



Public Notice

**U S Army Corps
of Engineers**
Huntington District
Regulatory Branch

In reply refer to Public Notice No.	Issuance Date:
LRH-2009-WV IRT INITIATIVES	February 1, 2010
Stream:	Closing Date:
WV Streams and Wetlands	March 3, 2010

Please address any inquiries to:
U.S. Army Corps of Engineers, Huntington District
ATTN: CELRH-OR-F Public Notice No. (*reference above*)
502 Eighth Street
Huntington, West Virginia 25701-2070

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**GUIDANCE ON THE WEST VIRGINIA INTERAGENCY REVIEW TEAM INITIATIVES
ADMINISTERED IN ACCORDANCE WITH THE 2008 FINAL RULE ON
COMPENSATORY MITIGATION FOR LOSSES OF AQUATIC RESOURCES
WITHIN THE U.S. ARMY CORPS OF ENGINEERS,
HUNTINGTON AND PITTSBURGH DISTRICTS**

Joint Public Notice: This joint public notice is distributed on behalf of the West Virginia Interagency Review Team (IRT), which consists of the following federal and state resource agencies: U.S. Army Corps of Engineers (USACE) Huntington and Pittsburgh Districts, U.S. Environmental Protection Agency (USEPA), U.S. Fish and Wildlife Service (USFWS), U.S. Department of Agriculture's Natural Resource Conservation Service (NRCS), West Virginia Department of Environmental Protection (WVDEP) and West Virginia Division of Natural Resources (WVDNR).

Authority: The initiatives described below are administered by the IRT in accordance with the mitigation procedures derived from the USACE and USEPA final rule on Compensatory Mitigation for Losses of Aquatic Resources (final rule), published on April 10, 2008 in the Federal Register (Vol. 73, No. 70). The federal regulations associated with this final rule include 33 CFR 325 and 33 CFR 332 (*federal regulations for the USACE*) and 40 CFR 230 (*federal regulations for the USEPA*). The final rule became effective June 9, 2008 and may be referenced in its entirety at http://www.usace.army.mil/CECW/Pages/final_cmr.aspx.

Purpose: The purpose of this public notice is to advise applicants, consultants, industry and the general public of the various initiatives currently being administered by the IRT.

*Note: This public notice is issued for information purposes only and no comments are being requested.

INTERAGENCY REVIEW TEAM

As indicated in the USACE's regulations [33 CFR 332.8(b)], the district engineer will establish an IRT to review documentation for the establishment and management of mitigation banks and in-lieu fee programs. The primary role of the IRT is to facilitate the establishment of mitigation

banks and/or in-lieu fee programs through the development of mitigation banking or in-lieu fee program instruments. The IRT reviews draft prospectus, prospectus, instruments, and other documents and provides comments to the USACE. The USACE Huntington District (Regulatory Branch) is the lead district for the state of West Virginia and chairs the WV IRT.

Watershed Approach – A Watershed Approach is defined as an analytical process for making compensatory mitigation decisions to support the sustainability or improvement of aquatic resources in a watershed. The goal of a Watershed Approach is to maintain and improve the quality and quantity of aquatic resources in a watershed through strategic selection of mitigation sites. A Watershed Approach includes the protection and maintenance of terrestrial resources, such as riparian areas and uplands, when those resources contribute to the overall ecological functioning of aquatic resources in the watershed. The USACE uses a Watershed Approach, to the extent practicable, in evaluating all forms of compensatory mitigation proposals. In accordance with the final rule, the IRT evaluates compensatory mitigation (in-lieu fee project and mitigation bank) proposals with this same approach. An optional component of the Watershed Approach is a Watershed Plan¹, which indicates aquatic resource conditions in a watershed, multiple stakeholder interests, land uses and identifies priority sites for aquatic resource restoration and protection (i.e. special area management plans). In cases where the USACE determines an appropriate Watershed Plan is available, the Watershed Approach should be based on that plan. In the event an appropriate Watershed Plan is not available, the Watershed Approach shall be based upon information provided by a project sponsor (applicant) or available from other sources for consideration (i.e. current trends in habitat loss or conversion, cumulative impacts of past development activities, current development trends, the presence and needs of sensitive species, site conditions that favor or hinder the success of mitigation projects and chronic environmental problems).

Mitigation Plan - A mitigation plan is required for all forms of compensatory mitigation. In accordance with the final rule, there are twelve components for a mitigation plan to be considered complete, which include: objectives, site selection, site protection instrument, baseline information, determining credits, mitigation work plan, maintenance plan, performance standards, monitoring requirements, long-term management plan, adaptive management plan, financial assurances. Additional information may be requested, as necessary, to determine the appropriateness, feasibility and practicability of a mitigation proposal.

MITIGATION BANKING

Mitigation Banking Review Process: The sponsor is responsible for preparing all documentation associated with establishment of a mitigation bank, including the prospectus, instrument, and other appropriate documents, such as mitigation plans for the mitigation bank. The submittal phases include: Draft Prospectus (optional), Prospectus, Draft Instrument and Final Instrument. Each of these phases are further detailed below. All complete prospectus

¹ Consistent with the 2001 National Research Council (NRC) Report, the watershed approach described above and in the final rule does not require a formal Watershed Plan.

submitted to establish an in-lieu fee program, mitigation bank or being considered under an existing umbrella mitigation banking instrument are distributed via our 30-day public notice process. The IRT is currently developing a template to assist mitigation bank sponsors in preparing complete submittals by detailing information requirements, which will be distributed by public notice once completed. In addition, the template will provide an outline for organizing prospectus and instrument documents which will bring consistency to submittals, thereby resulting in a more efficient review process among the IRT (federal and state resource agencies) as well as the general public. Below are brief descriptions of the individual phases of developing a mitigation bank.

Draft Prospectus

Prior to submitting a prospectus, the sponsor may elect to submit a **draft prospectus** to the applicable USACE District for comment and consultation. The USACE (or sponsor) will provide copies of the draft prospectus to the IRT and the USACE will provide comments back to the sponsor. This preliminary review is optional, but is strongly recommended by the IRT.

Prospectus

A **prospectus** must provide a summary of the information regarding the proposed mitigation bank, at a sufficient level of detail to support informed public and IRT comment. For a mitigation bank, the mitigation plan, as described in 33 CFR 332.4(c), provides detailed plans and specifications for the mitigation bank site. The review process begins when the sponsor submits a complete prospectus to the applicable USACE District.

Draft Instrument

After consideration of the comments from the USACE, the IRT, and the public, a **draft instrument** must be prepared and submitted to the USACE. The USACE must notify the sponsor whether the draft instrument or amendment is complete. If the draft instrument is incomplete, the USACE will request from the sponsor the information necessary to make the draft instrument or amendment complete. Once any additional information is submitted, the USACE must notify the sponsor as soon as it is determined the draft instrument is complete. The draft instrument must be based on the prospectus and must describe in detail the physical and legal characteristics of the mitigation bank and how it will be established and operated. Upon receipt of notification by the USACE that the draft instrument is complete, the sponsor must provide the USACE with a sufficient number of copies of the draft instrument or amendment to distribute to the IRT members (one original hardcopy and one electronic copy via email or seven compact discs). The USACE will promptly distribute copies of the draft instrument or amendment to the IRT members for comment. Following the IRT comments, the USACE will discuss any comments with the appropriate agencies and with the sponsor. The USACE will seek to resolve issues using a consensus based approach, to the extent practicable, while still meeting the decision-making time frames. The USACE must notify the sponsor of the status of the IRT review and indicate to the sponsor if the draft instrument or amendment is generally acceptable and what changes, if any, are needed. If there are significant unresolved concerns that may lead to a formal objection

from one or more IRT members to the final instrument or amendment, the USACE will indicate the nature of those concerns.

Final Instrument

The sponsor must submit a **final instrument** to the USACE for approval, with supporting documentation that explains how the final instrument addresses the comments received. The final instrument must be provided directly by the sponsor to all members of the IRT. The USACE will notify the IRT members whether or not it is the intention to approve the Instrument. If no IRT member objects, by initiating the dispute resolution process, the USACE will notify the sponsor of the final decision and, if the instrument is approved, arrange for it to be signed by the appropriate parties. If any IRT member initiates the dispute resolution process, the USACE will notify the sponsor. Following conclusion of the dispute resolution process, the USACE will notify the sponsor of the final decision, and if the instrument is approved, arrange for it to be signed by the appropriate parties.

All activities authorized by Department of the Army (DA) permits are eligible, at the discretion of the USACE, to use mitigation banks (or ILF programs) to fulfill compensatory mitigation requirements. Additional details on the Review Process may be referenced at 33 CFR 332.8(d).

Submittal Assistance

Attachments to this notice include checklists of required and/or recommended information with references to the final rule for the individual submittal phases. **Please note that updated and current information regarding mitigation banking, including the banking template under development, will be posted on USACE Huntington District website for reference. Please be sure all future submittals are provided in compliance with the most current information available by visiting our website at <http://www.lrh.usace.army.mil/permits/>.**

IRT Coordination: In order to determine the date of the next IRT meeting and/or schedule an appointment to present a draft prospectus or prospectus to the IRT, please contact Mr. Michael Hatten at the USACE Huntington District Office at michael.e.hatten@usace.army.mil. The submittal of a draft prospectus is optional, but strongly recommended by the IRT.

Time slots will be scheduled as draft prospectuses (or proposals) are received and individuals will be notified of the time slot and the meeting location via email. In the event all slots are full at the time a request is received, individuals will be notified and offered a time slot at the next meeting. **Individuals (or sponsors) must forward one hard copy and an electronic copy of any proposals, a minimum of 14 business days prior to a scheduled IRT meeting, to the USACE (Attn: Mr. Michael Hatten); 502 Eighth Street; Huntington, West Virginia. Additional hardcopies may be required upon request. Individuals presenting should provide eight (8) color hard copies of any additional information to the IRT members for review.** Following IRT review, the USACE will provide a response to the sponsor indicating the general (preliminary) consensus regarding the proposal and if a prospectus or draft instrument should proceed forward as proposed. The IRT may temporarily delay a response while additional

information is obtained by the sponsor and provided to the IRT for additional consideration resulting from any questions or concerns identified during the presentation.

IN-LIEU FEE PROGRAM

In-lieu fee (ILF) is a form of compensatory mitigation where a permittee provides funds to an approved ILF program instead of completing a specific compensatory mitigation project or purchasing credits from an approved mitigation bank. The ILF sponsor (or recipient) uses these funds to restore, create, enhance or in special circumstances protect waters of the United States to offset the adverse impacts to aquatic resources attributed to the permittee's project. Mitigation is sequenced through the USACE permit process (avoid, minimize and compensate) regardless of what form of compensatory mitigation is proposed. The USACE retains the responsibility, throughout the permit evaluation process, of determining the extent of in-lieu fees (or credits) necessary to offset any proposed unavoidable impacts (or debits) to waters of the United States. As further detailed below, the West Virginia Stream and Wetland Valuation Metric provides a tool to assess and correlate proposed impacts (debits) and compensatory mitigation (credits). In cases where application of this metric is not required or deemed to not be appropriate, the IRT-approved base rates to offset impacts to waters of the United States will apply (**\$400/linear foot of stream and/or \$60,000/acre of wetland multiplied by any corresponding state approved ratios for replacement and/or permit conditions**). The base rates are the minimum and may be elevated on a case-by-case basis, at the discretion of the USACE, in order to achieve an adequate level of fees required to implement a mitigation project that offsets the unavoidable impacts for a specific project (i.e. real estate costs vary across the state). Compensatory mitigation may consist of just one form or be a combination of any or all forms (Mitigation Bank, ILF, Permittee Responsible (on- and off-site)), as determined appropriate. In all cases, the best ecologically sound, practicable method is the goal.

An agreement between the WVDEP and the Huntington and Pittsburgh Districts of the USACE, established on January 25, 2006, continues to provide an In-Lieu Fee program for the state of West Virginia. This agreement recognizes that the WVDEP may receive mitigation in-lieu fees, where it is determined by the USACE to be an acceptable form of compensatory mitigation for offsetting unavoidable impacts, from Department of the Army (DA) permittees. WVDEP is the designated state agency responsible for the protection, conservation and enhancement of the State of West Virginia water resources. WVDEP is authorized under Chapter 22 of the Code of West Virginia and the various rules promulgated there under to receive, hold, and account for assets it holds for the purposes of restoring, creating, enhancing or preserving the State's streams and wetlands. The WVDEP agreed to accept DA permit in-lieu fees as restricted assets. Therefore, monies received from DA permittees are for the sole use of the IRT-approved stream and wetland restoration projects or activities conducted by WVDEP or other entities.

WVDEP employs these fees, as appropriate and with prior IRT approval, to identify and assess stream and wetland restoration opportunities in West Virginia and to implement practical plans to protect, purchase, enhance, restore, and monitor selected sites. The IRT works with the WVDEP to prioritize and select the most appropriate stream and wetland restoration projects.

Please note that updated and current information regarding the In-Lieu Fee program for the State of West Virginia is available on USACE Huntington District website at <http://www.lrh.usace.army.mil/permits/>.

STREAM AND WETLAND VALUATION METRIC

The New Rule on Compensatory Mitigation for Losses of Aquatic Resources, effective June 9, 2008, encourages the use of “an appropriate assessment method (e.g., hydrogeomorphic approach to wetlands functional assessment, index of biological integrity) or other suitable metric must be used to assess and describe the aquatic resource types that will be restored, established, enhanced and/or preserved by the mitigation bank or in-lieu fee project. The principal units for credits and debits are acres, linear feet, functional assessment units, or other suitable metrics of particular resource types. Functional assessment units or other suitable metrics may be linked to acres or linear feet.” In the absence of comprehensive stream and wetland functional assessment methodologies,² for West Virginia the IRT has been challenged to develop a suitable metric to consistently correlate proposed impacts (streams and wetlands) with all forms of compensatory mitigation including Mitigation Banking, ILF Program and Permittee Responsible (on-site and off-site). The development of this tool has been completed and it is identified as the West Virginia Stream and Wetland Valuation Metric (SWVM). The purpose of the SWVM is to provide all parties involved (applicant, agent/consultant, mitigation bankers, permit reviewers and the general public) a suitable metric to assess and correlate baseline conditions of proposed impacts (debits) and compensatory mitigation (credits). The SWVM has been developed as a Microsoft Excel spreadsheet, which requires project or site specific data (for an impact as well as any proposed compensatory mitigation). For example, the information required for streams includes: the extent of a proposed impact; a broad spectrum of physical, chemical and biological indicators; and other factors including temporal loss and mitigation site protection. The SWVM utilizes this data to generate a index score which is multiplied by the linear feet to result in a unit score. The SWVM has been designed to comply with the national policy of “no net loss”. In addition, The SWVM is not intended to be the only tool utilized to evaluate impacts (or debits) and compensatory mitigation (or credits). The SWVM will be required for evaluating USACE Section 404 applications proposing impacts to our nation’s water resources, which necessitate the following: a pre-construction notification (as indicated in the Public Notice 2008-6 Nationwide Permits for the State of West Virginia) to the resource agencies; proposals requiring a public notice (i.e. Individual Permit, Mitigation Bank or In-Lieu Fee); or other proposals as determined applicable by the USACE. The USACE as well as the IRT recommend applicants utilize the best available information and science applicable.

² The stream portion of the Stream and Wetland Valuation Metric is anticipated to be superseded by completion of the Comprehensive Stream Assessment Methodology being developed by the U.S. Army Corps of Engineers’ Engineer Research and Development Center. Also, the wetland portion of the SWVM may be superseded by completion of a functional assessment methodology being developed by the West Virginia Division of Natural Resources (WVDNR).

Implementation of the SWVM is not intended to supersede the Interim Functional Assessment Approach (IFAA) for High Gradient Streams within West Virginia prepared by the U.S. Army Engineer Research and Development Center (ERDC). The IFAA remains as a separate rapid assessment tool for headwater streams in West Virginia and is designed to evaluate the extent to which key physical and biological processes are operating or have been disrupted within aquatic ecosystems. Therefore, the SWVM shall be provided, where applicable, in conjunction with the IFAA. ERDC continues to develop a Comprehensive Stream Assessment Methodology for use within our region.

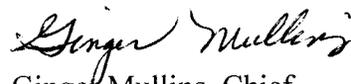
Please note the SWVM spreadsheet, instruction sheet as well as any future updates and/or revisions will be made available on the USACE Huntington District website at <http://www.lrh.usace.army.mil/permits/>.

REGIONAL INTERNET BANKING INFORMATION TRACKING SYSTEM (RIBITS)

Federal resource agencies, including the USACE, started an initiative several years ago to better track mitigation banking. The product resulting from this initiative is the RIBITS, which was developed by ERDC and Applied Research Associates (ARA). In accordance with a national initiative, the Huntington and Pittsburgh District Regulatory Branches have completed their initial setup for administering RIBITS, which is being implemented to provide transparency to mitigation banking (as well as ILFs in the future) by providing public access to the location of bank sites, available credits and bank point of contacts. Public workshops have been provided to assist our customers (industry, applicants, consultants, mitigation bankers and the general public) in utilizing RIBITS. RIBITS may be accessed by visiting the following website:
<http://216.83.232.125:443/pls/htmldb/f?p=101:>

Please note RIBITS may be accessed by a link provided on the USACE Huntington District website at <http://www.lrh.usace.army.mil/permits/>.

Please direct any questions concerning the information provided above to Mr. Michael Hatten, of the Huntington District Regulatory Staff, at 304-399-5710 or michael.e.hatten@usace.army.mil.


Ginger Mullins, Chief
Regulatory Branch
Huntington District

(W)

Draft Prospectus Checklist For Mitigation Banks

The submittal of draft prospectus is optional, but strongly recommended for the sponsor to obtain IRT comment and consultation. The items listed below detail the recommended format and information for a Draft Prospectus submittal:

- Proposed Bank Name - Use a short name based on a geographic feature if possible and include "Mitigation Bank" in the name;
- Bank contacts – include the name, address, phone, fax, email, and role in project for AT LEAST ONE contact: the contact may be the Bank Applicant, Land Owner, Consultant, etc;
- General location map and address of the proposed bank property;
- Accurate current map of the proposed bank property on a 7.5 minute USGS map showing proposed boundaries of the bank;
- Aerial photo of the bank site and surrounding properties;
- Map of the proposed bank service area; and
- Site conditions description. This should include a BRIEF description of the site conditions and habitats and species known or potentially present, and may include photos of the site, description of wetlands and waters present on site (jurisdictional determination), hydrology description, number of acres of existing wetlands and waters and what is proposed for creation, enhancement, site history including past land uses, surrounding land uses and zoning along with the anticipated future development in the area.
- Provide a conceptual scope of work
- Provide the current property owner contact information (name, address, phone, email and fax) as well as written permission for IRT access and scheduling a field review(s).
- Provide and/or describe the ability to obtain long-term site protection

Advisory - Following IRT review of this material, additional information may be requested for preparation of a complete Prospectus.

Advisory - A USACE personnel field visit is required to review the jurisdictional determination and may be performed concurrently with IRT field review. **All wetland boundaries as well as stream transition points and end of ordinary high water mark locations shall be marked (by flagging/stakes) prior to**

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the field review and in a clearly visible condition during the field review. The findings of the field review will be coordinated, as appropriate, in accordance with the Rapanos Guidance and all waters delineated within the project boundary will be verified in writing by the USACE. **A jurisdictional determination verification must be obtained in order for a Prospectus to be considered complete.**

Prospectus Checklist For Mitigation Banks

A complete mitigation banking Prospectus requires submittal of the following information [reference 33 CFR 332.8(d)(2) for further information]. The following format and level of information should be provided:

- The objectives of the proposed mitigation bank or in-lieu fee program.
- How the mitigation bank or in-lieu fee program will be established and operated.
- The proposed service area.
- The general need for and technical feasibility of the proposed mitigation bank or in-lieu fee program.
- The proposed ownership arrangements and long-term management strategy for the mitigation bank or in-lieu fee project sites.
- The qualifications of the sponsor to successfully complete the type(s) of mitigation project(s) proposed, including information describing any past such activities by the sponsor.
- For a proposed mitigation bank, the prospectus must also address:
 - a. The ecological suitability of the site to achieve the objectives of the proposed mitigation bank, including the physical, chemical, and biological characteristics of the bank site and how that site will support the planned types of aquatic resources and functions; and
 - b. Assurance of sufficient water rights to support the long-term sustainability of the mitigation bank.

In addition, the IRT recommends/requires the following information be presented for consideration, comment and consultation among the federal and state resource agencies.

- Proposed Bank Name - Use a short name based on a geographic feature if possible and include "Mitigation Bank" in the name;
- Bank contacts – Include the name, address, phone, fax, email, and role in project for: Bank Applicant, Land Owner, Consultants, etc;
- General location map and address of the proposed bank property;
- Accurate current map of the proposed bank property on a 7.5 minute USGS map showing proposed boundaries of the bank;
- Provide a conceptual scope of work
- Aerial photo of the bank site and surrounding properties;
- Map of the proposed bank service area;
- Proposed number and kind of credits (and acres) on the property;
- Proposed credit release schedule;
- Biological resource survey report – if species credit are proposed or species will be impacted, include this report;
- A drawing and corresponding table(s) depicting the presence and extent of the USACE-

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- verified jurisdictional waters, including wetlands;
- Preliminary Title Report indicating any easements or other encumbrances (i.e. right of way(s), any/all legal restrictions or agreements, ownership of mineral rights). Note, any liens and easements on the property that may affect a bank's viability will need to be resolved before a bank can be approved. Provide a written assessment of all easements and encumbrances describing the easement and how it may affect bank operation or habitat values;
- Any other restrictions on the property; and
- An affirmative statement that a conservation easement covering the property or fee title transfer of the property will occur as part of bank establishment. Include number of acres of bank property area based on exclusion of any easement areas that allow uses incompatible with conservation.

Advisory – Following IRT review of this material, additional information may be requested or the IRT may provide tentative approval and recommend a complete Instrument package be prepared.

Advisory – A jurisdictional determination verification must be obtained in order for a Prospectus to be considered complete.

Draft and Final Instrument Checklist For Mitigation Banks

A complete mitigation banking Draft and Final Instrument requires submittal of all items detailed previously under the Prospectus Checklist as well as the following information [reference 33 CFR 332.8(d)(6) for further information]:

- A description of the proposed geographic service area of the mitigation bank. The service area is the watershed, ecoregion, physiographic province, and/or other geographic area within which the mitigation bank is authorized to provide compensatory mitigation required by DA permits. The service area must be appropriately sized to ensure that the aquatic resources provided will effectively compensate for adverse environmental impacts across the entire service area. The basis for the proposed service area must be documented in the instrument. An umbrella mitigation banking instrument may have multiple service areas governed by its instrument (e.g., each watershed within a state or USACE district may be a separate service area under the instrument); however, all impacts and compensatory mitigation must be accounted for by service area;
- Accounting procedures;
- A provision stating that legal responsibility for providing the compensatory mitigation lies with the sponsor once a permittee secures credits from the sponsor;
- Default and closure provisions;
- Reporting protocols; and
- Any other information deemed necessary by the USACE.
- For a mitigation bank, a complete draft instrument must include the following additional information:
 - a. Mitigation plans that include all applicable items listed in 33 CFR 332.4(c)(2) through (14), which includes Objectives, Site Selection, Site Protection Instrument, Baseline Information, Determination of Credits, Mitigation Work Plan, Maintenance Plan, Performance Standards, Monitoring Requirements, Long-term Management Plan, Adaptive Management Plan, Financial Assurances and Other Information; and
 - b. A credit release schedule, which is tied to achievement of specific milestones. All credit releases must be approved by the USACE, in consultation with the IRT, based on a determination that required milestones have been achieved. The USACE, in consultation with the IRT, may modify the credit release schedule, including reducing the number of available credits or suspending credit sales or transfers altogether, where necessary to ensure that all credits sales or transfers remain tied to compensatory mitigation projects with a high likelihood of meeting performance standards;

In addition, the IRT recommends the following format and level of information be presented within the Draft and Final Instrument for consideration, comment and consultation among the federal and state resource agencies.

- Draft Instrument
- Exhibit A” - Bank Location Maps
 - A-1 General Vicinity Map
 - A-2 Bank Property Map
- “Exhibit B” – Proposed Service Area Map(s) and Description(s)
 - B-1 Map(s) of the Bank’s Service Area(s)
 - B-2 Narrative Description(s) of the Bank’s Service Area(s)
- “Exhibit C” - Development Plan
 - C-1 Development Plan
 - C-2 Construction Security Analysis and Schedule
 - C-3 Performance Security Analysis and Schedule
- “Exhibit D” - Bank Management and Operation Plans
 - D-1 Interim Management Security Analysis and Schedule
 - D-2 Endowment Fund Analysis and Schedule
 - D-3 Instructions and Forms for Submission or Disbursement of Funds
 - D-4 Interim Management Plan
 - D-5 Long-Term Management Plan
 - D-6 Bank Closure Plan
- “Exhibit E” - Real Estate Records and Assurances
 - E-1 Preliminary Title Report, Legal Description, and Parcel Map(s)
 - E-2 Property Assessment and Warranty
 - E-3 Plat Map(s)
 - E-4 Approved-as-to-form Conservation Easement Deed or Grant Deed

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- “Exhibit F” - Bank Crediting and Credit Transfers
 - F-1 Credit Evaluation and Credit Table
 - F-2 Credit Purchase Agreements and Payment Receipt
Templates
 - F-3 Credit Transfer Ledger Template
- “Exhibit G” - Phase I Environmental Site Assessment
- “Exhibit H” - Biological Resources Survey
- “Exhibit I” - Verified Waters of U.S. Jurisdictional Determination and Verification Letter
- “Exhibit J” – Cultural Resources
- “Exhibit K” - Other Environmental Documentation, Permits, Amendments or Revisions