KOONTZ-BRYANT, P.C. Site Development Solutions	Date: November 2008 USGS: Hallsboro
Prospectus Weatherbury Mitigation Bank Chesterfield, VA	Latitude: 37° 27' 30" N Longitude: 77° 42' 40" W Area: ± 150 Acres

WEATHERBURY MITIGATION BANK
CHESTERFIELD COUNTY

PROSPECTUS FOR A
COMPENSATORY WETLAND MITIGATION BANK

NOVEMBER 2008

Prepared For:

INTERAGENCY REVIEW TEAM (IRT)

Prepared By:

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PROSPECTUS FOR A COMPENSATORY WETLAND MITIGATION BANK

WEATHERBURY MITIGATION BANK CHESTERFIELD COUNTY

I. INTRODUCTION

The purpose of this report is to provide a prospectus for the proposed development of Weatherbury Stream and Wetland Mitigation Bank located South of the confluence of Turkey Creek and Swift Creek in Chesterfield County. The Bank Sponsor, Mr. Doug Sowers, along with Koontz Bryant, P.C., the Sponsor's Agent, has prepared this prospectus to initiate the planning and review process for developing a wetland and stream compensatory mitigation bank within a tract of their land known as the Weatherbury Property. As the Sponsor's Agent, Koontz Bryant, P.C. has proven experience in developing, maintaining, and monitoring successful and IRT approved Compensatory Stream and Wetland Mitigation Banks throughout the State of Virginia.

The "Property" is located within the Appomattox River drainage system. The Bank will be known and referenced in all future documents as the "Weatherbury Mitigation Bank," (WMB). This prospectus and all future documents will be prepared in accordance with the "Compensatory Mitigation for Losses of Aquatic Resources: Final Rule, 33 CFR Parts 325 and 332," dated April 10, 2008.

The bank sponsor is proposing to develop a single mitigation bank at the Weatherbury Property to serve compensatory stream and wetland mitigation needs throughout its primary and adjacent HUC areas within the Appomattox River Basin in HUC unit 02080207. The sponsor has made an evaluation of the need for compensatory stream and wetlands mitigation in the immediate and adjacent Hydrologic Unit Codes, and found sufficient need to justify the bank development. As of this date there are currently 10 Mitigation Banks located in the same Service Area, with 2 of those Mitigation Banks located in the same HUC code region. There are also 6 proposed Banks at this time, of which 1 is

located in the same HUC. This is important under the new Final Mitigation Bank Ruling, which encourages the purchase of mitigation within the same HUC code region. Since the Weatherbury Mitigation Bank is located within the Swift Creek watershed which has seen rapid development and is very sensitive due to the nature of the drainage basin, it may be used as a preference for projects located in the same watershed. This report contains most of the data necessary for compiling a banking instrument. Both the wetlands and stream mitigation credits will be made available to any potential user with an approved permit on a first come, first served basis. The sponsor will actively market such credits.

A. Site Overview: The property, referred to as the Weatherbury Mitigation Bank (WMB) consists of approximately 150 acres. An approximate 28 acre portion of the farm was previously drained for use as an agricultural field located in the Swift Creek floodplain. Along the Southern boundary of the field there is an existing stream (Reach F) that was altered and channelized in order to drain the existing agricultural field. We are proposing to relocate the channel to meander through the agricultural field, restoring its Natural Stream Channel Stability. Reconnecting the stream to its historic floodplain will assist in restoring hydrology to the existing agricultural field restoring the functions and values of the degraded wetland system.

The approximate 20.9 acres of wetland mitigation, 7.1 acres of wetland stream buffer plantings, 17,497 linear feet Waters of the U.S. mitigation, and 32.19 acres of preserved wetlands being proposed for the bank are integral parts of the Weatherbury Property, currently used for recreation, food, and fiber production (Appendix B, W-2).

The wetlands will be delineated and submitted to the Corps of Engineers for approval and surveyed prior to compiling the banking instrument.

The subject property is located in Chesterfield County just south of the confluence of Turkey Creek and Swift Creek in the Appomattox River Watershed. Take Powhite Parkway to Old Hundred Road. Next, take a left onto Otterdale Road, follow Otterdale Road and then take a right onto Genito Road, take a right

on Weatherbury Place. Follow Weatherbury Place past the last house on the left, the property is located down the gravel driveway at the end of the road (Appendix A).

B. Archaeological Resources: There are no known archaeological or architectural resources documented by the Virginia Department of Historic Resources for this property (Appendix C).

C. Endangered Species: There are no known endangered species located on or near the property (Appendix C).

II. PARTICIPANTS

Koontz-Bryant, P.C. acting as the agent for Mr. Doug Sowers, the Bank Sponsor, has prepared this mitigation banking prospectus for the Weatherbury Mitigation Bank, Chesterfield County, Virginia in cooperation and consultation with the Corps of Engineers (COE). The COE has made a field review of the proposed site and agrees the proposed site may be converted to be a viable self sustaining Compensatory Wetland and Stream Mitigation Bank. The participating agencies responsible for reviewing this document, the Interagency Review Team (IRT), are the U.S. Army Corps of Engineers (chair), the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Services, the Virginia Department of Environmental Quality, the Virginia Department of Game and Inland Fisheries, Virginia Department of Conservation and Recreation, and other State, Federal or Local governing bodies deemed necessary or appropriate by the permanent members of the IRT. We are requesting review of this prospectus by the IRT in order to proceed with the Banking Instrument.

III. OWNERSHIP OF MITIGATION BANK LANDS

Ownership of the Weatherbury Property, including all mitigation bank and other conservation lands will reside with the bank sponsor. The bank sponsor will

continue to own the Weatherbury Property beyond the time all of the credits have been sold and the mitigation monitoring period has expired. Also, both the COE and the DEQ must approve the bank's success prior to expiration of the monitoring period. Once the credits have been sold and the monitoring is complete, the property contained within the bank and the upland buffers will be protected by a conservation easement or deed restrictions within the chain of title. Its use as a private property will be limited to hunting, fishing and other appropriate passive recreation.

IV. BANK GOALS AND OBJECTIVES

The WMB's primary goals are:

a.) Restore/Enhance an approximately 28 acre wetlands mitigation site by restoring and enhancing forested wetlands on farmed agricultural land within the floodplain of the Swift Creek through minimal manipulation, restoring hydrology to the site, and plantings. 20.84 acres will be used toward wetland mitigation crediting, while approximately 7.16 acres will be credited toward stream buffer plantings.

b.) Preserve, Enhance, and Restore approximately 17,497 linear feet of stream by restoring natural stream channel stability, planting the riparian areas, planting stream banks, installing stabilization structures, removing pipes, and protection of the streams, riparian areas and natural wetlands with a conservation easement or deed restrictions within the chain of title. Using the Unified Stream Methodology (Compensation Crediting Form 3) to calculate the compensation credits, the Total Compensation Credit is approximately 9,682 credits (Appendix D).

The mitigation bank will provide a wetland mitigation alternative for those impacts to jurisdictional wetlands within the approved bank service area (BSA). The WMB will restore and protect, by conservation easement, approximately 17,497 linear feet of viable, self-sustaining stream through the mitigation site by planting buffer areas or other means and re-connecting several streams to their historic floodplain. The bank sponsor's objective through the WMB is to construct, monitor and maintain the mitigation bank as a self-sustaining, functional wetland ecosystem until such time as the system is approved by the COE and DEQ.

It is our objective to restore this property to its former wetland condition, reconnect the streams to their floodplain and then place a conservation easement or deed restrictions on the property, thus removing the need for further channel maintenance, since these lands will no longer support farming and/or grazing, which was the original purpose for the channelization and drainage of the fields.

The bank sponsor is expecting adequate return to guarantee the mitigation bank and provide a reasonable rate of return on investment. An escrow account will be established to maintain the wetlands and cure any associated problems through the monitoring phase. The maintenance of the property in its natural state, in perpetuity, will be insured by deed restrictions within the chain of title.

V. MITIGATION SERVICE AREA

The Weatherbury Mitigation Bank (WMB) is located within Hydrologic Unit Code (HUC) 02080207, a portion of the Appomattox Watershed, which will become the banks' primary service area. Pursuant to the Virginia Standards for Use and Development of Wetlands (Code of Virginia, Chapter 1, Title 33, Article 15 28.2-1308), a mitigation bank can have a mitigation service area (MSA) of all adjacent Hydrologic Unit Codes within the same river basin. Under this ruling, the bank may also serve the adjacent HUC's 02080205, 02080206, and 02080203. These HUC's include all of Chesterfield, Amelia, Buckingham, Cumberland, Goochland, Powhatan, and Henrico; most of Prince Edward,

Appomattox, and Nottoway; and part of Amherst, Nelson, Albemarle, Hanover, Fluvanna, Prince George and Dinwiddie. The service area includes all or portions of the major cities of Richmond, Lynchburg, Hopewell, Petersburg, Farmville, and Colonial Heights. The Service Area is outlined in the map titled, "Bank Service Area" located in Appendix B. Service Credits will be offered on a first come, first service basis for any COE and DEQ approved impact requiring off-site mitigation within the WMB's service area.

VI. EXISTING CONDITIONS

A. Our preliminary evaluation found that the areas in the field proposed for wetland creation exhibit hydric soil conditions. There is a silty layer of soil that ranges 8-14 inches below the surface, below that layer most of the soils are hydric described as 10YR 5/2 with 7.5YR 3/4 mottles using the Munsell Soil Chart (Appendix B). This was typical within the area proposed for wetland restoration. A complete soils database and mapping will be detailed in the Banking Instrument.

A database was compiled in the Spring of 2008 showing that the hydrologic parameter for wetlands can be met throughout the field with minimal manipulation. Through restoration of the stream reach "F", the hydrology will be restored to the existing agricultural field. Some lateral ditches and berms across the fields may be necessary to distribute flow throughout the agricultural field.

B. Baseline Data: A hydrologic database and conceptual plan will be enhanced and detailed in the Banking Instrument.

VII. PROPOSED MITIGATION PLAN

A conceptual restoration/creation plan is presented here to restore and construct approximately 28 acres of farmed agricultural land to forested wetlands, and to preserve, enhance, and restore 17,497 linear feet waters of the U.S. The majority of stream buffers proposed for preservation contain wetlands,

while 7.16 acres of the 28 acre currently farmed pasture will be credited as planted wetland stream buffers. In addition, there will be 32.19 acres of preserved wetlands, with a 50' upland buffer for protection. This plan is based on the preliminary database, existing soils, vegetation and restoration of the hydrologic parameter.

The streams will be protected by a conservation easement or deed restrictions with the following direct improvements:

- Stream reach "F" will undergo Priority 1 Restoration. The channel will be raised to the existing ground, to give the stream floodplain connection and restore hydrology to the existing agricultural field. The appropriate stream dimension, pattern, and profile will be constructed for the watershed and valley conditions. The constructed stream will have a stable dimension, pattern, and profile; maintain channel features (riffles, pools, steps); and not aggrade or degrade. Instream structures (rocks & logs) will be used for grade control, streambank protection, pool maintenance, and habitat enhancement where appropriate. Then the streambanks will be stabilized with seed and temporary matting. Once the streambanks are stabilized, the appropriate grasses, shrubs, and trees will be planted to protect the riparian buffer.
- Re-planting of the understory and establishing forest along the riparian buffer area.
- Remove existing pipes and install stream stabilization structures.
- Restore the adjacent forested wetlands by improving hydrologic conditions.

The wetlands restoration/creation will also be protected by a conservation easement or deed restrictions on approximately 150 acres including all natural wetlands, the restored and enhanced wetlands, the preserved, enhanced, and restored streams and additional upland buffers, as shown in the plan WS-1 (Appendix B).

Please refer to Appendix B, Photographs 1 and 2 for typical wetland creation areas. The conceptual plan for the wetlands mitigation is found in (Appendix B:

Plans W-1 and W-2). The following direct improvements apply to the proposed wetlands mitigation:

- Construct lateral berms across the field, if necessary to sever the drainage ditches.
- Grade the field to remove stream channel side castings and remove fill areas within the field, if necessary.
- Excavate lateral ditches across the field and backfill with compacted clay to prevent drainage through old, abandoned agricultural drainage ditches.
- Re-connect the stream channel with the newly constructed wetland by making cuts through or removing the sidecast berm where necessary.
- Plant the field with typical wetlands vegetation including Quercus species on forty foot centers to produce mast for wildlife food.
- Make selective plantings in the understory to increase cover and food values for wildlife.
- A planting plan will be developed to accommodate the hydrologic conditions and enhance micro-habitats.

The ecological suitability of the wetland mitigation bank will be beneficial to water quality, flood storage, and habitat. By removing agricultural practices, which includes applying herbicides and discing the soil, this will eliminate chemicals and excess sediment from entering Swift Creek and its tributaries, therefore improving water quality. Once the wetlands mitigation area is planted it will benefit flood storage by filtering runoff and sediment. The wetland mitigation area should vastly improve habitat. The forested wetlands and stream buffers will serve as a riparian corridor between the uplands and Swift Creek, further improving wildlife diversity. The areas surrounding the existing agricultural field that will be protected in the stream buffers contain high quality PFO wetlands. There is a large amount of seed stock surrounding the agricultural field that would increase the amount of volunteer species further supporting the planned PFO wetland mitigation areas. Based on the existing soils, planned hydrology alterations, and plantings of native PFO species with a large volunteer seed stock Weatherbury Mitigation Bank can support the planned types of aquatic resources and functions. A detailed plan for all proposed mitigation will be presented in the Banking Instrument.

We expect to construct the wetlands and begin the stream work in the Summer 2009 timeframe with planting late Fall 2009. We expect to receive a portion of credits upon completion of the Banking Instrument and additional credits after the construction and initial plantings. Further credits will be based on approval of the site by the IRT. This will be detailed in the Banking Instrument.

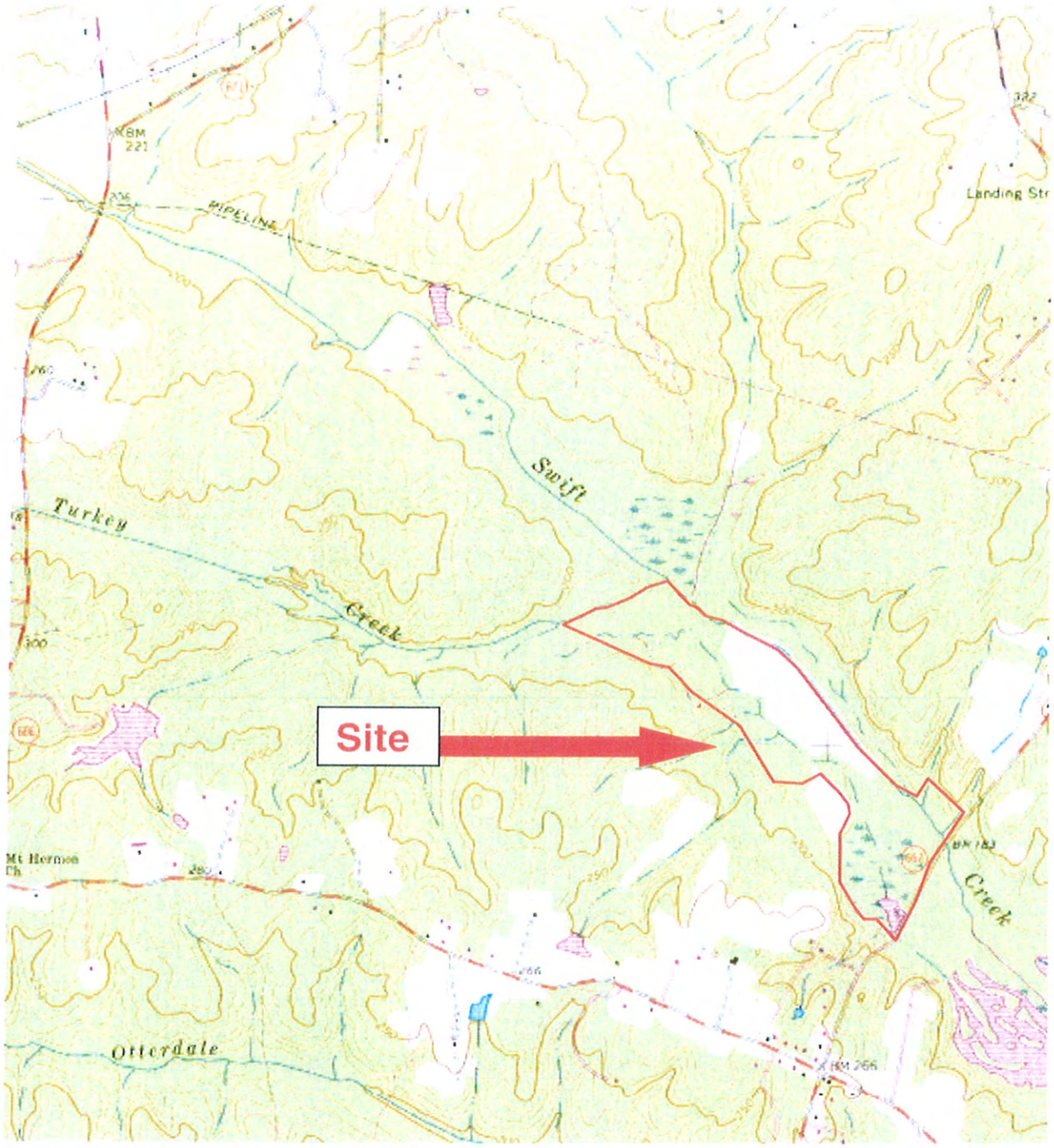
We appreciate the IRT's review of the existing conditions and their detailed comments on the proposed mitigation plan. Also, suggestions, recommendations and thoughts for improving the mitigation proposal, including the goals and objectives will be thoroughly investigated, incorporated if possible and justification will be given when they cannot be included.

In the interim, if you have questions, comments or need additional information for your review, please call Jamie Hudson at (804) 740-9200 or email jhudson@koontzbryant.com.

APPENDIX A

USGS Topographic Map and Location Map

KOONTZ-BRYANT, P.C. A Full Service Civil Consulting Firm	Date: April 15, 2008 USGS: Hallsboro
LOCATION MAP Weatherbury Mitigation Bank Chesterfield, VA	Latitude: 37° 27' 30" N Longitude: 77° 42' 40" W Area: ± 150 Acres Scale: N/A



KOONTZ-BRYANT, P.C.

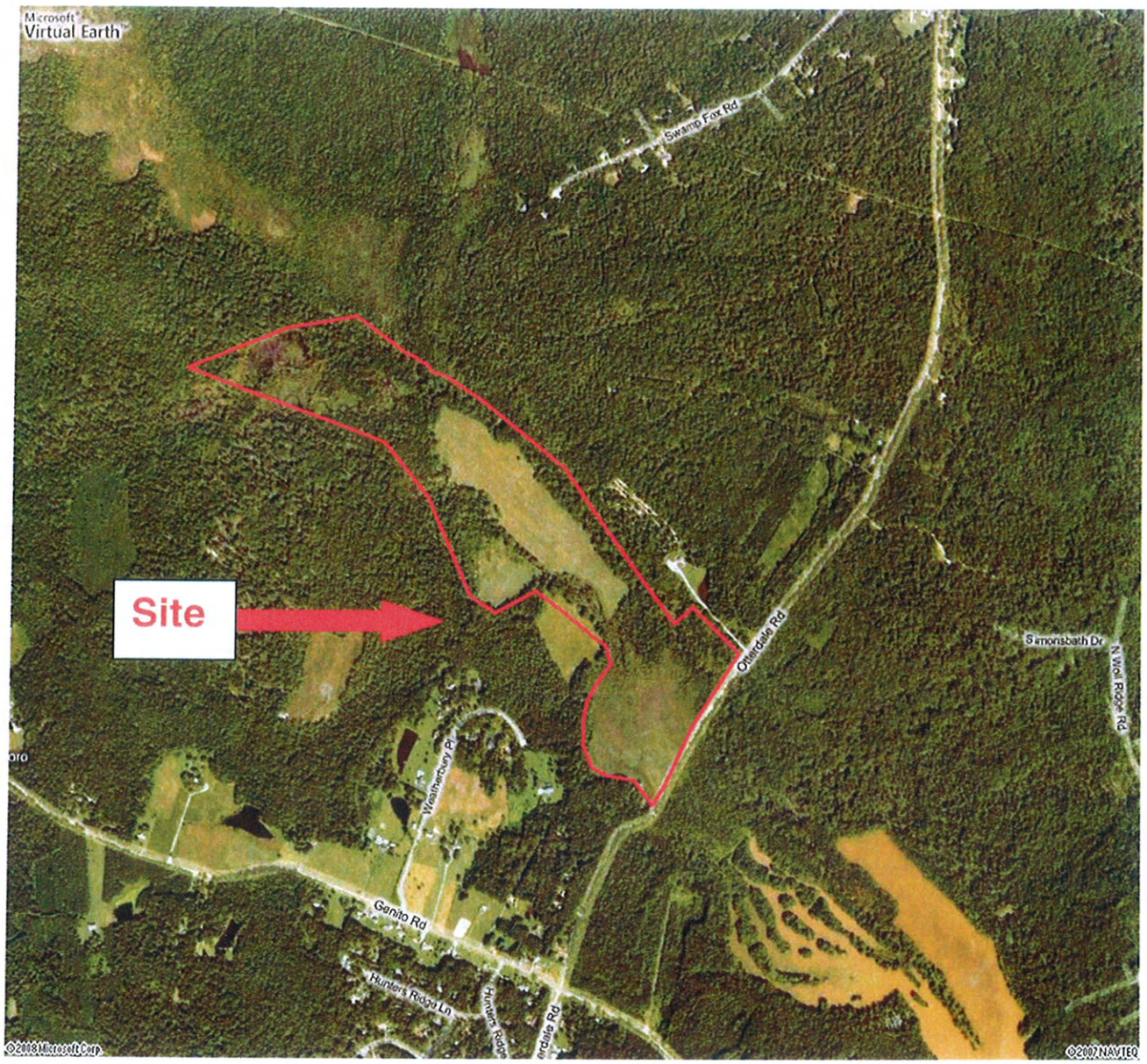
A Full Service Civil Consulting Firm

Date: July 15, 2008

USGS: Hallsboro

TOPOGRAPHIC MAP
Weatherbury Mitigation Bank
Chesterfield, VA

Latitude: 37° 27' 30" N
Longitude: 77° 42' 40" W
Area: ± 150 Acres
Scale: 1" = 2000'



KOONTZ-BRYANT, P.C. A Full Service Civil Consulting Firm	Date: July 15, 2008 USGS: Hallsboro
AERIAL MAP Weatherbury Mitigation Bank Chesterfield, VA	Latitude: 37° 27' 30" N Longitude: 77° 42' 40" W Area: ± 150 Acres Scale: n/a

APPENDIX B

Maps and Picture Overview

Photo 1: Shows the typical field area that will be restored to forested wetlands.

Photo 2: Shows the typical field area that will be restored to forested wetlands.

Photo 3: Excavated/Channelized stream bordering the proposed wetland restoration area that will undergo Priority 1 Restoration raising the channel to the existing ground, to give the stream floodplain connection and restore hydrology to the existing agricultural field.

Photo 4: Excavated/Channelized stream showing unstable banks.

Photo 5: Excavated/Channelized stream showing sloughing of the bank.

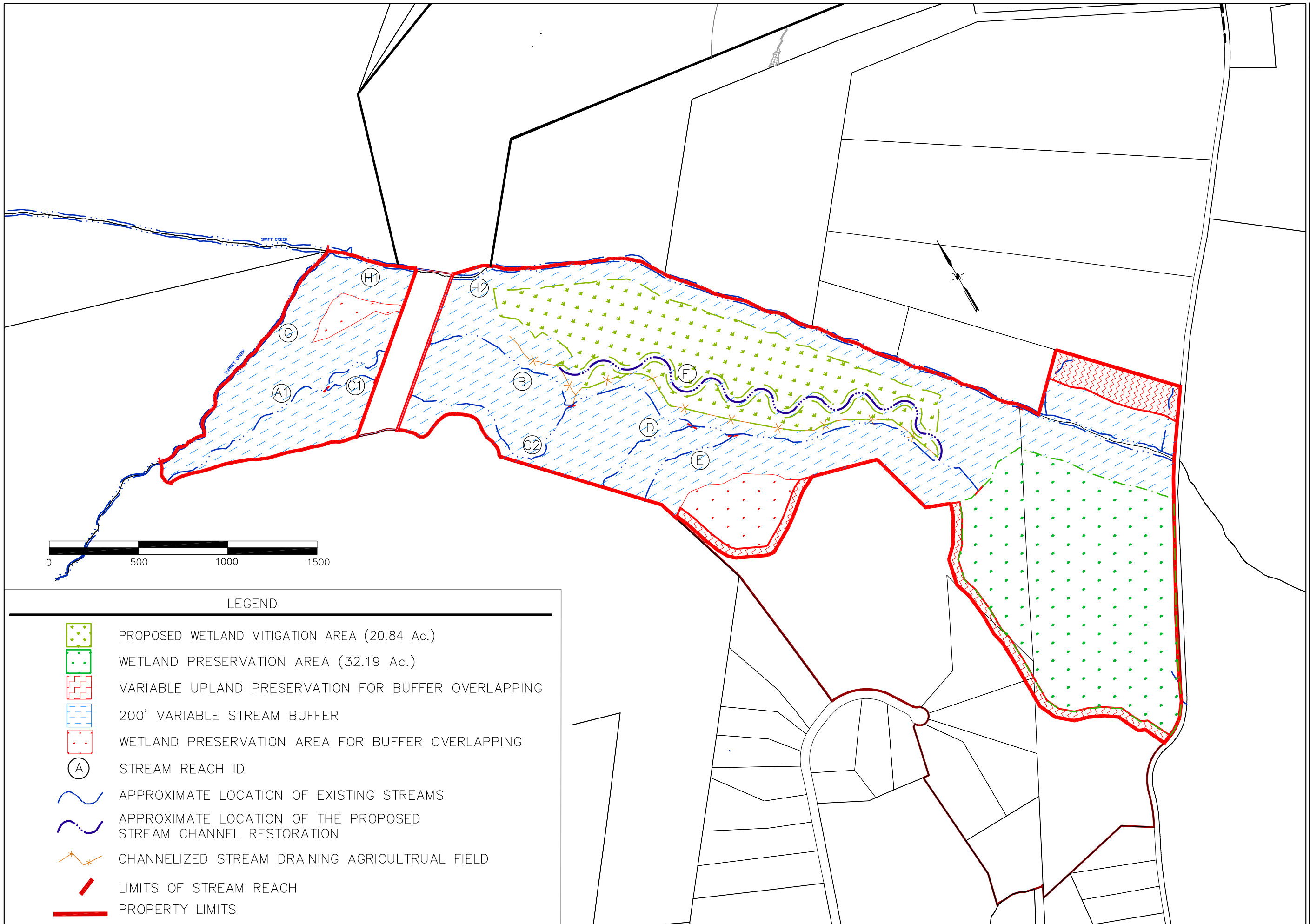
Photo 6: Stream Reach to be used for Preservation

Photo 7: Typical wetland area within the stream buffers.

Photo 8: Typical wetland area within the stream buffers.

Photo 9: Typical wetland area within the stream buffers.

Photo 10: Shows Swift Creek to be used for Preservation, located less than ½ mile upstream from Swift Creek Reservoir, a public water supply.



REVISIONS:

DESIGNED: BC
DRAWN: SAV
CHECKED: AJH

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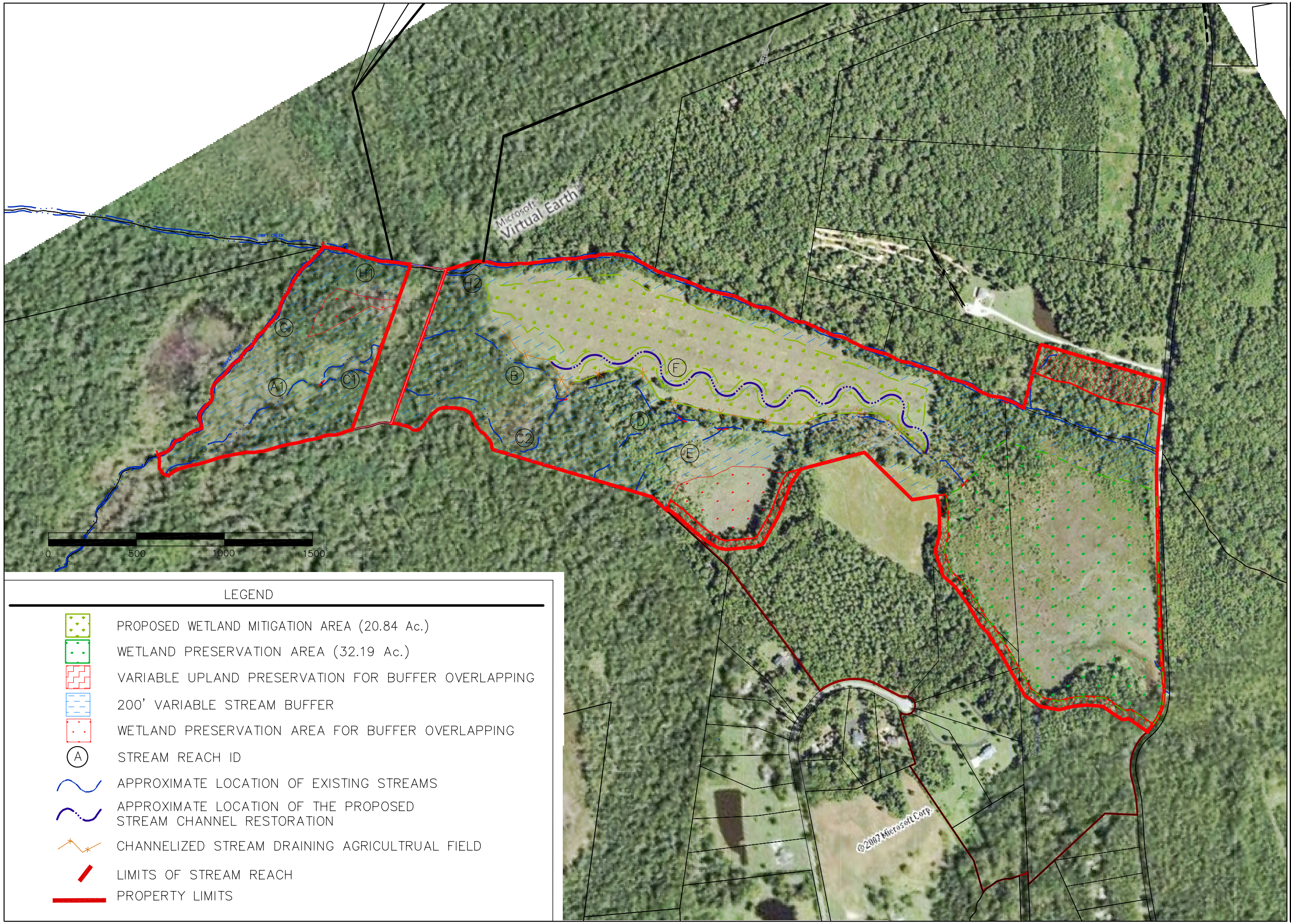
WEATHERBURY MITIGATION BANK

MATOACA DISTRICT
CHESTERFIELD COUNTY, VIRGINIA

PROPOSED WETLAND / STREAM MITIGATION MAP

DATE: AUGUST 28, 2008
SCALE: 1"= 500'
JN: 8052.001

W-1



LEGEND

- PROPOSED WETLAND MITIGATION AREA (20.84 Ac.)
- WETLAND PRESERVATION AREA (32.19 Ac.)
- VARIABLE UPLAND PRESERVATION FOR BUFFER OVERLAPPING
- 200' VARIABLE STREAM BUFFER
- WETLAND PRESERVATION AREA FOR BUFFER OVERLAPPING
- (A) STREAM REACH ID
- APPROXIMATE LOCATION OF EXISTING STREAMS
- APPROXIMATE LOCATION OF THE PROPOSED STREAM CHANNEL RESTORATION
- CHANNELIZED STREAM DRAINING AGRICULTRUAL FIELD
- LIMITS OF STREAM REACH
- PROPERTY LIMITS

REVISIONS:

DESIGNED: BC
DRAWN: SAV
CHECKED: AJH

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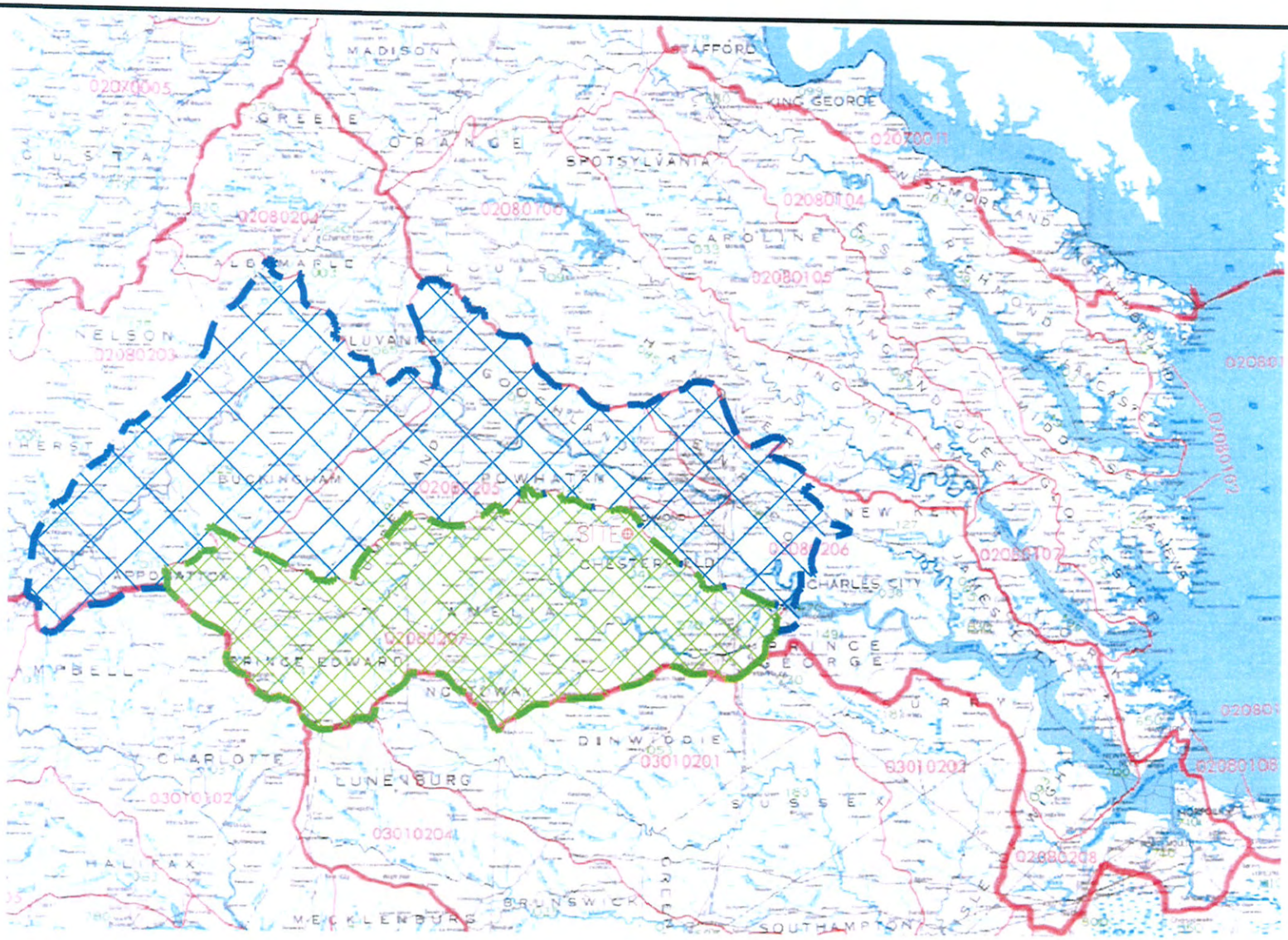
WEATHERBURY MITIGATION BANK

MATOACA DISTRICT
CHESTERFIELD COUNTY, VIRGINIA

PROPOSED WETLAND / STREAM MITIGATION MAP

DATE: AUGUST 28, 2008
SCALE: 1"= 500'
JN: 8052.001

W-2



BANK SERVICE AREA

WEATHERBURY MITIGATION BANK
CHESTERFIELD COUNTY, VA

PRIMARY SERVICE AREA
OVERALL SERVICE AREA

PROJECT DATA :

PROPOSED AREA, BY USGS HUC CODE, IN WHICH BANK WOULD HAVE TRANSFERABLE CREDITS AVAILABLE

HUC #02080207, #02080203, #02080205, #02080206, (REFER TO MAP FOR BOUNDARY LINE DETAILS)

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APPENDIX C

Threatened and Endangered Species Information and Department of Historic Resources Information

Virginia Department of Game and Inland Fisheries

7/25/2008 11:16:01 AM

Fish and Wildlife Information Service

VaFWIS Search Report Compiled on 7/25/2008, 11:16:01 AM

Help

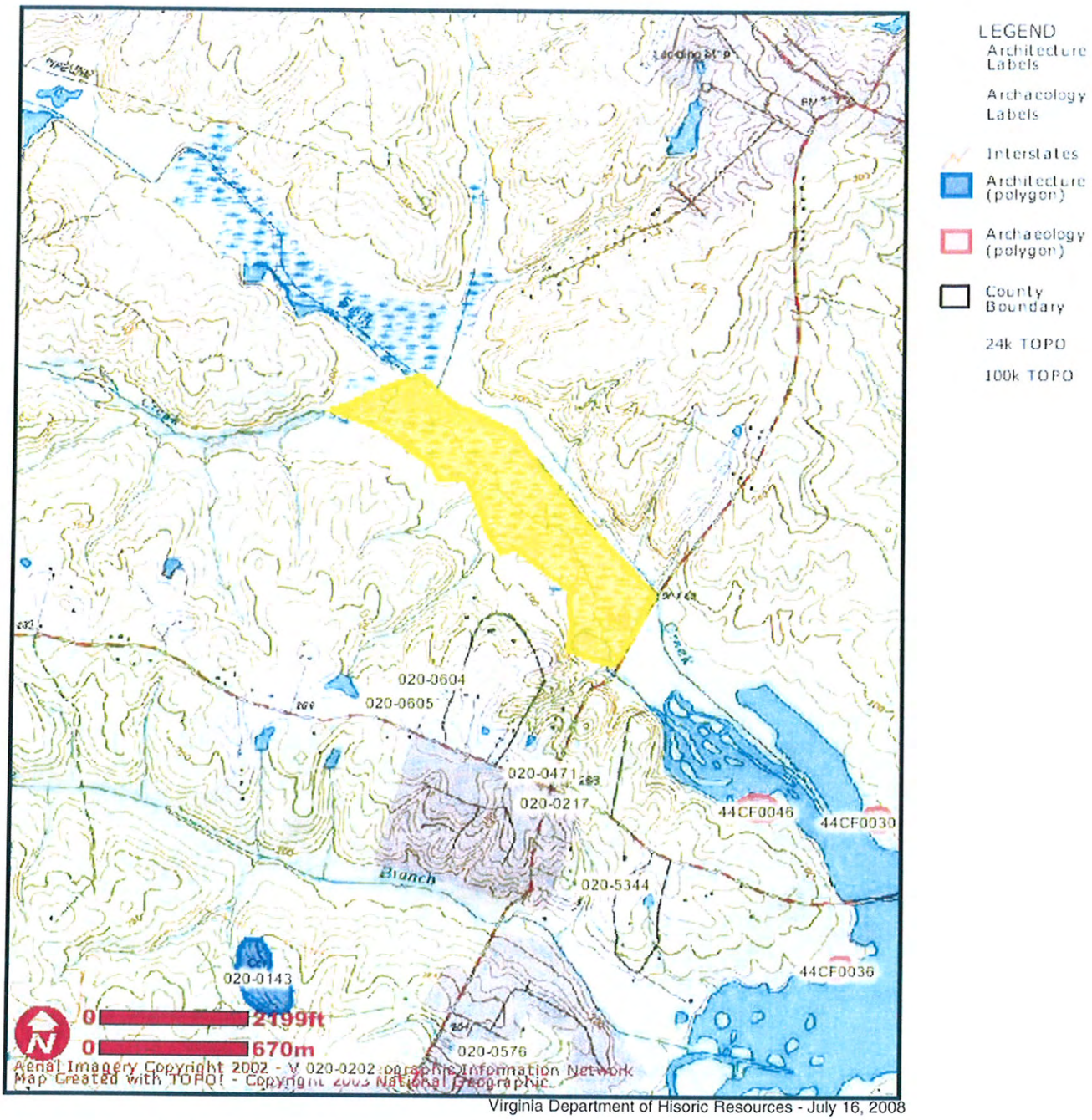
Known or likely to occur within a **3 mile radius of 37,27,30. 77,42,40.**

in **041 Chesterfield County, VA**

397 Known or Likely Species ordered by Status Concern for Conservation
(displaying first 28) (28 species with Status* or Tier I**)

BOVA Code	Status*	Tier**	Common Name	Scientific Name
040129	ST	I	Sandpiper, upland	Bartramia longicauda
040293	ST	I	Shrike, loggerhead	Lanius ludovicianus
020002	ST	II	Treefrog, barking	Hyla gratiosa
040093	FSST	II	Eagle, bald	Haliaeetus leucocephalus
040292	ST		Shrike, migrant loggerhead	Lanius ludovicianus migrans
100001	FS	IV	fritillary, Diana	Speyeria diana
010077	SS	I	Shiner, bridle	Notropis bifrenatus
010032	SS	II	Sturgeon, Atlantic	Acipenser oxyrinchus
040029	SS	II	Heron, little blue	Egretta caerulea caerulea
040266	SS	II	Wren, winter	Troglodytes troglodytes
030063	CC	III	Turtle, spotted	Clemmys guttata
040094	SS	III	Harrier, northern	Circus cyaneus
040036	SS	III	Night-heron, yellow-crowned	Nyctanassa violacea violacea
040204	SS	III	Owl, barn	Tyto alba pratincola
040264	SS	IV	Creeper, brown	Certhia americana
040364	SS		Dickcissel	Spiza americana
040032	SS		Egret, great	Ardea alba egretta
040366	SS		Finch, purple	Carpodacus purpureus
040285	SS		Kinglet, golden-crowned	Regulus satrapa
040112	SS		Moorhen, common	Gallinula chloropus cachinnans
040262	SS		Nuthatch, red-breasted	Sitta canadensis
040189	SS		Tern, Caspian	Sterna caspia
040278	SS		Thrush, hermit	Catharus guttatus
040314	SS		Warbler, magnolia	Dendroica magnolia
050110	SS		Mole, star-nosed	Condylura cristata parva
050045	SS		Otter, northern river	Lontra canadensis lataxina

Virginia Department of Historic Resources
Data Sharing System, 07/25/2008



Virginia Department of Hisoric Resources - July 16, 2008

Weatherbury Mitigation Bank

There are no known historic resources on site.