

California Department of Fish and Wildlife

Basic Outline of Fees and Review Steps For Bank Prospectuses and Bank Agreement Packages

This document is intended to describe in outline form the process for bank review and application payments as directed by Fish and Game Code Sections 1797 – 1799.1. This outline provides additional explanation of the [Bank Proposal Process Flowchart](#) available at the [California Department of Fish and Wildlife's \(CDFW\) Conservation and Mitigation Banking Instruction and Templates web page](#).

Optional Draft Prospectus Stage:

Optional Draft Prospectus:

- Draft Prospectus fee* (Fish & G. Code § 1798(a)(1))
- 30 days for CDFW to make an initial evaluation and give notice of potential issues

Prospectus Stage:

Prospectus:

- Prospectus fee* (OR Prospectus fee* minus the Draft Prospectus fee* submitted, if a Draft Prospectus was submitted and initially evaluated) (Fish & G. Code § 1798(b)(1))
- 30 days for CDFW to review and determine completeness
 - **If Not Complete** – CDFW will notify bank sponsor, may be made complete and resubmitted, after new updated document received, 30 days for CDFW to review - no fee (Fish & G. Code § 1798(c))
 - **If Complete** - 90 days for CDFW to review and determine whether or not is acceptable. CDFW may request clarifying information during review (Fish & G. Code § 1798(d)) – no fee
 - **If Not Acceptable** - may resubmit proposal with new Prospectus fee* (restart 30-day completeness review) (Fish & G. Code § 1798(e)(2))
 - **If Acceptable** – may submit Bank Agreement Package (below)

*See [current banking fee schedule](#) for appropriate fees, fees are adjusted annually per Fish and Game Code § 1799.1(a).

Disclaimer: This outline is for general information only, and does not limit or change the requirements of Chapter 7.9 of the Fish and Game Code.

Bank Agreement Package Stage:

Bank Agreement Package:

- Bank Agreement Package fee* (Fish & G. Code § 1798.5(b))
- 30 days for CDFW to review and determine completeness
 - **If Not Complete** – CDFW will notify bank sponsor, may be made complete and resubmitted, after new updated document received, 30 days for CDFW to review – no fee (Fish & G. Code § 1798.5(c)(1))
 - **If Complete** - 90 days for CDFW to review and determine whether or not is acceptable. CDFW may request clarifying information during review (Fish & G. Code § 1798.5(d)) – no fee
- **CDFW Supplemental Information Requests** - CDFW (regional manager or equivalent/higher level) may request (in writing) supplemental information, which includes CDFW comments on the bank agreement package, during review - no fee
 - If requested information not received within 60 days, from the date on supplemental information request letter, then Bank Agreement Package is deemed **unacceptable** (Fish & G. Code § 1798.5(e)). If the bank sponsor needs longer than 60 days to submit the requested supplemental information then the bank sponsor may request a voluntary time extension with CDFW. If Bank Agreement Package is deemed unacceptable, bank sponsor may resubmit Bank Agreement Package with new Bank Agreement Package fee* (restart 30-day completeness review) (Fish & G. Code § 1798.5(h)).
 - New 90-day review for acceptability begins upon receipt of requested information (Fish & G. Code § 1798.5(e))
- **Unsolicited Changes** - If bank sponsor seeking to establish the Bank proposes unsolicited changes necessitating additional review time, CDFW (regional manager or equivalent/higher level) shall assess change review fee* (Fish & G. Code § 1798.5(f))

*See [current banking fee schedule](#) for appropriate fees, fees are adjusted annually per Fish and Game Code § 1799.1(a).

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- New 90-day review for acceptability begins upon receipt of proposed changes and fee
- **CDFW Issued Extension** - If CDFW determines 90 days is insufficient to complete review (e.g., if proposed Bank is complex, includes a development or construction plan, or documents substantially deviate from standard forms), it may extend review time by 60 days (Fish & G. Code § 1798.5(g))
 - **If Not Acceptable** - may resubmit with new Bank Agreement Package fee* (restart 30-day review for completeness) (Fish & G. Code § 1798.5(h) (Fish & G. Code § 1798.5(h))
 - **If Acceptable** – CDFW notifies Bank Sponsor; finalizes and circulates documents for signature
 - No Bank shall be operative, vested or final, nor Bank credits issued, until CDFW has approved the Bank Agreement in writing and (if applicable) conservation easement recorded
 - Implementation fee* – may be apportioned by # credits released/total # credits approved for Bank, which would be due after a credit release and no later than the annual report due date
 - A penalty of 10 percent of the amount of fees due shall be collected if there is a failure to remit the amount payable when due. (Fish & G. Code § 1799(e)(2))

For detailed information on submitting bank packages, view the [Bank Sponsor Instructions](#) available on [CDFW's Conservation and Mitigation Banking Instructions and Templates web page](#).

*See [current banking fee schedule](#) for appropriate fees, fees are adjusted annually per Fish and Game Code § 1799.1(a).

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