**Appendix A - Wetland Permittee Responsible Mitigation/Compensation**

[Include this appendix for wetland PRM as compensation, completing the fillable values, text, etc.]

1. **Compensatory Mitigation *–* Permittee Responsible Wetland Compensation**

***Standard Conditions***

1. [Ex.: PRM Wetland] [Choose one: The permittee shall submit a final compensation plan (Final Plan) to DEQ prior to initiating work in the impact areas authorized by this permit. *Or* The permittee shall submit a final compensation plan (Final Plan) to DEQ prior to initiating work in the impact areas authorized by this permit, except that conservation easements for on-site canebrake rattlesnake preservation, as approved by the Virginia Department of Wildlife Resources, shall be recorded and proof provided to DEQ prior to work commencing on the *project site*.] The Final Plan shall include at minimum all the information provided in the conceptual compensatory mitigation plan (Conceptual Plan). The permittee shall compensate for permanent wetland impacts through the on-site creation of # acres of palustrine scrub-shrub wetlands and the on-site preservation of # palustrine emergent wetlands. Wetland mitigation activities shall be in accordance with the most recent, DEQ-approved *Final Compensation Plan Name* (Final Plan). [If applicable, add on-site canebrake rattlesnake mitigation - example: The permittee shall preserve [acres] of palustrine forested wetlands on the [area of the property] via a third-party conservation easement approved by VDWR. The location of this preservation area is shown on [location – Example: Sheet 2 of the Final Plan.]
   1. [Include where phased compensation is approved by DEQ - *Review all compensation conditions to ensure none conflict with the intent of phasing.*]This permit authorizes the compensation requirement be met in phases. The permittee shall provide compensation sufficient to mitigate authorized surface water impacts associated with each respective phase prior to initiating construction activities in those surface water impacts. The phased compensation requirement is considered met for the purpose of this condition when the permittee submits the following to DEQ, as applicable:

The report documenting the first year of success monitoring and documentation that the compensation site is preserved in perpetuity for restoration, enhancement or creation of # acres of wetlands or # acres or # linear feet of riparian buffer planting, restoration, or enhancement, sufficient to compensate for authorized surface water impacts associated with that phase of the project.

The permittee shall submit to DEQ by January 10 of any year a summary of the amount of surface water impacts initiated, amount of compensation completed and compensation requirement remaining and status of initiating any remaining surface water impacts and completing any remaining compensation requirement.

1. The permittee is responsible for meeting all of the components of the compensatory mitigation requirements associated with this permit. This responsibility can only be transferred if and when the permit is transferred to another party and then only to the new permit recipient.
2. The Final Plan, as prepared in accordance with this VWP permit, shall be approved by DEQ prior to any construction activity in permitted impact areas. DEQ shall have 60 calendar days to review and either provide written comments to the permittee or approve the Final Plan. The Final Plan as approved by DEQ shall be an enforceable requirement of this permit. Any change to the approved Final Plan must be submitted to DEQ for approval prior to implementing the change.
3. Construction of compensation sites shall be initiated within 180 days of commencing impacts authorized in this permit or Final Plan approval. The activities approved in the Final Plan shall be completed within one (1) year of initiating work in authorized *impact areas* or DEQ’s approval of the Final Plan, except that third-party conservation easements approved by the Virginia Department of Wildlife Resources for canebrake rattlesnake mitigation purposes shall be executed prior to commencing work on the project site or permitted impact areas.
4. Planting of woody plants shall occur when vegetation is normally dormant, unless otherwise approved in the Final Plan.
5. The vegetation used shall be native species common to the area, shall be suitable for growth in local wetland or riparian conditions, and shall be from areas within the same or adjacent U.S. Department of Agriculture Plant Hardiness Zone or Natural Resources Conservation Service Land Resource Region as that of the project site.
6. Herbicides or algicides shall not be used in or immediately adjacent to the compensation site without prior authorization by DEQ. All vegetation removal shall be done by manual means, unless authorized by DEQ.
7. Point sources of stormwater runoff shall be prohibited from entering any compensation site prior to treatment by appropriate best management practices (BMPs). Appropriate best management practices may include sediment traps, grassed waterways, vegetated filter strips, debris screens, oil and grease separators, or forebays.
8. All *nonimpacted surface waters* and designated upland buffers that are within the compensation site limits, that are within fifty feet of any compensation site activities, and that are within the project or right-of-way limits shall be clearly flagged or marked for the life of the construction activity within that area. Open water areas should be marked as practicable. The permittee shall notify all contractors and subcontractors that *no activities are to occur within these marked areas*.
9. DEQ shall be notified in writing within 24 hours or as soon as possible on the next business day when unusual or potentially complex conditions are encountered which require debris removal or involve potentially toxic substances. Measures to remove the obstruction, material, or toxic substance or to change the location of any structure are prohibited until approved by DEQ.

***Compensation Site Construction: Tasks, Monitoring, and Submittals***

* 1. [Choose one: The permittee shall submit a final wetland compensation plan (Final Plan) to DEQ prior to initiating work in the impact areas authorized by this permit, which shall include all the information provided in the Conceptual Plan and, at a minimum, the following information: *or* The permittee shall submit a final compensation plan (Final Plan) to DEQ prior to initiating work in the impact areas authorized by this permit, except that conservation easements for on-site canebrake rattlesnake preservation, as approved by the Virginia Department of Wildlife Resources, shall be recorded and proof provided to DEQ prior to work commencing on the *project site*. The Final Plan(s) shall include all the information provided in the Conceptual Plan and, at a minimum, the following information:]

1. The goals and objectives of the Final Plan, how the compensation is replacing/enhancing/preserving wetland acreage and functions, the components of the compensation expressed in acres (rounded to the nearest 100th acre) and square footage, the proposed vegetation types, and the wetland classification.
2. Wetland delineation confirmation, data sheets, and survey-located wetland maps for existing surface waters areas on the compensation site, and any collectible information on reference wetlands adjacent to or near the compensation site.
3. A location map, including the compensation site boundaries, the latitude and longitude (to the nearest second) at the center of the compensation site, and the watershed name and the fourth order subbasin, as defined by the hydrologic unit boundaries of the National Watershed Boundary Dataset, in which the compensation site is located.
4. Provide the end date and start of the growing season, as defined below.
5. For the purpose of this determination, the growing season is defined as the period in which the 24-hour average temperatures are expected to be above 28°F in 5 out of 10 years); or,
6. Define the period during which the soil temperature at the project locations is greater than biological zero:(41°F) at a depth of 50 cm (19.7 inches), if such data is available.
7. A site access plan, including plan to restore any temporary impacts associated with site access and construction.
8. A monitoring plan, with defined goals.
9. A drawing(s) depicting the location of photo-monitoring stations, monitoring wells, soil sampling points, and reference wetlands (if available).
10. Define monitoring plot/transect vegetative sampling method and sizing.
11. Monitoring wells shall be proposed at a minimum density of three (3) per acre in nontidal wetland compensation site(s) *(hydrology monitoring may not be required at tidal wetland compensation sites)*. The Final Plan shall include specific details on the monitoring wells, monitoring device, and monitoring methodology.

[Insert one or more of the following hydrology data requirements, based on the permitted activities:

* + 1. For riverine or stream-driven systems, a hydrologic analysis, including a water budget (for nontidal sites only) based on expected monthly inputs and outputs which will project water level elevations for a typical year, a dry year and a wet year;
    2. For groundwater- and precipitation-driven sites in non-riverine systems, historic groundwater elevation data, if available, or the proposed location of groundwater monitoring wells to collect these data;
    3. For overbank flood-driven systems, gaging station data and a floodplain analysis, including a minimum 10-year continuous simulation which will account for variability in inputs and outputs under varying conditions;]

1. The proposed success criteria.
2. An abatement and control plan for undesirable plant species.
3. A planting scheme and schedule, including but not limited to, the plant species, wetland indicator status and sizing to be planted, zonation, and acreage of each vegetation type proposed.
4. A soil preparation and amendment plan addressing both topsoil and subsoil conditions, permeability, and the need for soil amendments and/or structural modification (i.e., surface scarification or tilling).
5. Grading and Erosion and Sediment Control plans.
6. A construction, recordation, and Final Plan implementation schedule.
7. A draft of the intended protective mechanism(s), in accordance with [9VAC25-210-116](https://law.lis.virginia.gov/admincode/title9/agency25/chapter210/section116/) B 2, such as but not limited to, a conservation easement held by a third party in accordance with the Virginia Conservation Easement Act (§ 10.1-1009 *et seq*. of the Code of Virginia) or the Virginia Open-Space Land Act (§ 10.1-1700 *et seq*. of the Code of Virginia), a duly recorded declaration of restrictive covenants, or other protective instrument. The draft intended protective mechanism(s) shall contain the the information below:
8. A provision for access to the site; and
9. The following minimum restrictions: no ditching, land clearing, or discharge of dredge or fill material, and no activity in the area designated as compensatory mitigation area with the exception of maintenance; corrective action measures; or DEQ-approved activities described in the approved Final Plan or approved long-term management plan (LTMP).
10. A LTMP and financial assurance plan that identifies a long-term steward and adequate financial assurances for long-term management in accordance with the current standard for mitigation banks and in-lieu fee program sites. The financial assurance plan shall include a cost estimate sufficient to construct, maintain, and replace the Final Plan activities.
11. Photographs of existing conditions shall be taken prior to the commencing activities at the compensation site. Photographs at the compensation site shall not be required until land disturbance or construction activities are initiated on the compensation site.

Photographs shall be taken at a height of approximately five to six feet and from fixed-point stations, preferably at the same location as that of each planned monitoring well. Photographs shall be taken in each of the four cardinal directions (north, east, south, and west). Permanent markers shall be established to ensure that the same locations on the site are used for future monitoring events. Each photograph taken shall be labeled with the permit number, the name of the compensation site, the photo station number, the photograph orientation, the date and time of the photograph, the name of the person taking the photograph, and a brief description of the photograph subject. This information shall be provided as a separate attachment to each photograph, if necessary.

1. DEQ shall be notified in writing at least ten calendar days prior to the initiation of activities at the compensation site. The notification shall include a projected schedule of activities, Final Plan implementation, and construction completion.
2. After the wetland compensation site reaches final grades, but prior to planting, the permittee shall submit a post-grading survey to DEQ. The survey shall be conducted by a licensed land surveyor and certified by a licensed surveyor, licensed professional engineer, or licensed landscape architect. The survey shall document spot elevations (in feet above mean sea level) that are within plus or minus 0.2 of a foot (2.5 inches) of the elevations indicated in the site construction grading plan. Post-grading elevations for the compensation site shall be sufficient to ensure that wetland hydrology will be achieved on the site to support the goals and objectives of the approved Final Plan. DEQ shall have 30 calendar days to review the survey and provide comments to the permittee.
3. Photographic monitoring of compensation site construction shall be required [insert one of the following based on the duration of construction or insert the best timeframe to suit the proposed construction schedule: at the end of each month; in the last month of each quarter] during construction to document that construction activities are being performed in manner to prevent impacts to adjacent surface waters.
4. Photographic monitoring shall be conducted by the following method:

Photographs shall be taken at a height of approximately five to six feet and from fixed-point stations, preferably at the same location as that of each planned monitoring well. Photographs shall be taken in each of the four cardinal directions (north, east, south, and west). Permanent markers shall be established to ensure that the same locations on the site are used for future monitoring events. Each photograph taken shall be labeled with the permit number, the name of the compensation site, the photo station number, the photograph orientation, the date and time of the photograph, the name of the person taking the photograph, and a brief description of the photograph subject. This information shall be provided as a separate attachment to each photograph, if necessary.

1. For temporary disturbances to surface waters, the permittee shall conduct photographic monitoring after the temporary disturbance activity is complete in order to document that the area has been restored in compliance with these permit conditions.
2. Compensation site construction monitoring reports shall be submitted within 30 calendar days of each monitoring event. The reports shall include the following, as appropriate:
3. A summary of construction progress, including any problems encountered and the proposed corrective actions or DEQ-approved corrective actions taken.
4. Properly labeled photographs as detailed in Part I.M.16. The first construction monitoring report shall include the photographs taken at the compensation site prior to initiation of land disturbance or construction activities at the compensation site.

***Success Criteria***

1. The wetland compensation site as identified in the Conceptual Plan *Conceptual Compensation Plan Name*, dated Date, and approved by DEQ on Date, and as identified in any subsequent Final Plan approved by DEQ for this permit, shall meet the following success criteria:
2. Success is required to be met across the entire wetland creation compensation area, with monitoring locations randomly selected via an appropriate method. Monitoring locations shall be representative of each distinct resource type (i.e., zonation). All means or averages of plot data must apply to each distinctly homogenous area, with the number of sampling points and frequency of observation sufficient to allow for appropriate statistical inference. In the event that the monitoring does not accurately reflect the conditions of the entire site, additional monitoring will be required.
3. The site shall be inundated (flooded or ponded) or the water table is less than or equal to 12 inches below the soil surface for greater than or equal to 14 consecutive days during the growing season every monitoring year. Site hydrology shall not exceed surficial inundation tolerances of the planted vegetation species. Hydrology shall be demonstrated via the use of monitoring wells at a minimum density of three (3) monitoring wells per acre at nontidal wetland compensation site(s). In situations of inundation, the depth of inundation is to be reported at each monitoring well location.
4. Wetland vegetation shall meet all of the following criteria, as applicable based on defined end-resource type:

|  |  |
| --- | --- |
| **Table 1. Wetland Vegetation Success Criteria** | |
| ***END RESOURCE TYPE*** | ***VEGETATION CRITERIA*** |
| * **Non-tidal Forested Wetlands** * **Non-tidal Scrub-shrub Wetlands** * **Upland Buffers** | A density of 400 woody living stems per acre greater than 12 inches in height in monitoring periods 1, 2, and 3 shall be maintained. |
| * **Non-tidal Forested Wetlands** * **Non-tidal Scrub-shrub Wetlands** * **Upland Buffers** | A density of 400 woody living stems per acre and greater than 24 inches in height in monitoring years 4 and 5 shall be maintained. |
| * **Non-tidal Forested Wetlands** * **Non-tidal Scrub-shrub Wetlands** * **Upland Buffers** | A density of 400 woody living stems per acre and greater than 36 inches in height in monitoring year 7. |
| * **Non-tidal Forested Wetlands** * **Upland Buffers** | The 400 woody stems shall be comprised of only native tree and shrub species, of which not less than 50% shall be native tree species. |
| **Non-tidal Scrub-shrub Wetlands** | The 400 woody stems shall be comprised of only native tree and shrub species. |
| * **Non-tidal Forested Wetlands** * **Non-tidal Scrub-shrub Wetlands** * **Upland Buffers** | All woody species criteria shall be achieved at minimum in the last two monitoring years without supplemental planting. Woody stem counts include living, vigorous woody stems both planted and volunteer. |
| * **Non-tidal Forested Wetlands** * **Non-tidal Scrub-shrub Wetlands** * **Non-tidal Emergent Wetlands** * **Upland Buffers** | Native non-invasive herbaceous plant coverage shall be at least 60% by the end of the first growing season, and at least 80% each monitoring year thereafter. Any seeds used for plant establishment should conform to the Virginia Seed Law (Sections 3.1-262 Code of Virginia) and Virginia Seed Regulations (2 VAC 5-290-10 et seq) and shall be free of tall fescue, Bermuda grass, and other allelopathic turf grass species, as well as plant species on the Virginia Department of Conservation and Recreation’s Invasive Plant Species list. This list of invasive plants may be found at <https://www.dcr.virginia.gov/natural-heritage/invsppdflist>**.** |
| * **Non-tidal Forested Wetlands** * **Non-tidal Scrub-shrub Wetlands** * **Non-tidal Emergent Wetlands** * **Upland Buffers** | No more than 5% aerial cover and/or cumulative areas larger than 0.25 acre in size dominated by invasive speciesmay be presentin each cell, field, or block.Invasive species are identified on the Virginia Department of Conservation and Recreation’s Invasive Plant Species list. This list of invasive plants may be found at <https://www.dcr.virginia.gov/natural-heritage/invsppdflist>**.** |
| * **Non-tidal Forested Wetlands** * **Non-tidal Scrub-shrub Wetlands** | Woody stems must present wetland vegetation dominance, defined as a vegetation community where more than 50% of all dominant species are facultative (“FAC”) or wetter using "routine delineation methods" as described in the "Corps of Engineers Wetland Delineation Method," Technical Report 87-1 (“1987 Manual”) or the Eastern Mountain and Piedmont Regional Supplement must be achieved. |
| * **Non-tidal Forested Wetlands** * **Non-tidal Scrub-shrub Wetlands** * **Non-tidal Emergent Wetlands** | Emergent vegetation must present wetland vegetation dominance, defined as a vegetation community where more than 50% of all dominant species are facultative (“FAC”) or wetter using "routine delineation methods" as described in the "Corps of Engineers Wetland Delineation Method," Technical Report 87-1 (“1987 Manual”) or the Eastern Mountain and Piedmont Regional Supplement must be achieved. |

1. Soil Success Criteria shall be evaluated for wetland creation areas located on non-hydric soils. In that event, the following success criteria shall be followed:
2. For fine textured soils (silts, clays, loams), positive indicators of hydric soil formation must be demonstrated within 12 inches of the soil surface.Groundwater monitoring may be used as a positive indicator for all monitoring years after reaching the final grade, in which case, wells must demonstrate free water within 12 inches of the surface for 15 consecutive days during the growing season.
3. For coarse textured (sandy) surface soils (A horizon), positive indicators of hydric soil formation must be demonstrated within 6 inches of the soil surface. Groundwater monitoring may be used as a positive indicator for all monitoring years after reaching the final grade, in which case, wells must demonstrate free water within six (6) inches of the surface for 15 consecutive days during the growing season.
4. Positive indicators of hydric soil formation may include redoximorphic features including, but not limited to redox concentrations, redox depletions, reduced matrices, positive tests with diperydyl, or other field indicators contained in the Field Indicators of Hydric Soils of the U.S.
5. A complete soil morphologic description shall be documented pre- and post-construction and at the 3rd, 4th, 5th and 7th monitoring year to document changes in overall soil morphology, particularly the development of redoximorphic features over time (such as a reduction in matrix chroma or development of redox depletions), to demonstrate that soils at the site have achieved hydric soil conditions. At a minimum, soil profiles to a depth of 18 inches shall be described at a distance of 10 to 30 feet from each monitoring well.
6. Final release of the site shall be contingent upon approval by DEQ and USACE of all defined success criteria being met, and the determination that the site has: i) successfully resulted in the restoration of the defined acreage of wetland and associated buffer; ii) site-wide vegetation coverage of relative uniformity; and iii) trees of sufficient height as to afford a measure of temporal replacement.

***Success Monitoring Requirements***

1. Monitoring activities shall occur during the growing season, and during the 1st, 2nd, 3rd, 4th, 5th, and 7th monitoring year, and shall adhere to the following:
2. The 1st monitoring period shall be the 1st growing season after the completion of grading and planting.
3. If all success criteria have not been met in any monitoring year, then a monitoring report shall be required for each consecutive year until two sequential annual reports indicate that all criteria have been successfully satisfied. This shall be required regardless of the monitoring year.
4. The monitoring period shall be extended for adherence to all applicable success criteria defined in these permit conditions, to include additional monitoring years if all success criteria are not met the final two monitoring years.
5. For any year in which planting is conducted, monitoring of vegetation shall take place at least six (6) months following planting.
6. Visual observations shall be conducted and descriptions provided with each monitoring report in narrative form along with documentation by ground level photographs, taken facing north, south, east and west, from defined photo-monitoring stations located in the vicinity of each vegetation monitoring plot/transect and monitoring well. Permanent markers for the photo-monitoring stations at each monitoring well shall be established to ensure that the same locations (and view directions) are monitored in each monitoring period.
7. Hydrology monitoring shall be conducted each monitoring period during the growing season to demonstrate achievement of the hydrology performance criterion for either 60 days of continuous automated monitoring or eight (8) consecutive weekly measurements *(actual monitoring may be of longer duration, as needed, to obtain verification of wetland hydrology)*. For surface saturation driven systems located on top of a clayey substrate, soil saturation measurement devices may be used in lieu of groundwater wells and other secondary hydrology indicators to determine groundwater elevations and/or hydro period in these wetlands areas. Specific details on the soil saturation measurement device and location or groundwater monitoring wells shall be provided in the Final Plan for DEQ and USACE approval.
8. Soil morphologic observations shall be conducted pre- and post-construction and at the 3rd year and each monitoring event thereafter. The assessment shall include the location of soil samples, which shall be within 10 to 30 feet of each monitoring well. The assessment shall include a complete soil profile down to 18 inches and observations of overall soil characteristics indicative of hydric soils, including but not limited to redox depletions or reduction in matrix chroma.
9. Vegetative monitoring plots/transects shall assess a minimum of 10% of the mitigation site and there shall be at least one monitoring plot/transect per resource type/zonation.
   * 1. Transects shall cross the wetland or buffer area with a width not less than five (5) feet for woody plants and one (1) foot for herbaceous species.
     2. Appropriate methods shall be used to randomly locate vegetative monitoring plots/transects within sample areas (transects with random number generators, GIS-randomization methods, etc.).
     3. Plots/transects shall be re-established in new random locations each year, unless otherwise authorized by DEQ.
10. The following vegetation data shall be collected along each transect or within each plot during monitoring events, as applicable based on resource type/zonation:
11. In monitoring years 1, 2, and 3, number of living woody stems and species composition of stems greater than or equal to12 inches.
12. In monitoring years 4 and 5, number of living woody stems and species composition of stems greater than or equal to 24 inches.
13. In monitoring year 7, number of stems and species of living wood stems greater than or equal to 36 inches.
14. The following parameters are to be calculated based on woody stems (as applicable based on resource type/zonation) that meet prescribed height requirements within a given monitoring year:
15. Percentage of woody stems comprised of volunteers;
16. Number of stems, percentage of herbaceous coverage, and the species composition of for both woody and herbaceous vegetation across all vegetative strata; the percentage dominant FAC or wetter; and an inventory of all dominant vegetation species for woody and herbaceous vegetation;
17. Number, species, and percent cover of invasive plants; and,
18. Number of dead stems total and per species, and estimated survival rate total and per species (as a percentage) of plantings.

***Reporting***

1. A Success Criteria Report shall be submitted to DEQ by December 31st of the years in which a monitoring report is required, including the final monitoring year, as identified in the approved Final Plan. The reports shall provide all monitoring data and necessary analyses demonstrating the site’s performance in meeting the defined success criteria.
2. The first report shall include an as-built survey conducted by a licensed surveyor, for the wetland compensation area, including the acreage and spot elevations throughout the compensation area, and as defined by Part I.M.12.
3. The first report and all subsequent reports shall include the following, at a minimum:
4. A general description of the compensation site, including a site location map and the location photo-monitoring stations, visual markers, vegetative monitoring plots/transects, soil sampling points, monitoring wells, and if applicable, reference wetlands;
5. The number, species and location and any plantings during the current monitoring year;
6. A detailed narrative summarizing the condition of the compensation site;
7. Any maintenance activities that occurred;
8. Results of required vegetation monitoring;
9. Results of hydrological monitoring;
10. Soil assessment profiles and observations - describe the soil profile, including a table with the following for each soil profile: depth, color, texture, horizon, matrix color, redoximorphic features, redox color, and redox feature abundance, and field indicators of hydric soil;
11. Visual assessment observations and photographs; and,
12. Analysis and conclusion as to the whether the site is meeting the defined success criteria, and meeting the goals and objectives of the Final Plan.
13. The following certification statement: “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”
14. Within 60 calendar days of the completion of the entire monitoring cycle, including any time extensions for corrective action, a wetland boundary survey shall be conducted by a licensed land surveyor or a licensed professional engineer, and shall be based upon the results of monitoring data for soils, vegetation, and hydrology. A calculation shall be made of the total acreage of each wetland type. The boundary and acreage per wetland type shall be shown on the most recent version of the compensation site design plan sheet(s), which shall be submitted with the final monitoring year’s report.

***Corrective Action***

1. In the event that any success criteria are not met in any given year, corrective action shall be required. A Corrective Action Plan (CAP) shall be submitted to DEQ for approval prior to or with the next required monitoring report. The CAP shall clearly identify all deficiencies, describe specific corrective actions, and include a schedule of corrective action activities. Once the CAP is approved by DEQ, it shall be implemented within the time frames approved in the CAP.

If supplemental planting, invasive species control, or hydrologic modifications are required at any time after the completion of the 2nd monitoring period, monitoring shall continue for each consecutive year until two annual sequential reports indicate that success has been achieved without corrective action.

1. Significant Corrective Action: In the event that the monitoring identifies a significant failure of the site to meet defined success criteria, DEQ shall be notified within 30 days of the observation and a revised CAP shall be submitted to DEQ within 60 days of the observation for review and approval. In the event that Significant Corrective Action is required, the monitoring term shall begin at Year 1 the following growing season. Significant Corrective action is defined as any of the following *during or after* the 3rd growing season or monitoring event:
2. Having to replant as a result of greater than 50% mortality of planted woody stems, or the density of woody stems greater than 12 inches in height are less than 200 living stems per acre;
3. Having to alter hydrology or planting scheme because vegetative communities are not dominated by facultative (FAC) or wetter species; or,
4. Having to alter hydrology controls to meet wetland hydrology.
5. If the success criteria specified in the Final Plan or in any CAP are not achieved by the end of the *last* monitoring period, and DEQ determines that additional corrective action cannot sufficiently address the reasons for such failures, then the permittee shall submit to DEQ for review and approval, within 30 days of such determination, a proposal to purchase mitigation bank credits or in-lieu fee program credits to provide compensatory mitigation for # acres of wetland impact. The permittee shall purchase # mitigation bank credits or in-lieu fee program credits, as approved by DEQ in accordance with this condition, within 30 days.

***Long Term Management and Site Protection***

1. The site shall be protected in perpetuity. The protective instrument shall contain:
2. A provision for DEQ access to the site.
3. The following minimum restrictions: no ditching, land clearing, or discharge of dredge or fill material, and no activity in the area designated as compensatory mitigation area with the exception of maintenance; corrective action measures; or DEQ-approved activities described in the approved Final Plan or approved LTMP.
4. Proof of recordation shall be submitted to DEQ prior to commencing impacts in surface waters [or if phasing preservation: for the phase of project for which the compensation is associated as identified in Part I.M.1 *(refer to condition that outlines the compensation requirement for each phase of the project)*]. The permittee is responsible for ensuring that the survey or plat is in accordance with the application materials. Proof of recordation shall include the recorded survey or plats and a GIS-compatible shapefile(s). The final survey or plat shall be certified by a professional engineer or licensed land surveyor. 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.  The GIS-compatible shapefile(s) shall:
5. be referenced to the Virginia Coordinate System of 1983, North Zone, U.S. Survey Feet (FIPS 4501 or 4502);
   * 1. contain a projections (.prj) file for each shapefile;
     2. be closed polygons with attribute data detailing the county of recordation, recorded deed acreage, date of recordation, and protective mechanism number or deed book and page number; or,
     3. be as otherwise coordinated with DEQ.
6. Prior to the commencement of initiating impacts to surface waters, Permittee Name shall submit proof to DEQ and USACE that the Financial Assurances have been executed.
7. Prior to the commencement of initiating impacts to surface waters, Permittee Name shall submit the approved LTMP. The Permittee must comply with all requirements as defined in the LTMP, included as a component of the Final Plan.
8. The Permittee must comply with the Financial Assurance Plan as defined in the Financial Assurances component of DEQ-approved Final Plan.