Date

**FACT SHEET**

Minor Modification of Virginia Water Protection (VWP) Individual Permit No. ##-####

Project Name, County/City, Virginia

This document provides the pertinent information concerning the legal basis, scientific rationale and justification for the issuance/reissuance/modification of the Virginia Water Protection (VWP) permit referenced herein.

The Virginia Department of Environmental Quality (DEQ or department) has reviewed the application for modification of the VWP Individual Permit No. ##-#### and has determined that the project qualifies for a minor modification in accordance with 9VAC25-210-180.E.#.

The following details the minor modification application review process.

1. **Processing Dates:** [Including this section is optional – does not replace event data entry in CEDS.If additional impacts to surface waters are authorized in the minor modification, include the Local Gov’t and RLO/APO dates]

| Modification Request Received: | Date |
| --- | --- |
| Notification of modification request sent to Local Government(s): | Date |
| If applicable: Commissioner of Revenue Contacted: | Date or [N/A if able to use previous RLO information or locality website] |
| Letters sent to Riparian/Adjacent Land Owners: | Date |
| Modification Authorized [enter date that permit is issued]: | Date |

1. **Minor Modification Description:**

The modification is warranted to authorize [explain reason for modification. Ex.: an increase of # acre of palustrine forested (PFO) wetland and # acre (# linear feet) of stream channel associated with changes in final site plan engineering for the town center.]

1. **Project History**: [Add if determined necessary for understanding the project.]
2. Avoidance and Minimization Efforts:

[Summarize all avoidance and minimization efforts for the minor modification activities only. Don’t include avoidance and minimization efforts from original permit.]

For additional information, see page # of the modification request dated Date, and received Date. [, and/or the additional information response dated Date, and received Date].

1. **Project Impacts:**

Impacts Associated with the Minor Modification

The [1st, 2nd, 3rd, etc.] minor modification authorizes additional [Ex.: permanent impacts to # acre of palustrine forested (PFO) wetland, and # acre (# linear feet (LF)) of stream channel.]

Revised Total Impacts [If the project is complex and clarification is needed, then complete this section.]

This permit authorizes surface water impacts as follows:

* + Permanent impacts are to # acre of palustrine forested (PFO) wetland, and # acre (# linear feet (LF)) of stream channel.
  + Conversion impacts are # acre of palustrine scrub-shrub (PSS) wetland to palustrine emergent (PEM) wetland.
  + Temporary impacts are to # acre of PEM wetland, and # acre (# LF) of stream channel.
  + Authorized surface water impacts described under this condition shall be as depicted on the impacts map entitled *Final Impacts Map Name*, dated Date, last revised on Date, and received Date. [optional , and drawn by Name.]

[Use in lieu of bullets above and revise table as necessary to fit project]

DEQ authorizes 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. **Compensation for Unavoidable Impacts:**

Compensation Associated with the Minor Modification

Summarize the compensation requirement associated with modification [Ex.: Compensation for the additional permanent wetland impacts shall be provided through the purchase of # wetland credit and # USM stream mitigation credits as detailed in the revised Part I Special Condition(s) #.]

The compensation package complies with § 62.1-44.15:21 and § 62.1-44.15:23 of the Code of Virginia.

Total Compensation Requirement [If the project is complex and clarification is needed, then complete this section]

Summarize the compensation requirement and the compensation plan. [Instead of paragraphs below, staff may use a table format. In accordance with § [62.1-44.15:21.B](https://law.lis.virginia.gov/vacode/title62.1/chapter3.1/section62.1-44.15:21/), if the applicant proposed permittee responsible explain why based on staffs’ analysis the compensation plan was or was not ecologically preferable.]

[Ex. Wetland & Stream bank credits: Copy the applicable conditions from section ***Compensatory Mitigation – Credit Purchases*** in the Special Conditions and revise as necessary for the modification circumstances.]

[Ex.: PRM Stream: Copy the applicable conditions from section ***Compensatory Mitigation – Permittee Responsible Stream Mitigation/Compensation*** in the Special Conditions and revise as necessary for the modification circumstances.]

1. **Riparian and Adjacent Property Owner Notification:**

[Only include information for the minor modification, if applicable – not the original permit]

Staff notified property owners located adjacent to the impact area and within one-half mile [one-quarter mile up- and downstream for tidal areas] downstream of each distinct impact area by letter dated Date. Notifications were conducted in accordance with DEQ guidance and the Code of Virginia.

Summarize significant responses [or if applicable, insert:The applicant owns the property adjacent to and within one-half mile downstream of each distinct impact area.]

1. Revisions to Part I - Special Conditions:

[Only include information for the minor modification – not the original permit. Copy the applicable conditions from original permit issuance fact sheet or most recent modification fact sheet to ensure conditions are accurately reflected. Then update those as needed by identifying the condition modified and providing a brief explanation of the change.]

Staff revised the following conditions of the permit:

[Ex.: Part I.A.1 – revised to reflect changes in authorized impact numbers and updated impact map and information upon which the permit is based upon.

Ex.: Part I.# – revised wetland and stream compensation requirements to reflect the revisions approved in this minor modification of the permit.]

1. **General Conditions:**

The general conditions specified in the effective VWP Permit Program Regulation 9VAC25-210 apply to all VWP individual permits.

1. **General Criteria (9VAC25-260-20.A):**

State waters, including wetlands, shall be free from substances attributable to sewage, industrial waste, or other waste in concentrations, amounts, or combinations which contravene established standards or interfere directly or indirectly with designated uses of such water or which are inimical or harmful to human, animal, plant, or aquatic life.

Specific substances to be controlled include, but are not limited to: floating debris, oil, scum, and other floating materials; toxic substances (including those which bioaccumulate); substances that produce color, tastes, turbidity, odors, or settle to form sludge deposits; and substances which nourish undesirable or nuisance aquatic plant life. Effluents which tend to raise the temperature of the receiving water will also be controlled. Conditions within mixing zones established according to 9VAC25-260-20.B do not violate the provisions of this subsection.

1. **Staff Findings and Recommendations:**

* The proposed activity is consistent with the provisions of the Clean Water Act and State Water Control Law, and will protect instream beneficial uses.
* The permit addresses avoidance and minimization of wetland impacts to the maximum extent practicable.
* The effect of the impact, together with other existing or proposed impacts to wetlands, will not cause or contribute to significant impairment of state waters or fish and wildlife resources.
* The permit conditions address no net loss of wetland acreage and no net loss of functions in all surface waters, through compensatory mitigation and adequately assess compensation implementation via success monitoring and reporting.
* [If applicable: The permit reflects the required consultation with and full consideration of the written recommendations of VMRC, VDH, DCR, and DWR. The staff invited, but did not receive, comments from XXX.]

Staff recommends VWP Individual Permit No. ##-#### be modified as proposed.