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 Nos.

| WP#-##-#### |
| --- |
| WP#-##-#### |
| WP#-##-#### |
|  |
|  |

Permittee:

Address:

Project Name, Project Location, and Project Description:

See Attachment 3 – Monthly Reporting of Impacts Less Than or Equal to One-Tenth Acre Spreadsheet Month and Year

Dear Permittee Contact Person First and Last Names:

The Virginia Department of Environmental Quality (DEQ or department) has reviewed your application(s) included on Attachment 3, received Date, and additional information materials received through [List all] Date (WP#-##-####); Date (WP#-##-####). Based on DEQ’s review, the proposed projects on Attachment 3 qualify for coverage under the Virginia Water Protection (VWP) General Permit type listed above and in accordance with all applicable regulations (9VAC25-(660, -670, -680, or -690) *et seq*.)

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

*Coverage Conditions:*

1. This coverage authorizes 0 (zero) impacts to wetlands or open water.
2. This coverage authorizes impacts to # [less than or equal to 300 linear feet] linear feet of stream channel. [If >0 LF of stream channel impacts occur, add this sentence: Authorized surface water impacts shall be as depicted on the impacts map entitled *Final Impacts Map Name*, dated Date, last revised Date, and received Date.
3. [Insert other conditions as applicable]

[Example 1 – in-stream access:

WP#-##-####: This coverage authorizes the use of heavy equipment within the stream channel for the purposes of [Insert purpose, such as accessing the abutment].]

[Example 2 – culverts:

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.]

1. 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.
2. VWP General Permit Part I, Part II (Sections B; E.1-4; and E.7-11), and Part III are applicable to the projects listed on Attachment 3. 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 stream channel impacts less than or equal to 300 linear feet. Attachments 1 and 2 are used for the purposes of reporting compliance.

**[*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 this VWP general permit or general permit 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 vwppublicnotices@deq.virginia.gov or 804-698-4000 (CO) if you have any questions.

Respectfully,

Brenda Winn, Manager, Office of Wetlands and Stream Protection

Virginia Department of Environmental Quality

P.O. Box 1104

Richmond, VA 23218

(804) 659-2675

brenda.winn@deq.virginia.gov

Enclosures: VWP General Permit

Attachment 1 - *VWP Permit Construction Status Update Form*

Attachment 2 - *Monthly VWP Permit Inspection Checklist*

Attachment 3 - Monthly Reporting of Impacts Less Than or Equal to One-Tenth Acre Spreadsheet Month and Year

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](mailto:jpa.permits@mrc.Virginia.gov)