**Hand-Out**

**Wetland Creation Compensatory Mitigation Plan Checklist**

**For Permittee-responsible Mitigation**

**Wetland Conceptual Compensation Plan**

If permittee-responsible compensation is proposed for wetland impacts, a conceptual wetland compensatory mitigation plan shall be submitted in order for an application to be deemed complete and shall include at a minimum

* An analysis of the functions and values[[1]](#footnote-1) of impacted wetlands requiring compensatory mitigation when wetland impacts per each single and complete project total 1.01 acres or more.
* The goals and objectives in terms of replacement of wetland acreage and functions, including:
	+ a description of the resource types and amounts that will be provided;
	+ the method of compensation (i.e., restoration, establishment, enhancement and/or preservation); and,
	+ the manner in which the resource functions of the compensatory mitigation project will address the needs of the watershed.
* 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.
* A description of the surrounding land use.
* 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.
* Groundwater elevation data, if available, or the proposed location of groundwater monitoring wells to collect these data.
* Wetland delineation confirmation, data sheets, and maps for existing surface water areas on the proposed site or sites;
* A conceptual grading plan.
* A conceptual planting scheme including suggested plant species and zonation of each vegetation type proposed. Do not use invasive or undesirable plants or seeds, as identified on the most recent Department of Conservation and Recreation (VDCR) Virginia Invasive Plant Species List, without prior approval from DEQ.
* A description of existing soils including general information on both topsoil and subsoil conditions, permeability, and the need for soil amendments.
* A draft design of water control structures.
* Inclusion of buffer areas.
* A description of any structures and features necessary for the success of the site.
* The schedule for compensatory mitigation site construction.
* Measures for the control of invasive or undesirable species[[2]](#footnote-2).
* A draft of the intended protective mechanism or mechanisms, in accordance with [9VAC25-210-116](https://law.lis.virginia.gov/admincode/title9/agency25/chapter210/section116/) B 2, such as, but not limited to, a conservation easement held by a third party in accordance with the Virginia Conservation Easement Act (§ [10.1-1009](https://law.lis.virginia.gov/vacode/10.1-1009/) *et seq*. of the Code of Virginia) or the Virginia Open-Space Land Act (§ [10.1-1700](https://law.lis.virginia.gov/vacode/10.1-1700/) *et seq*. of the Code of Virginia), a duly recorded declaration of restrictive covenants, or other protective instrument. The draft intended protective mechanism shall contain the information below:
	+ (a) A provision for access to the site;
	+ (b) The following minimum restrictions: no ditching, land clearing, or discharge of dredge or fill material, and no activity in the area designated as compensatory mitigation area with the exception of maintenance; corrective action measures; or DEQ-approved activities described in the approved final compensatory mitigation plan or long-term management plan; and
	+ (c) 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, except that financial assurances will not be necessary for permittee-responsible compensation provided by government agencies on government property. If approved by DEQ, permittee-responsible compensation on government property and long-term protection may be provided through federal facility management plans, integrated natural resources management plans, or other alternate management plans submitted by a government agency or public authority.

**Wetland Final Compensation Plan**

* The goals and objectives of the plan, how the compensation is replacing / enhancing / preserving wetland functions and values, the components of the compensation expressed in acres, the proposed vegetation types, and the wetland classification.
* Wetland delineation confirmation, data sheets, and maps for existing surface waters on the compensation site, and any collectible information on reference wetlands adjacent to or near the compensation site.
* A location map, including the compensation site boundaries, the latitude and longitude (to the nearest second) at the center of the compensation site, and the watershed name and the fourth order subbasin, as defined by the hydrologic unit boundaries of the National Watershed Boundary Dataset, in which the compensation site is located.
* A site access plan.
* A monitoring plan, and goals.
* Drawing(s) depicting the location of photo-monitoring stations, monitoring wells, soil sampling points, vegetation sampling transects, and reference wetlands (if applicable).
* Success criteria, as defined in the VWP Individual Permit Special Conditions, or Attached to the VWP General Permit Coverage.
* An abatement and control plan for invasive or undesirable plant species[[3]](#footnote-3).
* A planting scheme and schedule, including but not limited to, suggested plant species, zonation, and acreage of each vegetation type proposed. Do not use invasive or undesirable plants or seeds, as identified on the most recent Department of Conservation and Recreation (VDCR) Virginia Invasive Plant Species List, without prior approval from DEQ.
* A soil preparation and amendment plan addressing both topsoil and subsoil conditions, permeability, and the need for soil amendments,
* Grading and Erosion and Sediment Control plans an erosion and sedimentation control plan.
* A construction, recordation and Plan implementation schedule.
* A draft of the intended protective mechanism or mechanisms, in accordance with [9VAC25-210-116](https://law.lis.virginia.gov/admincode/title9/agency25/chapter210/section116/) B 2, such as, but not limited to, a conservation easement held by a third party in accordance with the Virginia Conservation Easement Act (§ [10.1-1009](https://law.lis.virginia.gov/vacode/10.1-1009/) *et seq*. of the Code of Virginia) or the Virginia Open-Space Land Act (§ [10.1-1700](https://law.lis.virginia.gov/vacode/10.1-1700/) *et seq*. of the Code of Virginia), a duly recorded declaration of restrictive covenants, or other protective instrument. The draft intended protective mechanism shall contain the information below:
	+ A provision for access to the site; and,
	+ The following minimum restrictions: no ditching, land clearing, or discharge of dredge or fill material, and no activity in the area designated as compensatory mitigation area with the exception of maintenance; corrective action measures; or DEQ-approved activities described in the approved final compensatory mitigation plan or long-term management plan.
* A long-term management and financial assurance 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. The financial assurance plan shall include a cost estimate sufficient to construct maintain and replace the compensation plan activities.
1. One acceptable format is the U.S. Army Corps of Engineers Wetland Function-Value Evaluation form from the Corps’ “The Highway Methodology Workbook Supplement, Wetland Functions and Values – A Descriptive Approach”. <https://www.nae.usace.army.mil/Portals/74/docs/regulatory/Forms/HighwaySupplement6Apr2015.pdf> [↑](#footnote-ref-1)
2. See the most recent Department of Conservation and Recreation (VDCR) Virginia Invasive Plant Species List. [↑](#footnote-ref-2)
3. See the most recent Department of Conservation and Recreation (VDCR) Virginia Invasive Plant Species List. [↑](#footnote-ref-3)