

VIRGINIA'S ILF and Bank SOPs

Presented by:

Bettina Sullivan, State Chair, Virginia IRT
VDEQ Office of Wetlands & Stream Protection

Background on VA's Program

- VDEQ has independent program
- VDEQ serves as Co-Chair of IRT with Corps
- 2013 Virginia General Assembly directed VDEQ to develop the 'Wetland and Stream Replacement Fund' for which VDEQ will be the Sponsor. Development in process.

Background of VARTF

- ⦿ First approved in 2003
 - VDEQ wasn't signatory
- ⦿ Instrument approved in 2011 to comply with 2008 Federal Mitigation Rule
 - DEQ became signatory
- ⦿ SOPs developed to provide consistency with established bank approval process

VARTF SOPs

- ⦿ Formalized monthly Chairs call as a monthly 'initial review' of projects
 - Allows for approval of small budget changes
 - Initial review of potential projects
- ⦿ Describes how changes to 'old' projects will be handled
- ⦿ Formalized Draft Prospectus and Prospectus Phases
 - New step since '08 Rule

VARTF SOPs

- ⦿ Describes 'Site Development Plan' process
 - SDP is equivalent to a bank's MBI
 - VARTF did not previously do this
- ⦿ Describes how additional funds requests will be handled for pre- and post-Rule projects.

Other Aspects Covered by VARTF SOP

- Jurisdictional Determinations
- Monitoring Report review
- Credit Releases
- As-Built Reviews
- Timeframes for Review
- Items needed for:
 - Proposals
 - Budgets
 - 106 Coordination
 - T&E Coordination



Templates

- Ensures consistency
- Addresses common situations
- Allows project-specific modifications
- Eliminates the need for legal review on some projects
- Proponents submit redlined documents highlighting changes from template
- Speeds up document review

Templates (for Banks and ILFs)

- ⦿ Mitigation Banking Instrument (called Site Development Plan for ILF sites)
- ⦿ Deed Restriction
- ⦿ Escrow Agreement
- ⦿ Long Term Management Plan
- ⦿ Other documents could use templates:
 - Letters of Credit/Bonds
 - Monitoring Reports
 - Conservation easements



Guidance Documents

- Provide expectations
- Provide consistency
- Provide IRT with support for decisions
- Examples:
 - Mitigation Dos and Don'ts
 - Site Selection Criteria
 - Wetland Mitigation Design Recommendations
 - Unified Stream Methodology (impact and crediting methodology)

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





Bettina Sullivan

Virginia Department of Environmental Quality

bettina.sullivan@deq.virignia.gov

[www.deq.virginia.gov/wetlands.](http://www.deq.virginia.gov/wetlands)