



Virginia Water Protection Individual Permit Complete Application Checklist 3

Permanent and Temporary Impacts Totaling More Than Two Acres of Wetlands and/or Open Water or 1,500 Linear Feet of Stream Bed

Projects Not Qualifying for Virginia Water Protection General Permit Coverage

If the project includes surface water withdrawal or diversion activities, use the Virginia Water Protection (VWP) Individual Permit Complete Application Checklist for Surface Water Withdrawal Activities.

Disclaimer: Checklists are provided as a tool when applying for a VWP individual permit or general permit coverage and for preparing a Joint Permit Application (JPA). Because the JPA is used by several agencies, all applicable sections of the JPA should be completed whether or not the item can be directly associated with a DEQ regulatory requirement. *Item numbers below do not correspond to regulation numbering.* DEQ decisions will be made by applying the State Water Control Law, VWP Permit Program regulations, and VWP Permit Program guidance to the site- and project-specific facts. *Refer to the VWP Permit Program regulations, program guidance, and other references noted herein for details of required information for complete applications.*

DEQ can provide assistance or redirection for questions about this checklist, please contact Dave Davis (dave.davis@deq.virginia.gov; 804-698-4516).

Application status may be viewed on the DEQ Permit Enhancement and Evaluation Platform ([PEEP](#)).

The VWP Permit Program Regulation is [9VAC25-210](#). Section 10 contains definitions. *Sections 80 and 100 contain Application requirements for VWP individual permits. Sections 80 and 116, and § [62.1-44.15:23](#), should be used as a reference for the Conceptual Compensatory Mitigation Plan.* This checklist does not include detailed Final Compensatory Mitigation Plan requirements, as those are not required for a complete application.

For a Complete Application, provide at minimum:

Information Required	Included (Y, N, or N/A)	Page Number(s) Or Location(s)
1. Applicant Information	Y	Attachment 8
1.a. Legal name of Applicant as registered with the SCC (as applicable). If Applicant is a business, name of contact person; and	Y	Attachment 8
1.b. Mailing address as registered with the SCC (as applicable), phone number, and email address of Applicant and/or contact person	Y	Attachment 8
2. Property owner information, if different from Applicant	N/A	
2.a. Legal name of property owner as registered with the SCC (as applicable);	N/A	
2.b. Mailing address as registered with the SCC (as applicable), phone number, and email address of Property Owner	N/A	
3. Authorized Agent information, if applicable	Y	Attachment 8

Information Required	Included (Y, N, or N/A)	Page Number(s) Or Location(s)
3.a. Legal name of authorized agent as registered with the SCC (as applicable);	Y	Attachment 8
3.b. Mailing address as registered with the SCC (as applicable), phone number, and email address of Agent	Y	Attachment 8
4. Project name and proposed project schedule	Y	JPA Section 1
5. Information for the project site(s) and any related permittee-responsible compensatory mitigation site(s):	Y	Attachment 8, 13, 14, 29
5.a. Physical street address, nearest street, or nearest route number;	Y	Attachment 8, 14
5.b. City or County;	Y	Attachment 8, 14
5.c. Zip code;	Y	Attachment 8, 14
5.d. Parcel number(s), if applicable;	Y	Attachment 8, 14
5.e. Name of impacted water body(ies) or receiving waters;	Y	JPA Section 1, Attachment 8, 20
5.f. Latitude and longitude at center of site(s) (to nearest second);	Y	JPA Section 1, Attachment 8, 14
5.g. National Watershed Boundary Dataset fourth order subbasin; <u>and</u>	Y	Attachment 8
5.h. Detailed map: location of site(s), project boundary, and all preservation areas on site(s)	Y	Attachment 13, 14 and 29
6. Narrative description of the project (including purpose and need)	Y	JPA Sections 1 & 2
7. Alternatives analysis for proposed project. Include:	Y	JPA Section 3, Attachment 18
7.a. On-site and off-site measures taken during project design and development to first avoid and then minimize impacts to surface waters to the maximum extent practicable;	Y	JPA Sections 3, 5
7.b. Specific on-site and off-site measures taken to reduce the size, scope, configuration, or density of the proposed project;	Y	JPA Sections 3, 5
7.c. A review of alternative sites where required for the project, which would avoid or result in less adverse impact to surface waters;	Y	JPA Sections 3, 5
7.d. Documentation demonstrating the reason the applicant determined less damaging alternatives are not practicable; <u>and</u>	Y	JPA Sections 3, 5
7.e. Demonstration to the satisfaction of the department that avoidance and minimization opportunities have been identified and measures have been applied to the proposed activity such that the proposed activity in terms of impacts to state waters and fish and wildlife resources is the least environmentally damaging practicable alternative	Y	JPA Section 5

Information Required	Included (Y, N, or N/A)	Page Number(s) Or Location(s)
8. Narrative description of all impacts to surface waters. Include:	Y	JPA Section 4, Attachment 20
8.a. Type of activity to be conducted in surface waters;	Y	JPA Section 4, Attachment 20
8.b. Any physical alteration to surface waters	Y	JPA Section 4, Attachment 20
8.c. If applicable, wetland impacts identified according to their Cowardin classification (i.e., emergent, scrub-shrub, or forested) and for each classification, the individual impacts quantified in square feet to the nearest whole number, cumulatively summed in square feet, and then the sum converted to acres and rounded to two decimal places using commonly accepted arithmetic principles of rounding;	Y	JPA Section 4, Attachment 21
8.d. If applicable, individual stream impacts (i) quantified by length in linear feet to the nearest whole number and by average width in feet to the nearest whole number; (ii) quantified in square feet to the nearest whole number; <u>and</u> (iii) when compensatory mitigation is required, the impacts identified according to the assessed type using the Unified Stream Methodology;	Y	JPA Section 4, Attachment 21
8.e. If applicable, open water impacts identified according to their Cowardin classification, and for each type, the individual impacts quantified in square feet to the nearest whole number, cumulatively summed in square feet, and then the sum converted to acres and rounded to two decimal places using commonly accepted arithmetic principles of rounding;	Y	JPA Section 4, Attachment 21
8.f. Either a copy of the approved jurisdictional determination <u>or</u> when unavailable, one of the following: <ul style="list-style-type: none"> - Preliminary jurisdictional determination from USACE, USDA-NRCS, or DEQ; - Other correspondence indicating approval of the boundary(ies) of applicable state and federal jurisdictional surface waters from USACE, USDA-NRCS, or DEQ; <u>or</u> - Wetland delineation data sheets <p>[Note: See DEQ Memorandum <i>Recent Supreme Court Decision Sackett v. Environmental Protection Agency (EPA) - Effect in Virginia and How to Move Forward Without Economic Dislocation</i>, June 29, 2023, for more information about obtaining boundary and feature verifications in VA]</p>	Y	JPA Section 1, Attachment 1
8.g. Delineation / Impact map showing: <ul style="list-style-type: none"> - Geographic area of all delineated surface water boundaries; - Wetlands, stream, and open water impacts, as applicable, described in same manner as above; <u>and</u> - Any other surface waters described with Cowardin classification or similar terminology <p>[Note: See DEQ Memorandum <i>Recent Supreme Court Decision Sackett v. Environmental Protection Agency (EPA) - Effect in Virginia and How to Move Forward Without Economic Dislocation</i>, June 29, 2023, for more information about obtaining boundary and feature verifications in VA]</p>	Y	JPA Section 1, Attachment 1, Attachment 21
9. Plan-View Drawing(s) (full- or half-size plan sheets) of the project. Include at a minimum:	Y	Attachment 21

Information Required	Included (Y, N, or N/A)	Page Number(s) Or Location(s)
9.a. North arrow;	Y	Attachment 21
9.b. Graphic scale (recommended maximum scale ratio of 1:200 ft.);	Y	Attachment 21
9.c. Existing and proposed topographic or bathymetric contours;	Y	Attachment 21
9.d. Limits of proposed impacts to surface waters;	Y	Attachment 21
9.e. Location of all existing and proposed structures (fill riprap/outlet protection/channel tie-ins, dredging, excavation, etc.);	Y	Attachment 21
9.f. All delineated state and federal jurisdictional surface waters, including isolated, on the site. Include:	Y	Attachment 21
9.f(1) The Cowardin classification for those surface waters and waterway name, if designated;	Y	Attachment 21
9.f(2) ebb and flood or direction of flow; <u>and</u>	Y	Attachment 21
9.f(3) ordinary high water mark in nontidal areas; [Note: See DEQ Memorandum <i>Recent Supreme Court Decision Sackett v. Environmental Protection Agency (EPA) - Effect in Virginia and How to Move Forward Without Economic Dislocation</i> , June 29, 2023, for more information about obtaining boundary and feature verifications in VA]	Y	Attachment 21
9.f(4) tidal wetlands boundary; <u>and</u> [Note: See DEQ Memorandum <i>Recent Supreme Court Decision Sackett v. Environmental Protection Agency (EPA) - Effect in Virginia and How to Move Forward Without Economic Dislocation</i> , June 29, 2023, for more information about obtaining boundary and feature verifications in VA]	N/A	
9.f(5) mean low water and mean high water lines in tidal areas	N/A	
9.g. Limits of Chesapeake Bay Resource Protection Areas (RPAs) as field-verified by the applicant, and if available, the limits as approved by the locality in which the project site is located, unless the proposed use is exempt from the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830); <u>and</u>	N/A	
9.h. Limits of any areas that are under a deed restriction, conservation easement, restrictive covenant, or other land use protective instrument (i.e., protected areas)	Y	Attachment 21
10. Cross-sectional and profile drawing(s) of each proposed impact area. Include at a minimum:	Y	Attachment 21
10.a. Graphic scale;	Y	Attachment 21
10.b. Existing structures;	Y	Attachment 21
10.c. Existing and proposed elevations;	Y	Attachment 21
10.d. Limits of surface water areas;	Y	Attachment 21
10.e. Ebb and flood or direction of flow (if applicable);	N/A	
10.f. Ordinary high water mark in nontidal areas;	Y	Attachment 21

Information Required	Included (Y, N, or N/A)	Page Number(s) Or Location(s)
[Note: See DEQ Memorandum <i>Recent Supreme Court Decision Sackett v. Environmental Protection Agency (EPA) - Effect in Virginia and How to Move Forward Without Economic Dislocation</i> , June 29, 2023, for more information about obtaining boundary and feature verifications in VA]		
10.g. Tidal wetland boundary; [Note: See DEQ Memorandum <i>Recent Supreme Court Decision Sackett v. Environmental Protection Agency (EPA) - Effect in Virginia and How to Move Forward Without Economic Dislocation</i> , June 29, 2023, for more information about obtaining boundary and feature verifications in VA]	N/A	
10.h. Mean low water and mean high water lines in tidal areas;	N/A	
10.i. Impact limits;	Y	Attachment 21
10.j. Location of all existing and proposed structures [Profile drawing(s) with this information may be required on a case-by-case basis to demonstrate minimization of impacts.]; <u>and</u>	Y	Attachment 21
10.k. For piping or culverting stream flows: Longitudinal profile of the pipe or culvert position and stream bed thalweg, <u>or</u> spot elevations of the stream thalweg at the beginning and end of the pipe or culvert, extending to a minimum of 10 ft. beyond the limits of proposed impact	N/A	
11. An assessment of potential impacts to federal and state listed threatened or endangered species, including any correspondence or documentation from federal or state resource agencies addressing potential impacts to listed species	Y	Attachment 4
12. Upon request by the Department, evidence or certification that the material is free from toxic contaminants prior to disposal or that the dredging activity will not cause or contribute to a violation of water quality standards during dredging (e.g., grain size and composition analyses, tests for specific parameters or chemical constituents, or elutriate tests on the dredge material) (Section 80.B.1.k)	Y	Attachment 11
13. A written description and a graphical depiction identifying all upland areas including buffers, wetlands, open water, other surface waters, and compensatory mitigation areas located within the proposed project boundary or permittee-responsible compensatory mitigation areas that are under a deed restriction, conservation easement, restrictive covenant, <u>or other land use protective instrument (i.e., protected areas), including:</u>	N/A	
13.a. The nature of the prohibited activities within the protected areas and the limits of Chesapeake Bay Resource Protection Areas (RPAs) as field-verified by the applicant; <u>and</u>	N/A	
13.b. If available, the limits as approved by the locality in which the project site is located, unless the proposed use is exempt from the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830), as additional state or local requirements may apply if the project is located within an RPA	N/A	
14. Signature page (from JPA) containing original signature, date, and certification	Y	Attachment 8
15. Permit application fee, if required (9VAC25-20). Do not send payment with application to VMRC. Do not attach a copy of check, interagency transfer, account numbers, or credit card numbers to application. Required fees will be communicated to applicants by		[Attaching a copy of the completed Fee Form is acceptable but does not serve

Information Required	Included (Y, N, or N/A)	Page Number(s) Or Location(s)
program staff. Payments should be accompanied by a copy of the completed Water Division Permit Application Fee Form.		as proof of payment or deposit by DEQ]

For a Complete Application, the Following Compensation Information Required	Included (Y, N, or N/A)	Page Number(s) Or Location(s)
16. A conceptual compensatory mitigation plan to achieve no net loss of wetland acreage and functions or stream functions and water quality benefits. Complete below for all that apply. (Section 80.B.1.h(2) and -C; Section 116.B and -C.3; § 62.1-44.15:23.B and -C)		
17. For the purchase of mitigation bank or in-lieu fee program credits Provide:		
17.a. The number and type of credits proposed to be purchased at the standard compensation to impact ratios of (2:1 for forest, 1.5:1 for scrub-shrub, and 1:1 for emergent);		
17.b. If applicable, for any project proposing less than the standard compensation ratios an analysis of the functions of impacted wetlands. When required, the method selected for the analysis shall assess water quality or habitat metrics and shall be coordinated with DEQ in advance of conducting the analysis.		
17.c. Documentation from the approved bank or in-lieu fee program sponsor of the availability of credits at the time of application;		
17.d. For projects occurring in a location for which there are no credits are available to purchase in the primary service area of any mitigation provider, or <ul style="list-style-type: none"> - at a price below 200% of the current price of credits applicable to that site from a Board-approved fund dedicated to achieving no net loss of wetland acreage and functions, The application must include documentation of the following per § 62.1-44.15:23 Provide:		
17.d(1) A determination of credit availability and credit price, at the time of submitting proof of credit availability with the application		
17.d(2) If the purchase or use of credits is from a secondary service area, the proof of acquisition of credits for a subdivision or development should include a plan - certified by a licensed professional engineer, surveyor, or landscape architect - that the permit applicant will implement for the planting, preservation, or replacement of trees on the development site, such that the minimum tree canopy percentage 20 years after development is projected to be as detailed in § 62.1-44.15:23.C		
18. For all permittee-responsible compensation (PRM) Provide:		
18.a. Project site location information:		
18.a(1) Physical street address, nearest street, or nearest route number;		
18.a(2) City or County;		
18.a(3) Zip code;		
18.a(4) Parcel number(s), if applicable;		

For a Complete Application, the Following Compensation Information Required	Included (Y, N, or N/A)	Page Number(s) Or Location(s)
18.a(5) Name of impacted water body(ies) or receiving waters;		
18.a(6) Latitude and longitude at center of site(s) (to nearest second);		
18.a(7) National Watershed Boundary Dataset fourth order subbasin; <u>and</u>		
18.a(8) Detailed map: location of site(s), project boundary, and all preservation areas on site(s)		
18.b. An analysis to justify that permittee-responsible compensatory mitigation is ecologically and environmentally preferable to the purchase of mitigation bank credits or in-lieu fee program credits. Include:		
18.a(1) The ability of the permittee-responsible compensatory mitigation sites to replace lost wetland acreage and functions or lost stream functions and water quality benefits; <u>and</u>		
18.b(2) A comparison of the impacted and compensation sites via a method that assesses water quality or habitat metrics, such as that required by 9VAC25-210-80 C , or a method that assesses such criteria as water quality benefits, distance from impacts, hydrologic source and regime, watershed, vegetation type, soils, constructability, timing of compensation versus impact, property acquisition, and cost		
18.c. A draft of the intended protective mechanism(s) to demonstrate that permittee-responsible compensatory mitigation can be protected in perpetuity through a protective mechanism approved by DEQ, such as a conservation easement held by a third party in accordance with the Virginia Conservation Easement Act or the Virginia Open-Space Land Act; a duly recorded declaration of restrictive covenants; <u>or</u> other protective instrument. Include:		
18.c(1) A provision for access to the site;		
18.c(2) The following minimum restrictions, listed as: <ul style="list-style-type: none"> - no ditching, land clearing, or discharge of dredge or fill material; <u>and</u> - no activity in the area designated as compensatory mitigation area except for maintenance activities, corrective action measures, or DEQ-approved activities that are described in the approved final compensatory mitigation plan or long-term management plan; <u>and</u> 		
18.c(3) A long-term management 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		
[Note: financial assurances will not be necessary for permittee-responsible compensation provided by government agencies on government property]		
19. For PRM for <u>wetland</u> impacts Provide:		
19.a. The goals and objectives in terms of replacement of wetland acreage and functions;		

For a Complete Application, the Following Compensation Information Required	Included (Y, N, or N/A)	Page Number(s) Or Location(s)
19.b. A detailed location map including latitude and longitude to the nearest second and the fourth order subbasin, as defined by the hydrologic unit boundaries of the National Watershed Boundary Dataset, at the center of the site;		
19.c. A description of the surrounding land use;		
19.d. A hydrologic analysis including a draft water budget for nontidal areas based on expected monthly inputs and outputs that will project water level elevations for a typical year, a dry year, and a wet year;		
19.e. Groundwater elevation data, if available, or the proposed location of groundwater monitoring wells to collect these data;		
19.f. Wetland delineation confirmation, data sheets, and maps for existing surface water areas on the proposed site or sites;		
[Note: See DEQ Memorandum Recent Supreme Court Decision Sackett v. Environmental Protection Agency (EPA) - Effect in Virginia and How to Move Forward Without Economic Dislocation, June 29, 2023, for more information about obtaining boundary and feature verifications in VA]		
19.g. A conceptual grading plan;		
19.h. A conceptual planting scheme including suggested plant species and zonation of each vegetation type proposed;		
19.i. A description of existing soils including general information on both topsoil and subsoil conditions, permeability, and the need for soil amendments;		
19.j. A draft design of any water control structures;		
19.k. Inclusion of buffer areas;		
19.l. A description of any structures and features necessary for the success of the site;		
19.m. The schedule for compensatory mitigation site construction; <u>and</u>		
19.n. Measures for the control of undesirable species		
20. For PRM for <u>stream</u> impacts Provide:		
20.a. The goals and objectives in terms of water quality benefits and replacement of stream functions;		
20.b. A detailed location map including the latitude and longitude to the nearest second and the fourth order subbasin, as defined by the hydrologic unit boundaries of the National Watershed Boundary Dataset, at the center of the site;		
20.c. A description of the surrounding land use;		
20.d. The proposed stream segment restoration locations including plan view and cross-sectional drawings;		
20.e. The stream deficiencies that need to be addressed;		
20.f. Data obtained from a DEQ-approved, stream impact assessment methodology such as the Unified Stream Methodology;		

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20.g. The proposed restoration measures to be employed including channel measurements, proposed design flows, types of instream structures, and conceptual planting scheme;		
20.h. Reference stream data, if available;		
20.i. Inclusion of buffer areas;		
20.j. Schedule for restoration activities; <u>and</u>		
20.k. Measures for the control of undesirable species		

Optional Items to Assist in Expediting Processing:

Information	Included (Y, N, or N/A)	Page Number(s) Or Location(s)
21. <i>When wetland impacts are over one acre:</i> An analysis of the functions of wetlands proposed to be impacted may be required by DEQ (Section 80.C)		
22. GIS shape files of project boundary/polygon, impact boundaries/polygons, surface water boundaries/polygons		
23. A table of impacts directly on Delineation / Impact Map required for complete application		

"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."

Applicant Printed Name

Applicant Signature

Date