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See DISCLAIMER in INTRODUCTION.

# CHAPTER 8: CHANGES TO INDIVIDUAL PERMITS

## 8.1 Introduction

Changes often occur to a project that necessitates a change to an individual permit. These changes can be made to the permit through a minor modification, major modification, or a revocation and reissuance, see [9VAC25-210-180](https://law.lis.virginia.gov/admincode/title9/agency25/chapter210/section180/).

VWP permits may be modified upon the request of the permittee, or DEQ initiate a modification when any of the following developments occur:

1. When new information becomes available about the project or activity covered by the VWP permit, including project additions or alterations, that was not available at VWP permit issuance and would have justified the application of different VWP permit conditions at the time of VWP permit issuance;
2. When a change is made in the promulgated standards or regulations on which the VWP permit was based;
3. When changes occur that are subject to "reopener clauses" in the VWP permit; or
4. When developments applicable to surface water withdrawals as specified in [9VAC25-210-380](https://law.lis.virginia.gov/admincode/title9/agency25/chapter210/section380/) occur. Please forward any application or request for permit modifications involving surface water withdrawals to the Office of Water Supply in a timely manner.

## 8.2 Minor Modifications

Minor modifications to an existing VWP individual permit may be made upon request of the permittee, or upon DEQ initiative with permittee consent.

## 8.2.1 Reasons for Minor Modifications

Minor modifications may be requested for the reasons listed in [9VAC25-210-180](https://law.lis.virginia.gov/admincode/title9/agency25/chapter210/section180/).E:

1. Correct typographical errors.
2. Require monitoring and reporting by the permittee at a different frequency than required in the VWP permit, based on new information justifying the change in conditions.
3. Change a compliance date provided it will not result in a net loss of wetland acreage or of functions in all surface waters.
4. Allow for a change in permittee provided that a written agreement containing a specific date for transfer of VWP permit responsibility, authorization, and liability from the current to the new permittee has been submitted to DEQ (see Chapter 10). A VWP permit shall be transferred only if the VWP permit has been modified to reflect the transfer, has been revoked and reissued to the new permittee, or has been automatically transferred. Any individual VWP permit shall be automatically transferred to a new permittee if the current permittee:
	1. Notifies department of the proposed transfer of the permit and provides a written agreement between the current and proposed permittees containing the date of transfer of VWP permit responsibility, authorization, and liability to the new permittee; and
	2. The department does not within 15 days notify the current and new permittees of its intent to modify the VWP permit.
5. Change project plans or uses that do not result in a change to permitted project impacts other than allowable by subdivisions 6 and 7 of this subsection.
6. Reduce wetland or stream impacts. Compensatory mitigation requirements may be modified in relation to the adjusted impacts, provided that the adjusted compensatory mitigation meets the initial compensatory mitigation goals. *The Department of Environmental Quality shall not be responsible for ensuring refunds for mitigation bank credit purchases or in-lieu fee program credit purchases.*
7. Authorize additional impacts to surface waters that are proposed prior to impacting the additional areas. Proposed additional impacts shall meet the following requirements:
	1. The proposed additional impacts are located within the project boundary, as depicted in the application for permit issuance, or are located in areas of directly related off-site work.
	2. The permittee has provided sufficient documentation that the department may reasonably determine that the additional impacts will not impact federal or state, listed threatened or endangered species or designated critical habitat, or result in a taking of threatened or endangered species. The department recommends that the permittee verify that the project will not impact any proposed threatened or endangered species or proposed critical habitat.
	3. *The cumulative, additional permanent wetland or open water impacts for one or more minor modifications do not exceed one-quarter of an acre (10,890 square feet)].*
	4. *The cumulative, additional permanent stream impacts for one or more minor modifications do not exceed 100 linear feet.*
	5. Documentation is provided demonstrating that the proposed surface water impacts have been avoided to the maximum extent practicable in accordance with the informational requirements of [9VAC25-210-80](https://law.lis.virginia.gov/admincode/title9/agency25/chapter210/section80/).B.1.g.
	6. Compensatory mitigation for the proposed impacts, if required, meets the requirements of [9VAC25-210-80](https://law.lis.virginia.gov/admincode/title9/agency25/chapter210/section80/).B.1.m and [9VAC25-210-116](https://law.lis.virginia.gov/admincode/title9/agency25/chapter210/section116/). Prior to a minor modification approval, DEQ may require submission of a compensatory mitigation plan for the additional impacts. [Note: Additional impacts may change the need for compensatory mitigation, such as when previous impacts were below one-tenth acre or less, or 300 linear feet or less, but with the modification request, the impacts now exceed these limits.]
	7. Where such additional impacts are temporary, and prior to initiating the impacts, the permittee provides a written statement to the department that the area to be temporarily impacted will be restored to its preconstruction elevations and contours, with topsoil from the impact area where practicable, such that the previous acreage and functions are restored. The proposed temporary impacts shall be deemed approved if DEQ does not respond within 10 days of receipt of the request for authorization to temporarily impact additional surface waters.
8. Substitute a specific, DEQ-approved mitigation bank or in-lieu fee program with another DEQ-approved mitigation bank or in-lieu fee program, or substitute all or a portion of the prior authorized permittee-responsible compensatory mitigation with a purchase of mitigation credits in accordance with [9VAC25-210-116](https://law.lis.virginia.gov/admincode/title9/agency25/chapter210/section116/).C from a DEQ-approved mitigation bank or in-lieu fee program. The amount of credits proposed to be purchased shall be sufficient to meet the compensatory mitigation requirement for which the compensatory mitigation is proposed to replace.
9. Allow for extension of the expiration date of the VWP permit. Any permittee with an effective VWP permit for an activity that is expected to continue after the expiration date of the VWP permit, without any change in the activity authorized by the VWP permit other than as may be allowed under this section, shall submit written notification requesting an extension. The permittee must file the request 90 days prior to the expiration date of the VWP permit. VWP permit modifications shall not be used to extend the term of a VWP permit beyond 15 years from the date of original issuance.

## 8.2.2 Types of Minor Modifications

The principal types of minor modifications are as follows:

1. **Request for Change of Ownership** ([9VAC25-210-180](https://law.lis.virginia.gov/admincode/title9/agency25/chapter210/section180/).E and -.F.4) see Chapter 10.
2. **Request for Change in Permit Conditions** – A permittee may request a change to the conditions of the permit, such as the construction monitoring requirements. If approved, modify only the Part I Special Conditions of the permit *that apply to the modification request and are approved by DEQ*. Staff should consider the public process of the original permit when considering the request. For example, if specific conditions were added to the permit via negotiation with citizens and/or stakeholders then staff should consult with their supervisor prior to changing such conditions.
3. **Request for Change in Permitted Impacts** – Any change in the permitted permanent impacts will require a modification to the permit. See Table 1 for minor modification impact thresholds.
4. **Request for Extension of the Permit Term** – An extension may be granted to an existing permittee as long as the original permit term plus the extension does not exceed a total of 15 years from the permit’s effective date ([§ 62.1-44.15](http://law.lis.virginia.gov/vacode/title62.1/chapter3.1/section62.1-44.15/)). The term for which a VWP individual permit is effective shall include the projected duration of the project, the length of required monitoring (including onsite mitigation), or any other project-related operations. Any permittee with an effective VWP may request the extension of the permitted activities via written notification at least 90 days prior to the expiration date of the VWP permit.

## 8.2.3 Evaluating Requests for Minor Modifications

The following considerations apply to minor modifications:

1. **Minor modification limits are cumulative.** This means that more than one minor modification can occur before the limits shown in Table 1 are exceeded. Each time that an existing issued permit is public noticed, such as during a major modification action, the minor modification cumulative total for that project is reset to zero, and a new tally is generated for permanent impacts that may be authorized under a minor modification.
2. **Minor modifications may be made without further public involvement, *with the exception of riparian landowner notices, when applicable.***
3. **Minor modifications do not require re-coordination with state and federal agencies**, unless the modification proposes additional impacts to a project area that were not included in the original project area or the addition of which may change the nature of the agencies’ review or the conclusions drawn. In such instances, the applicable agency coordination shall be conducted so that agency input is sought for the additional impacts to those areas not previously considered (see Chapters 3 and 5).
4. **Minor modifications do not require a permit fee.**
5. **An increase in temporary impacts:** Where such additional impacts are temporary, and prior to initiating the impacts, the permittee provides a written statement to the department that the area to be temporarily impacted will be restored to its preconstruction elevations and contours with topsoil from the impact area where practicable, such that the previous acreage and functions are restored. The proposed temporary impacts shall be deemed approved if DEQ does not respond within 10 days of receipt of the request for authorization to temporarily impact additional surface waters. Staff should modify the permit and CEDs to reflect an increase in temporary impacts regardless of whether staff responded within 10 days.
6. **Timelines.** Though minor modifications do not have regulatory processing deadlines, staff should strive to process them with the same priority as any other permit application or modification request – i.e., complete review and make additional information requests within 15 days of receipt and process the minor modification to completion whenever possible after receipt of a complete modification request and in consideration of other demands on workload.

Table 1 below shows the regulatory limits for minor modifications of VWP individual permits. Examples are provided but may not capture every potential scenario that VWP permit staff may encounter.

Table 1: Minor Modification Impacts Thresholds (See [9VAC25-210-180](https://law.lis.virginia.gov/admincode/title9/agency25/chapter210/section180/).E.7.c and -.E.7.d)

| **Resource** | **Area of Cumulative Impact Increase** |
| --- | --- |
| Wetlands and Open Water | ≤ 0.25 Acre (10,890 Square Feet) |
| Streams |  ≤ 100 Linear Feet |

Example 1:

Permanent wetland impacts originally permitted via VWP IP: 3 acres.

Mod request 1: Increase in permanent impacts by 0.20 acre. Approved as *minor* modification. Additional permanent impacts are within the regulatory limits for a minor modification. No public notice. A fee was not required.

Total permanent impacts after 1st mod: 3.2 acres.

Mod request 2:

At Location A, increase permanent impacts by 0.30 acre, and at Location B, reduce permanent impacts by 0.15 acre. Net increase in permanent impacts = 0.15 acre.

Request received by DEQ prior to impacts being taken. Approved as *major* modification, as additional cumulative permanent impacts exceed the regulatory limits for a minor modification. A public notice was issued. A fee was required.

Total permanent impacts after 2nd mod: 3.35 acres.

Any future mod request(s):

Each request that includes an increase in permanent impacts cannot exceed cumulative total of 0.25 acre, without a public notice process (e.g., processing a major modification). In this example, there have been 0 permanent impacts added since the last noticed action, so up to 0.25 acre of permanent impacts can be considered for a minor modification. Compensation may be required for any additional permanent impacts.

Each request that includes a decrease in permanent impacts may qualify for a minor modification. Compensation is not required for a reduction in permanent impacts; however, no credit refund or permit application fee refunds will be issued by DEQ.

Example 2:

Permanent wetland impacts originally permitted via VWP IP: 4 acres.

Mod request 1: Increase permanent impacts by 0.10 acre. Request received by DEQ prior to impacts being taken, but they were outside of the original project boundary. Approved as *major* modification, even though additional permanent impacts were within the regulatory limits for a minor modification. A public notice was issued. A fee was not required.

Total permanent impacts after 1st mod: 4.1 acres.

Mod request 2: Increase permanent impacts by 0.20 acre. Request received by DEQ prior to impacts being taken. Approved as *minor* modification. Within regulatory limits, and since the last modification requiring public notice, there has not been a *cumulative* increase of more than 0.25 acre. No public notice. A fee is not required.

Total permanent impacts after 2nd mod: 4.3 acres.

Any future mod request(s):

Each request that includes an increase in permanent impacts cannot cause the cumulative permanent impacts to exceed 0.25 acre, without a public notice process (e.g., processing a major modification). In this example, 0.20 acre has already been added, so there is only 0.05 acre remaining before the regulatory limit of 0.25 is exceeded, thus requiring a major modification. Compensation may be required for any additional permanent impacts.

Each request that includes a decrease in permanent impacts may qualify for a minor modification. Compensation is not required for a reduction in permanent impacts; however, no credit refund or permit application fee refunds will be issued by DEQ.

Example 3:

Permanent stream bed impacts originally permitted via VWP IP: 20,000 linear feet

Mod request 1: Reduce permanent impacts by 200 linear feet. Approved as minor modification. Within regulatory limits. No public notice.

Mod request 2: Reduce permanent impacts by 200 linear feet. Approved as minor modification. Within regulatory limits. No public notice.

Total permanent impacts after 2nd mod: 19,600 linear feet.

Mod request 3: Increase permanent impacts by 110 linear feet. Approved as *minor* modification. The increase exceeds the cumulative limit in regulation; however, the total permanent impacts of 19,710 linear feet are below the originally permitted and noticed (20,000 linear feet).

Any future mod request(s):

Each request that includes an increase in permanent impacts cannot cause the cumulative permanent impacts to exceed 100 linear feet, without a public notice process (i.e., processing a major modification), unless the cumulative permanent increases do not exceed what was originally permitted (20,000 LF). In this example, 110 linear feet has already been added, so there is only 290 linear feet remaining before the originally permitted impact amount of 20,000 LF is exceeded. No additional compensation would be required until the originally permitted and noticed permanent impacts (20,000 linear feet) are exceeded.

Each request that includes a decrease in permanent impacts may qualify for a minor modification. Compensation is not required for a reduction in permanent impacts; however, no credit refund or permit application fee refunds will be issued by DEQ.

### 8.2.4 Minor Modification Process

The process for processing a minor modification is as follows:

1. *Administrative Duties* – Initiate minor modification in CEDS; enter date modification request received.
2. *Review the minor modification request for completeness* – All relevant information will need to be provided for DEQ to assess the modification request – e.g. signed change of ownership request forms, project (modification) need, revised impact maps, efforts to avoid and minimize additional impacts, and full mitigation of additional permanent impacts at ratios not less than the compensatory mitigation ratios of the original impacts.
3. *Local Government and Riparian/Adjacent Landowner Notification* – If the minor modification request proposes additional/new impacts, the local government entity in which the project is located and riparian landowners must be notified of the minor modification via written notification (email is appropriate for localities). Local governments are provided 30 days to comment on the proposed permit modifications.
4. *Request additional information –* As necessary, additional information will need to be requested to allow staff to adequately assess the modification request and determine if further agency coordination is necessary.
5. *Agency coordination –* As stated above, minor modifications typically do not require further coordination, unless additional impacts are being proposed to areas outside of the scope of original coordination. If such coordination is necessary, then the coordination procedures will be the same as for the issuance of the original VWP individual permit (see Chapter 3 and subsection 5.7 of Chapter 5).
6. *Draft Permit Modification* – The permit writer will need to utilize the original permit documents, as issued, as the base from which to modify. Modify only those sections applicable. The minor modification issuance package will need to include a modification transmittal/approval letter which specifies which special conditions were modified and a modified cover page. Also, rather than including only the pages of special conditions that were modified, it will include an entire new set of special conditions with the modification date noted in the header of each page. Providing an entire new set of conditions helps avoid confusion on both sides and enables easier tracking of the permit.
7. *Minor Modification Fact Sheet –* A minor modification fact sheet may be needed. The fact sheet details the specific changes being made to the existing permit, and lists all relevant dates associated with the modification. Justification for approval or denial will need to be provided in the fact sheet.
8. *Modification Signature –* The minor modification’s transmittal letter and cover page will require signature in accordance with current signature delegation guidance and office procedures.
9. *Issuance –* Once the permit is signed, it is ready for issuance to the permittee, with the appropriate electronic copies to others.
10. *Administrative Duties* – Ensure all appropriate information has been entered in CEDS.
11. *Fees -* The *Fees for Permits and Certificates* Regulation [9VAC25-20](https://law.lis.virginia.gov/admincode/title9/agency25/chapter20/) does not contain a fee category for minor modifications to VWP individual permits.

### 8.2.5 Disapproving a Minor Modification

In the event that staff determines that a requested permit change, including extensions, does not qualify for a minor modification, appropriate justification will need to be provided to the permittee in writing (email is acceptable). Reasons may include inadequate avoidance and minimization of proposed additional impacts; too large of an increase in impacts; or an extension request was received too late to allow for processing prior to the permit’s expiration. In the event that a modification request cannot be granted, and the permittee will need to seek DEQ approval of the changes via a new VWP individual permit, or possibly a VWP general permit coverage. Follow regional procedures for appropriate signature authority for these notifications.

## 8.3 Major Modifications

Major modifications entail the same process as the original individual permit issuance process (see Chapter 5 and [9VAC25-210-180](https://law.lis.virginia.gov/admincode/title9/agency25/chapter210/section180/).C), but no new permit number is required, and there is a revised fee schedule (Chapter 8, Table 2). An important distinction between a new issuance and major modification is that during the modification process *only those impacts and conditions of the permit requested to be modified by the permittee can be reviewed or changed* ([9VAC25-210-180](https://law.lis.virginia.gov/admincode/title9/agency25/chapter210/section180/).D). Staff may suggest additional changes to the permit but must obtain permittee permission prior to executing these changes. Also, if the original VWP individual permit issuance was considered to be controversial, discuss with the Regional Manager the need for processing a major modification under the same procedures detailed in the most recent version of the [“Public Hearing Procedures for Permitting Decisions [9.23.22].pdf”](https://covgov.sharepoint.com/sites/deqnet/Shared%20Documents/Forms/Name%20sort.aspx?id=%2Fsites%2Fdeqnet%2FShared%20Documents%2FAdministration%2FPolicy&viewid=fe19566a%2Dc6e3%2D490e%2D9204%2Da79f6f6580b5) on DEQnet.

If the net, cumulative increase in impacts currently requested and those impacts which have been authorized since the last action requiring a public comment period are greater than 0.25 acre or 100 linear feet, or a permittee proposes to change any condition of the permit to make it less stringent, a major modification to the individual permit is required. (For examples of how to calculate the net, cumulative increase in impacts, see Section 8.2, Examples 1 and 2.)

The permit fee for a major modification includes the dollar amount shown in [9VAC25-20-120](https://law.lis.virginia.gov/admincode/title9/agency25/chapter20/section120/).3 as the flat “base fee”, or $1,200. Additional fees may apply depending upon the amount of impacts being considered under the modification, as shown in Table 2. However, the fee is not dependent upon the completion of impacts to date since the original permit is not being terminated. Should the original permit need to be terminated, and a new individual permit issued, any impacts already taken will not factor into an application fee for the new individual permit being issued (see Section 8.4). Fees are not subtracted or refunded if a modification reduces the overall impact total.

Table 2: Major Modification Permit Fee ([9VAC25-20-120](https://law.lis.virginia.gov/admincode/title9/agency25/chapter20/section120/).3)

|  |  |
| --- | --- |
| VWP Individual/Surface Water Impacts (Wetlands, Streams and/or Open Water) | $1,200 plus $110 for each 4,356 sq. ft. (1/10 acre) (or portion thereof) of incremental impact over 87,120 sq. ft. (two acres) ($30,000 maximum) |
| VWP Individual/Nonmetallic Mineral Mining | $1,200 plus $110 for each 4,356 sq. ft. (1/10 acre) (or portion thereof) of incremental impact over 87,120 sq. ft. (two acres) ($3,750 maximum) |

Examples on how to apply the additional fees to VWP individual permit scenarios:

Example 1:

A project has been issued an individual permit to impact 2.5 acres.

A permit modification for an increase of 0.2 acres is requested (modification 1). There is no fee charged since the increase qualifies as a minor modification.

A second increase is requested, this time for 0.5 of an acre (modification 2). The minor modification limits have been exceeded. Therefore, the *major* modification fee would be:

$1,200 + ($110 \* 5) = $1,750.

A third increase (modification 3) is requested for 1 acre. The minor modification limits have been exceeded. Therefore, the *major* modification fee would be:

$1,200 + ($110 \* 10) = $2,300.

Example 2:

A project has been issued an individual permit to impact 1,600 linear feet of a stream that is four feet wide at the project crossing. Converting linear feet to acres, the original stream impacts are under two acres [1,600 LF \* 4 FT = 6,400 SF = 0.147 of an acre].

An increase of an additional 125 linear feet of impacts is requested. The additional stream impacts exceed the minor modification limit but do not exceed the two-acre limit [125 LF \* 4 FT = 500 SF = 0.011 of an acre]. The *major* modification fee would be:

$1,200.

The following steps are required for a major modification that is not controversial:

1. *Administrative Duties* – Initiate major modification in CEDS; enter date modification request received.
2. *Review for Complete Major Modification Request* – [9VAC25-210-180](https://law.lis.virginia.gov/admincode/title9/agency25/chapter210/section180/).C contains a listing of the items to be submitted in a complete request. Major modification requests often include information similar to the original permit application; including revised impact summaries, impacts maps, avoidance and minimization analysis, and compensatory mitigation proposal.
3. *Major Modification Review* – The same level of review as was conducted for the original individual permit will be required, see Chapters 3 and 5; however, this review is limited to the scope of the major modification.
4. *Additional Information and Major Modification Fee Requests*
5. *State and Federal Agency Coordination* – Agency review is limited to scope of the major modification.
6. *Riparian Land Owners Notification* – Only riparian land owners adjacent to or 0.5 mile downstream of proposed new impacts to non-tidal waters (0.25 mile upstream and downstream in tidal situations) and adjacent to any permittee-responsible mitigation site that incurs impacts covered by the pending modification need to be notified.
7. *Local Government Notification*
8. *Draft Major Modification* – Track changes are to be utilized so that the permittee may review the proposed permit modifications prior to the finalized draft permit package being sent for public issuance. Once approved, DEQ staff will finalize the track changes and provide the permittee the draft permit for public noticing.
9. *Fact sheet Preparation* – The fact sheet details the specific changes being made to the existing permit, and lists all relevant dates associated with the modification. Justification for approval or denial will need to be provided in the fact sheet.
10. *Public Notice Process* – Public input is limited to the proposed changes to the permit.
11. *Public Notice Comments Review and Response* – The process is the same as that of the individual permit issuance. If a public hearing is combined with the public comment period, or the Director grants a public hearing as a result of requests received during the comment period, discuss with the Regional Manager the potential need to follow the procedures in Chapter 5 regarding controversial permits.
12. *Public Hearing Process* – The process is the same as that of the individual permit issuance. Follow the procedures in Chapter 5 regarding controversial permits.
13. *Major Modification Issuance / Denial* – The process is the same as that of the individual permit issuance.
14. *Administrative Duties* – Ensure all appropriate information has been entered in CEDS.

## 8.4 Reissuance

A permit reissuance is essentially the issuance of a new permit ([9VAC25-210-180](https://law.lis.virginia.gov/admincode/title9/agency25/chapter210/section180/)). A permittee may request, or DEQ may require, that an individual permit be revoked and the project be reissued a new VWP individual permit or general permit coverage, depending upon the impacts already taken, the completion of any compensatory mitigation, or necessity to continue reoccurring, regulated activities. The most common scenario for this type of permitting action is when the permit term is near the end of the maximum fifteen-year term, and the permittee will require VWP permit authorization beyond the expiration date of the permit to either complete or continue a regulated activity(ies). Here, the existing permit must be terminated and a new VWP individual permit or general permit coverage issued concurrently on the same date.

All steps outlined in Chapter 5 must be followed, and the project must comply with *current* statutory, regulatory and policy requirements ([9VAC25-210-110](https://law.lis.virginia.gov/admincode/title9/agency25/chapter210/section110/).F). In some cases, however, staff must consider the unique circumstances that are associated with these projects when evaluating avoidance and minimization, compensation, and certain other project characteristics.

As an example, individual permits issued for large residential, commercial, or industrial developments may expire prior to completion of all the originally permitted impacts or compensation. These projects are generally large parcels or conglomerates of parcels with long term development plans involving selling-off and/or developing individual development bays.

A new JPA and new permit number is required, and an application fee may apply. The permittee must comply with the regulatory requirements, guidance and policies that are effective *at the time of application*. The application, however, would only cover the *remaining* impacts, compensation, and/or monitoring activities. Typically discussion will be required about avoidance and minimization, validity of prior delineations, extent of stream channel impact, and compensation.

### 8.4.1 Avoidance and Minimization

In addition to specific laws and regulations associated with regulated activities, agency permitting decisions in the past were commonly based on the economy, local government regulations, and stormwater requirements in place at that time. These factors and others continue to change over time, as do DEQ’s policies regarding avoidance and minimization. For example, DEQ currently discourages the location of avoided wetlands within residential lots of a certain size.

There may be cases where avoidance and minimization potential is limited because portions of the project have been built. For example, if the roads are completely developed to service building pads, relocating the building pads, etc. may not be practicable. If the original plans included an in-line stormwater management pond to service a development that has not commenced construction, then it would be appropriate for the applicant/permittee to evaluate other options for stormwater management to determine if that impact could be practicably avoided. Or, if the remaining portions of a development have not been sold and/or commenced development, then the original development was speculative and may not have “hard” design requirements, such as those that occur on a road widening project or runway project.

### 8.4.2 Extent of Surface Waters and Wetland Delineations

A new wetland delineation may or may not be required depending on whether there is still a valid U.S. Army Corps of Engineers (USACE) permit. Typically, USACE delineation confirmations are valid for the life of the USACE permit. Each project will have to be considered on a case-by-case basis.

Quantification of stream channel impacts has significantly changed. For instance, a permit issued during 2000-2006 may not have mapped all the stream channels, or may have quantified stream impacts by acreage instead of linear feet. In accordance with the current regulations, the application for the remaining impacts must clearly identify the linear footage of all stream channels and the area of stream bed in the square footage (which is converted to acreage for fee calculation purposes), as well as assessing stream channel impacts via the Unified Stream Methodology (USM).

### 8.4.3 Stream Compensation

Historic VWP individual permits may not have included a requirement for stream compensation, unlike more recent permits issued in accordance with current regulations and policies. Stream compensation for *remaining* impacts that are considered for a reissuance decision must be consistent with current regulations and policies. In cases where compensation was provided to address all impacts, even if not all impacts were taken, DEQ typically decides on a case-by-case basis whether that compensation is adequate for all project stream impacts. These situations should be discussed with the Regional Manager.