation, including costs for land acquisition, planning and engineering, legal fees, mobilization, construction, and monitoring.]

* + 1. C&E Funding Mechanism

To fund this account, the Permittee proposes to establish [performance bonds, escrow accounts, letters of credit, legislative appropriations for government Permittee projects, or other appropriate instruments, subject to the approval of the district engineer].

[Note: The rationale for determining the amount of the required financial assurances must be documented in the administrative record for either the DA permit or the PRMP. The financial assurances must be in place prior to impact project commencement and may be phased out based on achievement of performance standards and the likelihood of adaptive management measure implementation. The DA permit special conditions must clearly specify the conditions under which the financial assurances may be released to the Permittee and/or other financial assurance provider.]

* 1. C&E Fund Release Schedule

The Financial assurance shall be reduced as success criteria are achieved and the probability decreases that those funds would be needed according to the following schedule:

#### Upon verification by the CEMVN, following consultation with interested resource agencies, that the construction work has been completed, the CEMVN shall advise the Permittee that the C&E financial assurance may be reduced to [$] [*This value is dependent upon what work has been completed successfully as well as any contingency funds in place to cover the costs of correcting the initial work should it fail to produce the results anticipated, i.e., additional work required to establish wetland hydrology planting failures, exotic control, etc.*].

#### Upon verification by the CEMVN, following consultation with interested resource agencies, that the initial success criteria have been attained for all tracts, the CEMVN shall advise the Permittee that the C&E financial assurance may be reduced to [$] [*Release funds pertaining to monitoring and reporting as well as adaptive management measures to meet the initial success criteria; replanting, exotic control.*].

#### Upon verification by the CEMVN, following consultation with interested resource agencies, that the interim success criteria have been attained for all tracts, the CEMVN shall advise the Permittee that the C&E financial assurance may be reduced to [$] [*Release funds pertaining to monitoring and reporting, performing a JD as well as adaptive management measures to meet the interim success criteria; replanting, exotic control, hydrologic work.*].

#### Upon verification by the CEMVN, following consultation with interested resource agencies, that the long-term success criteria have been attained for all tracts, the CEMVN shall notify the financial institution that the remaining C&E financial assurance shall be released to the Permittee.

[*Sections 1- 4 above should be amended pursuant to the specifics of each mitigation work plan and should be based on the need to perform adaptive management and or other work necessary to achieve success criteria*]

* 1. C&E Annual Reports

The Permittee shall provide copies of annual status of the financial assurances to CEMVN upon request and in their monitoring reports.

* 1. Default Contingency

The financial assurances shall guarantee payment to a third party, as determined appropriate by the CEMVN, in consultation with interested resource agencies, in the event that the Permittee does not fulfill its obligations to perform, as specified in this PRMP.

* 1. Notifications to Release Funds

Payment to Permittee, or if necessary, to a third party as identified by CEMVN, of a specified amount of the financial assurances shall be made upon written notification by CEMVN to the financial institution.

1. Long-Term Maintenance and Protection

[*The applicant must provide a description of how the proposed compensatory mitigation project will be managed following achievement of all performance standards to ensure the long-term sustainability of the aquatic resource. The long term management plan should identify the long term management needs, the party responsible for long term management and a cost analysis. The cost analysis should be based on requirements for a third party to perform the work. The applicant must establish a long-term escrow account in the amount necessary such that interest on the account is sufficient to fund long-term management and maintenance on an annual basis without drawing from the account principal. Prior to establishing this account, the applicant must provide all financial documentation for CEMVN-OC review. The commonly required form of long term funding is an escrow account. Applicants should use the OC-approved escrow agreement for expedited review. Below is some approved language for this section with further instructions.*]

1. Conservation Servitude

The Owner of the proposed Mitigation Site shall burden the Property with perpetual [*change “perpetual” to “a 20 year” for brackish-saline marsh banks*] conservation servitude in accordance the Louisiana Conservation Servitude Act, R.S. 9:1271 et seq. The conservation servitude shall be signed and filed in the [*enter name of parish*] parish office with this PRMP and DE permits attached. The conservation servitude shall be filed prior to performing any work authorized by DA permit [*permit #*]. After filing, a copy of the recorded conservation servitude, clearly showing the book, page and date of filing, will be provided to CEMVN. Upon receipt of a copy of the recorded conservation servitude, CEMVN will advise the Permittee in writing that work may proceed.

Prior to execution of the conservation servitude, the Owner shall provide evidence through the Permittee that the entity proposed to hold the conservation servitude is a CEMVN approved Holder by virtue of being either a governmental body empowered to hold an interest in immovable property under the laws of the State of Louisiana or the United States of America; or a non-profit corporation organized pursuant to Louisiana’s Non-Profit Corporation Law, Title 12, Sections 201-269 of the Louisiana Revised Statues, the purposes or powers of which include retaining or protecting the natural, scenic, or open–space values of immovable property; assuring the availability of immovable property for agricultural, forest, recreational of open-space use; protecting natural resources; maintaining or enhancing air or water quality; or preserving the historical, archaeological or cultural aspects of unimproved immovable property. Upon execution of the conservation servitude previously described, the Holder shall hold and enforce the conservation servitude placed on the Mitigation Site and the Mitigation Site shall be protected in perpetuity.

Modification of the conservation servitude is not permissible without prior written authorization from CEMVN. Any request to modify the conservation servitude, or to the rights and obligations created under it, shall be mad in writing and forwarded to CEMVN for review and approval. All requests must describe existing language and the requested modification.

The Owner acknowledges and agrees that the conservation servitude applies to all of the Property within the boundary of the mitigation site and not just those portions of the Property identified as wetlands.

[*Note:* *Using the CEMVN Office of Counsel (OC)-approved conservation servitude template will substantially reduce the review time or could even eliminate the need for review by OC. Request a copy of the most up-to-date template from the CEMVN project manager. When filing, the conservation servitude must include the issued DA permit for the impact, issued DA permit for the mitigation site, and the approved Permittee-Responsible Mitigation Plan as attachments. The applicant must provide the CEMVN project manager with a copy of the entire filed conservation servitude, stamped by the local parish conveyance records office clearly identifying the book, page, and date of filing.*]

1. Long-term Management Needs

To ensure the long-term sustainability of the resource, the Permittee will [*Describe the long-term management needs and requirements to ensure the sustainability of the mitigation site; What activities need to be done?]*

1. Annual Cost Estimates for These Needs

The cost of long-term management is $XXX from Year [XX] to Year [XX]. [*The time-frame for long-term management calculations is Year 16 to Year 50 for all habitats except saline/brackish marsh which is Year 7 to Year 20. Please insert the correct years according to your habitat type*]. This amounts to $XXXX when adjusted for inflation every five years. Appendix D is a description of the necessary work and an itemized cost to perform the work for long-term management and protection of the Mitigation Site.

1. Long-Term Maintenance and Protection Funding

To ensure that sufficient funds are available to provide for the perpetual maintenance and protection of the Mitigation Site, the Permittee is establishing the “Long-Term Maintenance and Protection” escrow account. This account will be administered by a federally-insured depository that is "well-capitalized" or "adequately-capitalized" as defined in Section 38 of the Federal Deposit Insurance Act. Documentation that the account is fully funded is a pre-requisite for issuance of the permit. Accrued interest in excess of the value of the fully funded account may only be used for the administration, operation, maintenance and/or other purposes that directly benefit the Mitigation Site. The principal shall not be used and shall remain as part of the Mitigation Site’s assets to ensure that sufficient funds are available should perpetual maintenance responsibilities be assumed by a third party. The Permittee or Long-term Stewart may withdraw the accumulated interest only with written approval from CEMVN and only to be used to maintain the Mitigation Site. The Permittee shall provide copies of depository account statements to CEMVN upon request and in their monitoring reports.

1. Contingencies and Remedial Actions

[The applicant must provide a management strategy to address unforeseen changes in site conditions or other components of the compensatory mitigation project, including the party or parties responsible for implementing adaptive management measures. The adaptive management plan must guide decisions for revising compensatory mitigation plans and implementing measures to address both foreseeable and unforeseen circumstances that adversely affect compensatory mitigation success.]

* 1. Adaptive Management

The Permittee is responsible for implementing an approved Adaptive Management Plan in accordance with 33 CFR 332.4(c)(12). The Adaptive Management Plan identifies specific measures to be taken and a timetable to complete the work to correct most potential deficiencies.

* 1. Notice of Deficiency

If monitoring discloses that the Mitigation Site does not meet success criteria, the Permittee will provide a Notice of Deficiency to CEMVN that success criteria have not been met. This notice shall be submitted with the monitoring report. Along with the notice the Permittee will provide a detailed explanation of the deficiency and a proposal identifying specific measures to be taken and a timetable to complete the work to correct the deficiency. CEMVN, in consultation with interested resource agencies, shall determine a course of action required to correct deficiencies and then notify the Permittee to engage in corrective actions pursuant to the Adaptive Management Plan or other action as the situation may warrant.

When a disaster (natural or man-induced) adversely affects the Mitigation Site, the Permittee shall provide a Notice of Deficiency to CEMVN of such circumstance within two weeks of the event. The notice will identify the disaster and impacts to the Mitigation Site, specify measures to be taken to correct the impacts and a timetable to complete the work necessary to restore the Mitigation Site. CEMVN shall then notify the Permittee to engage in corrective actions pursuant to the Adaptive Management Plan or other action as the situation may warrant.

* 1. Conditions for Re-evaluation of the Benefits from Mitigation Site

Should the CEMVN determine that the Mitigation Site is not performing according to the standards and criteria set forth in this PRMP, CEMVN will require adaptive management.

If the Permittee fails to implement adaptive management to address any failure in meeting the performance standards within one growing season (November 1 of the following year) after notification, the CEMVN, in consultation with interested resource agencies, will notify the Permittee of the revocation of this mitigation project as appropriate mitigation for the impact project. The Permittee will be required to replace the mitigation. Methods of replacement will be determined at that time and could require purchasing mitigation credits at an appropriate mitigation bank. The perpetual conservation servitude will remain in place on the Property to protect accrued credits unless project impacts are fully mitigated elsewhere.

1. Natural Disasters

In the event substantial damage to the Mitigation Site caused by a natural or human-caused disaster or a deliberate and unlawful act, the CEMVN, in consultation with the Permittee and interested resource agencies, determines that the disaster was beyond the control of the Permittee, its agents, contractors, or consultants to prevent or mitigate; the Permittee may request, and the CEMVN, in consultation with the interested resource agencies, may approve changes to the construction, operation, project milestones or performance standards. Net improvement (credits) of the mitigation site will be reassessed.

Should a disaster with substantial damage to the Mitigation Site occur, CEMVN, in consultation with interested resource agencies, will evaluate the degree of impacts and measures necessary to remediate identified impacts to the Mitigation Site. The CEMVN, in consultation with interested resource agencies, will then determine an appropriate adaptive management plan to address the issue.

The Permittee will implement adaptive management measures necessary to remediate identified impacts within one year of receiving the approved adaptive management plan. The Permittee will continue to submit monitoring reports and the success of the adaptive management will be re-evaluated. Additional adaptive management measures may be necessary upon follow-up evaluations.

If identified remedial actions are not taken within one year following receipt of the approved adaptive management plan for that issue, the approval of this Mitigation Site as appropriate mitigation for the impact project will be revoked.

1. Financial Responsibilities

Regardless of the cause of the remedial action, the Permittee shall bear the financial responsibility for any and all remedial measures necessary to correct any deficiency caused by any means prior to successful attainment and verification of all Long-term Success Criteria by the CEMVN, in consultation with interested resource agencies.

1. Additional Information

[Provide any additional information that may be necessary for the mitigation plan but does not fit into any of the sections above.]

1. References

[Provide a list of citations referenced in this document.]