

Wilmington District Mitigation Credit Release Schedules

Updated April 26, 2011

The following credit release schedules apply to mitigation in the Wilmington District. After the second milestone, the credit releases occur on an annual basis, assuming that interim success measures are met. For the NC Ecosystem Enhancement Program (NCEEP), the following applies to all projects instituted following the approval of the NCEEP ILF Instrument on July 28, 2010. The initial release of credits (Milestone 1) is not provided because NCEEP operates as an in-lieu fee program with advance credits available to use, so no initial release is necessary to help fund site construction. To account for this, the 15% of credits associated with the first milestone (bank establishment) is held until the second milestone, so that the total released credits to NCEEP at the second milestone is 30%. However; in order for NCEEP get this 30% release (shown in the table as Milestone 2), they must meet the following criteria in addition to the stated Release Activity:

1. Mitigation plan approval;
2. Recordation of the preservation mechanism, as well as a title opinion acceptable to the USACE covering the property, and;
3. Issuance of 404 permits for construction, if necessary.

After the second milestone, the release schedules for private banks and NCEEP are the same. For comparison, the interim and total credit releases for both banks and NCEEP are shown side-by-side in the table below.

For private banks, financial assurances may be tied to credit release on a case-by-case basis. For NCEEP, financial assurances were established up front with the Instrument that authorizes NCEEP, and are therefore not tied to credit releases for specific mitigation sites.

Credit Release Schedule for Forested Wetlands					
Credit Release Milestone	Release Activity	Banks		NCEEP	
		Interim Release	Total Released	Interim Release	Total Released
1	Bank Establishment (Execution of MBI, Approval of final Mitigation Plan, Mitigation bank site has been secured, Delivery of the financial assurance, Recordation of the long-term protection mechanism and title opinion)	15%	15%	0%	0%
2	Upon completion of all initial physical and biological improvements made pursuant to the Mitigation Plan (see additional requirements above for NCEEP)	15%	30%	30%	30%
3	First year monitoring report demonstrates interim success measures are met	10%	40%	10%	40%
4	Second year monitoring report demonstrates interim success measures are met	10%	50%	10%	50%
5	Third year monitoring report demonstrates interim success measures are met	10%	60%	10%	60%
6	Fourth year monitoring report demonstrates interim success measures are met	10%	70%	10%	70%
7	Fifth year monitoring report demonstrates non-vegetation performance standards are met	10%	80%	10%	80%
8	Sixth year monitoring report demonstrates interim vegetation success measures are met	10%	90%	10%	90%
9	Seventh year monitoring report demonstrates vegetation performance standards are met	10%	100%	10%	100%

Credit Release Schedule for Wetlands (other than forested)					
Credit Release Milestone	Release Activity	Banks		NCEEP	
		Interim Release	Total Released	Interim Release	Total Released
1	Bank Establishment (Execution of MBI, Approval of final Mitigation Plan, Mitigation bank site has been secured, Delivery of the financial assurance, Recordation of the long-term protection mechanism and title opinion)	15%	15%	0%	0%
2	Upon completion of all initial physical and biological improvements made pursuant to the Mitigation Plan (see additional requirements above for NCEEP)	15%	30%	30%	30%
3	First year monitoring report demonstrates interim success measures are met	10%	40%	10%	40%
4	Second year monitoring report demonstrates interim success measures are met	15%	55%	15%	55%
5	Third year monitoring report demonstrates interim success measures are met	20%	75%	20%	75%
6	Fourth year monitoring report demonstrates interim success measures are met	10%	85%	10%	85%
7	Fifth year monitoring report demonstrates performance standards are met	15%	100%	15%	100%
Credit Release Schedule for Streams					
Credit Release Milestone	Release Activity	Banks		NCEEP	
		Interim Release	Total Released	Interim Release	Total Released
1	Bank Establishment (Execution of MBI, Approval of final Mitigation Plan, Mitigation bank site has been secured, Delivery of the financial assurance, Recordation of the long-term protection mechanism and title opinion)	15%	15%	0%	0%
2	Upon completion of all initial physical and biological improvements made pursuant to the Mitigation Plan (see additional requirements above for NCEEP)	15%	30%	30%	30%
3	First year monitoring report demonstrates channel is stable and interim success measures are met	10%	40%	10%	40%
4	Second year monitoring report demonstrates channel is stable and interim success measures are met	10%	50% (65%*)	10%	50% (65%*)
5	Third year monitoring report demonstrates channel is stable and interim success measures are met	10%	60% (75%*)	10%	60% (75%*)
6	Fourth year monitoring report demonstrates channel is stable and interim success measures are met	10%	70% (85%*)	10%	70% (85%*)
7	Fifth year monitoring report demonstrates channel is stable and performance are met	15%	85% (100%*)	15%	85% (100%*)

*A reserve of 15% of a site's total stream credits shall be released after two bank-full events have occurred, in separate years, provided the channel is stable and all other performance standards are met. In the event that less than two bank-full events occur during the monitoring period, release of these reserve credits shall be at the discretion of the IRT.