Primary & Secondary Geographic Service Areas (GSAs)

QUESTIONS AND ANSWERS

Should the permit be written to include mitigation requirements only for use of a Secondary GSA? Or to include both standard mitigation and Secondary GSA?

*Permit could be written to cover requirements for both Primary and Secondary GSA.*

Does the permit need to include a condition that prior to taking impacts and purchasing credits the permittee must look at banks with credits available in the Primary SA first and only if at that time there are no credits available go to the Secondary GSA?

*No. If the permit has been issued to allow for the use of credits from a Secondary GSA, the permittee is not required to check for credits within a Primary GSA, although, they may voluntarily do so.*

1. What is the process/expectations for projects that have approved permits but have delayed construction because Primary SA credits have not been available?

*If the permit was issued and did not authorize the use of credits from a Secondary GSA, and assuming the project otherwise qualifies to use credits from a Secondary GSA, the permittee will need to submit a Notice of Planned Chance. The permit will need to be revised to include the appropriate mitigation credits required for using a Secondary GSA and Tree Preservation and Plan, if required.*

1. If project proposes the use of Secondary GSA credits, are they required to do any sort of functional assessment?

*No – It is an approved mitigation bank or in-lieu fee site. Functional assessment is only for non-standard ratios or to use a different option on the hierarchy.*

1. If the use of Secondary GSA credits is approvable and included in the permit, should we add tree plan into conditions as well? When should the tree plan be provided?

*Yes. Once the permittee has requested to use credits from a Secondary GSA (with permit application or through NOPC process), then Tree Preservation and Replacement Plan requirements should be added. A Tree Preservation and Replacement Plan should be provided with the proof of credit purchase, at the latest (per Code of Virginia), but may be provided with the application or NOPC.*

1. If the project does not take all of the impacts that were permitted and does not use all the Secondary GSA credits purchased, could they apply unused Secondary GSA credits to a new project or a future phase? What if there is a Primary GSA to cover the new project or future phase?

*TBD.*

1. Is there an Example GSA Map and description available for DEQ permit writers?

*An example of a GSA Map and description are located in the Chapter 3 Reference sub-folder, and referenced in the Manual.*

1. How can staff determine the current in-lieu fee credit prices?

*A current in-lieu fee program Advance Credit Fee Schedule is located in the Chapter 3 Reference sub-folder, and referenced in the Manual.*

1. How does approval of Secondary GSAs affect the VDOT and locality permits exception in the Code that authorizes out of service area use of credits?

*If there is a bank or in-lieu fee site with a Secondary GSA to cover a project, then the process for the use of a Secondary GSA applies. Effective July 1, 2021, no further “out of service area” requests for credit sale will be processed by the IRT. A VDOT or locality permit that meets the exceptions listed in Code of Virginia § 62.1-44.15:23 should be discussed with DEQ Central Office.*

1. Could projects use Secondary GSA for wetlands, and not for streams, or vice versa?

*Yes. If one type of Primary GSA credit is available and the other is not, and if the project meets the conditions for the use of a Secondary GSA, then Primary GSA credits may be used for one resource (as available) and Secondary GSA credits may be used for the other resource.*

1. Could an applicant purchase a portion of the credits from a Primary GSA, and the remainder from a Secondary GSA?

*Yes, if it meets the conditions for the use of a Secondary GSA.*

1. Could an applicant purchase up to one acre of impact credits from a Secondary GSA, and the remainder from a Primary GSA?

*No. All credits with a Primary GSA to cover the impacts must be exhausted prior to considering the use of a Secondary GSA. In addition, if a project requires a Corps permit and has greater than one acre of impact, then a Secondary GSA does not apply.*

1. For projects that result in less than one acre of impacts, could an applicant purchase part of the mitigation credits from a Secondary GSA, and the remainder from a Primary GSA?

*All credits with a Primary GSA to cover the impacts must be exhausted prior to considering the use of a Secondary GSA, unless the credits in the Primary GSA exceed the cost requirement (200% of the applicable ILF price).*

1. Can Secondary GSA credits be used if the project qualifies for a DEQ IP, but a Corps SPGP or NWP? Example: Utility line.

*Yes, if it meets the conditions for the use of a Secondary GSA. Permit writer discretion and discussion with a VWP Manager and Central Office are advised.*

1. For a General Permit with over an acre of impact – Could a Secondary GSA be used for up to 1 acre of impact but the remainder of impacts be mitigated some other way?

*All Primary GSA credits must be exhausted prior to consideration of a Secondary GSA. If a Corps permit is required, then no. If no Corps permit is required, permit staff should discuss with a VWP Manager and Central Office.*

1. Are Secondary GSA credits able to be used for DEQ Individual Permits?

*Yes, credits from a Secondary GSA may be considered for projects qualifying for a DEQ IP, as long as a Corps IP is not required and the project has less than one acre of impact. Permit writer discretion and discussion with the Regional VWP Manager are advised (For T&E habitat, see next question).*

1. If a project is elevated to a DEQ IP for some other reason (i.e. activity in surface waters that will impact T&E species), but the actual permitted impacts are less than GP thresholds, can a Secondary GSA be used as part of the mitigation plan?

*Yes, credits from a Secondary GSA may be considered for a DEQ IP, as long as the project does not qualify for a Corps IP and has less than one acre of impact.*

*However, the approval to use Secondary GSA credits should take into consideration the T&E habitat or species proposed to be impacted, and whether a Secondary GSA (which may be outside of the physiographic province of the impacts) would compensate for the particular wetland type, T&E habitat type, or T&E species impacted.*

1. If a project requires a DEQ IP but qualifies for an SPGP from the Corps, can a Secondary GSA be used? For example, if permitted stream impacts are 1,600 lf and wetland impacts are 0.25 acre. And the stream impacts can be mitigated for from a bank in the Primary GSA, but wetland credits are proposed in a Secondary GSA, is that acceptable?

*Yes, if it meets the conditions for the use of a Secondary GSA.*

1. Can Secondary GSA be used for a linear project that has multiple crossings that are considered single and complete and each crossing is less than one acre, but the total impacts for all crossings exceed one acre?

*Permit writer discretion and discussion with the Regional VWP Manager and DEQ Central Office are advised.*