

(9) **Agricultural Activities.** Unless currently used for agricultural or similarly related purposes, the conversion of, or expansion into, any portion of the Conservation Area for use of agricultural, horticultural, aquacultural, silvicultural, livestock production or grazing activities. This prohibition also includes conversion from one type of these activities to another (e.g. from agricultural to silvicultural).

(10) **Subdivision of Conservation Area.** Subdivision of real property within the Conservation Area into multiple parcels.

(11) **Other.** Other acts, uses, excavation, or discharges, which adversely affect fish or wildlife habitat or the preservation of lands, waterways, or other aquatic resources mentioned herein and located within the Conservation Area.

#### **E. INSPECTION, ENFORCEMENT AND ACCESS RIGHTS**

As set forth in Section B, above, the Grantee, holder(s) of this Declaration, the Corps, PADEP and other government agencies with legal authority to enter upon the Property for purposes related to this Declaration have the right to enter the Property to observe the Conservation Area and to take actions necessary to verify compliance with and to enforce this Declaration. When practicable, such entry shall be upon prior reasonable notice to the property owner. No violation of this Declaration shall result in a forfeiture or reversion of title. In any enforcement action, an enforcing agency shall be entitled to a complete restoration for any violation, as well as other authorized judicial remedies such as civil penalties. Nothing herein shall be interpreted to limit the right of the Corps to modify, suspend, or revoke any permit issued or authorized by Corps.

#### **F. RECORDING AND EXECUTION BY PARTIES**

Within thirty (30) calendar days of execution of this Agreement, the Grantee shall record this Declaration in the County office where land records are retained and shall provide proof of recordation to Grantor, the Corps, and PADEP within ten (10) business days of execution. Further, if anticipated activities in the Conservation Area are agreed upon for future phases of the site, as set forth in Section H (Reserved Rights) herein, the Grantee must submit plans to the Corps and PADEP for review and approval prior to any work in the Conservation Area.

#### **G. NOTICE OF TRANSFER OF PROPERTY INTERESTS**

No transfer of the rights set forth in this Declaration, or action to void or modify this Declaration, including transfer of title to or establishment of any other legal claims over the Conservation Area or the underlying Property it occupies, shall occur without sixty (60) calendar days' prior written notice to the Corps and the PADEP.

#### **H. RESERVED RIGHTS**

(1) This Declaration will not prevent the Grantor, or any subsequent owner of the Property and/or portions of the Property, from making use of the area(s) outside of the Conservation Area or from uses that are consistent with the purposes of this Declaration, including, but not limited to the following:

(a) **Existing Agreements.** Uses that Grantor is required to allow under valid, existing, recorded agreements are permitted, to the extent they do not interfere with, threaten, or degrade the Conservation Area and only to the extent they are consistent with the purposes of this Declaration. The Grantor[, holder(s) hereof,] and any holders of easements or other property rights for the operation and maintenance of pre-existing or project-related structures or infrastructure, such as roads, utilities, drainage ditches, or stormwater facilities that are present on, over, or under the Conservation Area, reserve the right, within the terms and conditions of their permits, agreements, and the law, to continue with such operation and maintenance. All pre-existing or approved project-related structures or infrastructure, if any, shall be shown on the accompanying plat map or approved plan and attached to this Declaration as **Exhibit D**.

(b) **Subsequent Agreements Allowing Subsurface Activity.** Subject to review by Grantee [if holder known – and holder of this Declaration], and only to the extent they are consistent with the purposes of this Declaration, agreements for the extraction of natural gas (regardless of source) or oil, and injection or release of water and other substances to facilitate such extraction, but excluding injection wells subject to state or federal underground injection control programs. The activities subject to such agreement may only occur at subterranean depths at which there can be no impairment of or detectable impact to water quality or quantity, native flora, fauna, soils, water table, aquifer, drainage patterns, and other related environmental functions and values of the Property, or on other resources described in this Declaration. No surface activities or uses, incident to such extraction are permitted in the Conservation Area. Grantor and Grantee shall provide the Corps and PADEP notice of Grantor's intent to enter into an agreement allowing subsurface activities at least sixty (60) days prior to executing the agreement.

(2) If the success of a compensatory mitigation project required or authorized by the Corps and PADEP requires any related or unanticipated infrastructure modifications, utility relocation, drainage ditches, or stormwater controls within the identified Conservation Area, or if a situation requires measures to remove threat to life or property within the identified Conservation Area, said activities must be approved in writing by the Corps and PADEP subject to terms and conditions set forth in the written approval. Approval is subject to the Corps's and PADEP's discretion. If approved, said activities must be identified on an amended **Exhibit D** and must be recorded and specifically noted as an "amendment" and copies of the recorded **Amended Exhibit D** must be provided to the Corps and PADEP within sixty (60) days of Corps approval. Approval of said activity by the Corps is in addition to any Clean Water Act, Section 404 permit, or other authorization, which may be required in order to legally implement said activity. The Grantor and Grantee accept the obligation to place any other and/or subsequent responsible party on reasonable prior notice of their need to request such Corps approval.

(3) **Enhancements, Maintenance and Repair.** This Declaration is not intended to prohibit future necessary or desired maintenance, repair, or enhancements to the

Property, where such actions are approved by the Corps and PADEP as appropriate, either through an approved mitigation plan (Section K below) or by a separate permit.

[I. The Grantor has mortgaged the Property subject to this Declaration. The lender has executed Subordination of Mortgage instruments related to the parcels subject of this Declaration for the sole purpose of subordinating their respective liens, dignity and priority interests to this Declaration. The executed Subordination of Mortgage instruments are attached hereto as **Exhibit E: Mortgage Subordination Documents**, and incorporated fully herein.]

#### J. SEVERABILITY

If any portion of this Declaration, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this instrument, or application of such provision to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

#### K. MITIGATION

If the work required by a mitigation plan approved by the Corps and PADEP, including maintenance or remedial work, occurs within the Conservation Area, then the Grantee is allowed to construct and undertake the mitigation work in accordance with an authorized mitigation plan.

#### L. ASSIGNMENT

The Grantee [If Holder exists: and/or Holder each] is authorized to assign or transfer its rights and obligations under this Declaration to an organization that is a qualified organization under Section 170(h) of the Internal Revenue Code at the time of transfer.

#### M. COAL RIGHTS NOTICE

The following notice is given to and accepted by Grantor for the purpose and with the intention of compliance with the requirements of the Pennsylvania Conservation and Preservation Easements Act. Nothing herein shall imply the presence or absence of workable coal seams or the severance of coal interests from the Property.

## NOTICE:

**THIS DECLARATION may impair the development of coal interests including workable coal seams or coal interests which have been severed from the Property.**



IN WITNESS WHEREOF, intending to be legally bound, the Parties have executed this Declaration the day and year first above written.

**GRANTOR:**

**GRANTEE:**

First Pennsylvania Resource, L.L.C.  
a Pennsylvania limited liability company

By: Resource Environmental Solutions,  
LLC, its sole manager

\_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

WITNESS:

WITNESS:

\_\_\_\_\_

\_\_\_\_\_

**HOLDER:**

\_\_\_\_\_

WITNESS:

By: \_\_\_\_\_

\_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA :  
 : SS  
COUNTY OF \_\_\_\_\_ :

On \_\_\_\_\_, before me, a Notary Public for the Commonwealth aforesaid, personally appeared \_\_\_\_\_, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have set my hand and official seal.

\_\_\_\_\_  
Notary Public  
My commission expires:  
\_\_\_\_\_

[SEAL]

COMMONWEALTH OF PENNSYLVANIA :  
 : SS  
COUNTY OF \_\_\_\_\_ :

On \_\_\_\_\_, before me, a Notary Public for the Commonwealth aforesaid, personally appeared \_\_\_\_\_, who acknowledged himself/herself to be the \_\_\_\_\_ of the \_\_\_\_\_ known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have set my hand and official seal.

\_\_\_\_\_  
Notary Public  
My commission expires:  
\_\_\_\_\_

[SEAL]

COMMONWEALTH OF PENNSYLVANIA :  
 : SS  
COUNTY OF \_\_\_\_\_ :

On \_\_\_\_\_, before me, a Notary Public for the Commonwealth aforesaid, personally appeared \_\_\_\_\_, who acknowledged himself/herself to be the \_\_\_\_\_ of Resource Environmental Solutions, LLC, as manager of First Pennsylvania Resource, L.L.C., a Pennsylvania limited liability company, and that s/he, in the capacity set forth above, on behalf of the Grantee, being authorized to do so, executed, in my presence, the foregoing Declaration for the purposes herein contained.

IN WITNESS WHEREOF, I have set my hand and official seal.

\_\_\_\_\_  
Notary Public  
My commission expires:  
\_\_\_\_\_

[SEAL]

## APPENDIX C

### REPRESENTATIVE SITE PHOTOGRAPHS





Photo 1. Potential Reestablishment Location



Photo 2. Potential Reestablishment Location





Photo 3. Degraded Emergent Invasive Cover of Stream & Wetland Complex of Babb Creek Mainstem



Photo 4. Intermittent Tributary to Babb Creek at Southern Boundary





Photo 5. Agricultural Drainage



Photo 6. Potential Reestablishment Location





Photo 7. Ponding Area at Central Portion of Site



Photo 8. Potential Reestablishment Location

## APPENDIX D

### BASELINE DATA [TBD]

APPENDIX E  
WETLAND REPORT [TBD]

APPENDIX F  
WATERCOURSE IDENTIFICATION REPORT  
[TBD]

## APPENDIX G

### JURISDICTIONAL AGENCY COORDINATION



## 1. PROJECT INFORMATION

Project Name: **Babb Creek Restoration Project**

Date of Review: **12/8/2021 08:51:53 AM**

Project Category: **Habitat Conservation and Restoration, Wetland Restoration, Wetland Creation, or Wetland Enhancement**

Project Area: **480.02 acres**

County(s): **Tioga**

Township/Municipality(s): **CHARLESTON TOWNSHIP**

ZIP Code:

Quadrangle Name(s): **CHERRY FLATS**

Watersheds HUC 8: **Pine**

Watersheds HUC 12: **Charleston Creek; Headwaters Babb Creek**

Decimal Degrees: **41.720075, -77.232199**

Degrees Minutes Seconds: **41° 43' 12.2688" N, 77° 13' 55.9153" W**

## 2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	No Known Impact	No Further Review Required
PA Department of Conservation and Natural Resources	No Known Impact	No Further Review Required
PA Fish and Boat Commission	No Known Impact	No Further Review Required
U.S. Fish and Wildlife Service	No Known Impact	No Further Review Required

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate no known impacts to threatened and endangered species and/or special concern species and resources within the project area. Therefore, based on the information you provided, no further coordination is required with the jurisdictional agencies. This response does not reflect potential agency concerns regarding impacts to other ecological resources, such as wetlands.

## Babb Creek Restoration Project



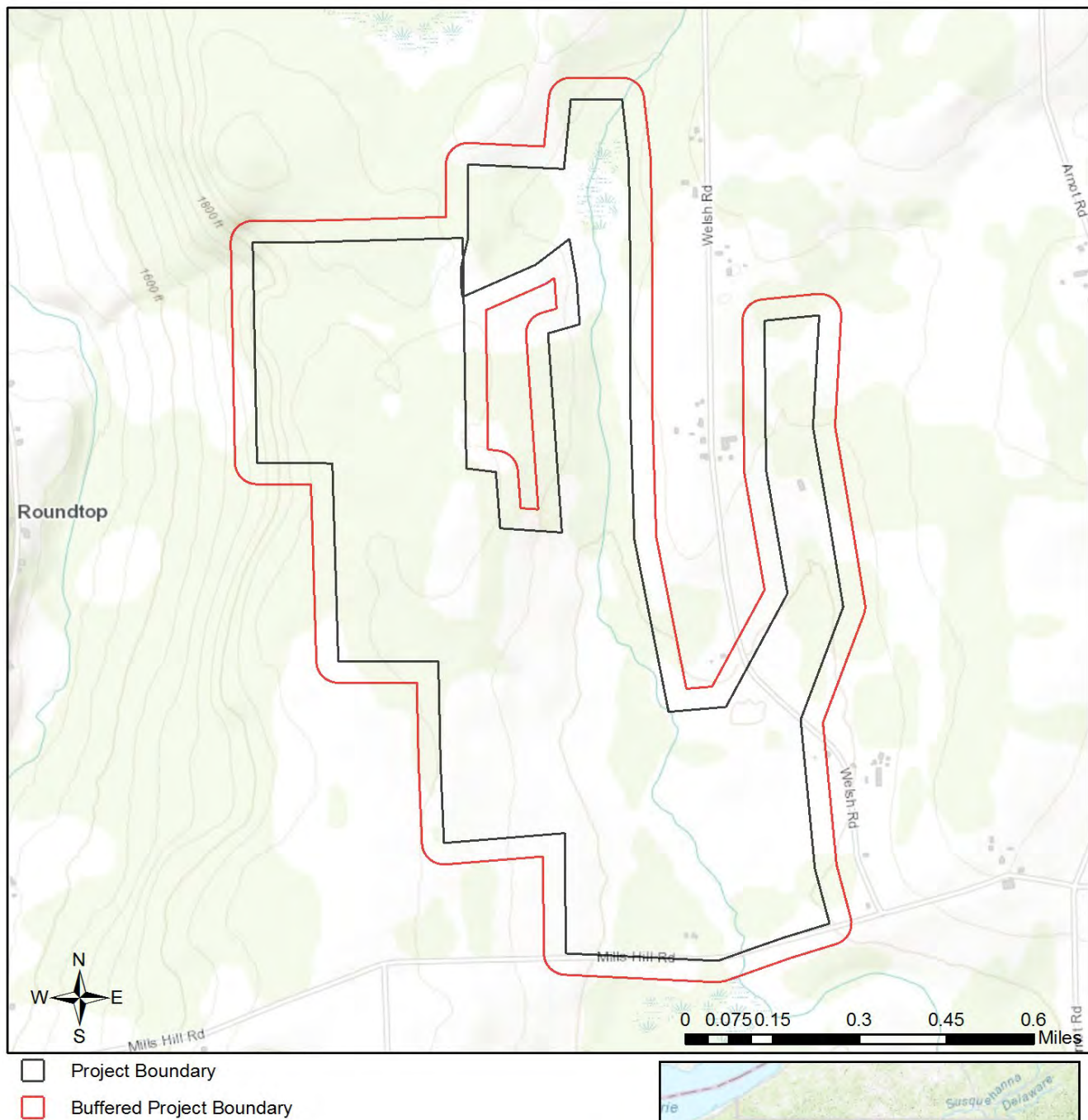
- ☐ Project Boundary
- ☐ Buffered Project Boundary



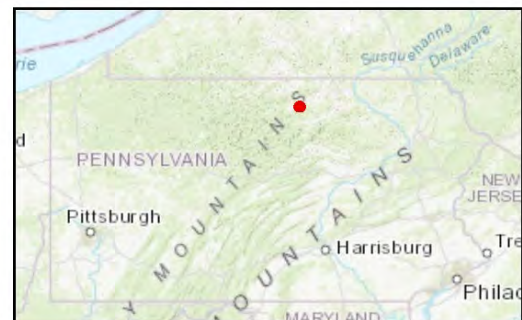
Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community  
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community  
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China



## Babb Creek Restoration Project



Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



### 3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are **valid for two years** (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The jurisdictional agencies **strongly advise against** conducting surveys for the species listed on the receipt prior to consultation with the agencies.

#### PA Game Commission

##### RESPONSE:

No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

#### PA Department of Conservation and Natural Resources

##### RESPONSE:

No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

#### PA Fish and Boat Commission

##### RESPONSE:

No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

#### U.S. Fish and Wildlife Service

##### RESPONSE:

No impacts to **federally** listed or proposed species are anticipated. Therefore, no further consultation/coordination under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq. is required. Because no take of federally listed species is anticipated, none is authorized. This response does not reflect potential Fish and Wildlife Service concerns under the Fish and Wildlife Coordination Act or other authorities.

### 4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. Two review options are available to permit applicants for handling PNDI coordination in conjunction with DEP's permit review process involving either T&E Species or species of special concern. Under sequential review, the permit applicant performs a PNDI screening and completes all coordination with the appropriate jurisdictional agencies prior to submitting the permit application. The applicant will include with its application, both a PNDI receipt and/or a clearance letter from the jurisdictional agency if the PNDI Receipt shows a Potential Impact to a species or the applicant chooses to obtain letters directly from the jurisdictional agencies. Under concurrent review, DEP, where feasible, will allow technical review of the permit to occur concurrently with the T&E species consultation with the jurisdictional agency. The applicant must still supply a copy of the PNDI Receipt with its permit application. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. The applicant and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <https://conservationexplorer.dcnr.pa.gov/content/resources>.

## 5. ADDITIONAL INFORMATION

The PNDI environmental review website is a preliminary screening tool. There are often delays in updating species status classifications. Because the proposed status represents the best available information regarding the conservation status of the species, state jurisdictional agency staff give the proposed statuses at least the same consideration as the current legal status. If surveys or further information reveal that a threatened and endangered and/or special concern species and resources exist in your project area, contact the appropriate jurisdictional agency/agencies immediately to identify and resolve any impacts.

For a list of species known to occur in the county where your project is located, please see the species lists by county found on the PA Natural Heritage Program (PNHP) home page ([www.naturalheritage.state.pa.us](http://www.naturalheritage.state.pa.us)). Also note that the PNDI Environmental Review Tool only contains information about species occurrences that have actually been reported to the PNHP.

## 6. AGENCY CONTACT INFORMATION

### PA Department of Conservation and Natural Resources

Bureau of Forestry, Ecological Services Section  
400 Market Street, PO Box 8552  
Harrisburg, PA 17105-8552  
Email: [RA-HeritageReview@pa.gov](mailto:RA-HeritageReview@pa.gov)

### PA Fish and Boat Commission

Division of Environmental Services  
595 E. Rolling Ridge Dr., Bellefonte, PA 16823  
Email: [RA-FBPACENOTIFY@pa.gov](mailto:RA-FBPACENOTIFY@pa.gov)

### U.S. Fish and Wildlife Service

Pennsylvania Field Office  
Endangered Species Section  
110 Radnor Rd; Suite 101  
State College, PA 16801  
Email: [IR1\\_ESPenn@fws.gov](mailto:IR1_ESPenn@fws.gov)  
NO Faxes Please

### PA Game Commission

Bureau of Wildlife Habitat Management  
Division of Environmental Planning and Habitat Protection  
2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
Email: [RA-PGC\\_PNDI@pa.gov](mailto:RA-PGC_PNDI@pa.gov)  
NO Faxes Please

## 7. PROJECT CONTACT INFORMATION

Name: \_\_\_\_\_  
Company/Business Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_  
Email: \_\_\_\_\_

## 8. CERTIFICATION

I certify that ALL of the project information contained in this receipt (including project location, project size/configuration, project type, answers to questions) is true, accurate and complete. In addition, if the project type, location, size or configuration changes, or if the answers to any questions that were asked during this online review change, I agree to re-do the online environmental review.

\_\_\_\_\_  
applicant/project proponent signature

\_\_\_\_\_  
date

## APPENDIX H

### BANK LEDGER

## Bank Ledger - PA Functional Protocol Method

### Streams

	Event	Date	Permittee	Permit Number (PADEP)	Permit Number (USACE)	Subbasin	Project Credits Utilized	Released Credits Remaining	Credits Released	Expected Future Credits Released	Permit impacts (Credits)	Released Credits Remaining
<b>PA Functional Protocol Method - Streams - Hydrologic Resource Support (HYD / RS)</b>												
Hydrologic (HYD1)	Bank Approved	xx/xx/xxxx	FPR	TBD	TBD	9	0.00	0.00	0.00	TBD	0	TBD

	Event	Date	Permittee	Permit Number (PADEP)	Permit Number (USACE)	Subbasin	Project Credits Utilized	Released Credits Remaining	Credits Released	Expected Future Credits Released	Permit impacts (Credits)	Released Credits Remaining
<b>PA Functional Protocol Method - Streams - Biogeochemical (BGC1)</b>												
Biogeochemical (BGC1)	Bank Approved	xx/xx/xxxx	FPR	TBD	TBD	9	0.00	0.00	0.00	TBD	0	TBD

	Event	Date	Permittee	Permit Number (PADEP)	Permit Number (USACE)	Subbasin	Project Credits Utilized	Released Credits Remaining	Credits Released	Expected Future Credits Released	Permit impacts (Credits)	Released Credits Remaining
<b>PA Functional Protocol Method - Streams - Habitat (HAB1)</b>												
Habitat (HAB1)	Bank Approved	xx/xx/xxxx	FPR	TBD	TBD	9	0.00	0.00	0.00	TBD	0	TBD

	Event	Date	Permittee	Permit Number (PADEP)	Permit Number (USACE)	Subbasin	Project Credits Utilized	Released Credits Remaining	Credits Released	Expected Future Credits Released	Permit impacts (Credits)	Released Credits Remaining
<b>PA Functional Protocol Method - Streams - Habitat (HAB1)</b>												
Resource Support (RS1)	Bank Approved	xx/xx/xxxx	FPR	TBD	TBD	9	0.00	0.00	0.00	TBD	0	TBD

## Bank Ledger - PA Functional Protocol Method

### Wetlands

	Event	Date	Permittee	Permit Number (PADEP)	Permit Number (USACE)	Subbasin	Project Credits Utilized	Released Credits Remaining	Credits Released	Expected Future Credits Released	Permit impacts (Credits)	Released Credits Remaining
<b>PA Functional Protocol Method - Wetlands - Hydrologic (HYD2)</b>												
Hydrologic / Resource Support (HYD2 / RS2)	Bank Approved	xx/xx/xxxx	FPR	TBD	TBD	9	0.00	0.00	0.00	TBD	0.00	TBD

	Event	Date	Permittee	Permit Number (PADEP)	Permit Number (USACE)	Subbasin	Project Credits Utilized	Released Credits Remaining	Credits Released	Expected Future Credits Released	Permit impacts (Credits)	Released Credits Remaining
<b>PA Functional Protocol Method - Streams - Biogeochemical (BGC2)</b>												
Biogeochemical (BGC2)	Bank Approved	xx/xx/xxxx	FPR	TBD	TBD	9	0.00	0.00	0.00	TBD	0.00	TBD

	Event	Date	Permittee	Permit Number (PADEP)	Permit Number (USACE)	Subbasin	Project Credits Utilized	Released Credits Remaining	Credits Released	Expected Future Credits Released	Permit impacts (Credits)	Released Credits Remaining
<b>PA Functional Protocol Method - Streams - Habitat (HAB2)</b>												
Habitat (HAB2)	Bank Approved	xx/xx/xxxx	FPR	TBD	TBD	9	0.00	0.00	0.00	TBD	0.00	TBD



Wetland Credit Ledger - Ratio Method

Date	Event	Permittee	Permit Number (PADEP)	Permit Number (USACE)	Subbasin	Project Credits Committed / Withdrawn	Project Credits Utilized	Released Credits Remaining	Credits Released	Expected Future Credits Released
PADEP - xx/xx/xxxx IRT - xx/xx/xxxx	Bank Approval	FPR	TBD	TBD	9	-	-	-	-	35.96

Stream Credit Ledger - Ratio Method

Date	Event	Permittee	Permit Number (PADEP)	Permit Number (USACE)	Subbasin	Project Credits Committed / Withdrawn	Project Credits Utilized	Released Credits Remaining	Credits Released	Expected Future Credits Released
PADEP - xx/xx/xxxx IRT - xx/xx/xxxx	Bank Approval	FPR	TBD	TBD	9	-	-	-	-	12,702.00

## APPENDIX I

### DESIGN PLANS [TBD]

## APPENDIX J

### FINANCIAL ASSURANCES [TBD]

## APPENDIX K

### SUMMARY OF SPONSOR QUALIFICATIONS

# **BABB CREEK MITIGATION BANK**

## **SUMMARY OF BANK SPONSOR QUALIFICATIONS**

**May 2021**



## Select Project Experience

### *Pennsylvania Statewide Umbrella Mitigation Banking Instrument – Statewide*

In 2013 RES executed Pennsylvania's first private, commercial statewide umbrella mitigation banking instrument (UMBI or PSUMBI) with the members of the PA Inter-agency Review Team (IRT). The UMBI was the result of several years of collaboration with the IRT members, including regulatory and legal review, and was the first UMBI in the state to cover both stream and wetland mitigation. The UMBI was signed by all three USACE districts (Philadelphia, Baltimore and Pittsburgh). RES also received a Statewide Operating Permit from the PADEP in 2013, covering future mitigation bank sites that would be included as amendments to the original permit authorization.

### *Upper Susquehanna River Mitigation Bank – Phase I, Potter County, PA*

In conjunction with the final UMBI approval in 2013, RES also received permit authorization for the state's first private, commercial wetland and stream mitigation bank in 2013, the Upper Susquehanna River Mitigation Bank- Phase 1 (USRMB1). USRMB1 includes over 1,935 linear feet of stream restoration, 1.01 acres of wetland and additional adjacent riparian/upland habitat restoration. Since the first credit release (in 2013), wetland and stream credits have been utilized to satisfy compensatory mitigation requirements for several private and public applicants within the primary and secondary service territories of the bank, including energy developments, airports, commercial/industrial developments, and roadway projects. In early 2019 RES requested the final credit release from the PA Inter-agency Review Team (IRT), as the bank has successfully met all designated success criteria.

### *Enlow Fork Mitigation Bank, Washington County, PA*

Enlow Fork Mitigation Bank (EFMB) includes over 6,480 linear feet of stream and 4.01 acres of wetland restoration. The bank was approved and constructed in 2017. Since the first credit release (in 2017), wetland and stream credits have been utilized to satisfy compensatory mitigation requirements for several private and public applicants within the primary and secondary service territories of the bank, including energy developments, airports, commercial/industrial developments, and roadway projects.

### *Robinson Fork Mitigation Bank – Phase 1, Washington County, PA*

The 533-acre Robinson Fork Mitigation Bank 1 (RFMB1), located in Washington County, PA was permitted in 2015 and constructed over two seasons through 2017. RFMB1 includes over 95,949 linear feet of stream restoration and over 46 acres of wetland, and additional riparian/adjacent upland habitat conservation and protection.

RFMB1 is a watershed scale floodplain (integrated valley) restoration site, encompassing several headwaters reaches and portions of the mainstem Robinson Fork. Restoration efforts at RFMB1 focused on creating an integrated and dynamic stream and floodplain system, restoring localized groundwater aquifers, reconnecting stream and floodplains to the groundwater table, optimizing and diversifying aquatic and terrestrial habitat, and creating a hydrologic system that allows for the retention of nutrients, stream bed material and organic carbon. Since construction, RFMB1 has been monitored annually, and results have exceeded expectations for performance each year.

### *Robinson Fork Mitigation Bank – Phase 2, Washington County, PA*

The 122-acre Robinson Fork Mitigation Bank – Phase 2 is an extension of the RFMB1 and includes more than 36,000 linear feet of stream restoration, over 10 acres of wetland restoration and enhancement and additional adjacent riparian/upland habitat restoration in the Ohio River Subbasin. The project was approved and constructed in 2020. Spring monitoring (Year 1) is currently underway.

#### ***Codorus Creek Mitigation Bank, York County, PA***

The 44-acre Codorus Creek Mitigation Bank (CCMB), located in York County, PA, was constructed during the summer of 2019 and resulted in the restoration of over 10,800 linear feet of stream and 8.6 acres of wetland resources. Like RFMB1 and Quaker Mitigation Bank, the CCMB also employed a watershed scale approach, prioritizing headwater reaches to control and/or limit inputs entering the system and reduce risk of underperformance and/or failure.

The site was restored following the floodplain (integrated valley) restoration approach. Year 1 monitoring occurred in 2020, with results exceeding expectations.

#### ***Laurel Hill Creek Mitigation Bank, Somerset County, PA***

The 88-acre Laurel Hill Creek Mitigation Bank was approved in December 2019 and constructed in 2021. The Project included a significant portion of Laurel Hill Creek and its headwater tributaries and contains multiple headwater and floodplain complex wetlands in a nutrient-rich agricultural landscape east of the Laurel Mountains. The headwaters of Laurel Hill Creek and associated tributaries are designated as High-Quality Cold-Water Fisheries (HQ-CWF) under PA Code Chapter 93: Water Quality Standards and qualify for Special Protection status according to the Pennsylvania Department of Environmental Protection and the Pennsylvania Fish and Boat Commission. The project restored and protected more than 29,000 linear feet of stream and more than 39 acres of wetland. Spring monitoring (Year 1) is currently underway.

#### ***Quaker Mitigation Bank, Berks County, PA***

The Quaker Mitigation Bank is located within the Upper Maiden Creek Watershed, which has been classified by the PA Natural Heritage Program as a Tier 2 Enhancement Watershed. The project restored more than 30,000 linear feet of stream and more than 29 acres of PEM, PSS, and PFO wetland. RES received approval and constructed the Project in 2020. Spring monitoring (Year 1) is currently underway.

#### ***Cross Creek Mitigation Site, Washington County, PA***

This turnkey permittee-responsible mitigation (PRM) project served as offsite mitigation for a large petrochemical facility within the Ohio River subbasin. The project included the restoration of 17,673 linear feet of stream and 6.37 acres of wetlands on-site in an integrated stream and floodplain complex. Prior to the completion of construction, a stream that ran dry every year exhibited perennial flow throughout its first summer post-construction. The same reach, which had never contained fish, had fin-fish species throughout the length of the restored reach within a year of construction.

#### ***Atlantic Sunrise Permittee Responsible Mitigation, Various Counties, PA***

RES provided offsite turnkey PRM projects within 5 different counties (Bradford, Lycoming, Columbia, Schuylkill, and Lancaster) to offset unavoidable impacts to streams and wetlands associated with construction of a FERC-regulated pipeline across 10 counties in eastern Pennsylvania. The PRMs were all



constructed between 2017 and 2018, and collectively included over 100 acres of wetland and riparian habitat restoration, conservation and/or protection.

***Brandywine Creek Restoration Site, Chester County, PA***

RES provided an offsite turnkey PRM for a FERC-regulated pipeline in Chester County, including over 4 acres of wetland restoration within the Brandywine Creek watershed. The PRM offset unavoidable impacts to forested and scrub-shrub wetlands along the project corridor, within the same watershed. The PRM was completed in 2016 and has been meeting all designated performance criteria.

***Lackawaxen Creek Restoration Site, Wayne County, PA***

RES provided two offsite turnkey PRMs at one restoration site within the Lackawaxen Creek watershed, to combine ecological benefits to the watershed. The two PRMs included over 23 acres of wetland and adjacent upland habitat restoration, conservation and protection. The PRMs offset unavoidable impacts to forested and scrub-shrub wetlands along two different FERC-regulated pipeline project corridors, within the same subbasin. The PRMs were both completed in 2017 and have been successful in achieving designated performance criteria.

***Pennsylvania Statewide Bat Conservation Bank, Green County, PA***

After receiving conditional approval from the USFWS PA field office in 2016, in 2018 RES received final approval of PA's first bat habitat conservation banking instrument. RES coordinated with the field office to develop an approved crediting methodology approach for the bank, which also is the first endangered species conservation bank in the USFWS's northeast region. This bank conserves and protects nearly 500 acres of critically endangered Indiana bat (*Myotis sodalis*) habitat in an area under significant pressure from development.