**VWP Individual Permit Number ##-####**

**Effective Date: Date**

**[For Mods, add date here: Major/Minor Modification Date: Date]**

**Expiration Date: Date**

## VIRGINIA WATER PROTECTION PERMIT ISSUED PURSUANT TO THE STATE WATER CONTROL LAW AND SECTION 401 OF THE CLEAN WATER ACT

In compliance with Section 401 of the Clean Water Act and the State Water Control Law and regulations adopted pursuant thereto, the department has determined that there is a reasonable assurance that this VWP permit, if complied with, will protect instream beneficial uses, will not violate applicable water quality standards, and will not cause or contribute to a significant impairment of state waters or fish and wildlife resources. In issuing this VWP permit, the department has not taken into consideration the structural stability of any proposed activities.

**Permittee:** Legal Name

**Address:** Legal Address, City, State Zip

**Project Name:** [Insert Project Name]

**Project Location:** Address, County/City, Virginia. [Or: if no 911, address describe location - Ex.: On the X side of Roadway Name (Route X) approximately # linear feet/mile from the intersection of Roadway Name (Route X) and Roadway Name (Route X) in County/City, Virginia]

**Project Description:** The [Insert project description - Ex.: construction of a mixed-used development and associated infrastructure. Include any activities being conducted that affect non-tidal bottomland, per MOA with VMRC as amended August 16, 2023. ] on an approximately #-acre development site or parcel. Permitted activities shall be conducted as described in the Joint Permit Application received Date, and additional information materials received through Date. [, and the X modification request dated and received on Date and additional information received through Date.]

**Authorized Surface Water Impacts:**

[Use one of the following options as #1 and delete unused options.]

1. [Ex. 1: Default]This permit authorizes the permanent impact of [insert impacts by impact type and resource type - Ex.: # acre(s) of palustrine forested (PFO) wetland, and # acre(s) (# linear feet) of stream channel.]; as depicted on the enclosed impacts map entitled *Final Impacts Map Name*, dated Date, last revised Date, and received Date. [optional: , and drawn by Name]. [Add description in same format for conversion and temporary impacts, if any.]
2. [Ex. 2: Use when there are multiple wetland types (Cowardin class.) and/or a combination of permanent, conversion, and/or temporary impact types, and revise table as necessary to fit project]This permit authorizes the surface water impacts as identified in Table 1 below.

Table 1.

| Impact Type | Surface Water Type | Authorized Impact Amount |
| --- | --- | --- |
| Acre(s) | Linear Feet |
| Permanent | Palustrine Forested Wetland (PFO) | # | N/A |
| Palustrine Scrub-Shrub Wetland (PSS) | # | N/A |
| Palustrine Emergent Wetland (PEM) | # | N/A |
| Isolated palustrine X | # | N/A |
| Open Water (POW) | # | N/A |
| Stream Channel | # | # |
| *Subtotal* | # | *#* |
| Conversion | PFO to PEM | # | N/A |
| *Subtotal* | # | N/A |
| Temporary | PFO | # | N/A |
| PSS |  |  |
| PEM | # | N/A |
| Isolated palustrine X |  |  |
| POW |  |  |
| Stream Channel | # | # |
| *Subtotal* | # | # |
| **TOTAL** | # | # |

1. [Ex. 3: Use for a complex project, refering to the impacts table in the JPA or additional information submittal – ***be sure attachments are appropriately numbered***)]This permit authorizes the acreage and linear feet of surface water impacts as identified in the *Surface Water Impact Table*, dated Date, and received Date, and in Attachment 1.
2. [If using Example 2 (table) for #1, keep this as #2, otherwise delete]Authorized surface water impacts shall be as depicted on the enclosed impact map entitled *Final Impacts Map Name*, dated Date, last revised Date, and received Date. [optional: , and drawn by Name].
3. [If applicable, insert: The activities authorized by this VWP Individual Permit include encroachments into or on non-tidal bottomland (§ 28.2-1200), and as such, these activities are also authorized by this VWP Individual Permit, with the exception of the following: [*Insert list any specific activities that are not being authorized per program regulations/Code or the MOA between DEQ and VMRC, as amended August 16, 2023, including any activities in tidal waters that are not being permitting under VWPPP*. Example: Aerial crossings of non-tidal bottomland included as part of this project]. DEQ refers you to the Virginia Marine Resources Commission for any state permit and fee requirements applicable to these activities.

**Approved Compensation:**

[For permittee responsible mitigation and/or credit purchases, select from the *examples* below.]

The permittee shall compensate for the authorized surface water impacts as follows:

[Ex. of permittee-responsible wetland compensation]

Compensation for permanent wetland impacts shall be provided through the on-site creation of # acres of palustrine forested wetland. Development of a final mitigation plan in accordance with Part I.X shall be based upon the approved conceptual mitigation plan entitled *Final Mitigation Plan Name*, dated Date, and received Date.]

[Ex. of permittee-responsible stream compensation]

Compensation for permanent stream impacts shall be provided through the on-site restoration of # linear feet of water body(ies) and the preservation of the associated variable width riparian buffer ranging from # feet wide (# acres). Development of a final mitigation plan in accordance with Part I.X shall be based upon the approved conceptual mitigation plan entitled *Final Mitigation Plan Name*, dated Date, and received Date.]

[Include the following statement if permittee-responsible compensation is required (such as preservation, creation, buffer planting, or restoration).]

The permittee shall comply with the following compensation requirements in addition to the conditions of the individual permit:

1. Proof of recordation shall include the recorded survey or plats and a GIS compatible shapefile. The recorded easement plat shall be signed and sealed by a Land Surveyor or Professional Engineer licensed in the Commonwealth of Virginia and shall contain a minimum of two (2) coordinate pairs (grid ticks or property / easement corners) per sheet.
2. If the permittee provides GIS compatible shapefiles, the shapefiles should:
3. be referenced to the Virginia Coordinate System of 1983, North Zone, U.S. Survey Feet (FIPS 4501 or 4502);
4. contain a projections (.prj) file for each shapefile; and
5. be closed polygons with attribute data detailing the county of recordation, recorded deed acreage, date of recordation, and instrument number or deed book and page number.

[Ex. bank or in-lieu fee program credit purchase alternatives]

**Option 1**

1. The permittee shall not initiate work in permitted impact areas until documentation of the mitigation bank credit purchase or of the in-lieu fee program credit purchase has been submitted to and received by the department. DEQ recommends purchasing credits as soon as possible.
2. As compensation for permanent wetland impacts, the permittee shall purchase # wetland mitigation credit(s). As compensation for permanent stream impacts, the permittee shall purchase # USM stream mitigation credits or Stream Condition Units (SCUs). All compensatory mitigation credits shall be purchased from a department-approved mitigation bank, an approved in-lieu fee (ILF) program, or a combination thereof as specified below. The bank or program must be authorized and approved by the department to sell credits in the area in which the impacts will occur and have credits available (as released by the department). Any credit sale shall be in accordance with the approved Mitigation Banking Instrument or ILF Program Instrument. Purchase of required mitigation credits shall occur first through the purchase of available released credits followed by the purchase of advance credits. Multiple banks may be used to fulfill compensation requirements. DEQ recommends purchasing credits as soon as possible.

**Option 2 (Secondary GSA)**

1. The permittee shall not initiate work in permitted impact areas until documentation of the mitigation bank credit purchase or of the in-lieu fee program credit purchase has been submitted to and received by the department. DEQ recommends purchasing credits as soon as possible.
2. The permittee shall purchase compensatory mitigation credits first from a mitigation bank or in-lieu fee program (ILF) with a primary Geographic Service Area (GSA) to cover project impacts or, if no credits are available with a primary GSA, then credits from a secondary GSA as specified below. DEQ recommends purchasing credits as soon as possible.

|  |  |  |
| --- | --- | --- |
| Type of Credits | Primary GSA  | Secondary GSA  |
| Wetland Mitigation Credits | #.## | #.## |
| USM stream mitigation credits or Stream Condition Units (SCUs) | ### [SCUs] | ### [SCUs] |

1. All compensatory mitigation credits shall be purchased from a department-approved mitigation bank, a department-approved ILF, or a combination thereof as specified below. The bank or ILF must be authorized and approved by the department to sell credits in the area in which the impacts will occur and have credits available (as released by the department). Any credit sale shall be in accordance with the approved Mitigation Banking Instrument or ILF Program Instrument. Purchase of required mitigation credits shall occur first through the purchase of available released credits followed by the purchase of advance credits. Multiple banks may be used to fulfill compensation requirements. DEQ recommends purchasing credits as soon as possible.
2. [Add for recreational, institutional, or commercial activities]If credits are purchased from a bank or ILF with a secondary GSA covering project impacts, a plan certified by a licensed professional engineer, surveyor, or landscape architect for the planting, preservation, or replacement of trees on the development site to achieve ten percent (10%) tree canopy 20 years post-development. shall be submitted to the department with the documentation of credit purchase and prior to initiating work in the impact areas authorized by this permit.

**Option 3 (Secondary GSA)**

1. The permittee shall not initiate work in permitted impact areas until documentation of the mitigation bank credit purchase or of the in-lieu fee program credit purchase has been submitted to and received by the department. DEQ recommends purchasing credits as soon as possible.
2. As compensation for wetland impacts, the permittee shall purchase # wetland mitigation credit(s) from a bank or in-lieu fee program (ILF) with a primary Geographic Service Area (GSA) to cover project impacts or, if no credits are available in a primary GSA, # wetland mitigation credit(s) from a secondary GSA. DEQ recommends purchasing credits as soon as possible.
3. As compensation for stream impacts, the permittee shall purchase # USM stream mitigation credits or Stream Condition Units (SCUs) from a bank or ILF with a primary Geographic Service Area (GSA) to cover project impacts or, if no credits are available in a primary GSA, # USM stream mitigation credits or Stream Condition Units (SCUs) from a secondary GSA. DEQ recommends purchasing credits as soon as possible.
4. All compensatory mitigation credits shall be purchased from a department-approved mitigation bank, a department-approved ILF, or a combination thereof as specified below. The bank or ILF must be authorized and approved by the department to sell credits in the area in which the impacts will occur and have credits available (as released by the department). Any credit sale shall be in accordance with the approved Mitigation Banking Instrument or ILF Program Instrument. Purchase of required mitigation credits shall occur first through the purchase of available released credits followed by the purchase of advance credits. Multiple banks may be used to fulfill compensation requirements. DEQ recommends purchasing credits as soon as possible.
5. [Add for recreational, institutional, or commercial activities]If credits are purchased from a bank or ILF with a secondary GSA covering project impacts, a plan certified by a licensed professional engineer, surveyor, or landscape architect for the planting, preservation, or replacement of trees on the development site to achieve ten percent (10%) tree canopy 20 years post-development. shall be submitted to the department with the documentation of credit purchase and prior to initiating work in the impact areas authorized by this permit.

The permitted activity shall be in accordance with this Permit Cover Page, Part I - Special Conditions, and Part II - General Conditions.

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Name, Regional Director or Regional VWPP Program Manager Date

Virginia Department of Environmental Quality

Phone Number

Email Address

Office

Address

Regional Office phone number