Date

**[DRAFT/FINAL] FACT SHEET**

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 the VWP Individual Permit No. ##-#### and has determined that the project qualifies for an individual permit.

The following details the application review process and summarizes relevant information for developing the Part I - Special Conditions for permit issuance.

1. **Contact Information:**

Permittee Legal Name and Address:

Permittee Legal Name

Attn: Permittee Contact Person Name

Address

City, State Zip

Email

Phone

Owner Legal Name and Address [Only use if different from Permittee. If more than one: See Section XX of the Joint Permit Application (JPA)]

Owner Legal Name

Address

City, State Zip

[Optional: Email

Phone]

**Agent Name and Address** (if applicable):

Authorized Agent Name-Company

Attn: Contact Person Name

Address

City, State Zip

Email

Phone

1. **Processing Dates:** [Including this section is optional – does not replace event data entry in CEDS]

| Received Application: | Date |
| --- | --- |
| Received JPA No.: | Date |
| Application Complete: | Date |
| Permit Fee Deposited by Accounting: | Date |
| Processing Deadline (120 days from Complete Application): | Date |
| 1st Request for Additional Information Sent: | Date |
| Final Request for Additional Information Received: | Date |
| If applicable: SPGP Federal Coordination Initiated: | Date |
| If applicable: SPGP Federal Coordination Completed: | Date |
| Notification of JPA sent to Local Government(s): | Date |
| If applicable: Commissioner of Revenue Contacted: | Date or [N/A or delete if able to use locality website] |
| Request for comments sent to VDH, VDWR, VDCR, VMRC: | Date |
| Letters sent to Riparian/Adjacent Land Owners: | Date |
| Draft Permit Package Issued: | Date |
| Copy of Public Notice sent to DEQ Central Office: | Date |
| Copy of Public Notice sent to Local Gov’t and Planning District: | Date |
| Public Notice Published: | Date |
| End of 30-Day Public Comment Period: | Date |
| Received Verification of Publication: | Date |
| If applicable: Public Meeting or Hearing: | Date |
| Permit Issued [enter date that permit is issued]: | Date |

1. **Project Location and Site Description:**

Describe location [Ex.: Address, County/City, Virginia. Or: 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]

| City/County: |  |
| --- | --- |
| Waterbody: |  |
| Basin: |  |
| Subbasin: |  |
| Section: |  |
| Class: |  |
| Special Standards: |  |
| HUC: |  |
| Latitude & Longitude: |  |
| U.S.G.S. Quadrangle: |  |
| State Watershed No.: |  |

Provide a description of the project site. Staff should summarize the types of resources on-site and other unique characteristics of the sites (TMDL, T&E).

[Ex.: The wetland impact area previously contained ponds used as oil/water separators, used to collect surface water containing grease and spilled fuel oil, discharging to the Potomac River through drainage channels. The application explains that as part of the remedial efforts in 1993, water was pumped from the ponds and sediments were solidified with kiln dust and disposed of off-site. The underlying soils were excavated until total petroleum hydrocarbon concentration in the soils was less than 100 milligrams per kilogram. The U.S. Environmental Protection Agency approved a remediation plan and deemed the site cleanup complete in 1998. Currently, the wetland impact site has existing vegetated soil piles that remain from the 1998 activities resulting in mounding and irregular topography. The southernmost portion of the wetland impact area contains a multi-use paved/bridged walking trail with educational signs.

The project area lies at a low elevation, is relatively flat, and bounded by slopes that lead up to the existing Metrorail tracks. Wetland impact areas are currently classified as PFO1Eh (palustrine forested wetland (PFO), broad-leaved deciduous, seasonally flooded/saturated, diked/impounded), and PEM1Eh (palustrine emergent wetland (PEM), persistent, seasonally flooded/saturated, diked/impounded). These wetland impact locations are associated with an approximately 12.5-acre wetland complex. The PFO wetlands located east of the GWMP are currently classified as PFO1S (broad-leaved deciduous, freshwater tidal, temporarily flooded – tidal).]

1. **Application**

For the record and to provide clarity for future reviewers- State which information comprises the application for the permit.

[Ex.: The application for this project consists of the Joint Permit Application (JPA) received on Date, additional information submitted by the applicant on [List if more than one: Date(s)], including all associated appendices, and all other information submitted by the applicant to DEQ. This information will be hereto referred to as the “application”.]

1. **Project Purpose:**

State the project description and the project’s purpose and need. Explain all components of the purpose.

The permittee proposes [Detail the purpose and need of the proposed project and all activities that impact surface waters. Ex.: The purpose and need of the project is provided in Section 2 of the JPA document, dated and received on February 6, 2019. The purpose of the project is “to maximize access to local and regional transit to and from the Potomac Yard area along the U.S. Route 1 corridor for the greatest number of current and future residents, employees, and businesses in support of currently proposed and anticipated development in the area over the next several decades consistent with the adopted North Potomac Yard Small Area Plan, without excessive disruption of the current rail services while providing for the safety of workers and the general public.” The application states the project is needed to accommodate the forecasted growth in the City of Alexandria, provide additional transportation options to relieve congestion and constrained capacity of the roadway network, provide direct access to regional transit for the existing urban area, and provide Metrorail access in support of the redevelopment of the North Potomac Yard area.]

1. **Project Information [If applicable: and History]:**

Summarize any permitting history.

[Explain if the project has a NEPA history or is part of a larger initiative.]

1. Avoidance and Minimization Efforts:

Explain the alternatives considered and how the application demonstrates to staffs’ satisfaction that alternatives were determined not to be practicable based on Cost, Technology, and Logistics in light of purpose and need.

[Ex.: In accordance with VWP Permit Program Regulation 9VAC25-210, this analysis is conducted in terms of surface water impacts.

Be sure to read the manual and other resources and/or discuss with the regional manager during development. As explained in the manual, the practicability of the cost of an alternative is a question of whether the cost is significantly greater than the reasonable cost normally associated with this type of land or project location. When financially analysis(es) or other economic issues preclude an alternative from being practicable, this is a consideration of purpose and need or logistics and not the “cost” factor.]

7.1 Off-Site Alternatives

Briefly describe how the off-site alternatives were identified and evaluated for LEDPA. Include a description of the alternatives considered and how the application demonstrates to staff’s satisfaction that alternatives were determined not to be practicable based on Cost, Technology, and Logistics in light of purpose and need.

[Ex.: In accordance, with VWP Permit Program Regulation 9VAC25-210 this analysis is conducted in terms of surface water impacts.]

Explain the details of all assessed off-site alternatives below. Clearly identify the selected site location and why it was selected as based on the alternatives analysis conducted in terms of surface water impacts.

Alternative # [duplicate for subsequent alternatives]: Briefly describe the alternative.

Purpose: Describe whether the alternative meets the project’s purpose.

Surface Water Impacts: Describe how the surface water impacts of this alternative compare to the other alternatives.

Cost: Describe whether this alternative was practicable based on cost. Was this alternative significantly greater than the reasonable cost normally associated with this type of land or project location?

Technology: Describe whether this alternative was practicable as based on technology. Is the technology available for this alternative?

Logistics: Describe whether this alternative was practicable based on logistics. Is this alternative logistically practicable? [For example, is this off-site alternative appropriate for the project, but not available for sale?]

7.2 On-Site Alternatives

Describe the on-site alternatives considered, and how the application demonstrates to staff’s satisfaction that the alternative was determined not to be practicable based on Cost, Technology, and Logistics in light of purpose and need.

Alternative # [duplicate for subsequent alternatives]: Briefly describe the alternative.

Purpose: Describe whether the alternative meets the project’s purpose.

Surface Water Impacts: Describe how surface water impacts associated with this alternative compare to the other alternatives.

Cost: Describe whether this alternative was practicable as based on cost. Was this alternative significantly greater than the reasonable cost normally associated with this type of land or project location?

Technology: Describe whether this alternative was practicable as based on technology. Is the technology available for this alternative?

Logistics: Describe whether this alternative was practicable as based on logistics. Is this alternative logistically practicable? [For example, the proposed alternative avoids and minimizes surface water impacts but results in a development layout that is not logistically practicable as it does not afford necessary ancillary infrastructure required to meet the project’s purpose.]

For additional information, see page # of the JPA dated Date, [and the additional information response(s) dated Date(s)].

Based upon staff review, the proposed plan represents the least environmentally damaging practicable alternative and all unavoidable permanent impacts will be adequately mitigated through the proposed compensation plan.

1. **Project Impacts:**

Summarize total impacts here and then in the bullets, identify the specific impacts, as applicable.

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 Date, and received Date. [optional: , and drawn by Name].

1. **Compensation for Unavoidable Impacts:**

Summarize the compensation requirement and the proposed 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: 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 DEQ-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 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.]

[Ex.: PRM Stream: The permittee shall compensate for permanent stream impacts through the on-site stream channel restoration and riparian buffer reforestation along # linear feet of Name and the on-site preservation along both sides of an additional # linear feet of perennial stream channel and # linear feet of intermittent stream channels and the associated riparian buffer (approximately # acres). On-site stream mitigation activities shall be in accordance with the *Final Compensation Plan Name* dated Date, last revised on Date, and received Date, or the most recent DEQ-approved plan.]

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

1. Site Inspection:

A site visit was conducted on Date. [Summarize observations and note problems or concerns that warranted Special Conditions in the individual permit. OR state The site visit confirmed the site description provided in the application’s materials accurately characterized the surface waters on the site.] A summary of the site inspection is located in VWP [Choose one: Non-Permit/Individual/General Permit Tracking (add WP#)] No. ##-####.

1. **Relevant Regulatory Agency Comments:**

As part of the application review process, DEQ contacted the appropriate state regulatory agencies [if applicable: and coordinated with various federal regulatory agencies, including the U.S. Army Corps of Engineers (USACE)]. [Choose one: Any relevant agency comments were addressed in the or No comments received required a change to] VWP individual permit Part I - Special Conditions. Therefore, the staff anticipates no adverse effect on water quality and fish and wildlife resources provided the applicant adheres to the permit conditions.

## Summary of State Agency Comments and Actions

By email/letter dated Date, comments were requested from the following state agencies: Virginia Department of Wildlife Resources (VDWR), Virginia Department of Conservation and Recreation (VDCR), Virginia Marine Resources Commission (VMRC), and Virginia Department of Health (VDH). Failure to provide comments within 45 calendar days of DEQ’s request for comments infers that the agency has no comments on the project activities. [If comments not received from an agency, insert agency: Comments were not received from XXXX.]

[Typical comments and responses are provided for convenience. Intent of section is to summarize comment and how the comment will or will not be addressed. Use/delete the below provided text as applicable.]

VDCR

VDCR provided the following comments in a memorandum dated Date, and transmitted by email on Date:

* Recommends the implementation of and strict adherence to applicable state and local erosion and sediment control/storm water management laws and regulations.

*Oversight of stormwater management and erosion and sediment control measures is the responsibility of DEQ‘s Stormwater Management Program or the locality, if such responsibility has been delegated. Any such requirements will be implemented under the oversight of that program.*

* Recommends coordination with VDWR and U.S. Fish and Wildlife Service as those agencies have regulatory authority for the management and protection of the identified threatened or endangered species.

*Staff requested comments from VDWR on the proposed project on Date.*

VDWR

VDWR provided comments to DEQ by email dated Date, and transmitted by email on Date.

* Recommended conducting any in-stream activities during low or no-flow conditions, using non-erodible cofferdams or turbidity curtains to isolate the construction area, blocking no more than 50% of the streamflow at any given time, stockpiling excavated material in a manner that prevents reentry into the stream, restoring original streambed and streambank contours, revegetating barren areas with native vegetation, and implementing strict erosion and sediment control measures.

*The special conditions of the permit address these activities.*

* Recommend coordination with VDCR’s Department of Natural Heritage as the project is located within 2 miles of a documented occurrence of a state or federal threatened or endangered plant or insect species and/or other Natural Heritage coordination species.

*Staff requested comments from VDCR on the proposed project on Date.*

* Recommend that the permittee avoid and minimize impacts to undisturbed forest, wetlands, and streams to the fullest extent practicable to minimize overall impacts to wildlife and our natural resources. VDWR also recommended maintaining undisturbed naturally vegetated buffers of at least 100 feet in width around all on-site wetlands and on both sides of all perennial and intermittent streams.

*Staff reviewed the proposed impacts to surface waters and determined those proposed have been minimized to the maximum extent practicable.*

* Recommended that the stormwater controls for this project be designed to replicate and maintain the hydrographic condition of the site prior to the change in landscape.

*Oversight of stormwater management and erosion and sediment control measures is the responsibility of DEQ‘s Stormwater Management Program or the locality, if such responsibility has been delegated. Any such requirements will be implemented under the oversight of that program.*

* Recommended that all tree removal and ground clearing adhere to a time of year restriction protective of resident and migratory songbird nesting from March 15 through August 15 of any year.

*This time of year restriction was not included in the permit as it’s not associated with a threatened or endangered species. The recommendation was forwarded to the permittee for their consideration.*

* Recommended that additional stream buffer protection measures be implemented for listed mussels.

*No additional buffer protection measurements were included in the permit as these would be located in uplands not regulated by the VWP Permit Program, but rather regulated by the VDWR. The recommendation(s) was/were forwarded to the permittee for their consideration. [Note: If the buffer area is a wetland, then the recommendation(s) should be considered for developing permit conditions. Forward any comments from DWR that are complex or unusual to Central Office program managers.]*

* Recommended time or year restrictions and/or mitigation for canebrake rattlesnake through on-site preservation, credit purchase from banks with known suitable habitat, or payment to the Virginia Aquatic Resources Trust Fund.

*The time of year restriction was added as a condition of this permit. Voluntary mitigation via a credit purchase was offered by the project proponent, and related conditions to receive the credits prior to the commencement of work on the permitted impact areas or the project site were added to this permit.*

* Recommended adherence to erosion and sediment controls during ground disturbance.

*Oversight of stormwater management and erosion and sediment control measures is the responsibility of DEQ‘s Stormwater Management Program or the locality, if such responsibility has been delegated. Any such requirements will be implemented under the oversight of that program.*

VDH

VDH provided comments in a memorandum dated Date, and transmitted by email on Date.

* Stated that potential impacts to public water distribution systems or sanitary sewage collection systems must be verified by the local utility.

*Oversight of potential impacts to water distribution systems or sanitary sewage collection systems by proposed development are verified by the locality in concert with local building / site development codes and ordinances.*

VMRC

VMRC provided comments in a letter dated and transmitted by email on Date, and transmitted by email on Date.

* Recommended [Examples of VMRC comments will be added to this template once available.]

*The special conditions of the permit address these activities.* [If applicable, and provided that the condition is not in conflict with VWPPP authorities, insert discussion of any relevant conditions specifically provided by VMRC regarding activities in non-tidal bottomland. Per the [Memorandum of Agreement between DEQ and VMRC (Amended August 16, 2023)](https://covgov.sharepoint.com/:b:/r/sites/deqnet/Shared%20Documents/Water%20Division/Water%20Permitting/Wetlands%20%26%20Stream%20Protection%20-%20VWP/1DRAFT-VWP%20Permit%20%26%20Compliance%20Manual/MOA-DEQVMRCPermittingInNontidalWatersAmd8-16-2023.pdf?csf=1&web=1&e=ILygZi), factors considered by VMRC that may serve as a basis of comment are listed in [§ 28.2-1205 A](https://law.lis.virginia.gov/vacode/title28.2/chapter12/section28.2-1205/).]

[If Applicable: Summary of Federal Agency Comments and Actions

The project is being reviewed by the USACE for an individual permit, which the USACE public noticed on Date.

or

SPGP – *use appropriate statement.*]

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

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. Public Comment [if applicable: and Public Hearing]:

The public notice was published in Newspaper Nameon Date. The public comment period ran from Date to Date.

[If several public comments were received, staff can summarize public comments and staffs’ responses to public comment in this section. If multiple public comments were received, staff can add an attachment to the fact sheet summarizing public comments and staffs’ responses.]

[Choose one and make appropriate edits: No public comments were received during the public comment period. Therefore, no changes have been made to the permit conditions.]

Or

[# public comment letters were received. However, no substantial or disputed issues were presented that warranted revisions to the draft conditions of the permit.]

Or

[Ex.: # responses were received from the public: two opposed the permit and five requested protection of wetlands. Due to the public response, a public hearing was held on Date.

[Staff made the following changes to the draft permit. List changes.]

[If using this template for a controversial permit, summarize hearing events and comments. Refer to [“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, as well as 9VAC25-210-140 through -174.]

1. **Special Conditions:**

The following conditions were developed to protect instream beneficial uses, to ensure compliance with applicable water quality standards, to prevent significant impairment of state waters or fish and wildlife resources, to provide for no net loss of wetland acreage, and to provide no net loss of functions in all surface waters through compensatory mitigation and monitoring and reporting.

**[The intent of any unique permit condition should be adequately explained under this section.** This section provides the rationale and purpose of each condition. Citations to regulatory sections may be included for clarification or emphasis, as well as an explanation of staff’s interpretation of the purpose of a particular condition.

Ex.: No. # requires all temporary impacts be returned to preconstruction elevations and that replanting occur by Date. This date was based from the construction schedule provided in the application.

No. # requires minimum 10 foot buffer from tidal wetland and the proper installation and maintenance of super silt fence. The erosion and sediment control plan will be reviewed and approved by local government. Staff added this condition to ensure specific measures to present sediment discharge at the point where the project construction is closest to tidal wetlands.]

***Section A Authorized Activities***

Nos. 1-# addresses the activities authorized by this permit, including impact types and limits.

No. # addresses changes in authorized impacts and notification procedures for such changes.

***Section B Permit Term***

Nos. 1-2 address the permit term and re-issuance process to ensure that all permit conditions are completed.

***Section C Standard Project Conditions***

No. 1 addresses the requirement for the minimization of adverse impacts to instream beneficial uses.

No. 2 addresses the need of applicants to comply with state law and regulations regarding impacts to threatened or endangered species. [If applicable, add: and requires that the permittee adhere to time-of-year restrictions recommended by the Department of Wildlife Resources for the protection of fish and wildlife resources.]

No. 3 ensures that the project will be executed in a manner that limits the disruption of the movement of aquatic life.

No. 4 ensures that downstream flows will be maintained to protect both instream and off-stream beneficial uses.

No. 5 ensures the minimization of adverse effects on navigation.

No. 6 ensures the passage of high flows.

No. 7 requires maintenance of continuous flow of perennial springs for the protection of instream beneficial use.

No. 8 ensures that dredging and filling operations will minimize stream bottom disturbances and turbidity.

No. 9 requires instream activities to be conducted during low-flow conditions to protect instream beneficial uses.

No. 10 requires erosion and sedimentation controls to be designed in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992.

Nos. 11 through 13 provide requirements and limitations on the entry of various materials (including concrete, fill, construction and waste material, fuels, lubricants, and untreated stormwater runoff) and contaminants in toxic concentrations into state waters.

Nos. 14 and 15 limit the use of machinery and equipment in surface waters to protect beneficial uses.

Nos. 16 through 20 require temporary disturbances to surface waters during construction to be avoided and minimized to the maximum extent practicable and the restoration of such temporary disturbances.

No. 21 prohibits the violation of Water Quality Standards in surface waters as a result of project activities

No. 22 requires the identification of all non-impacted surface waters in the vicinity of the proposed activity to prevent unpermitted impacts.

Nos. 23 through 27 set forth all reporting requirements concerning construction, monitoring, compensation, and restoration as required by current law and regulations.

***Section Letter Activities Encroaching Into or On Non-tidal Bottomland***

No. # requires [describe VMRC condition] in accordance with § 28.2-1200 *et seq*. [Repeat as many times as needed based on VMRC comments.]

***Section Letter Stream Modifications, Including Intake/Outfall Structures***

No. 1 prohibits the use of stream substrate for erosion control to avoid additional impacts to state waters.

No. 2 requires upland disposal of material removed from stream substrate to avoid unpermitted impacts to surface waters.

No. 3 ensures riprap placement conforms to current law and regulation.

Nos. 4 and 5 direct the placement and contents of materials for the construction of submerged structures, and on-bank storage and staging of materials, to protect water quality and fish and wildlife resources.

[If applicable: No. 6 addresses the requirements for stream channelization or relocation to avoid additional impacts to state waters.]

[If applicable: No. 7 Ensures correct outfall structure construction methods to prevent erosion and sedimentation of surface waters.]

***Section Letter Installation of Utilities***

No. 1 requires the minimization of disturbance to surface waters and restoration to preconstruction conditions following utility line installation.

No. 2 sets a 90-day time limit for temporary sidecasting during trench excavation to minimize impacts to surface waters.

No. 3 provides the requirements for trench construction to avoid the drainage of surface waters.

[If applicable: No. 4 sets forth permit conditions as required by the regulatory requirements for natural gas pipelines.]

***Section Letter Road Crossings***

No. 1 provides specifications for access road construction to minimize adverse effects to surface waters.

No. 2 ensures pipes and culvert construction is conducted in the dry to protect water quality and wildlife habitat.

No. 3 requires that temporary impacts be restored immediately following construction to minimize impacts to water quality and fish and wildlife resources.

[If applicable: No. 4 summarizes the requirements for stream channelization or relocation activities to protect instream beneficial use.]

No. 5 requires measurement of stream bottom elevations at road crossings to ensure for the re-establishment of a natural stream bottom and low flow channel to maintain instream beneficial uses. The intent of this condition is to maintain a hydrologic connection and enable the stream bottom to reestablish in the culvert. The stream crossing(s) to which this condition pertains is identified in the condition.

No. 6 summarizes requirements for pipe and culvert placement and countersinking to provide for the re-establishment of a natural stream bottom and low flow channel to maintain instream beneficial uses.

No. 7 dictates when and how stream bottom elevations at road crossings shall be measured.

***Section Letter Stormwater Management Structures***

No. 1 defines the general requirements for stormwater management facility construction to minimize adverse effects to aquatic resources and provide for long-term aquatic resources protection and enhancement.

No. 2 provides limits and guidance for maintenance excavation to avoid unpermitted impacts to surface waters.

[If applicable: No. 3 requires correct draining methods to minimize sedimentation of surface waters.]

***Section Letter Projects Involving a Golf Course***

No. 1 prohibits application of fertilizers and various control agents in buffers to protect water quality unless otherwise approved by DEQ.

No. 2 ensures proper vegetation clearing methods are used to minimize erosion and sedimentation of surface waters.

No. 3 requires a nutrient and integrated pest management plan to protect water quality.

***Section Letter*** ***Projects Involving a Marina***

Nos. 1 and 2 specify construction methods to protect water quality.

Nos. 3, 4, 6 through 10, 12 ensures the minimization of spills and releases of toxic materials and untreated waste waters to protect water quality and aquatic habitat.

Nos. 5, 6, 11 ensures minimization of erosion and sedimentation of surface waters.

***Section Letter Dredging Activities***

Nos. 1, 2, 3, and 7 provide limits for dredging to avoid and minimize disturbance and prevent unpermitted impacts.

No. 4 requires the submittal of a dredged material management plan for the designated upland disposal site to avoid unpermitted impacts to surface waters.

No. 5 prohibits double handling of dredge material to prevent unpermitted impacts to surface waters.

No. 6 provides guidance for hydraulic dredging to prevent umpermitted impacts to surface waters.

No. 8 requires a buffer around dredging area to protect nonimpacted surface waters.

Nos. 9 through 11 define requirements for transport of material to disposal site and for dewatering structures and procedures.

No. 12 prohibits offloading of material over open water to avoid unpermitted impacts.

Nos. 13 through 15 provide guidance for dewatering activities to protect water quality and fish and wildlife resources.

No. 16 provides for berm/bank stabilization to prevent erosion and sedimentation of surface waters.

No. 17 prohibits overtopping of the dredge material containment berm to protect water quality and fish and wildlife resources.

No. 18 requires a bathymetric survey following dredging activities.

No. 19 establishes the total volume of dredged material allowed during permit term.

***Section Letter Project Construction Monitoring and Submittals (Impact Sites)***

Nos. 1 through 6 address monitoring and submittals required for pre-construction, during construction and post-construction for the impact areas on site.

***Section Letter*** ***Compensatory Mitigation – Credit Purchases***

[Include for wetland and/or stream credit purchases as compensation.]

No. 1 describes the compensatory mitigation required to mitigate for the permitted impacts and the documentation requirement for the purchase of the required amount of credits.

[If applicable: No 2 describes the phasing requirements associated with the required compensation.]

[If applicable: No. 3 describes the compensatory mitigation either required or voluntarily provided for impacts to listed canebrake rattlesnake or its habitat.]

***Section Letter*** ***Compensatory Mitigation – Permittee Responsible Wetland Mitigation / Compensation***

[Include for *wetland* permittee responsible mitigation/compensation]

Nos. 1 through 11 describes the compensatory mitigation required to mitigate for the permitted impacts; if applicable, describes the phasing requirements associated with the required compensation; and lists the requirements to ensure the success of the compensation site to provide appropriate compensation for unavoidable surface water impacts.

Nos. 12 through 17 lists the requirements for construction and monitoring of the wetland mitigation site; the required submittals and notifications for the wetland mitigation activities; and the time in which the required information is to be provided.

Nos. 18 and 19 describe the wetland compensation site criteria required to be met for successful compensation.

Nos. 20 through 25 lists the requirements for success monitoring of the wetland mitigation site and the required submittals and notifications for the success monitoring.

No. 26 describes the required content of success monitoring reports.

Nos. 27 through 29 describe the measures required for corrective action if success criteria are not achieved.

Nos. 30 through 34 describe the requirements for the long-term management of the site and protection of the site in perpetuity through submittal of a long-term management plan, financial assurance plan, and protective instrument.

***Section Letter Compensatory Mitigation – Permittee Responsible Stream Mitigation/Compensation***

[Include for *stream* permittee responsible mitigation/compensation]

Nos. 1 through 11 describes the compensatory mitigation required to mitigate for the permitted impacts; describes the phasing requirements associated with the required compensation; and lists the requirements to ensure the success of the compensation site to provide appropriate compensation for unavoidable surface water impacts.

Nos. 12 through 18 lists the requirements for construction and monitoring of the stream restoration site and the required submittals and notifications for the stream mitigation activities.

No. 19 describes the stream restoration site performance standards required to be met for successful compensation.

Nos. 20 through 33 list the requirements for performance standards monitoring of the stream restoration site and the required submittals and notifications for the performance standards monitoring.

No. 34 describes the required content of performance standards monitoring reports.

Nos. 35 through 37 describe the measures required for corrective action if performance standards are not achieved.

Nos. 38 through 42 describe the requirements for the long-term management of the site and protection of the site in perpetuity through submittal of a long-term management plan, financial assurance plan, and protective instrument.

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](https://law.lis.virginia.gov/admincode/title9/agency25/chapter260/section20/).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.
* The permit reflects the required consultation with and full consideration of the written recommendations of VMRC, VDH, VDCR, and VDWR. [If applicable: The staff invited, but did not receive comments from XXX.]

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

1. **Action by the Director:**

The Director approved VWP Individual Permit No. ##-####.