# DEQ logo

# Virginia Water Protection Surface Water Individual Permit

# Complete Application Checklist

For use on any of the following:

1. Projects for surface water withdrawals that total *more than 10 thousand* gallons per day from nontidal waters;
2. Projects for surface water withdrawals that total *more than* 2 million gallons per day from tidal waters;
3. Withdrawals for agricultural use that total *more than* 1 million gallons in a single month from nontidal waters;
4. Withdrawals for agricultural use that total *more than* 60 million gallons in a single month from tidal waters; or
5. Withdrawals not otherwise excluded under 9VAC25-210-310.

**Disclaimer:** Checklists are provided as a tool when applying for a Virginia Water Protection (VWP) individual permit or general permit coverage and for preparing a Joint Permit Application (JPA). Because the JPA is used by several agencies, all applicable sections of the JPA should be completed . ***Item numbers below do not correspond to regulation numbering.*** DEQ decisions will be made by applying the State Water Control Law, VWP Permit Program regulations, and VWP Permit Program guidance to the site- and project-specific facts.***Refer to the VWP Permit Program regulations, program guidance, and other references noted herein for details of required information for complete applications*.**

**Program Contact Information:**

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DEQ’s Ombudsman can provide assistance or redirection for questions about this checklist, please contact timothy.wilke@deq.virginia.gov or (804) 912-0989.

Application status may be viewed on the DEQ Permit Enhancement and Evaluation Platform ([PEEP](https://portal.deq.virginia.gov/peep-search)).

The VWP Permit Program Regulation is [9VAC25-210](https://law.lis.virginia.gov/admincode/title9/agency25/chapter210/). Sections 10 and 300 contain definitions. *Sections 80, 100, 340, and 360 contain application requirements for VWP-Surface Water Supply individual permits.* Section 350 contains application requirements for continuation of a surface water withdrawal, and Section 390 contains requirements for applying for a water supply variance, neither of which are included on this checklist. *Sections 80 and 116, and §*[*62.1-44.15:23*](https://law.lis.virginia.gov/vacode/62.1-44.15%3A23/), *should be used as a reference for the Conceptual Compensatory Mitigation Plan.* This checklist does not include detailed Final Compensatory Mitigation Plan requirements, as those are not required for a complete application.

**Pre-Application Requirements for Surface Water Withdrawals:** At the request of the potential applicant for a surface water withdrawal proposing to withdraw 90 million gallons a month or greater, a preapplication review panel will be convened prior to submission of a VWP Application. *The Department strongly recommends that all potential applicants for a surface water withdrawal that is not otherwise excluded under 9VAC25-210-310, including applications for reissuance of an existing permit, request a preapplication meeting well in advance of application submittal.*

| **For a Complete Application, Provide at Minimum:** | **Included****(Y, N, or N/A)** | **Page Number(s)****Or Location(s)** |
| --- | --- | --- |
| 1. Applicant Information |  |  |
| 1.a. Legal name of Applicant as registered with the SCC (as applicable). If Applicant is a business, name of contact person; and |  |  |
| 1.b. Mailing address as registered with the SCC (as applicable), phone number, and email address of Applicant and/or contact person |  |  |
| 2. Property owner information, if different from Applicant |  |  |
| 2.a. Legal name of property owner as registered with the SCC (as applicable); |  |  |
| 2.b. Mailing address as registered with the SCC (as applicable), phone number, and email address of Property Owner |  |  |
| 3. Authorized Agent information, if applicable |  |  |
| 3.a. Legal name of authorized agent as registered with the SCC (as applicable); |  |  |
| 3.b. Mailing address as registered with the SCC (as applicable), phone number, and email address of Agent |  |  |
| 4. Project name and proposed project schedule |  |  |
| 5. Information for the project site(s) and any related permittee-responsible compensatory mitigation site(s): |  |  |
| 5.a. Physical street address, nearest street, or nearest route number; |  |  |
| 5.b. City or County; |  |  |
| 5.c. Zip code; |  |  |
| 5.d. Parcel number(s), if applicable; |  |  |
| 5.e. Name of impacted water body(ies) or receiving waters; |  |  |
| 5.f. Latitude and longitude at center of site(s) (to nearest second); |  |  |
| 5.g. National Watershed Boundary Dataset fourth order subbasin; and |  |  |
| 5.h. Detailed map: location of site(s), project boundary, and all preservation areas on site(s) |  |  |
| 6. Narrative description of the project (including purpose and need) |  |  |
| 7. Alternatives analysis for proposed project.Include: |  |  |
| 7.a. On-site and off-site measures taken during project design and development to first avoid and then minimize impacts to surface waters to the maximum extent practicable; |  |  |
| 7.b. Specific on-site and off-site measures taken to reduce the size, scope, configuration, or density of the proposed project; |  |  |
| 7.c. A review of alternative sites where required for the project, which would avoid or result in less adverse impact to surface waters; |  |  |
| 7.d. Documentation demonstrating the reason the applicant determined less damaging alternatives are not practicable; and |  |  |
| 7.e. Demonstration to the satisfaction of the department that avoidance and minimization opportunities have been identified and measures have been applied to the proposed activity such that the proposed activity in terms of impacts to state waters and fish and wildlife resources is the least environmentally damaging practicable alternative |  |  |
| 8. Narrative description of all impacts to surface waters.Include: |  |  |
| 8.a. Type of activity to be conducted in surface waters; |  |  |
| 8.b. Any physical alteration to surface waters; |  |  |
| 8.c. If applicable, wetland impacts identified according to their Cowardin classification (i.e., emergent, scrub-shrub, or forested) and for each classification, the individual impacts quantified in square feet to the nearest whole number, cumulatively summed in square feet, and then the sum converted to acres and rounded to two decimal places using commonly accepted arithmetic principles of rounding; |  |  |
| 8.d. If applicable, individual stream impacts (i) quantified by length in linear feet to the nearest whole number and by average width in feet to the nearest whole number; (ii) quantified in square feet to the nearest whole number; and (iii) when compensatory mitigation is required, the impacts identified according to the assessed type using the Unified Stream Methodology; |  |  |
| 8.e. If applicable, open water impacts identified according to their Cowardin classification, and for each type, the individual impacts quantified in square feet to the nearest whole number, cumulatively summed in square feet, and then the sum converted to acres and rounded to two decimal places using commonly accepted arithmetic principles of rounding; |  |  |
| 8.f. Either a copy of the approved jurisdictional determination or when unavailable, one of the following:* Preliminary jurisdictional determination from USACE, USDA-NRCS, or DEQ;
* Other correspondence indicating approval of the boundary(ies) of applicable state and federal jurisdictional surface waters from USACE, USDA-NRCS, or DEQ; or
* Wetland delineation data sheets

[**Note:** See DEQ Memorandum *Recent Supreme Court Decision Sackett v. Environmental Protection Agency (EPA) - Effect in Virginia and How to Move Forward Without Economic Dislocation*, June 29, 2023, for more information about obtaining boundary and feature verifications in VA] |  |  |
| 8.g. Delineation / Impact map showing:* Geographic area of all delineated surface water boundaries;
* Wetlands, stream, and open water impacts, as applicable, described in same manner as above; and
* Any other surface waters described with Cowardin classification or similar terminology

[**Note:** See DEQ Memorandum *Recent Supreme Court Decision Sackett v. Environmental Protection Agency (EPA) - Effect in Virginia and How to Move Forward Without Economic Dislocation*, June 29, 2023, for more information about obtaining boundary and feature verifications in VA] |  |  |
| 9. Plan-View Drawing(s) (full- or half-size plan sheets) of the project. Include at a minimum: |  |  |
| 9.a. North arrow; |  |  |
| 9.b. Graphic scale (recommended maximum scale ratio of 1:200 ft.); |  |  |
| 9.c. Existing and proposed topographic or bathymetric contours; |  |  |
| 9.d. Limits of proposed impacts to surface waters; |  |  |
| 9.e. Location of all existing and proposed structures (fill riprap/outlet protection/channel tie-ins, dredging, excavation, etc.); |  |  |
| 9.f. All delineated state and federal jurisdictional surface waters, including isolated, on the site.Include: |  |  |
| 9.f(1) The Cowardin classification for those surface waters and waterway name, if designated; |  |  |
| 9.f(2) ebb and flood or direction of flow; and |  |  |
| 9.f(3) ordinary high-water mark in nontidal areas;[**Note:** See DEQ Memorandum *Recent Supreme Court Decision Sackett v. Environmental Protection Agency (EPA) - Effect in Virginia and How to Move Forward Without Economic Dislocation*, June 29, 2023, for more information about obtaining boundary and feature verifications in VA] |  |  |
| 9.f(4) tidal wetlands boundary; and[**Note:** See DEQ Memorandum *Recent Supreme Court Decision Sackett v. Environmental Protection Agency (EPA) - Effect in Virginia and How to Move Forward Without Economic Dislocation*, June 29, 2023, for more information about obtaining boundary and feature verifications in VA] |  |  |
| 9.f(5) mean low water and mean high water lines in tidal areas |  |  |
| 9.g. Limits of Chesapeake Bay Resource Protection Areas (RPAs) as field-verified by the applicant, and if available, the limits as approved by the locality in which the project site is located, unless the proposed use is exempt from the Chesapeake Bay Preservation Area Designation and Management Regulations ([9VAC25-830](https://law.lis.virginia.gov/admincode/title9/agency25/chapter830/)); and |  |  |
| 9.h. Limits of any areas that are under a deed restriction, conservation easement, restrictive covenant, or other land use protective instrument (i.e., protected areas) |  |  |
| 10. Cross-sectional and profile drawing(s) of each proposed impact area.Include at a minimum:  |  |  |
| 10.a. Graphic scale; |  |  |
| 10.b. Existing structures; |  |  |
| 10.c. Existing and proposed elevations; |  |  |
| 10.d. Limits of surface water areas; |  |  |
| 10.e. Ebb and flood or direction of flow (if applicable); |  |  |
| 10.f. Ordinary high-water mark in nontidal areas;[**Note:** See DEQ Memorandum *Recent Supreme Court Decision Sackett v. Environmental Protection Agency (EPA) - Effect in Virginia and How to Move Forward Without Economic Dislocation*, June 29, 2023, for more information about obtaining boundary and feature verifications in VA] |  |  |
| 10.g. Tidal wetland boundary;[**Note:** See DEQ Memorandum *Recent Supreme Court Decision Sackett v. Environmental Protection Agency (EPA) - Effect in Virginia and How to Move Forward Without Economic Dislocation*, June 29, 2023, for more information about obtaining boundary and feature verifications in VA] |  |  |
| 10.h. Mean low water and mean high water lines in tidal areas; |  |  |
| 10.i. Impact limits; |  |  |
| 10.j. Location of all existing and proposed structures (Profile drawing(s) with this information may be required on a case-by-case basis to demonstrate minimization of impacts.); and |  |  |
| 10.k. For piping or culverting stream flows: Longitudinal profile of the pipe or culvert position and stream bed thalweg, or spot elevations of the stream thalweg at the beginning and end of the pipe or culvert, extending to a minimum of 10 feet beyond the limits of proposed impact |  |  |
| 11. An assessment of potential impacts to federal and state listed threatened or endangered species, including any correspondence or documentation from federal or state resource agencies addressing potential impacts to listed species |  |  |
| 12. Upon request by the Department, evidence or certification that the material is free from toxic contaminants prior to disposal or that the dredging activity will not cause or contribute to a violation of water quality standards during dredging (e.g., grain size and composition analyses, tests for specific parameters or chemical constituents, or elutriate tests on the dredge material)  |  |  |
| 13. A written description and a graphical depiction identifying all upland areas including buffers, wetlands, open water, other surface waters, and compensatory mitigation areas located within the proposed project boundary or permittee-responsible compensatory mitigation areas that are under a deed restriction, conservation easement, restrictive covenant, or other land use protective instrument (i.e., protected areas), including: |  |  |
| 13.a. The nature of the prohibited activities within the protected areas and the limits of RPAs as field-verified by the applicant; and |  |  |
| 13.b. If available, the limits as approved by the locality in which the project site is located, unless the proposed use is exempt from the Chesapeake Bay Preservation Area Designation and Management Regulations ([9VAC25-830](https://law.lis.virginia.gov/admincode/title9/agency25/chapter830/)), as additional state or local requirements may apply if the project is located within an RPA |  |  |
| 14. Signature page (from JPA) containing original signature, date, and certification |  |  |
| 15. Permit application fee, if required ([9VAC25-20](https://law.lis.virginia.gov/admincodefull/title9/agency25/chapter20/)). ***Do not send payment with application to VMRC. Do not attach a copy of check, interagency transfer, account numbers, or credit card numbers to application.*** Required fees will be communicated to applicants by program staff. Payments should be accompanied by a copy of the completed Water Division Permit Application Fee Form. |  | [Attaching a copy of the completed Fee Form is acceptable but does not serve as proof of payment or deposit by DEQ] |
| 16. Narrative describing the water supply issues that form the basis of need (Section 340.B) |  |  |
| 17. Drainage area (Section 340.B)Include: |  |  |
| 17.a. Average annual flow at withdrawal point; |  |  |
| 17.b. Median monthly flow at withdrawal point; and |  |  |
| 17.c. Historical low flows (if available) |  |  |
| 18. Withdrawal information for each proposed withdrawal point or intakeInclude: |  |  |
| 18.a. Average daily withdrawal; |  |  |
| 18.b. Maximum daily withdrawal; |  |  |
| 18.c. Maximum monthly withdrawal; |  |  |
| 18.d. Maximum annual withdrawal; |  |  |
| 18.e. Maximum instantaneous withdrawal; |  |  |
| 18.f. Variability of demand by season (if applicable); |  |  |
| 18.g. Cumulative volumes for the entire surface water withdrawal system (if multiple intake structures apply); |  |  |
| 18.h. Monthly consumptive use volume (in Mgal); |  |  |
| 18.i. Average daily return flow (in Mgal); |  |  |
| 18.j. Location, latitude, and longitude of return/discharge flow; and |  |  |
| 18.k. Drainage area at return/discharge point (in square miles) |  |  |
| 19. Information on flow dependent beneficial uses along the affected stream reach.Include: |  |  |
| 19.a. Evaluation of the flow dependent instream and offstream beneficial uses; |  |  |
| 19.b. Aquatic life, including species and habitat requirements; |  |  |
| 19.c. How the proposed withdrawal will alter flows; and |  |  |
| 19.d. If applicable, inter-basin transfer information for both *the source and receiving basins*: |  |  |
| 19.d(1) Evaluation of the flow dependent instream and offstream beneficial uses; |  |  |
| 19.d(2) Aquatic life, including species and habitat requirements; and |  |  |
| 19.d(3) How the proposed withdrawal will alter flows |  |  |
| 20. Information on the proposed use and need for surface water and how demand was determined (*e.g., per capita use, population growth rates, new uses, changes to service areas, and if applicable, acreage irrigated and evapotranspiration effects)* |  |  |
| 21. Description of intake structures.Include: |  |  |
| 21.a. Intake screen mesh size; and |  |  |
| 21.b. Intake velocity |  |  |
| 22. ***For proposed withdrawals from an impoundment***Provide: |  |  |
| 22.a. Description of flow or release structures; |  |  |
| 22.b. Minimum rate of flow (in cfs); |  |  |
| 22.c. Size and capacity of the structure; |  |  |
| 22.d. Mechanism to control release; |  |  |
| 22.e. Surface area (acres); |  |  |
| 22.f. Maximum depth (feet); |  |  |
| 22.g. Normal pool elevation; |  |  |
| 22.h. Total storage capacity; |  |  |
| 22.i. Any unusable storage volume (acre-ft); and |  |  |
| 22.j. Stage-storage relationship |  |  |
| 23. A narrative detailing if the withdrawal is addressed in the water supply plan that covers the area in which the withdrawal is proposed. If the proposed withdrawal is included, provide: |  |  |
| 23.a. Discussion as to how the proposed withdrawal is addressed in the plan; or |  |  |
| 23.b. If all or a portion of the withdrawn water will be transferred to an area not covered by the plan, a discussion to include the water supply plan for the area of the receiving watershed |  |  |
| 24. ***For new or expanded withdrawals proposing to withdraw 90 million gallons a month or more***, provide a summary of the steps taken to seek public input and an identification of the issues raised during the public information meeting process |  |  |
| 25. ***For new or expanded withdrawals that involve a transfer of water between major river basins that may impact a river basin in another state***, provide a plan describing procedures to notify potentially affected persons, both in and outside of Virginia, of the proposed project |  |  |
| 26. ***For withdrawals other than for public water supply***, provide information to demonstrate that alternative sources of water are available to support the operation of the facility during times of reduced instream flow |  |  |
| 27. ***For proposed public water supply*** (Section 340.B.10; Section 360.1-3)Provide an alternatives analysis. Include at minimum: |  |  |
| 27.a. Existing supply sources, yields, and demands: |  |  |
| 27.a(1) Peak day and average daily withdrawal; |  |  |
| 27.a(2) The public water supply safe yield and lowest daily flow of record; |  |  |
| 27.a(3) Types of water uses; and |  |  |
| 27.a(4) Existing water conservation measures and drought response plan, including what conditions trigger their implementation |  |  |
| 27.b. Projected demands over a minimum 30-year planning period, using: |  |  |
| 27.b(1) Projected demand contained in the local or regional water supply plan developed in accordance with [9VAC25-780](https://law.lis.virginia.gov/admincode/title9/agency25/chapter780/) or projected demand for the project service area, if such area is smaller than the planning area; or |  |  |
| 27.b(2) Statistical population (growth) trends, including if applicable, the projected demands by use type; the projected demand without water conservation measures; and the projected demands with long-term water conservation measures |  |  |
| 27.c. Range of alternatives to be analyzed by the applicant as follows: |  |  |
| 27.c(1) All applicable alternatives contained in the local or regional water supply plan developed in accordance with [9VAC25-780](https://law.lis.virginia.gov/admincode/title9/agency25/chapter780/); |  |  |
| 27.c(2) Alternatives that are practicable or feasible from both a technical and economic standpoint that had not been identified in the local or regional water supply plan developed in accordance with [9VAC25-780](https://law.lis.virginia.gov/admincode/title9/agency25/chapter780/); |  |  |
| 27.c(3) Alternatives that are available to the applicant but not necessarily under the current jurisdiction of the applicant; and |  |  |
| 27.c(4) Water conservation measures that could be considered to reduce demand for each alternative considered by the applicant |  |  |
| 27.d. Narrative description that outlines the opportunities and status of regionalization efforts undertaken by the applicant |  |  |
| 27.e. Criteria used to evaluate each alternative for the purpose of establishing the least environmentally damaging practicable alternative, which includes but is not limited to: |  |  |
| 27.e(1) Demonstration that the proposed alternative meets the project purpose and project demonstrated need as documented pursuant to this section; |  |  |
| 27.e(2) Availability of the alternative to the applicant; |  |  |
| 27.e(3) Evaluation of interconnectivity of water supply systems, both existing and proposed; |  |  |
| 27.e(4) Evaluation of the cost of the alternative on an equivalent basis; |  |  |
| 27.e(5) Evaluation of alternative public water supply safe yields; |  |  |
| 27.e(6) Presence and potential impact of alternative on state and federally listed threatened and endangered species; |  |  |
| 27.e(7) Presence and potential impact of alternative on wetlands and streams (based on maps and aerial photos for all alternatives, field delineation required for preferred alternative);[**Note:** See DEQ Memorandum *Recent Supreme Court Decision Sackett v. Environmental Protection Agency (EPA) - Effect in Virginia and How to Move Forward Without Economic Dislocation*, June 29, 2023, for more information about obtaining boundary and feature verifications in VA] |  |  |
| 27.e(8) Evaluation of effects on instream flow; |  |  |
| 27.e(9) Land use within a watershed where the type of land use may impact the water quality of the source; |  |  |
| 27.e(10) Presence of impaired streams and the type of impairment; |  |  |
| 27.e(11) Location of point source discharges; and |  |  |
| 27.e(12) Other potential threats to water quality |  |  |
| 28. ***For proposed surface water withdrawals OTHER THAN public water supply*** (Section 340.B.10; Section 360.4).Provide an alternatives analysis. Include at minimum: |  |  |
| 28.a. Alternatives that are available to the applicant but not necessarily under the current jurisdiction of the applicant; |  |  |
| 28.b. Water conservation measures that could be considered to reduce demand for each alternative considered by the applicant; |  |  |
| 28.c. Criteria used to evaluate each alternative for the purpose of establishing the least environmentally damaging practicable alternative, which includes but is not limited to: |  |  |
| 28.c(1) Demonstration that the proposed alternative meets the project purpose and project demonstrated need as documented pursuant to this section; |  |  |
| 28.c(2) Availability of the alternative to the applicant; |  |  |
| 28.c(3) Evaluation of interconnectivity of water supply systems, both existing and proposed; |  |  |
| 28.c(4) Evaluation of the cost of the alternative on an equivalent basis; |  |  |
| 28.c(5) Evaluation of alternative public water supply safe yields; |  |  |
| 28.c(6) Presence and potential impact of alternative on state and federally listed threatened and endangered species; |  |  |
| 28.c(7) Presence and potential impact of alternative on wetlands and streams (based on maps and aerial photos for all alternatives, field delineation required for preferred alternative);[**Note:** See DEQ Memorandum *Recent Supreme Court Decision Sackett v. Environmental Protection Agency (EPA) - Effect in Virginia and How to Move Forward Without Economic Dislocation*, June 29, 2023, for more information about obtaining boundary and feature verifications in VA] |  |  |
| 28.c(8) Evaluation of effects on instream flow; |  |  |
| 28.c(9) Land use within a watershed where the type of land use may impact the water quality of the source; |  |  |
| 28.c(10) Presence of impaired streams and the type of impairment; |  |  |
| 28.c(11) Location of point source discharges; and |  |  |
| 28.c(12) Other potential threats to water quality |  |  |
| 28.d. If a water supply plan exists: All applicable alternatives contained in the local or regional water supply plan developed in accordance with [9VAC25-780](https://law.lis.virginia.gov/admincode/title9/agency25/chapter780/); |  |  |
| 28.e. If a water supply plan exists: Alternatives that are practicable or feasible from both a technical and economic standpoint that had not been identified in the local or regional water supply plan developed in accordance with [9VAC25-780](https://law.lis.virginia.gov/admincode/title9/agency25/chapter780/); and |  |  |
| 28.f. Narrative description that outlines the opportunities and status of regionalization efforts undertaken by the applicant, if applicable |  |  |

| **For a Complete Application, the Following Compensation Information Required** | **Included****(Y, N, or N/A)** | **Page Number(s)****Or Location(s)** |
| --- | --- | --- |
| 29. A conceptual compensatory mitigation plan to achieve no net loss of wetland acreage and functions or stream functions and water quality benefits. Complete below for all that apply. (Section 80.B.1.h(2) and -C; Section116.B and -C.3; § 62.1-44.15:23.B and -C) |  |  |
| 30. ***For the purchase of mitigation bank or in-lieu fee program credits***Provide: |  |  |
| 30.a. The number and type of credits proposed to be purchased at the standard compensation to impact ratios of (2:1 for forest, 1.5:1 for scrub-shrub, and 1:1 for emergent); |  |  |
| 30.b. If applicable, for any project proposing less than the standard compensation ratios an analysis of the functions of impacted wetlands. When required, the method selected for the analysis shall assess water quality or habitat metrics and shall be coordinated with DEQ in advance of conducting the analysis.  |  |  |
| 30.c. Documentation from the approved bank or in-lieu fee program sponsor of the availability of credits at the time of application; |  |  |
| 30.d. For projects occurring in a location for which there are no credits are available to purchase in the primary service area of any mitigation provider**, or** at a price below 200% of the current price of credits applicable to that site from a Board-approved fund dedicated to achieving no net loss of wetland acreage and functions, The application must include documentation of the following per *§*[*62.1-44.15:23*](https://law.lis.virginia.gov/vacode/62.1-44.15%3A23/) Provide:  |  |  |
| 30.d(1) A determination of credit availability and credit price, at the time of submitting proof of credit availability with the application; and  |   |   |
| 30.d(2) If the purchase or use of credits is from a secondary service area, the proof of acquisition of credits for a subdivision or development should include a plan - certified by a licensed professional engineer, surveyor, or landscape architect - that the permit applicant will implement for the planting, preservation, or replacement of trees on the development site, such that the minimum tree canopy percentage 20 years after development is projected to be as detailed in § 62.1-44.15:23.C  |   |   |
| 31. ***For all permittee-responsible compensation (PRM)***Provide: |  |  |
| 31.a. Project site location information: |  |  |
| 31.a(1) Physical street address, nearest street, or nearest route number; |  |  |
| 31.a(2) City or County; |  |  |
| 31.a(3) Zip code; |  |  |
| 31.a(4) Parcel number(s), if applicable; |  |  |
| 31.a(5) Name of impacted water body(ies) or receiving waters; |  |  |
| 31.a(6) Latitude and longitude at center of site(s) (to nearest second); |  |  |
| 31.a(7) National Watershed Boundary Dataset fourth order subbasin; and |  |  |
| 31.a(8) Detailed map: location of site(s), project boundary, and all preservation areas on site(s) |  |  |
| 31.b. An analysis to justify that permittee-responsible compensatory mitigation is ecologically and environmentally preferable to the purchase of mitigation bank credits or in-lieu fee program credits.Include: |  |  |
| 31.a(1) The ability of the permittee-responsible compensatory mitigation sites to replace lost wetland acreage and functions or lost stream functions and water quality benefits; and |  |  |
| 31.b(2) A comparison of the impacted and compensation sites via a method that assesses water quality or habitat metrics, such as that required by [9VAC25-210-80 C](https://law.lis.virginia.gov/admincode/title9/agency25/chapter210/section80/), or a method that assesses such criteria as water quality benefits, distance from impacts, hydrologic source and regime, watershed, vegetation type, soils, constructability, timing of compensation versus impact, property acquisition, and cost |  |  |
| 31.c. A draft of the intended protective mechanism(s) to demonstrate that permittee-responsible compensatory mitigation can be protected in perpetuity through a protective mechanism approved by DEQ, such as a conservation easement held by a third party in accordance with the Virginia Conservation Easement Act or the Virginia Open-Space Land Act; a duly recorded declaration of restrictive covenants; or other protective instrument.Include: |  |  |
| 31.c(1) A provision for access to the site; |  |  |
| 31.c(2) The following minimum restrictions, listed as:* + no ditching, land clearing, or discharge of dredge or fill material; and
	+ no activity in the area designated as compensatory mitigation area except for maintenance activities, corrective action measures, or DEQ-approved activities that are described in the approved final compensatory mitigation plan or long-term management plan; and
 |  |  |
| 31.c(3) A long-term management plan that identifies a long-term steward and adequate financial assurances for long-term management in accordance with the current standard for mitigation banks and in-lieu fee program sites[**Note:** financial assurances will not be necessary for permittee-responsible compensation provided by government agencies on government property] |  |  |
| 32. ***For PRM for wetland impacts***Provide: |  |  |
| 32.a. The goals and objectives in terms of replacement of wetland acreage and functions; |  |  |
| 32.b. A detailed location map including latitude and longitude to the nearest second and the fourth order subbasin, as defined by the hydrologic unit boundaries of the National Watershed Boundary Dataset, at the center of the site; |  |  |
| 32.c. A description of the surrounding land use; |  |  |
| 32.d. A hydrologic analysis including a draft water budget for nontidal areas based on expected monthly inputs and outputs that will project water level elevations for a typical year, a dry year, and a wet year; |  |  |
| 32.e. Groundwater elevation data, if available, or the proposed location of groundwater monitoring wells to collect these data; |  |  |
| 32.f. Wetland delineation confirmation, data sheets, and maps for existing surface water areas on the proposed site or sites;[**Note:** See DEQ Memorandum *Recent Supreme Court Decision Sackett v. Environmental Protection Agency (EPA) - Effect in Virginia and How to Move Forward Without Economic Dislocation*, June 29, 2023, for more information about obtaining boundary and feature verifications in VA] |  |  |
| 32.g. A conceptual grading plan; |  |  |
| 32.h. A conceptual planting scheme including suggested plant species and zonation of each vegetation type proposed; |  |  |
| 32.i. A description of existing soils including general information on both topsoil and subsoil conditions, permeability, and the need for soil amendments; |  |  |
| 32.j. A draft design of any water control structures; |  |  |
| 32.k. Inclusion of buffer areas; |  |  |
| 32.l. A description of any structures and features necessary for the success of the site; |  |  |
| 32.m. The schedule for compensatory mitigation site construction; and |  |  |
| 32.n. Measures for the control of undesirable species |  |  |
| 33. ***For PRM for stream impacts***Provide: |  |  |
| 33.a. The goals and objectives in terms of water quality benefits and replacement of stream functions; |  |  |
| 33.b. A detailed location map including the latitude and longitude to the nearest second and the fourth order subbasin, as defined by the hydrologic unit boundaries of the National Watershed Boundary Dataset, at the center of the site; |  |  |
| 33.c. A description of the surrounding land use; |  |  |
| 33.d. The proposed stream segment restoration locations including plan view and cross-sectional drawings; |  |  |
| 33.e. The stream deficiencies that need to be addressed; |  |  |
| 33.f. Data obtained from a DEQ-approved, stream impact assessment methodology such as the Unified Stream Methodology;[**Note:** See DEQ Memorandum *Recent Supreme Court Decision Sackett v. Environmental Protection Agency (EPA) - Effect in Virginia and How to Move Forward Without Economic Dislocation*, June 29, 2023, for more information about obtaining boundary and feature verifications in VA] |  |  |
| 33.g. The proposed restoration measures to be employed including channel measurements, proposed design flows, types of instream structures, and conceptual planting scheme; |  |  |
| 33.h. Reference stream data, if available; |  |  |
| 33.i. Inclusion of buffer areas; |  |  |
| 33.j. Schedule for restoration activities; and |  |  |
| 33.k. Measures for the control of undesirable species |  |  |

**Optional Items to Assist in Expediting Processing:**

| **Information** | **Included****(Y, N, or N/A)** | **Page Number(s)****Or Location(s)** |
| --- | --- | --- |
| 34. **When wetland impacts are over one acre:** An analysis of the functions of wetlands proposed to be impacted may be required by DEQ (Section 80.C) |  |  |
| 35. GIS shape files of project boundary/polygon, impact boundaries/polygons, surface water boundaries/polygons |  |  |
| 36. A table of impacts directly on Delineation / Impact Map required for complete application |  |  |

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information."

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*Applicant Printed Name*

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*Applicant Signature*  *Date*