



Prospectus:

Tidewater Mitigation Bank

Broadwater Road Site

Northampton County, Virginia

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Prepared For:

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Prospectus

TIDEWATER MITIGATION BANK

1.0 INTRODUCTION

Eastern Shore Mitigation Bank, LLC. (Hereinafter, the Sponsor), proposes to establish an umbrella compensatory mitigation bank for unavoidable impacts to wetlands and Waters of the US through the creation of the Tidewater Mitigation Bank (hereinafter the Bank). The Bank will initially consist of one site, known hereinafter as the Broadwater Road Site. Additional sites, properties, and phases may be included within the Bank in the future.

The 96.15-acre Broadwater Road Site (Hereinafter, the Site) is located on a portion of an approximately 162-acre parcel off of Broadwater Road (Parcel # 10-A-8) in the town of Exmore in Northampton County, Virginia in hydrologic unit 02080109 Western Lower Delmarva watershed (See Figure 1). This site will provide non-tidal wetland mitigation, and the design will consist of wetland restoration, wetland preservation, and upland buffer preservation.

A Mitigation Banking Instrument (MBI) will be developed by Barney Environmental, Inc. The MBI will contain a Bank Development Plan for the Broadwater Road site to include the specifications for creating, operating, and maintaining the Bank. This will be done in accordance with the “Federal Guidance for the Establishment, Use and Operation of Mitigation Banks”, published in Volume 60, Number 228 of the Federal Register, November 28, 1995, referred to hereinafter as the Federal Banking Guidance. The MBI will comply with all provisions of the new Mitigation Rule.

2.0 OBJECTIVES

The objectives of the Bank are to restore and perpetually preserve self-sustaining wetland ecosystems and associated upland buffers to replace the functional values of wetlands and other aquatic resources impacted within the Bank's authorized service area; through the restoration of wetland hydrology with the installation of ditch-plugs to areas of the site and the preservation of existing wetlands and upland buffers. The initial Bank Site will consist of approximately 67-acres of restored wetland areas, approximately 3.9-acres of preserved wetlands, and approximately 25-acres of preserved upland buffers. The design will target functions and values associated with ecological restoration, water quality improvement, plant and wildlife habitat establishment and preservation, and landscape connectivity.

The Bank will provide compensatory mitigation for anticipated unavoidable impacts to resources protected by the Clean Water Act Section 404. Development has increased within the Site's proposed service area, and this trend is expected to continue. Numerous areas of former palustrine forested wetlands have previously been impacted from agricultural, commercial, and residential development within the Site's service area and watershed, and specifically in areas nearby to the Site. Significant existing areas of palustrine wetlands are located within the proposed service area that may be subject to impacts from future development. This has driven the need for compensatory mitigation in this area.

3.0 GEOGRAPHIC SERVICE AREA

The proposed service area for the Broadwater Road Site includes the primary hydrologic unit 02080109, and adjoining hydrologic units 02080102, and 02080108.

This area includes all or portions of Mathews County, Gloucester County, Northumberland County, Lancaster County, Essex County, Middlesex County, King and Queen County, Richmond County, York County, Accomack County, Northampton County, Poquoson City, Newport News City, Norfolk City, Hampton City, and City of Virginia Beach (See Figure 2).

Per available guidance, the Site shall be a viable mitigation option to offset impacts to wetlands regulated by the VWPP program which are located wholly or partially on a HUC boundary as defined by the Hydrologic Unit Map of the United States. If the impact cannot be clearly determined to be within a particular HUC, then the impact may be mitigated in either of the contiguous hydrologic cataloging units.

4.0 SITE DESCRIPTION

A. BROADWATER ROAD SITE

The approximately 96.15-acre Broadwater Road Site is located on the Eastern Shore in the Town of Exmore in Northampton County, Virginia in the headwaters of Nassawadox Creek, which drains to the Chesapeake Bay, and is located within the Western Lower Delmarva watershed, hydrologic unit 02080109 (See Figure 3). The site is currently used for agricultural and forestry purposes, and existing land cover is a mix of agricultural field and forest. The Site has a contributing drainage area of approximately 300-acres, including the site itself. The Site is currently owned by William Prettyman and Lloyd Kellam, and will be contributed to the Bank Sponsor, Eastern Shore Mitigation Bank, LLC., who will own and operate the Bank.

According to the *Soil Survey of Northampton County, Virginia*, the majority of the Site is located on Nimmo sandy loam, with small sections of Munden fine sandy loam and Dragston fine sandy loam. The USDA classifies Nimmo sandy loam as a hydric soil.

Onsite field investigations have confirmed that the majority of the site is situated on Nimmo sandy loam soils.

A wetland delineation has been conducted on the Site and a Jurisdictional Determination was approved by the US Army Corps of Engineers on April 10, 2008 and re-verified and extended on March 7, 2013. Approximately 3.9 acres of wetlands are present on the Site.

The Site is characterized by primarily flat terrain. A network of drainage ditches is present, which has altered the natural hydrologic regime by increasing the rate at which surface water and groundwater flow off of the Site. This drainage network has enabled the conversion of former wetlands to non-wetlands on the Site.

The Site contains existing high quality wetlands, and is adjacent to other wetlands in several locations. The Site is also connected to existing forested corridors in several locations, which serve to promote wildlife movement in the area. A high abundance and diversity of flora and fauna has been observed on the Site.

5.0 SITE SELECTION FACTORS PER THE VIRGINIA OFFSITE MITIGATION GUIDELINES

-The proposed service area of the Site is within the same 8 digit HUC Catalog Unit and adjacent HUC Catalog Unit in the same river basin.

-We are proposing in kind mitigation only, palustrine mitigation for palustrine impacts.

-Our proposal for the Site is to restore prior-converted farmland and woodlands situated on drained hydric-soils back to wetlands without excavation. This is recognized as the

top priority for mitigation proposals versus creation of wetlands in non-wetland areas. The restored wetlands will be seasonally inundated and/or saturated within 12” of the ground surface for the early part of the growing season. Hydrology inputs and outputs will consist of precipitation, groundwater, evapo-transpiration, and surface runoff.

-A review of drainage easements, utility easements and rights of way, liens, timber and mineral rights, and rights of ingress/egress has been conducted on the Site, and no conflicts with these were detected.

-The use of the Site as a mitigation site is consistent with local planning documents, including the Town of Exmore Zoning Ordinance. The site is currently zoned R-40, and conservation areas are specifically allowed with this zoning. Some development of land to the east of the site near Route 13 is possible in the future, but this will not adversely affect the Site. Broadwater Academy, an existing private school, is located across Broadwater Road to the southwest. Lands to the north and west are zoned Agricultural, containing a mixture of forest and fields, with some forested wetlands. Future development is not anticipated in these areas.

-Broadwater Academy, a private college preparatory school, is located across the street. The Bank Sponsor is active with the school, and anticipates teaming with the school to provide environmental educational opportunities for students on the mitigation site.

-The Site is contiguous and connected to high-quality wetlands in several areas, which drain to Nassawadox Creek and the Chesapeake Bay.

-A search of the VDGIF online database was conducted for endangered species using a 2-mile radius around the Site. This search revealed confirmed sightings of the bald eagle, *Haliaeetus leucocephalus* within the 2-mile radius. The Site will conserve and restore habitat for the bald eagle, as well as a number of species identified as rare by the Division of Conservation and Recreation.

-The Site will contribute to improved water quality through wetland restoration for designated impaired downstream waters on the State 303 (d) list), including the tidal areas of Nassawadox Creek and the Chesapeake Bay. The Site will help to achieve water quality goals in watershed plans associated with future TMDL implementation, and in compliance with upcoming changes in the Virginia Stormwater Management Program.

-The Site will provide flood storage of surface water via increased runoff retention on the site, as well as provide increased groundwater recharge for the groundwater aquifer.

-The Site will reduce pollutants, including sediment and fertilizer inputs, to downstream waters through the restoration of wetlands and the conversion of agricultural lands to forested wetlands and upland buffers.

6.0 BANK ESTABLISHMENT

A. BROADWATER ROAD SITE

This Site will be developed in Phases, but the general plan is as follows: The Sponsor will install ditch plugs in the existing drainage ditches to restore wetland hydrology to the former wetland areas, all situated on drained hydric soils. The farm fields that are part of the wetland creation will be planted with appropriate hydrophytic tree and shrub species, and with natural recruitment from the existing seed bank and surrounding existing forested wetlands. Success criteria and monitoring methodology will follow Federal Banking Guidance and will be detailed in the MBI. Existing wetlands and upland buffers will be preserved. The design will focus on promoting and preserving the ecological connectivity of the Site with the surrounding landscape. A real estate protection instrument (conservation easement or declaration of restrictions) will be placed on the Site.

7.0 QUALIFICATIONS

The Sponsor has retained Barney Environmental, Inc. to oversee the project. Staff of Barney Environmental, Inc. has experience in wetland mitigation design, site selection, construction oversight, and monitoring. Environmental Resources, Inc. (ERI) has been retained to assist with the mitigation design. Staff of ERI has extensive experience with wetland mitigation projects. The Atlantic Group & Associates, Inc. (Atlantic Group) has been retained to provide engineering and surveying services.

8.0 CRITERIA FOR USE

Decisions concerning specific project applicability, in-kind vs. out-of-kind mitigation, use of a mitigation bank vs. onsite mitigation, and compensation ratios will be made as part of the permit decisions by the relevant agencies. Decisions concerning credit withdrawal from the Bank will be made in accordance with the Federal Banking Guidance. Credit availability will be based on the level of achievement of the success criteria as outlined in the MBI. Debits of available credits from the bank will be based on the permit requirements of authorized projects. Limited use of the Bank for projects outside the service area will be considered on a case-by-case basis by the Interagency Review Team (IRT).

A ledger and account will be set up for this Site. If subsequent phases/sites of the Bank have a different geographic service area, then separate accounts/ledgers will be established for these phases. The Bank will establish and maintain an accounting system to document credits to and debits from the bank account. Each time that a debit/credit transaction occurs, the Bank will submit a statement to the permitting

agencies. The Bank will also generate a semi-annual ledger report, which will be available for inspection upon request by the participating agencies.

9.0 LONG-TERM MONITORING AND MAINTENANCE

Decisions concerning the operational life of the Bank and Site, long-term monitoring and management, remedial actions, and financial assurances will be made in accordance with the Federal Banking Guidance and pursuant to the approval of the IRT. A perpetual legal instrument will be established to provide long term protection of the land in the Bank. The Bank Sponsor will provide the long term management for the Site until and if a different long term steward is named. Per Federal Banking Guidance, a long-term maintenance escrow account will be created and funded through a portion of all credit sales by the Bank. At the end of the specified monitoring period, a long-term steward will be named for the Bank and Site. The steward will use these escrow funds to maintain the Bank if required.

APPENDIX A: Figures 1-4

Figure 1: Broadwater Road Site Vicinity Exhibit



BARNEY ENVIRONMENTAL, INC.
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Date: 10-12-12
 Image Source: USGS Chincoteague DRG 1:250,000
 Project: Eastern Shore Mitigation Bank

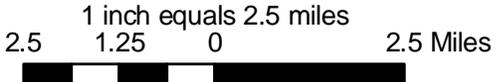


Figure 2: Eastern Shore Mitigation Bank - Broadwater Road Site Proposed Geographic Service Area



Figure 3: Broadwater Road Site Landcover



Figure 4: Adjacent Property Owners

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