Letter Date

Permittee Contact Person Name **SENT VIA E-MAIL:** email address

Permittee Legal Name **RECEIPT CONFIRMATION REQUESTED**

Address

City, State Zip

Re: Virginia Water Protection (VWP) General Permit Coverage Tracking No. WP#-##-####

**Permittee:** Legal Name

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

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

**Project**

**Location:** Address, County/City, Virginia.

[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:** [Insert project description - Ex.: Construct a mixed-used development and associated infrastructure] on an approximately #-acre development site or parcel.

Dear Permittee Contact Person First and Last Names:

The Virginia Department of Environmental Quality (DEQ or department) has reviewed your application received Date and the additional information materials received through Date. Based on DEQ’s review, the proposed project qualifies for coverage under the Virginia Water Protection (VWP) General Permit Choose an item. in accordance with Choose an item.-10 *et seq*.

**VWP General Permit Coverage (expires August 1, 2026)**

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

*Coverage Conditions:*

1. [Ex. 1: Default]This coverage 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 impact map entitled *Final Impacts Map Name*, dated Date, last revised Date, and received Date. [optional: , and drawn by Name].
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 coverage authorizes the surface water impacts as identified in Table 1 below.

Table 1.

| Impact Type | Surface Water Type | Authorized Impact Amount |
| --- | --- | --- |
| Acreage | 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 | # | N/A |
| PEM | # | N/A |
| Isolated palustrine X | # | N/A |
| POW | # | N/A |
| Stream Channel | # | # |
| *Subtotal* | *#* | *#* |

1. [Ex. 3: Use for a complex project, referring to the impacts table in the JPA or additional information submittal – ***be sure attachments are appropriately numbered***]This coverage 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 #.
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. [Do not include for Reporting Only coverage. For permittee responsible mitigation and/or credit purchases, select from the *Examples of Coverage Conditions for compensation* provided at the end of the template]
4. [If applicable, add: When countersinking culverts in streams, the permittee shall comply with all other conditions of the general permit and general permit coverage, including Part I.B.2, and shall install the structure and any riprap or ancillary features in a manner to ensure reestablishment of the stream channel within 15 days post construction. When installing culverts in any surface water, the permittee shall install the culvert and ancillary features in a manner that will maintain the pre-construction hydrologic regime. Surface water depth within the impact area shall be consistent with depths upstream and downstream of the impact area.]
5. [If applicable, insert conditions to protect threatened or endangered species or other situations. *Examples of Threatened or Endangered Species Conditions of Coverage* and *Examples of Other* are provided at the end of the template.]
6. When project activities authorized under this VWP General Permit Coverage include encroachments into or on non-tidal bottomland (§ 28.2-1200), such activities are also authorized by this VWP General Permit Coverage, with the exception of the following: [*Insert “None” after colon, or 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*. 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.
7. [If Reporting-Only, insert*:* VWP General Permit Part I, Part II (Sections B; E.1-4; and E.7-11), and Part III are applicable to this project. VWP General Permit Part II, Sections A; C; D; E.5; and E.6, are not applicable to this project since compensation is not required for impacts of less than or equal to 0.10 acre of wetlands or open water, or for stream channel impacts less than or equal to 300 linear feet.]

[*Remove first three sentences if state-only waters impacts occur:* The VWP Permit shall constitute the Section 401 Water Quality Certification (WQC) per § 62.1-44.15:20 D of the Code of Virginia. This letter also serves as issuance of individual Section 401 water quality certification for purposes of the U.S. Army Corps of Engineers’ Nationwide Permits, when applicable. The Section 401 WQC decision neither replaces or supersedes requirements set forth by local, state, federal, and Tribal laws, nor eliminate the need to obtain local, state, federal, and Tribal permits, approvals, consultations, or authorizations, as required, before commencing the proposed activities in surface waters.]The permittee shall comply with all conditions, limitations, and other requirements of the VWP general permit; any requirements included in this coverage; the Clean Water Act; and the State Water Control Law and regulations adopted pursuant to it. Nothing in the VWP general permit or coverage shall be construed to relieve the permittee of the duty to comply with all applicable federal and state statutes, regulations, and toxic standards and prohibitions, including the need to obtain any necessary permit, approval, or authorization from other government agencies.

The general permit and general permit coverage do not constitute, convey, or imply authority to any permittee to unlawfully or incidentally take any threatened or endangered species that is protected by Virginia laws or regulations, pursuant to § 3.2-1000 through -1011; § 29.1-563 through -570; and 4VAC15-20 *et seq*. (§ 62.1-44.6 of the Code of Virginia).

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have **30 calendar days** from the date of service (the date you actually received this decision or the date it was e-mailed to you, whichever occurred first) within which to file with the Director, Department of Environmental Quality, a notice of appeal in accordance with the Rules of the Supreme Court of Virginia. In the event that this decision is served on you by mail, three days are added to that period. Refer to Part 2A of the Rules of the Supreme Court of Virginia for additional requirements governing appeals from administrative agencies.

Alternatively, an owner may request a formal hearing for the formal taking of evidence upon relevant fact issues under Section 2.2-4020 of the Administrative Process Act. A petition for a formal hearing must meet the requirements set forth in Procedural Rule No. 1 - Public and Formal Hearing Procedures (9VAC25-230 *et seq.*). In cases involving actions of the department, such petition must be filed within **30 calendar days** after notice of such decision is sent to such owner by certified mail.

**Termination of Coverage**

A VWP general permit coverage may be terminated for a variety of reasons, but the most common reason is that the permittee has completed all authorized activities and required compensation and consents to the termination of general permit coverage. A Notice of Project Completion is required within 30 days of completing or canceling all authorized activities and all compensatory mitigation requirements (9VAC25-210-130.F), and the submittal of the Termination Agreement Form (attached) may serve to meet this requirement, per Section 90 of each VWP general permit regulation. Please consider submitting a signed Termination Agreement Form to DEQ prior to the general permit coverage expiration of August 1, 2026. VWP staff may require a site visit to confirm project and/or compensation completion before terminating a general permit coverage.

Please contact DEQ at [select processing office email and phone #] Choose an item. or Choose an item. if you have any questions.

Respectfully,

Name, Regional VWPP Program Manager

Virginia Department of Environmental Quality

[Phone Number]

[Email Address]

[Office]

[Address]

[Regional Office phone number]

Enclosures: VWP General Permit

Attachment 1 - *VWP Permit Construction Status Update Form*

Attachment 2 - *Monthly VWP Permit Inspection Checklist*

Approved impact map

Termination Agreement Form

cc: Authorized Agent Name, Company

 Name, U.S. Army Corps of Engineers

 Virginia Marine Resources Commission, Building 96, 380 Fenwick Road, Ft.

 Monroe, VA 23651, or jpa.permits@mrc.Virginia.gov

***Remove examples prior to sending***

**Examples of coverage conditions for compensation:**

[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 Parts II and III shall be based upon the approved conceptual mitigation plan entitled *Final Mitigation Plan Name*, dated Date, and received Date.]

[Ex. canebreak rattlesnake on-site mitigation:

To mitigate potential impacts to the canebrake rattlesnake or its habitat, the permittee has volunteered to preserve [acres] of palustrine forested wetlands on the [area of the property] via recordation of a third-party conservation easement, as approved by the Virginia Department of Wildlife Resources. The location of this preservation area is shown on [location – Example: Sheet 2 of the [Name] impacts map.] Proof of easement recordation must be submitted to DEQ prior to commencing impacts in surface waters.]

[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 Parts II and III 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 wetland, stream, or open water compensation is required (such as preservation, creation, buffer planting, or restoration), or if voluntary third-party conservation easements apply to the project.]

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

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**

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

* 1. [Ensure that this paragraph is included with any coverage requiring credit purchase]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). DEQ recommends purchasing credits as soon as possible.
1. All compensatory mitigation credits shall be purchased from a DEQ-approved mitigation bank, an approved in-lieu fee (ILF) program, or a combination thereof. The bank or program must be authorized and approved by DEQ to sell credits in the area in which the impacts will occur and have credits available (as released by DEQ). 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. [Canebrake rattlesnake credit purchase mitigation: To mitigate potential impacts to the canebrake rattlesnake or its habitat, [amount] canebrake rattlesnake habitat credits shall be purchased from a bank with a confirmed population of canebrake rattlesnakes. Proof of credit purchase must be submitted to DEQ prior to work in permitted impact areas.]

**Option 2 (Secondary GSA)**

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

1. [Ensure that this paragraph is included with any coverage requiring credit purchase]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 DEQ-approved mitigation bank, a DEQ-approved ILF, or a combination thereof. The bank or ILF must be authorized and approved by DEQ to sell credits in the area in which the impacts will occur and have credits available (as released by DEQ). 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 DEQ with the documentation of credit purchase and prior to initiating work in the *impact areas* authorized by this permit coverage.
3. [Canebrake rattlesnake credit purchase mitigation: To mitigate potential impacts to the canebrake rattlesnake or its habitat, [amount] canebrake rattlesnake habitat credits shall be purchased from a bank with a confirmed population of canebrake rattlesnakes. Proof of credit purchase must be submitted to DEQ prior to work in permitted impact areas.]

**Option 3 (Secondary GSA)**

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

1. [Ensure that this paragraph is included with any coverage requiring credit purchase]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 DEQ-approved mitigation bank, a DEQ-approved ILF, or a combination thereof. The bank or ILF must be authorized and approved by DEQ to sell credits in the area in which the impacts will occur and have credits available (as released by DEQ). 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 DEQ with the documentation of credit purchase and prior to initiating work in the impact areas authorized by this permit coverage.
6. [Canebrake rattlesnake credit purchase mitigation: To mitigate potential impacts to the canebrake rattlesnake or its habitat, [amount] canebrake rattlesnake habitat credits shall be purchased from a bank with a confirmed population of canebrake rattlesnakes. Proof of credit purchase must be submitted to DEQ prior to work in permitted impact areas.]

[Ex. Optional - add when applicable and appropriate for a new linear utility project in new easements and/or maintenance corridors (from manual Chapter 2, Appendix A):

Conversion within rights-of-way (ROW) may be considered palustrine forested (PFO) to palustrine scrub-shrub (PSS) when integrated vegetation management practices are to be employed, to include: i) No more than once every three years, a portion of the ROW at the edges approximately ten feet wide may be mowed or mulched with a fecon head attachment at approximately five-inches tall in maintained ROW or at 48-inches tall in unmaintained ROW, leaving the center of the ROW intact; ii) Hand clearing (no mechanized clearing) of large trees at or above ground level and leaving to lie in place with root mass intact; iii) Once every three years, woody tree or shrub species within the ROW that have the potential to grow more than ten feet may be treated with selective backpack foliar herbicide application in accordance with any required Annual Standard and Specifications approved by DEQ’s Stormwater Management Program; and iv) Clearing the middle of maintained ROW may only occur for capital improvement projects, leaving root mats intact.]

**Examples of Threatened or Endangered Species Conditions of Coverage:**

[Ex. instream work TOYR:

No instream work in any stream channel shall occur from Date Range for TOYR of any year to reduce the risk of impacting Species. [If Applicable: Construction activities conducted in a dry channel or within the confines of a cofferdam are not included within this Time-of-Year Restriction.]

[Ex. bat TOYR: The permittee shall comply with the following Time-of-Year Restriction (TOYR) in accordance with recommendations from the Virginia Department of Wildlife Resources (DWR): No tree clearing shall occur from Date Range of any year, in order to protect the Northern Long-Eared Bat (Myotis septentrionalis), a species listed as Threatened under the Federal Endangered Species Act. The permittee may elect to perform a survey, in accordance with the [current USFWS Bat Survey Guidelines](https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines) for the Northern Long-Eared Bat within the project boundary and coordinate results with the U.S. Fish and Wildlife Service (the Service). Should the survey document the absence of the species within the project boundary, this TOYR is removed.]

[Ex. wood turtle TOYR:

The permittee shall inform all employees and contractors of the possible presence of the State Threatened wood turtle on the project site prior to the commencement of work. The permittee shall distribute the attached information sheet (Attachment #) to all contractors and employees to inform those working on the site of the wood turtles’ appearance, status and life history. Any wood turtles encountered and found in jeopardy during the development or construction of the project shall be immediately relocated to suitable habitat in or near the closest perennial stream channel. Any relocations are to be reported via email to the Virginia Department of Wildlife Resources (attention John (J.D.) Kleopfer at John.Kleopfer@dwr.virginia.gov) with the completed wood turtle observation form (Attachment #) and accompanying photos.]

[Ex. canebrake rattlesnake TOYR:

To further satisfy concerns of the Virginia Department of Wildlife Resources with regard to potential impacts to the canebrake rattlesnake, the permittee shall comply with the following Time-of-Year Restriction (TOYR) in accordance with recommendations from the Virginia Department of Wildlife Resources (VDWR): from [MM/DD] to [MM/DD] [the activity – Example: on future mowing of the 0.34-acre permanent conversion maintenance corridor. The VDWR canebrake rattlesnake fact sheet shall be distributed to all site workers, and notification shall be made to VDWR should a snake be discovered for safe capture and relocation.]

**Examples of Other:**

[Dredging: *The following is an example condition to be used for dredging projects that are located on a public lake or private lake that may be owned by a Home Owners Association or multiple riparian landowners:* The permittee shall utilize a turbidity curtain for the duration of the proposed dredging activities in order to minimize sediment transport from the project area to the adjacent surface water.]

[In-Stream Access:

This coverage authorizes the use of heavy equipment within the stream channel for the purposes of [example purpose: accessing the abutment.]