LONG-TERM MANAGEMENT PLAN

**MBI EXHIBIT \_\_\_\_**

**This general outline is to assist in the development of the Long-term Management Plan for mitigation banks. Objectives and tasks are provided for illustrative purposes only and may not represent management requirements for a specific bank. Long-term Steward and the IRT members shall meet and confer upon the request of any one of them, to consider revisions to the Long-term Management Plan which may be necessary or appropriate to better conserve the habitat and conservation values of the Bank Property.**

**Long-term Management Plan For**

**[*The \_\_\_\_\_\_\_ Site of the*]**

**The Mitigation Bank**

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# Introduction

## Purpose of Establishment

The \_\_\_\_\_\_\_\_\_\_\_ (“Bank”) was established by the Mitigation Banking Instrument (“MBI”) to compensate for unavoidable impacts to, and to conserve and to protect streams and wetlands and their associated buffers. The bank property includes \_\_\_\_\_\_ acres of streams and wetlands and their associated buffers, including \_\_\_\_\_\_\_\_\_ acres [*insert as applicable:* of/all of which are \_\_\_\_ acres preserved wetlands, \_\_\_\_ acres of established or restored wetlands, \_\_\_\_ linear feet of restored stream channel, \_\_\_\_\_ linear feet of enhanced stream channel, \_\_\_ acres of preserved riparian buffer, \_\_\_ acres of restored or enhanced riparian buffer. The Interagency Review Team (IRT) agencies include the Baltimore District of the U.S. Army Corps of Engineers (USACE) (Chair), the Pennsylvania Department of Environmental Protection (PADEP) (Co-Chair), Region III of the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service, the Pennsylvania Game Commission (PGC), Pennsylvania Fish and Boat Commission (PFBC), the Pennsylvania Department of Conservation and Natural Resources (PDCNR), and the Pennsylvania Historical and Museum Commission. Terms used in this management plan have the same meaning as defined in the MBI.

## Purpose of this Long-Term Management Plan

The purpose of this long-term management plan is to ensure the Bank or Bank Site is managed, monitored, and maintained in perpetuity. This management plan establishes objectives, priorities, and tasks to monitor, manage, maintain, and report on the wetlands and streams and their associated protected buffers, covered species, and covered habitat on the Bank. This management plan is a binding and enforceable instrument, implemented in accordance with the MBI and the real estate protection instrument (conservation easement) covering the Bank property.

## Long-Term Steward and Responsibilities

The Long-Term Steward is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The Long-Term Steward, and subsequent Long-Term Stewards upon transfer, shall implement this long-term management plan, managing and monitoring the Bank property in perpetuity to preserve its habitat and conservation values in accordance with the Bank’s MBI, conservation easement, and the long-term management plan. Long-term management tasks shall be funded through the Long-Term Management Fund. The Long-Term Management Steward must maintain a copy of the MBI, and all addendums associated with the Bank site including all conservation easements. The Long-Term Steward shall be responsible for providing an annual report to the IRT detailing the time period covered, an itemized account of the management tasks and total amounts expended, as well as all other reporting requirements of this plan (Element D.1) and the long-term management funding agreement. Any subsequent grading, or alteration of the site’s hydrology and/or topography by the Long-Term Steward or its representatives must be approved by the IRT and the necessary permits, such as a Section 404 permit and/or Pennsylvania Chapter 105 authorization, must be obtained if required.

## Eminent Domain

If any party with eminent domain authority institutes an action to condemn or take the Bank in whole or in part through eminent domain, the Sponsor or its successor in interest, Long-Term Steward, or the landowner, shall notify the Chairs in writing within 60 days of receiving notification of a potential exercise of eminent domain. The IRT shall consider encouraging the taking entity and/or adjudicating party to pursue alternatives, and/or take into account the cost of replacement mitigation when determining just compensation for the eminent domain act.

In the event the party exercising eminent domain authority requires a USACE and/or MDE permit for activities which impact the Bank as a result of the taking, the USACE and/or MDE may require substantially more compensatory mitigation from the permittee impacting the Bank as a result of eminent domain or condemnation to reflect the temporal loss of functions and services and subsequent permitted activities. If the Bank is taken in whole or in part through eminent domain, the consequential value of the Bank protected by the site protection instrument is the cost of replacement of the conservation functions, services, and values with other property in the same watershed.

If a monetary compensation award is made and a USACE and/or MDE permit is not required, that proportion of the award that represents the value of the land, functions, services, and values provided by credits that have already been debited must be used by the Sponsor and/or landowner to procure and replace the aquatic resource functions and values associated with the area condemned. Such replacement compensatory mitigation associated with the eminent domain action must be located in the same Service Area as the affected Bank site and must be approved by the IRT. The Sponsor or its successor in interest, Long-Term Steward, or the landowner must also notify the Chairs within 60 days of conclusion of the eminent domain process.

The following notice shall be added to the site protection instrument for the Bank:

**Notice to Parties with Eminent Domain Authority:** Exercise of eminent domain by any party (Condemning Party) to take land held as part of the Bank may remove restrictions that the Sponsor, Long-Term Steward, USACE, and MDE intend will protect the Bank and preserve the land serving as compensation for other permitted impacts, in perpetuity. Where the Condemning Party (1) intends to take action(s) that will have impacts on Bank land associated with debited mitigation credits; and (2) is required to obtain a USACE and/or MDE permit for such impacts, the USACE and MDE have discretion to increase the Condemning Party’s wetland and stream compensation requirements, as part of the permitting process, in order to account for the loss of functions and values associated with the credits already debited and/or released from the Bank.

# Property Description

## Setting and Location

The Bank is located at \_\_\_\_\_\_\_\_\_\_ *(include address and county)*, in the Commonwealth of Pennsylvania, designated as Parcel No. \_\_\_\_. The Property is shown on the general vicinity map (Figure 1) and the Bank property map (Figure 2). The general vicinity map shows the Bank location in relation to cities, towns, or major roads, and other distinguishable landmarks. The Bank property map shows the Bank property boundaries on a topographic map (1:24,000 scale).

## History and Land Use

[*Describe past and present land use, including agriculture, silviculture, grazing practices, etc.*]. The land in the general area of the Bank site is currently \_\_\_\_\_\_ [*Describe adjacent land and local area land uses.*]

## Cultural Resources (if applicable)

[*Describe all existing architectural features including but not limited to battlefields, historic districts, roads, levees, fencing, and buildings, and their intended future use on the area. Note whether such structures are likely to be considered “historic properties” pursuant to state or federal historic resource preservation laws.*]

[*Describe any known archeological sites without providing their specific locations on the property, and include a summary of the results of any site surveys/inventories, including who conducted them. An assessment of the impacts of management should be given for such sites*.]

[*Refer to Cultural Resources Survey for the Bank – attached as an exhibit to the MBI, if applicable*]

## Hydrology and Topography

[*Describe hydrology and topography of Bank site. Indicate whether wetlands are driven by surface flows (i.e., fluvial systems) or groundwater flows from offsite sources. Describe precipitation onto and off of the site. Describe the Strahler order of the streams onsite, the channel classification, and the duration of the hydroperiod*].

## Soils

[*Describe soils on the Bank site.*]

## Existing Easements

[*Include descriptions/locations of existing easements, their nature (buried pipeline, overhead power, ingress/egress, mineral or timber rights etc.), authorized users (if known), access procedures, etc. Depict easements, rights of way, ingress, and egress routes on an attached map (Exhibit 1).*]

## Adjacent Land Uses

[*Detail the baseline adjacent land uses. These land uses may change over time; however, the description of the baseline conditions will give the Long-Term Steward some idea of the conditions present when the management plan was first developed. Detailing adjacent land uses will identify areas that may be of management concern or items that may compromise biological integrity over time.*]

## Existing Man-Made Structures

[*Describe and depict on a map or aerial image all manmade features associated with establishment and operation of the Bank site, including roads, berms, fences, gates, dams, weirs, outfall structures, and water control structures, if applicable.*]

# Habitat and Species Descriptions

## Baseline Description of Biological Resources on Bank Site

[*Include a general description of geographic location and features, topography, soils, vegetation (assessment of native vs. invasive and non-native species), a quality assessment of all wetland and streams on the Bank site. An overview of native plant species present, if applicable, their habitat and management requirement should be presented here. This section may need to be modified at Bank closure if conditions are different than those described her*e.]

## Summary of Mitigation Site Plan

[*Describe all established and/or enhanced wetlands and streams and their associated protected buffers, including acreages and/or lengths. Provide final baseline map showing the mitigation resources, including the location of streams, wetlands, and their associated buffers, and the location, percent of coverage, and name of all invasive and non-native species (Exhibit 2).*]

## Rare/Endangered and Threatened Species

[*Describe all federal and state rare/endangered and threatened species that occur or may occur on the Bank site. If applicable, provide map showing their locatio*n.]

# Management and Monitoring

The overall goal of long-term management is to foster the long term viability of the Bank site’s streams and wetlands and their associated buffers, and any listed species/habitat. Routine monitoring and minor maintenance tasks are intended to assure the viability of the Bank site in perpetuity.

## Biological Resources

The approach to the long-term management of the Bank site’s biological resources is to conduct annual site examinations and monitoring of selected characteristics to determine stability and ongoing trends of the preserved, restored, enhanced, and established streams and wetlands and their associated buffers. Annual monitoring will assess the Bank’s condition, degree of erosion, establishment of invasive or non-native species, water quality, fire hazard, and/or other aspects that may warrant management actions. While it is not anticipated that major management actions will be needed, an objective of this long-term management plan is to conduct monitoring to identify any issues that arise, and using adaptive management to determine what actions might be appropriate. Those chosen to accomplish monitoring responsibilities will have the knowledge, training, and experience to accomplish monitoring responsibilities.

Adaptive management means an approach to natural resource management which incorporates changes to management practices, including corrective actions as determined to be appropriate by the IRT in discussion with the Long-Term Steward. Adaptive management includes those activities necessary to address the effects of climate change, fire, flood, or other natural events. Before considering any adaptive management changes to the long-term management plan, the IRT will consider whether such actions will help ensure the continued viability of Bank’s biological resources.

[*The list that follows is not meant to be exhaustive and some sites may have more elements to consider, and some may have fewer.*]

The Long-Term Steward for the Bank site shall implement the following:

### Element A.1 - Streams and Wetlands and their Associated Buffers

**Objective**: Monitor, conserve and maintain the Bank site’s streams and wetlands and their associated buffers. Limit any impacts to streams and wetlands and their associated buffers from vehicular travel or other adverse impacts.

Task: At least one annual walk-through survey will be conducted to qualitatively monitor the general condition of these habitats. General topographic conditions, hydrology, general vegetation cover and composition, invasive and non-native species, and erosion, will be noted, evaluated, and mapped during a site examination. Notes to be made will include observations of species encountered, water quality, general extent of wetlands and streams, and any occurrences of erosion, structure failure, or invasive or non-native species establishment.

Task: Establish reference sites for photographs and prepare a site map showing the reference sites for the Bank file. Alternatively, utilize photographic reference sites, if any, developed during bank management period. Reference photographs will be taken of the overall Bank site at least every five years from the beginning of the long- term management, with selected reference photos taken on the ground more frequently, \_\_\_ times per year (if applicable).

Special attention should be paid to any area adjacent to or draining property outside of the Bank limits. Streams and wetlands should be observed near bank boundaries to observe if increased sediment deposition has occurred. The report should provide a discussion of any recent changes in the watershed (i.e., subdivision being developed upstream of stream bank).

Task: Visually monitor and maintain stream restoration/enhancement features and structures, as necessary. Active instability around stream restoration/enhancement features and structures will be noted, and remedial actions recommended, as appropriate.

### Element A.2 - Rare/Threatened/Endangered Plant Species Monitoring (if applicable)

(*Note: This methodology may vary for different plant species as determined in consultation with the appropriate agencies.)*

**Objective**: Monitor population status and trends.

**Objective**: Manage to maintain habitat for .

Task: Monitor status every year by conducting population assessment surveys. The annual survey dates will be selected during the appropriate period as identified by the applicable member of the IRT and will generally occur from through each year. Occupied habitat will be mapped and numbered to allow repeatable data collection over subsequent survey years. Abundance will be assessed semi-quantitatively using broad abundance categories, i.e., 0, 1 - 100, 101 - 500, 501 - 1,000, and >1,000 plants.

Task: Visually observe for changes to occupied habitat, such as changed hydrology or vegetation composition. Record any observed changes. Size of population (1 acre, etc.).

Task: Implement other tasks that enhance or monitor habitat characteristics for \_\_\_\_\_\_.

### Element A.3 - Rare/Threatened/Endangered Animal Species Monitoring (if applicable)

[*Note: Species-specific objectives and tasks will need to be developed in consultation with the appropriate IRT agencies*]

**Objective**: Monitor population status and trends.

**Objective**: Manage to maintain habitat for .

Task: Monitor status every year by conducting population assessment surveys. [The annual survey dates will be selected during the appropriate period each year.]

Task: Implement other tasks that enhance or monitor habitat characteristics for \_\_\_\_\_\_\_.

### Element A.4 - Invasive and Non-Native Species

[*Note: Species-specific objectives and tasks may need to be developed in consultation with the appropriate IRT agencies.*]

Invasive species threaten the diversity or abundance of native species through competition for resources, predation, parasitism, interbreeding with native populations, transmitting diseases, or causing physical or chemical changes to the invaded habitat.

**Objective**: Monitor and maintain control over invasive and non-native species that diminish site quality for which the bank was established.

Task: Monitor any new introduction or expansion of invasive and non-native species compared to the baseline map provided at Bank Closure and as part of III.B, “Habitat and Species Descriptions” section above. Mapping shall be accomplished through use of available technologies, such as GIS and aerial photography.

Task: Each year’s annual walk-through survey (or a supplemental survey) will include a qualitative assessment (e.g., visual estimate of cover) of invasive and non-native species and an inventory map. Additional actions to control invasive species will be evaluated and prioritized in coordination with the IRT.

Task: Develop and implement a management plan, approved by the IRT, to control/manage invasive and non-native species on the Bank.

### Element A.5 - Vegetation Management

(*Note: Bank-specific objectives and tasks may need to be developed and added in consultation with the IRT agencies, as appropriate. For example, grazing or mowing tasks may be needed to achieve site-specific objectives for targeted threatened/endangered species habitat or as determined likely to maintain seasonal wetland functions.*)

**Objective**: Analyze effects of any authorized silvicultural manipulations on the wetland, streams, and buffers on the bank site. If determined appropriate, develop, and implement specific silvicultural manipulations designed to improve upon/maintain conservation goals (e.g., selective thinning) in coordination with the IRT. [Site specific targets for vegetation may be specified here and task revised or added to achieve those targets].

**Objective**: Adaptively manage vegetation based on site conditions and data acquired through monitoring to maintain biological values.

Task: Review and explore potential vegetation management regimes as proposals and/or opportunities and funding arise. If determined to potentially maintain site quality, develop specific silvicultural practices, amend this long-term management plan with the IRT’s approval to reflect those practices, and implement silvicultural actions as funding allows.

Task: Implement vegetation management techniques, if determined beneficial and as funding allows, to allow development of vegetation as identified in the MBI. Implementation of vegetation management techniques must be approved by the IRT.

## Security, Safety, and Public Access

The Bank will be fenced or appropriately marked and shall have no general public access, nor any regular public use. Research and/or other educational programs or efforts, non-commercial hunting or fishing, and passive recreational activities may be allowed on the Bank site as deemed appropriate by the IRT, in consultation with the landowner and as provided for in the site protection instrument, but are not specifically funded or a part of this long-term management plan.

Potential mosquito abatement issues will be addressed through the development of a plan by the Long- Term Steward and any local mosquito control district or local health department in coordination with and approved by the IRT.

Potential wildfire fuels will be reduced as needed where approved by the IRT.

### Element B.1 – Trash and Trespass

**Objective**: Monitor sources of trash and trespass.

**Objective**: Collect and remove trash, repair vandalized structures, and rectify trespass impacts.

Task: During each site visit, record occurrences of trash and/or trespass. Record type, location, and management mitigation recommendations to avoid, minimize, or rectify a trash and/or trespass impact.

Task: At least once yearly collect and remove as much trash as possible and repair and rectify vandalism and trespass impacts.

### Element B.2 – Fire Hazard Reduction

**Objective**: Maintain the site as required for fire control while limiting impacts to biological values.

Task: Reduce vegetation in any areas recommended by authorities, and as approved by the IRT, for fire control.

## Infrastructure and Facilities

[*Fence and gate maintenance and repair frequency will be dependent on trespass and access control issues, as well as whether grazing is utilized as a vegetation management technique and to what extent.*]

### Element C.1 – Fences, Gates, Signage, and Property Boundaries

**Objective**: Monitor condition of fences, gates, signage, and property boundaries.

**Objective**: Maintain fences, gates, signage, and property boundaries to prevent casual trespass, allow necessary access, and [if applicable: facilitate management.]

Task: During each site visit, record condition of fences, gates, signs, and property boundaries. Record location, type, and recommendations to implement repair or replacement to fence, gate, signage, or property boundary markers, if applicable.

Task: Maintain fences, gates, signs, and property boundary markers as necessary by replacing posts, wire, gates, and signs. Replace fences and/or gates, as necessary, and as funding allows. Note any trespass by livestock as well as any negative effects attributed to authorized livestock activities.

### Element C.2 – Berms, Structures, and Roads

**Objective**: Monitor condition of berms, structures, and roads.

**Objective**: Maintain berms, structures, and roads to facilitate management and maintain conditions of wetlands and streams

Task: During each site visit, record condition of berms, structures, and roads. Record location, type, and recommendations to implement repair or replacement to berms, structures, and roads, if applicable.

Task: Maintain berms, structures, and roads in serviceable condition, as necessary. Replace or repair berms, structures, and roads as necessary, and as funding allows. Repair, replacement, or maintenance of berms, structures, and roads must be approved by the IRT and necessary permits must be obtained, if necessary.

### Element C.3 – Access and Landowner Communication

**Objective:** Maintain communication with landowner and ensure access to the site is maintained.

Task: During each site visit, meet with the landowner to discuss any issues related to Long-Term Management Plan activity or access. Complete a minimum of two (2) phone or email correspondences with the landowner to ensure access for the annual site visit and to provide an update on long-term management and maintenance (if any) activities.

Task: Maintain records of landowner communication.

## Reporting and Administration

### Element D.1 – Annual Report

**Objective**: Provide annual report on all management tasks conducted and general site conditions to IRT and any other appropriate parties. Each report shall include a cover page with the following information: the Bank name, (including Umbrella Bank name if applicable), site name (if applicable), bank phase (if applicable), Long-Term Steward (name, address, phone number, and email address), monitoring year, and any requested action (e.g., funding release, maintenance recommendations requiring IRT approval).

Task: Prepare annual report and any other additional documentation. Include a summary. Complete and circulate to the IRT and other parties by December 31 of each year. Reports should be distributed electronically and uploaded to RIBITS.

Task: Make recommendations with regard to (1) any enhancement measures deemed to be warranted, (2) any problems that need near-, short-, and long-term attention (e.g., weed removal, fence repair, erosion control), (3) any changes in the monitoring or management program that appear to be warranted based on monitoring results to date, and (4) provide documentation of the cost of any recommended maintenance and repairs.

Task: Provide a copy of the long-term management fund end of year statement that indicates the balance in the fund, interest accrued, withdrawals made, etc.

Task: Provide an annual funding report each calendar year, as described in the long-term management funding agreement.

### Element D.2 – Administrative & Contingency Fees

**Objective**: Provide funds for regular administrative costs incurred as a result of administrative tasks, maintenance of escrow, endowment, or other funding accounts, etc. These funds shall be paid from the earnings of the account and not the principal funds.

Task: Pay all regular administrative or other fees through this task.

### Element D.3 – Defense of Easement or Other Real Estate Issues

**Objective**: Ensure the perpetual protection of and address any encroachments on the property on which the wetland and stream and their associated buffer activities occurred.

Task: Maintain conservation easements, declaration of restriction, or other protective instruments intended to protect the mitigation Bank site.

Task: If the long-term steward is not the easement holder, coordination/cooperation with the easement holder.

Task: Hire an attorney or other legal representation for defense of easement or other proceedings, where necessary.

# Transfer, Replacement, Amendments, and Notices

## Transfer

Any subsequent transfer of responsibilities under this long-term management plan to a different Long-Term Steward shall be requested by the Long-Term Steward in writing to the IRT, shall require written approval by the IRT, and shall be incorporated into this long-term management plan by amendment.

The long-term steward shall be required to ensure that any subsequent property owners (if not identified as the long-term steward) are notified of the deed restriction, conservation easement, purpose and location of the bank lands, and requirements for long-term stewardship.

## Replacement

If the Long-Term Steward fails to implement the tasks described in this long-term management plan and is notified of such failure in writing by any of the IRT, the Long- Term Steward shall have 90 days to correct such failure. If failure is not corrected within 90 days, the Long-Term Steward may request a meeting with the IRT to resolve the failure. Such meeting shall occur within 30 days or a longer period if approved by the IRT.

Based on the outcome of the meeting, or if no meeting is requested, the IRT may designate a replacement Long-Term Steward in writing by amendment of this long-term management plan. If the Long-Term Steward fails to designate a replacement Long- Term Steward, then such public or private land or resource management organization acceptable to and as directed by the IRT may enter onto the Bank property in order to fulfill the purposes of this long-term management plan.

## Amendments

The Long-Term Steward, property owner, and the IRT may meet and confer from time to time, upon the request of any one of them, to revise the long-term management plan to better meet management objectives and preserve the conservation values of the Bank property. Any proposed changes to the long-term management plan shall be discussed with the IRT and the Long-Term Steward. Any proposed changes will be designed with input from all parties. Amendments to the long-term management plan shall be approved by the IRT in writing shall be required management components and shall be implemented by the Long- Term Steward.

If the PDCNR, PGC, PFBC, or USFWS determine, in writing, that continued implementation of the long-term management plan would jeopardize the continued existence of a state or federally listed species, any written amendment to this long-term management plan, determined by either the PDCNR, PGC, PFBC, or USFWS as necessary to avoid jeopardy, shall be a required management component and shall be implemented by the Long-Term Steward. (*If applicable*)

## Notices

Any notices regarding this long-term management plan shall be directed as follows:

Long-Term Steward (name, address, telephone, and email):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Property Owner (name, address, telephone, and email):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

IRT Chair:

U.S. Army Corps of Engineers

Baltimore District

Regulatory Branch

2 Hopkins Plaza

Baltimore, Maryland 21201

410-962-3670 (phone)

[NAB-Regulatory@usace.army.mil](mailto:NAB-Regulatory@usace.army.mil)

IRT Co-Chair:

Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building

400 Market Street

Harrisburg, Pennsylvania 17101

717-772-5971 (phone)

# Funding and Task Prioritization

## Funding

[Exhibit 3 is a cost estimate table *calculated using The Nature Conservancy’s Long-Term Stewardship Calculator,* [*www.nature.org/stewardshipcalculator*](http://www.nature.org/stewardshipcalculator)*. The list of tasks in Table 1 is not meant to be exhaustive. Some sites may have more elements to consider, and some may have fewer depending on the attributes of the Bank.*]

Exhibit 3 summarizes the anticipated costs of long- term management for the Bank in a table format. These costs include estimates of time and funding needed to conduct the basic monitoring site visits and reporting, trash removal, fence repair, etc. and a prorated calculation of funding needed to fully repair and/or replace fences and other structures every \_\_\_\_ years. Table 1 cost estimates were developed using The Nature Conservancy’s Long-Term Stewardship Calculator. The total annual funding anticipated is approximately $\_\_\_\_\_\_, therefore, with the current annual estimated capitalization rate of \_\_\_\_ the total endowment amount (The Long-Term Management Fund) required will be $ \_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_ shall hold the endowment principal and interest monies (The Long-Term Management Fund) as required in the MBI, which consists of monies that are paid into it in trust, and is appropriated to fulfill the purposes for which payments into it are made. These interest monies will fund the long-term management, enhancement, and monitoring activities on Bank lands in a manner consistent with this long-term management plan.

The endowment agreement shall include a provision that disbursements will not be made from the endowment fund any earlier than three years after the endowment amount has been 100% funded. The Sponsor is fully responsible and shall provide funding for 100% of the annual long-term management and maintenance actions until the long-term management fund has been fully funded for no less than three years.

## Task Prioritization

Due to unforeseen circumstances, prioritization of tasks, including tasks resulting from new requirements, may be necessary if insufficient funding is available to accomplish all tasks. The Long-Term Steward and the IRT shall discuss task priorities and funding availability to determine which tasks will be implemented. In general, tasks are prioritized in this order: 1) required by a local, state, or federal agency; 2) tasks necessary to maintain or remediate the Bank Site (including unauthorized impacts); and 3) tasks that monitor resources, particularly if past monitoring has not shown downward trends. Equipment and materials necessary to implement priority tasks will also be considered priorities. Final determination of task priorities in any given year of insufficient funding will be determined in consultation with the IRT and as authorized by the IRT in writing.

## Enforcement

The IRT and its authorized agents shall have the right to inspect the Property and take actions necessary to verify compliance with this Long-Term Management Plan. The Long-Term Management Plan herein shall be enforceable by any proceeding at law or in equity or administrative proceeding by the IRT, including the Corps or appropriate State agency. Failure by any agency (or owner) to enforce the Long-Term Management Plan contained herein shall in no event be deemed a waiver of the right to do so thereafter.

#### Figures

Figure 1. General Vicinity Map

Figure 2. Bank Property Map

#### Exhibits

Exhibit 1. Easement Plan

Exhibit 2. Overall Mitigation Baseline Site Plan

Exhibit 3. Table 1 – Long Term Management and Maintenance Cost Estimate

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date herein below last written.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sponsor Date

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Long-Term Steward Date

INTERAGENCY REVIEW TEAM

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U.S. Army Corps of Engineers Date

Baltimore District

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

Its: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_