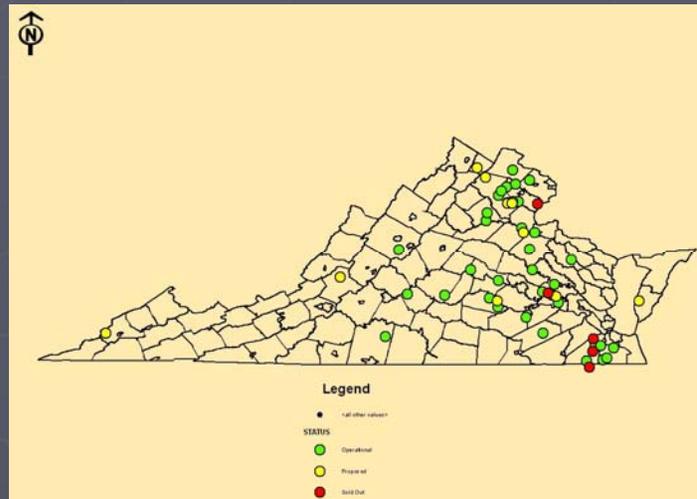


# Advance Mitigation in Virginia



**Bettina Rayfield**

**Virginia Department of Environmental Quality  
Office of Wetlands and Water Protection**

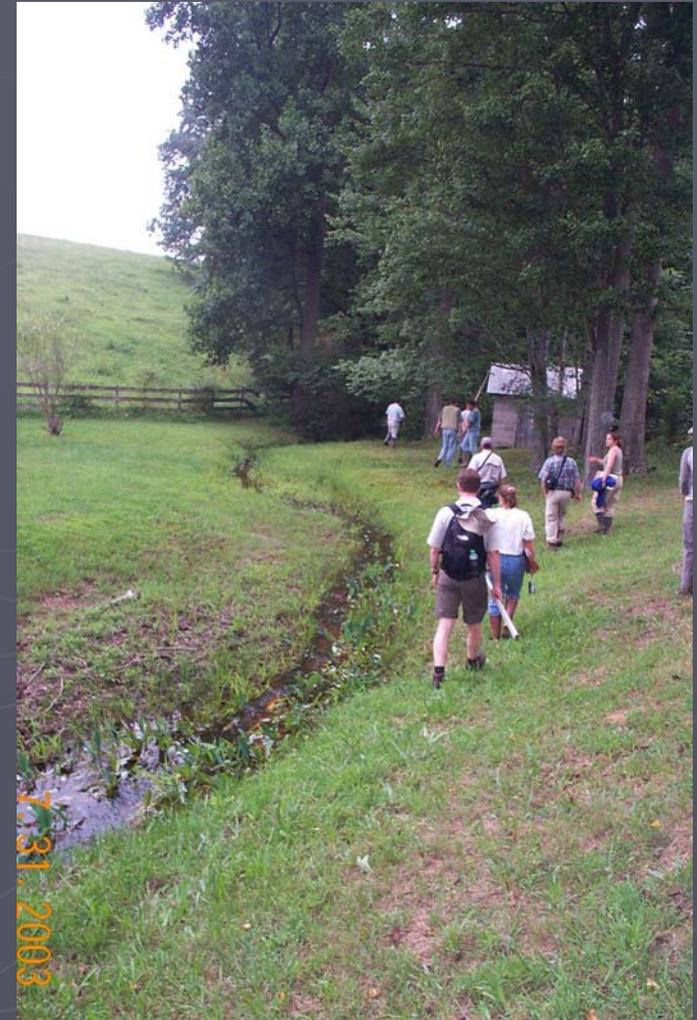
# Office of Wetlands & Water Protection

- ▶ Regulates impacts to state waters, including wetlands
- ▶ Program is independent of Federal authority
- ▶ Also serves as State Water Quality Section 401 Certification



# Banking Process in VA

- ▶ Inter-agency Review Team (IRT)
  - Corps of Engineers (Chair)
  - VA DEQ (Co-Chair)



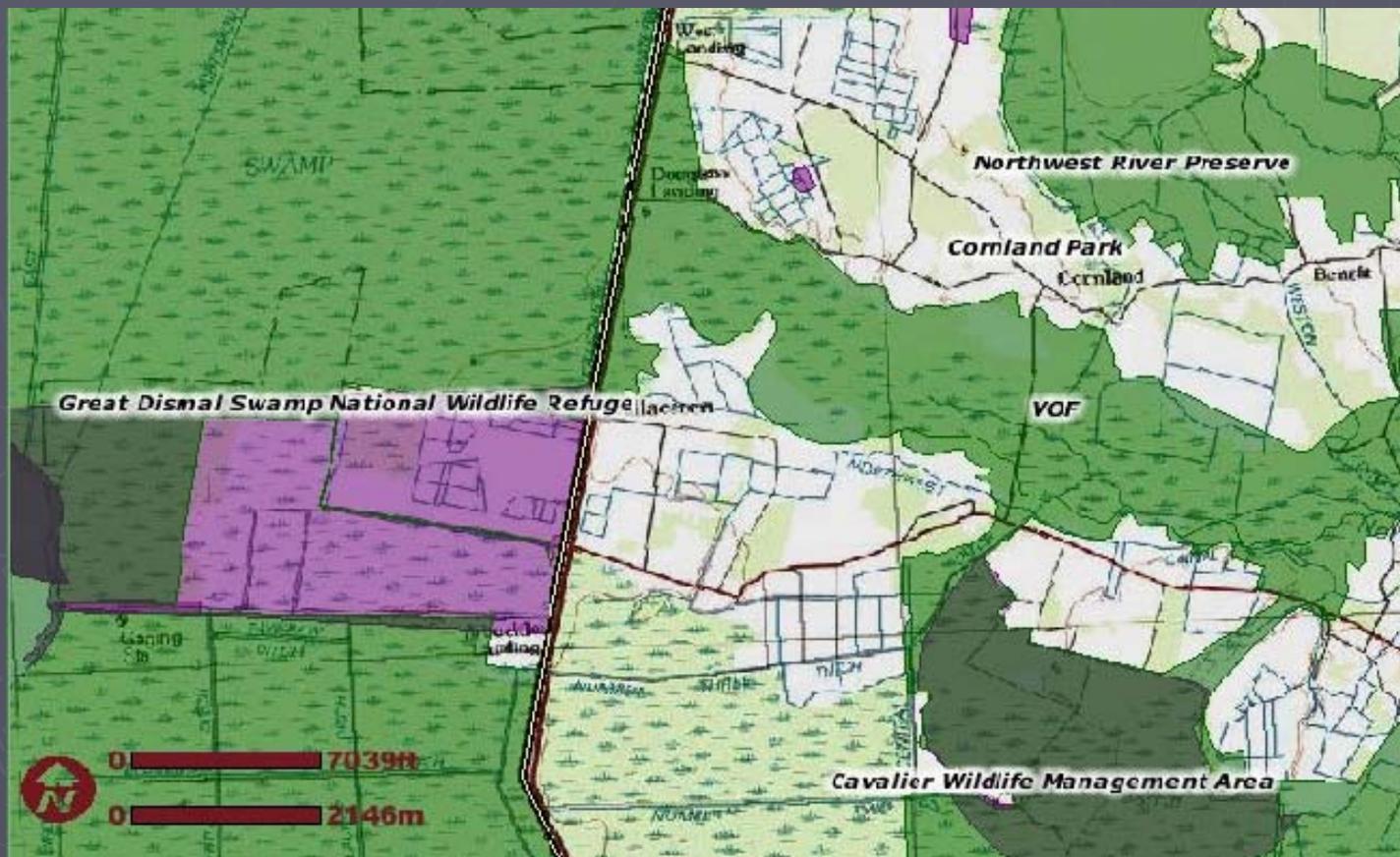
# Banking Process in VA

- ▶ Prospectus
- ▶ Draft MBI review
- ▶ Bank approval/denial
- ▶ Initial Credit Release
- ▶ Construction
- ▶ Monitoring and Reporting
- ▶ Bank Closure
- ▶ Long-Term Stewardship



# Ecological Success

- ▶ Site selection guidelines
- ▶ Mitigation Do's and Don'ts



# Ecological Success

- ▶ Monitoring and Success Criteria
- ▶ Monitoring and Reporting (10 years)



# Administrative Success

- ▶ Banking Instrument Template
- ▶ Standard Operating Procedures
- ▶ RIBITS
- ▶ Financial Assurances
- ▶ Escrows
- ▶ Long-Term Stewardship



# Mitigation Banking in VA

- ▶ Approved & operational bank sites: 65
- ▶ Approved & operational banks: 58
- ▶ Approved VDOT Banks: 6
  
- ▶ Proposed bank sites: 68
  
- ▶ Sold-out Banks: 9
- ▶ Terminated banks: 10

as of November 2, 2009



# Mitigation Bank Crediting

- ▶ Wetlands credited with the ratio method
  - Creation/Restoration @ 1:1
  - Enhancement @ 3-5:1
  - Preservation @ 10:1
  - Upland buffer preservation 15-20:1
- ▶ Streams credited using the Unified Stream Methodology (USM)

# VDOT Mitigation Banks



## The Oldest Operating Wetland Mitigation Bank In The U.S.

A Review of the Goose Creek Wetland Bank in Chesapeake, Virginia; It's Development and Utilization



# 2008 Federal Mitigation Rule

▶ The following is the compensatory mitigation order [33 CFR 332.3(b)(2)-(6)]:

1. Bank credits
2. In-lieu fee program credits
3. Permittee-responsible mitigation

## ▶ Virginia's Response

- Guidance Memo 09-2004
- Supports sequencing of mitigation rule



# Additional Information

<http://www.deq.virginia.gov/wetlands/mitigate.html>



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