

## JPA – State Specific Information

### A. GENERAL INFORMATION

#### 1. DEQ-VWP APPLICATION INSTRUCTIONS

"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands. "Surface water" means all state waters that are not groundwater as groundwater is defined in § 62.1-255 of the Code of Virginia.

In addition to completing the other information requested by the United States Army Corps of Engineers' (USACE) Regulatory Request System (RRS) portal, please complete the DEQ Supplemental Information to apply for a DEQ Virginia Water Protection (VWP) individual permit or VWP general permit coverage for work in waters and/or wetlands within the Commonwealth of Virginia.

DEQ Complete Application Checklists are provided on the DEQ web site to assist in completing the required information and providing the required attachments, such as but not limited to project drawings, the State Surface Water Determination (SSWD), USACE Nationwide Permit Section 401 Certification Compliance Worksheet(s), DEQ 45-day Coverage Checklist, and materials for a complete State Programmatic General Permit (SPGP) application. The DEQ Complete Application Checklists and any required DEQ application attachments can be uploaded using the RRS portal. The VWP Permit and Compliance Manual is another source of information for completing many of the DEQ questions. Please visit for these tools: <https://www.deq.virginia.gov/our-programs/water/wetlands-streams>.

Information required for a complete VWP general permit coverage application is in accordance with the following regulations, unless otherwise noted on item in the checklist: The VWP General Permit Regulations are [9VAC25-660](#) (WP1); [9VAC25-670](#) (WP2); [9VAC25-680](#) (WP3); and [9VAC25-690](#) (WP4). *Sections 50 and 60 contain Notification and Application requirements. Sections 30, 50, 60, and 70 of each VWP general permit regulation, [9VAC25-210-116](#), and § 62.1-44.15:23 should be used as a reference in reviewing the requirements of Conceptual Compensatory Mitigation Plan.*

Information required for a complete VWP individual permit application is in accordance with the following regulations, unless otherwise noted on item in the checklist: 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.

Information required for a complete VWP individual permit application for surface water withdrawal or diversion projects is in accordance with the following regulations, unless otherwise noted on item in the checklist: The VWP Permit Program Regulation is [9VAC25-210](#). Sections 10 and 300 contain definitions. *Sections 80, 100, 340, and 360 contain application requirements for VWP-Surface Water Supply individual permits. Section 350 contains application requirements for continuation of a surface water withdrawal, and Section 390 contains requirements for applying for a water supply variance, neither of which are included on this checklist. 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.

The VWP Permit Program works in conjunction with USACE-Norfolk District to provide verification of coverage under these State Programmatic General Permits (SPGP) per requirements and Standard Operating Procedures developed by USACE-Norfolk District. Information required by the USACE for a complete SPGP application is in accordance with the details in the 22-SPGP-RCIR (Residential, Commercial, Institutional, and Recreational activities) and 22-SPGP-LT (Linear Transportation activities) located at: <https://www.nao.usace.army.mil/Missions/Regulatory/RBregional/>.

Not all activities will require a VWP permit or coverage. Completing the information carefully will assist DEQ in making a permit need determination.

DEQ prefers that required information identifying various boundaries, such as wetland boundaries, be submitted in Geographic Information System (GIS) shapefile format whenever possible.

**Please do not attempt to send any money, credit card information, or proof of payment for fees at the time of application for VWP permitting purposes.**

If a question does not apply to the project, respond NA (not applicable) in the space provided. *Upload additional pages, tables, narrative, and documents as necessary or requested.* DEQ may request other additional pertinent information necessary for a complete application, to make a permit decision, and/or issue a legal permit per regulation and Law.

**2. APPLICATION PURPOSE(S):** Select and complete all that apply:

Nationwide Permit No.

Regional Permit No.

SPGP or PGP Name

DEQ reapplication – existing permit or tracking number

- 3. APPLICANT, AGENT, PROPERTY OWNER, AND CONTRACTOR INFORMATION.** For DEQ purposes, the applicant(s) is/are the *legal entity* to which the permit may be issued. "Legal name" means the full legal name of an individual, business, or other organization. For an individual, legal name means the first name, middle initial, last name, and suffix. For an entity authorized to do business in Virginia, the legal name means the exact name set forth in the entity's articles of incorporation, organization or trust, or formation agreement, as applicable. The applicant(s) can either be the property owner(s) or the person/people/company(ies) that intend(s) to undertake the activity. The agent is the person or company that is representing the applicant(s). *If the name entered in the USACE portion is not the legal name*, enter the legal name here. If an applicant, agent, or contractor is a company, provide the [State Corporation Commission](#) (SCC) information marked with an asterisk "\*" below. *\*\*Certain permits or authorizations may be provided via electronic mail instead of or in addition to postal mail.*

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Legal Name(s) of Applicant(s) as registered with SCC*			Agent (if applicable) as registered with SCC*		
Applicant SCC-Registered Mailing address*			Agent SCC-Registered Mailing address*		
City	State	ZIP Code	City	State	ZIP Code
Email**			Email		
Primary Phone (Mobile)	Secondary Phone		Primary Phone (Mobile)	Secondary Phone	
*Enter State Corporation Commission ID number			*Enter State Corporation Commission ID number		
OR Not required to register with SCC			OR Not required to register with SCC		
Property owner(s) legal name, if different from applicant, as registered with SCC*			Contractor, if known, as registered with SCC*		

Property owner SCC-Registered Mailing address*			Contractor SCC-Registered Mailing address*		
City	State	ZIP code	City	State	ZIP code
Email			Email		
Primary Phone (Mobile)	Secondary Phone		Primary Phone (Mobile)	Secondary Phone	
*Enter State Corporation Commission ID number  OR Not required to register with SCC			*Enter State Corporation Commission ID number  OR Not required to register with SCC		

#### 4. PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK

If applicable, list in the table all *state* pre-application coordination, site visits, previous permits, applications, or State Surface Water Determination (SSWD) related to the project, whether issued, withdrawn, or denied. Historical information for past VWP permit submittals can be found online with VMRC - <https://webapps.mrc.virginia.gov/public/habitat/> - or VIMS - <http://ccrm.vims.edu/perms/newpermits.html>. Include any applications submitted or permits issued through the DEQ Stormwater Management Program; DEQ Virginia Pollutant Discharge Elimination Program (VPDES); Virginia Department of Health (VDH); and Virginia Department of Energy (Virginia Energy). Some examples of permit or reference numbers may be 22-0123 (VWP individual permit); WP4-22-0123 (VWP general permit coverage); SSWD-123456 (State Surface Waters Determination); VAR12345 (VPDES general permit coverage); VA1234567 (VPDES individual permit).

Agency	Action / Activity	Permit or Reference Number	Date of Action	If denied, give reason for denial

#### 5. PROJECT INFORMATION

5.a. Project Name (*Example: Water Creek driveway crossing*) and total size of the project area (in acres)

5.b. Street Address, City/County/ZIP Code (911 address if available)

5.c. Subdivision

5.d. Lot/Block/Parcel #

5.e. Name of water body(ies) within project boundaries and drainage area (acres or square miles)

5.f. Tributary(ies) to Basin and Sub-basin (*Example: Basin: James River, Sub-basin: Middle James River*)

5.g. Special Standards (based on DEQ Water Quality Standards [9VAC25-260 et seq.](#)) – list all that apply:

5.h. Project type - select one:

Single user (private, non-commercial, residential)

Multi-user (community, commercial, industrial, government)

Surface water withdrawal

5.i. Latitude and longitude at center of project site (decimal degrees)

5.j. USGS topographic map name

5.k. 8-digit USGS Hydrologic Unit Code (HUC) for your project site (See <http://cfpub.epa.gov/surf/locate/index.cfm>)

5.l. If known, indicate the 10-digit and 12-digit USGS HUCs (See <http://consapps.dcr.virginia.gov/htdocs/maps/HUExplorer.htm>)

5.m. Is there an access road to the project?    Yes    No. If yes, select all that apply:

Public

Private

Improved

Unimproved

5.n. Upload a detailed map, such as a USGS topographic map, street map, or GIS shapefile, showing all project site locations and boundaries, locality boundaries, and boundaries of any areas currently under preservation, conservation, or other protective instruments, such as deed restrictions.

5.o. Complete and upload to the RRS portal the Chesapeake Bay Preservation Act information in Appendix A.

5.p. Provide driving directions to your site, giving distances from the best and nearest visible landmarks or major intersections.

**6. DESCRIPTION OF THE PROJECT, PROJECT PRIMARY AND SECONDARY PURPOSES, PROJECT NEED, INTENDED USE(S), AND ALTERNATIVES CONSIDERED**

**Upload a narrative in response to these questions or items, numbering each response as shown in this section.**

6.a. Describe all physical alteration of state surface waters, including wetlands. Indicate *whether or not tree clearing and/or grubbing will occur* (include the area in square feet and time of year). Ensure that the required plan-view, cross-sectional view, and profile view drawings required for a VWP complete application are detailed and include the proposed activities, structures, and related details – see requirements in DEQ’s VWP Complete Application Checklists on <https://www.deq.virginia.gov/permits/water/wetlands-streams-vwp> and/or the applicable Virginia Administrative Code Chapters for the type of VWP permit sought. Upload drawings to the RRS portal.

6.b. If there is any aspect of the project purpose and need that may be specific to state regulations or laws, such as when one or more activities are not regulated by USACE, please include these here.

6.c. Include a description of alternatives considered and measures taken to avoid or minimize impacts to surface waters, including wetlands, to the maximum extent practicable. Explain why the proposed project is the least environmentally damaging practicable alternative (LEDPA). Include factors such as, but not limited to, alternative construction technologies, alternative project layout and design, alternative locations, local land use regulations, and existing infrastructure. For utility crossings, include both alternative routes and alternative construction methodologies considered. A complete application for VWP General Permit Coverage includes discussion of on-site alternatives; for VWP Individual Permits, discussion of on-site and off-site alternatives. Refer to the applicable VWP Complete Application Checklist for more information.

6.d. What is the approximate cost of the entire project, including materials and labor?

6.e. What is the approximate cost of only the portion of the project affecting state waters (channelward of mean low water in tidal areas and below ordinary high water mark in nontidal areas)?

6.h. Has any work in state waters commenced (Y/N)? If yes, give details stating when the work was completed and/or when it commenced, who performed the work, and which agency (if any) directed you to submit this application. Clearly differentiate between completed work and proposed work on your project drawings.

6.i. **For VWP WP 1 general permit only:** Upload to the RRS portal a copy of the FEMA flood insurance rate map or FEMA-approved local floodplain map showing 100-year floodplain(s)

**7. STATE LISTED THREATENED AND ENDANGERED SPECIES**

**Upload a narrative in response to these questions or items, numbering each response as shown in this section.**

7.a. Please provide any information concerning the potential for your project to impact state threatened and endangered species and critical habitat (listed or proposed).

7.b. Include information when applicable regarding the location of the project in designated or critical habitats. Upload correspondence from agencies and/or reference materials that address potential impacts, such as database search results or confirmed waters and wetlands delineation/jurisdictional determination.

Contact information:

[U.S. Fish and Wildlife Service](#)

[Virginia Department of Wildlife Resources](#)

[Virginia Department of Conservation and Recreation-Natural Heritage](#)

## 8. STATE SURFACE WATERS IMPACT INFORMATION

**Upload a narrative in response to these questions or items, numbering each response as shown in this section.**

"Surface water" means all state waters that are not groundwater as groundwater is defined in § 62.1-255 of the Code of Virginia.

Please refer to the VWP Complete Application Checklists for the informational items and/or refer to the lists below. Users may expand upon the federal impact inventory provided in RRS in order to incorporate all of DEQ's information requirements and upload tables or spreadsheets into RRS. The RRS questions or informational requirements may differ for federal jurisdiction impacts.

[Cowardin classifications](#) may be found in Section 3 of the *Federal Geographic Data Committee. 2013. Classification of wetlands and deepwater habitats of the United States. FGDC-STD-004-2013. Second Edition. Wetlands Subcommittee, Federal Geographic Data Committee and U.S. Fish and Wildlife Service, Washington, DC.*

Please ensure that the associated project drawings clearly depict the location and footprint of each numbered impact site. For dredging, mining, and excavating projects, also complete section A.9.

8.a. For each wetland impact site, provide the following information in tabular format:

- 1) Site number or identifier
- 2) Latitude and longitude
- 3) Describe the activity(ies) at the impact site. Select all that apply from the following:  
Fill, Discharge, Excavation, Flooding, Dredging, Surface water withdrawal or diversion, Draining, Dumping, Mechanized clearing of trees, Other (describe)
- 4) Identify the impact as impact temporary or permanent
  - a) If permanent, also complete section A.11
  - b) If temporary, describe the restoration actions proposed to bring the impact area to original conditions
- 5) Identify the wetland impact as non-tidal or tidal
  - a) If non-tidal, identify if it is isolated
  - b) If tidal, identify all if it is vegetated or non-vegetated
- 6) Cowardin classification (i.e., emergent, scrub-shrub, or forested)
- 7) For each Cowardin classification provide the proposed 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
- 8) If applicable, area of tree clearing (acres)
- 9) Verify if this site under a deed restriction, conservation easement, restrictive covenant, or other land use protective instrument (i.e., protected areas)
- 10) DEQ classification of impacted resource(s)  
(<https://law.lis.virginia.gov/admincode/title9/agency25/chapter260/section50/>) Select from the following:
- 11) Class II-Tidal waters in Chesapeake Bay/tidal tributaries, Class III-Coastal/Piedmont Zone nontidal waters, Class IV-Mountainous Zone waters, Class V-Stockable trout waters, Class VI-Natural trout waters, Class VII-Swamp waters

8.b. For each stream impact site, provide the following information in tabular format:

- 1) Site number or identifier
- 2) Latitude and longitude
- 3) Describe the activity(ies) at the impact site. Select all that apply from the following: Fill, Discharge, Excavation, Flooding, Dredging, Surface water withdrawal or diversion, Draining, Dumping, Mechanized clearing of trees, Other (describe)
- 4) Identify the impact as impact temporary or permanent
  - a) If permanent, also complete section A.11
  - b) If temporary, describe the restoration actions proposed to bring the impact area to original conditions
- 5) Identify the stream impact as non-tidal or tidal
- 6) Identify the stream as perennial or intermittent

- 7) Impact area quantified as follows:
  - a) by length in linear feet to the nearest whole number and by average width in feet to the nearest whole number
  - b) in square feet to the nearest whole number; and
  - c) when compensatory mitigation is required, the impacts identified according to the assessed type using the [Unified Stream Methodology \(USM\)](#)
- 8) If applicable, area of tree clearing (acres)
- 9) Verify if this site under a deed restriction, conservation easement, restrictive covenant, or other land use protective instrument (i.e., protected areas)
- 10) DEQ classification of impacted resource(s)  
(<https://law.lis.virginia.gov/admincode/title9/agency25/chapter260/section50/>) Select from the following:
- 11) Class II-Tidal waters in Chesapeake Bay/tidal tributaries, Class III-Coastal/Piedmont Zone nontidal waters, Class IV-Mountainous Zone waters, Class V-Stockable trout waters, Class VI-Natural trout waters, Class VII-Swamp waters

8.c. For each open water impact site, provide the following information in tabular format:

- 1) Site number or identifier
- 2) Latitude and longitude
- 3) Describe the activity(ies) at the impact site. Select all that apply from the following: Fill, Discharge, Excavation, Flooding, Dredging, Surface water withdrawal or diversion, Draining, Dumping, Mechanized clearing of trees, Other (describe)
- 4) Identify the impact as impact temporary or permanent
  - a) If permanent, also complete section A.11
  - b) If temporary, describe the restoration actions proposed to bring the impact area to original conditions
- 5) Identify the open water impact as non-tidal or tidal
- 6) Cowardin classification
- 7) For each Cowardin classification provide 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
- 8) If applicable, area of tree clearing (acres)
- 9) Verify if this site under a deed restriction, conservation easement, restrictive covenant, or other land use protective instrument (i.e., protected areas)
- 10) DEQ classification of impacted resource(s)  
(<https://law.lis.virginia.gov/admincode/title9/agency25/chapter260/section50/>) Select from the following:
- 11) Class II-Tidal waters in Chesapeake Bay/tidal tributaries, Class III-Coastal/Piedmont Zone nontidal waters, Class IV-Mountainous Zone waters, Class V-Stockable trout waters, Class VI-Natural trout waters, Class VII-Swamp waters

## 9. DREDGING, MINING, AND EXCAVATING

Please refer to the VWP Complete Application Checklists for the informational items and/or refer to the list below. The RRS requests information on activities involving dredging in *navigable Waters of the United States (WOTUS)*. Users may expand upon the federal impact inventory provided in RRS in order to incorporate all of DEQ's information requirements and upload tables or spreadsheets into RRS. The RRS questions or informational requirements may differ for federal jurisdiction impacts.

**Note: VWP Individual Permits, and VWP WP3 and WP4 general permit dredging activities:** Verification that the dredge material is free from toxic material may be required upon request by the DEQ. Verification may include 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).

9.a. Provide dredging or excavation volume (cu yds) and area (sq ft) measurements and include the associated impact resource type(s) (vegetated wetlands, non-vegetated wetlands, subaqueous land, stream bed).



9.b. For all activities, provide the contributing drainage area in square miles and the average stream flow at site (flow rate under normal rainfall conditions) in cubic feet per second.

9.c. If this is a maintenance dredging project, provide the original DEQ or VMRC permit number(s) and upload a copy of the original permit.

9.d. Upload documentation (e.g., laboratory results or analytical reports) that *dredged* material from on-site areas is free of toxics. If not free of toxics, provide documentation of proper disposal, such as a bill of lading from commercial supplier or disposal site.

9.e. If on-site dewatering is proposed, please upload plan view and cross-sectional drawings of the dewatering area and associated outfall.

9.f. Will the dredged material be used for any commercial purpose or beneficial use? Yes No. If yes, please explain.

9.g. For mining projects: Upload to the RRS portal a description or explanation of the operation plans, including:

1) the frequency (e.g., every six weeks), duration (i.e., April through September), and volume (in cubic yards) to be removed per operation;

2) the temporary storage and handling methods of mined material, including the dimensions of the containment berm used for upland disposal of dredged material and the need (or no need) for a liner or impermeable material to prevent the leaching of any identified contaminants into ground water;

3) how equipment will access the mine site; and

4) verification that dredging:

a) will not occur in water body segments that are currently on the effective Section 303(d) Total Maximum Daily Load (TMDL) priority list (available at: <https://www.deq.virginia.gov/our-programs/water/water-quality/tmdl-development>) or that have an approved TMDL;

b) will not exacerbate any impairment; and

c) will be consistent with any waste load allocation/limit/conditions imposed by an approved TMDL (see spatial files at <https://geohub-vadeq.hub.arcgis.com/> to determine the extent of TMDL watersheds and impairment segments).

9.h. Have you applied for a permit from the [Virginia Department of Energy](#)? Yes No. If yes, provide the existing permit number and date of issuance.

9.i. Examples of excavation include boat ramps and stormwater pond excavation. If excavation is associated with boat ramps, also complete section B.2. If excavation is associated with stormwater management ponds, also complete section B.7.

1) Depth of excavation (from ground surface) in feet

2) Depth of water table (below ground surface) in feet

3) Normal pool elevation in feet above mean sea level



- 4) If wetlands occur adjacent to the feature being excavated:
  - a) Provide the wetland elevation in feet above mean sea level
  - b) Provide the measures were used to prevent drainage effect on wetlands
- 5) Are outfalls being installed or used in wetlands or streams? Yes No.

## 10. WATERS DELINEATION

10.a. Was a USACE Approved Jurisdictional Determination (AJD) or Preliminary Jurisdictional Determination (PJD) uploaded to the RRS portal? Yes No.

10.b. If a DEQ State Surface Waters Determination (SSWD) is available, upload a copy to the RRS portal. *If an AJD is being submitted as part of the application, it only confirms WOTUS boundaries. A SSWD will also be necessary to delineate state waters outside of federal jurisdiction (non-WOTUS).*

10.c. If an AJD with SSWD or a PJD is not available, upload to the RRS portal other correspondence indicating approval of the boundary(ies) of applicable state and federal jurisdictional surface waters from USACE, USDA-NRCS, or DEQ, including wetland delineation data sheets, if applicable.

10.d. Provide a Delineation / Impact map showing:

- 1) Geographic area of all delineated surface water boundaries (GIS shapefiles are acceptable);
- 2) Wetlands, stream, and open water impacts, as applicable, described per section A.8 above; and
- 3) Any other surface waters described with Cowardin classification or similar terminology.

**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.

## 11. COMPENSATORY MITIGATION

Refer to DEQ's Complete Application Checklists for VWP General Permit Coverage or VWP Individual Permits at <https://www.deq.virginia.gov/permits/water/wetlands-streams-vwp> and the complete application requirements in the following Virginia Administrative Code sections, as applicable to the type of VWP permit being applied for:

[9VAC25-210](#)

[9VAC25-660](#)

[9VAC25-670](#)

[9VAC25-680](#)

[9VAC25-690](#)

Users may expand upon the federal compensatory mitigation information or plan provided in RRS in order to incorporate all of DEQ's information requirements and upload this along with supporting documentation into RRS. The RRS questions or informational requirements may differ for compensatory mitigation of federal jurisdiction impacts.

DEQ typically requires compensatory mitigation for permanent and conversion wetland impacts greater than 1/10 of an acre and for permanent stream bed impacts greater than 300 linear feet. There are instances when mitigation is not required.

If credits are being purchased, include documentation from the approved bank or in-lieu fee program sponsor of the availability of credits at the time of application.

## 12. STATE PROGRAMMATIC GENERAL PERMITS

Upload a narrative in response to these questions or items, numbering each response as shown in this section; or indicate that this application is not intended for 22-SPGP verification.

***If applying for the USACE-Norfolk District 22-SPGP-RCIR or 22-SPGP-LT, review this section and provide any information not already provided elsewhere in the RRS portal.*** Also refer to the DEQ SPGP Complete Application Checklist at <https://www.deq.virginia.gov/permits/water/wetlands-streams-vwp>.

### 12.a. Pre-application information:

- 1) In order for the SPGP application process to be initiated, the following information must be obtained *prior to application*:
  - a) A valid Preliminary Screening Form (PSF), *OR*
  - b) A Preliminary Jurisdictional Determination (PJD) from the USACE, *OR*
  - c) An Approved Jurisdictional Determination (AJD) from the USACE

**Note:** A State Surface Waters Determination (SSWD), provided by DEQ to an applicant, may be relied upon for DEQ permitting purposes. The USACE and other state or federal agencies may or may not accept the SSWD for their permitting purposes. 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; Chapter 1 References), for more information about obtaining boundary and feature verifications in VA.

- 2) A development plan that accurately accounts for all impacts to Waters of the United States (WOTUS), including secondary impacts, and that is acceptable by the USACE for permitting (includes all types of impacts, to WOTUS such as fill, dredging, temporary, permanent, etc.)
- 3) An accounting of all types of impacts (e.g., fill, dredging, temporary, permanent, etc.) to WOTUS.

### 12.b. The complete SPGP application includes, at a minimum:

- 1) *The pre-application information listed above in section A.12.a.*
- 2) A complete and signed Standard [Joint Permit Application \(JPA\)](#) clearly marked with “22-SPGP-RCIR” or “22-SPGP-LT”. The applicant must utilize the most recent JPA version.
- 3) A compensatory mitigation plan *applicable to the SPGP verification being sought*. Verify that any bank credits proposed are not outside of the General Service Area (GSA) of the approved mitigation bank. Also, USACE approval is required if permittee-responsible mitigation (PRM) is proposed, or if mitigation proposals do not follow the hierarchy in the Federal Mitigation Rule.
  - a) Mitigation will generally be required for all projects where the permanent loss exceeds 0.1 acre of wetlands and/or 0.03 acre of stream bed and/or 300 linear feet of stream bed. Stream channel loss must be reported in acreage and linear feet.
  - b) For linear transportation project, mitigation will generally be required for all permanent loss of wetlands and/or 0.03 acre of stream bed or 300 linear feet of stream bed. Stream channel loss must be reported in acreage and linear feet.

## 13. APPLICANT, AGENT, PROPERTY OWNER, AND CONTRACTOR CERTIFICATIONS

READ THE FOLLOWING CAREFULLY BEFORE SIGNING.

Complete and sign the certifications tables below. If more space is needed, copy the signature blocks to a separate file for uploading with this application. Also sign and upload the Virginia Water Protection Permit Program Property Access Agreement - Standard in Appendix B.

"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."

Legal Name(s) of Applicant	Legal Name(s) of Second Applicant, if applicable
Title	Title
Signature	Signature
Date	Date
Legal Name of Property Owner, if different	Legal Name of Second Property Owner, if applicable
Property Owner Signature	Second Property Owner Signature
Date	Date

"I (we), **[print APPLICANT LEGAL NAME(S)]**,

hereby certify that I (we) have authorized **[print AGENT LEGAL NAME(S)]**

to act on my (our) behalf and take all actions necessary to the processing, issuance, and acceptance of this permit and any and all standard and special conditions attached. I (we) hereby certify that the information submitted in this application is true and accurate to the best of my (our) knowledge."

Applicant's Signature	Second Applicant's Signature, if applicable
Date	Date
Agent's Title	Second Agent's Title
Agent's Signature	Second Agent's Signature
Date	Date

"I (we), [print APPLICANT LEGAL NAME(S)],

have contracted [print CONTRACTOR NAME(S)]

to perform the work described in this form. I (we) will read and abide by all conditions as set forth in all federal, state, and local permits as required for this project. I (we) understand that failure to follow the conditions of the permits may constitute a violation of applicable federal, state, and local statutes and that we will be liable for any civil and/or criminal penalties imposed by these statutes. In addition, I (we) agree to make available a copy of any permit to any regulatory representative visiting the project site to ensure permit compliance. If I (we) fail to provide the applicable permit upon request, I (we) understand that the representative will have the option of stopping our operation until it has been determined that we have a properly signed and executed permit and are in full compliance with all of the terms and conditions."

Contractor Name or Name of Company	Contractor Title, if applicable
Mailing Address Street, City, State, Zip	
Contractor Signature	Contractor License Number
Date	License Expiration Date
Applicant Signature	Second Applicant Signature, if applicable
Date	Date

## B. ACTIVITY-SPECIFIC SECTIONS

1. **SECTION B INSTRUCTIONS.** Complete each of the numbered subsections below *IF APPLICABLE TO THE PROPOSED ACTIVITIES*. If not applicable, respond "No" to the first question in each subsection and move to the next. If a subsection applies but a specific question does not, respond NA (not applicable). Upload any required or supporting document to the RRS portal, ensuring to match the numbering as shown in Section B.

### 2. BOAT RAMPS

2.a. Does this section apply to the project? Yes No.

2.b. Will excavation be required below the plane of the ordinary high water mark/mean high water line or in wetlands to construct the boat ramp? Yes No.

2.c. If yes, where will you dispose of the excavated material?

2.d. If yes, what type of design and materials will be used to construct the ramp (open pile design with salt treated lumber, concrete slab on gravel bedding, etc.)?

2.e. Will other structures be constructed concurrent with the boat ramp installation? Yes No. If yes, describe structures.

### 3. MISCELLANEOUS FILL and STRUCTURES IN STATE SURFACE WATERS

3.a. Does this section apply to the project? Yes No.

3.b. Explain the purpose of the filling activity and describe the type of structure(s) to be constructed over the filled area (if any) or in wetlands

3.c. Total area occupied by any structure in square feet

3.e. Provide documentation (e.g., laboratory results or analytical reports) that *fill* material from *off-site* locations is free of toxics. If not free of toxics, provide documentation of proper disposal (i.e., bill of lading from commercial supplier or disposal site). Documentation is not necessary for fill material obtained from on-site areas.

### 4. NONTIDAL STREAM CHANNEL MODIFICATIONS FOR RESTORATION OR ENHANCEMENT, or TEMPORARY OR PERMANENT RELOCATIONS.

*If proposed activities are being conducted for the purposes of compensatory mitigation, please upload all information required by the most recent version of the stream assessment methodology approved by the Norfolk District of the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality, **in lieu of completing these questions**. Required information outlined by the methodology can be found at: <http://www.nao.usace.army.mil/Missions/Regulatory/UnifiedStreamMethodology.aspx> or <https://www.deq.virginia.gov/permits/water/compensatory-mitigation>. For all projects proposing stream restoration provide a completed Natural Channel Design Review Checklist and Selected Morphological Characteristics form. These forms and the associated manual can be located at: [https://www.epa.gov/sites/default/files/2015-07/documents/ncd\\_review\\_checklist.pdf](https://www.epa.gov/sites/default/files/2015-07/documents/ncd_review_checklist.pdf).*

4.a. Does this section apply to the project? Yes No.

4.b. Has the stream restoration project been designed by a local, state, or federal agency? Yes No. If yes, name of the agency

4.c. Is the agency also providing funding for this project? Yes No.

4.d. Stream dimensions at impact site (length and average width in linear feet, and area in square feet)

4.e. Contributing drainage area in acres and square miles

4.f. Existing average stream flow at site (flow rate under normal rainfall conditions) in cubic feet per second

4.g. Proposed average stream flow at site after modifications (flow rate under normal rainfall conditions) in cubic feet per second

4.h. Provide detailed explanation of the method(s) to be used to stabilize the banks; the composition of the existing stream bed (percent cobble, rock, sand, etc.); how low-flow channels will be maintained in the modified stream channel, if applicable; and what if any structure(s) will be placed in the stream to create riffles, pools, meanders, etc.

**5. UTILITY CROSSINGS (below ordinary high water mark)**

5.a. Does this section apply to the project? Yes No.

5.b. List all types of crossings that apply (overhead, trenched, directionally drilled, etc.)

5.c. List all methods of clearing corridor of vegetation (mechanized land clearing that disturbs the soil surface; cutting vegetation above the soil surface; etc.)

5.d. Will the proposed utility provide empty conduits for any additional utilities that may propose to co-locate at a later date? Yes No.

5.e. Describe the materials to be used in the installation of the utility line (including gravel bedding for trenched installations, bentonite slurries used during direction-drilling, etc.) and a sequence of events to detail how the installation will be accomplished (including methods used for in-stream and dry crossings).

5.f. Will there be an excess of excavated material? Yes No. If yes, describe the method that will be undertaken to dispose of, and transport, the material to its permanent disposal location and give that location.

5.g. If the materials will be stockpiled on site, will wetlands be impacted? Yes No. If yes, include these impacts with the wetland impacts table in section A.8. Stockpiled material should be placed on filter fabric or some other type of impervious surface.

5.h. If the utility line runs through wetlands or stream bed, will it be continually maintained (e.g., via mowing or herbicide)? Yes No. If yes, what is the maximum width in feet?

5.g. Will permanent access roads be placed through wetlands/streams? Yes No. If yes, will the roads be at grade or above grade?

**6. ROAD CROSSINGS**

6.a. Does this section apply to the project? Yes No.

6.b. Have you conducted hydraulic studies to verify the adequacy of the culverts? Yes No. If yes, upload a copy of the hydraulic study/report to the RRS portal. Note: *Virginia Department of Transportation (VDOT) standards require that the backwater for a 100 year storm not exceed 1 foot for all road, culvert, and bridge projects within FEMA-designated floodplains. DEQ requires pipes and culverts 24 inches or less in diameter to be countersunk three inches below the natural stream bed elevations, and pipes and culverts greater than 24 inches to be countersunk at least six inches below the natural stream bed elevations. Hydraulic capacity is determined based on the reduced capacity due to the countersunk position. For all bridges proposed over navigable waterways (including all tidal water bodies), you will be required to contact the U.S. Coast Guard to determine if a permit is required from their agency.*

6.c. Will the culverts be countersunk below the stream bottom? Yes No. If no, explain

6.d. Describe the materials to be used, the method of construction (including the use of cofferdams), the sequence of construction events, and if bedrock conditions may be encountered. Upload to the RRS the cross-sections and profile plans of the culvert crossings including wing walls or rip rap.

## 7. IMPOUNDMENTS, DAMS, AND STORMWATER MANAGEMENT FACILITIES.

*If the impoundment or dam is a component of a water withdrawal project, also complete section C. If the structure involves dredging or excavation, also complete applicable questions in section A.9 for this excavation.*

7.a. Does this section apply to the project?    Yes    No.

7.b. What type(s) of impoundment is/are involved – proposed, existing, or both?

7.c. Will the impoundment, dam, or stormwater management facility be used for agricultural purposes (e.g., in the operation of a farm)? *For DEQ permitting purposes, a farm is considered to be a property or operation that produces goods for market.*    Yes    No.

7.d. Is the project excluded from the [Virginia Dam Safety Regulations](#)? *If uncertain, contact the Virginia Department of Conservation and Recreation's Dam Safety Program at (804) 371-6095 or [dam@dcr.virginia.gov](mailto:dam@dcr.virginia.gov).*  
Yes    No    Uncertain.

7.e. Provide the dimensions of impoundment, dam, or stormwater management facility, including the height and width of all structures.

7.f. For impoundments in stream beds, what is the area of the impoundment structure to be located in or on the stream bed in square feet and the *area and length* of streambed that will be excavated and/or back-flooded in square feet and linear feet?

7.g. What is the area of vegetated wetlands that will be excavated and/or back-flooded by the impoundment in square feet?

7.h. What type of materials will be used in the construction (earth, concrete, rock, etc.) and what is the source of the materials being used?

7.i. *For stormwater management and flood control facilities,*

- 1) What is the drainage area upstream of the impoundment in square miles?
- 2) What is the design storm event in “year storm” and the proposed peak outflow for the design storm in cubic feet per second?
- 3) What is the retention time in hours?
- 4) Has the facility been designed in accordance with applicable requirements in the Erosion and Stormwater Management regulation 9VAC25-875?    Yes    No    Uncertain.



7.j. For all facilities:

- 1) What is the storage capacity of impoundment in acre-feet? *Capacity should be given for the normal pool of recreational or farm ponds, or design pool for stormwater management ponds or reservoirs (the elevation the pond will be at for the design storm, e.g., 10-year, 24-hour storm).*
- 2) What is the surface area of the impoundment in acres? *Surface area should be given for the normal pool of recreational or farm ponds, or design pool for stormwater management ponds or reservoirs (the elevation the pond will be at for the design storm, e.g., 10-year, 24-hour storm).*
- 3) Current average flow (flow rate under normal rainfall conditions) in cubic feet per second and method used to derive average flow
- 4) Will the impoundment structure be designed to pass a minimum flow at all times? Yes No. If yes, please give the minimum rate of flow in cubic feet per second.
- 5) Are fish ladders being proposed to accommodate the passage of fish? Yes No.

8. **PRIVATE PIERS; MARGINAL WHARVES; UNCOVERED OR COVERED BOAT LIFTS; BOATHOUSES; GAZEBOs; OTHER ROOFED STRUCTURES OVER WATERWAYS; FREE-STANDING MOORING PILES; MOORING BUOYS; OSPREY NESTING POLES; DOLPHINS.**

- 8.a. Does this section apply to the project? Yes No.
- 8.b. Is there an existing pier on the property? Yes No. If yes, will it be removed? Yes No.
- 8.c. In locating the structure(s), is the property or lot platted to the mean low water shoreline? Yes No.
- 8.d. If applicable, will the sides of the structure be enclosed? Yes No.
- 8.e. What is the area covered by the roof structure in square feet
- 8.f. If applicable, how many moorings are proposed?
- 8.g. Describe how access to the mooring(s) will occur.
- 8.h. Total number of vessels to be moored and location (pier, wharf, or other proposed structure).

8.i. Complete the table with the type (e.g., sail, power, skiff, etc.), size, and registration number of the vessel(s) to be moored. If not the same as the applicant, include the name and complete mailing address(es) of the vessel owner(s).

Type	Length	Width	Draft	Registration #	Owner Name	Owner Address

## 9. MARINAS AND COMMERCIAL, GOVERNMENTAL, AND COMMUNITY PIERS

9.a. Does this section apply to the project? Yes No.

9.b. Will the facility be equipped to off-load sewage from boats? Yes No. Have you obtained the Virginia Department of Health's approval for sanitary facilities? Yes No.

9.c. If petroleum products or other hazardous materials will be stored or handled at the facility, upload a spill contingency plan.

9.d. How many wet slips and dry storage slips are present, and/or how many of each are proposed?

## 10. OUTFALLS NOT ASSOCIATED WITH SURFACE WATER WITHDRAWALS

Complete the "Outfalls" column in the table provided for Section C.2.

## C. SURFACE WATER WITHDRAWALS / DIVERSIONS

- SECTION C INSTRUCTIONS.** *The following sections are typically related to surface water withdrawal and/or diversion activities; Federal Energy Regulatory Commission license projects; or impacts likely to require instream flow limits.* Examples of such projects include, but are not limited to, reservoirs, irrigation projects, power generation facilities, and public water supply facilities that may or may not have associated features, such as dams, intake pipes, outfall structures, berms, etc. ***If completing these sections, enter NA (not applicable) in any section that does not apply to the project.*** Refer to the VWP Permit Program regulation [9VAC25-210](#) and the Virginia

Water Protection Individual Permit Checklist on DEQ's website: <https://www.deq.virginia.gov/permits/water/water-withdrawal/surface-water>.

**If there is not enough space here to respond, upload a narrative in response to these questions or items, numbering each response as shown in this section.**

**2. INTAKES, OUTFALLS, AND WATER CONTROL STRUCTURES (including all proposed water withdrawal activities)**

Intakes		Outfalls	
Identifier of withdrawal point		Identifier of outfall point	
Latitude / Longitude at withdrawal point (Deg/Min/Sec)		Latitude / Longitude at outfall point (Deg/Min/Sec)	
Type of pipe		Type of pipe	
Size of pipe (inside and outside diameter)		Size of pipe (inside and outside diameter)	
Type of pump		Hydraulic capacity of pipe	
Size of pump		Daily rate of discharge (mgd)	
Average daily rate of withdrawal (mgd)		Maximum temperature (degrees Fahrenheit)	
Maximum daily rate of withdrawal (mgd)		Contributing drainage area at outfall point (sq mi)	
Velocity of withdrawal (fps)		Average daily stream flow under normal rainfall conditions at outfall point (cfs)	
Screen mesh size (inches and mm) – if other units, specify		Method used to derive average daily streamflow	
Contributing drainage area at withdrawal point (sq mi)			
Average daily stream flow under normal rainfall conditions at withdrawal point (cfs)			
Method used to derive average daily streamflow			
Average annual stream flow at withdrawal point			

**3. INTAKES AND DAMS**

3.a. For intakes and dams, use the table below to provide the median monthly stream flows in cubic feet per second (cfs) at the water intake or dam site (not at the stream gage; if there is not a gage at the intake or dam site, you will need to interpolate flows to the intake or dam site based upon the most closely related watershed in which there is an operational stream gage monitored by the United States Geologic Survey (USGS)). *Median flow, sometimes referred*

to as the '50% exceedence flow', is the value at which half of the measurements are above and half of the measurements are below. The median flow generally must be calculated from USGS historical data. Please do not provide mean (average) flow. \*Required for gages at intake and outfall sites.

Example USGS stream flow gage number and name: USGS 01671100 Little River near Doswell, VA

Example calculations used: drainage area correction factors were used

Example period of record: 40 (should span a minimum of 30 years)

Month	Median Flow (CFS)	Gage Number(s) and Name(s)*	Type of Calculation*	Period of Record (YRS)*
JANUARY				
FEBRUARY				
MARCH				
APRIL				
MAY				
JUNE				
JULY				
AUGUST				
SEPTEMBER				
OCTOBER				
NOVEMBER				
DECEMBER				

3.b. Provide any available historical low flows at the intake or dam site.

3.c. Describe how the proposed withdrawal at the intake or dam site will impact stream flows in terms of rates, volumes, frequency, etc. (e.g., percent of the flow to be withdrawn, percent of withdrawal returned to the original source, etc.).

3.d. Describe how the withdrawal of water will vary over time. For example, will the withdrawal vary by the time of year, by the time of day, or by the time of week? Examples of projects that should describe variable withdrawals include but are not limited to: power plant cooling withdrawals that increase and decrease seasonally; golf course irrigation; municipal water supply; nurseries; ski resorts that use water for snowmaking; and resorts with weekend or seasonal variations.

3.e. Provide the amount of water that will be lost due to consumptive use. For the purpose of this application, consumptive use means the withdrawal of surface waters without recycling of said waters to their source or basin of origin. Examples of consumptive uses are water that is evaporated in cooling towers or by other means in power plants; irrigation water (all types); residential water use that takes place outside of the home; and residential water use both inside and outside of homes for residences served by septic systems. Projects that propose a transfer of water from one river basin to another and/or localities that sell water to other jurisdictions, should document the portion of the withdrawal that is not returned to the originating watershed.

3.f. Proposed monthly consumptive volume and volume of return flow in million gallons.

3.g. For withdrawals proposed on an impoundment, provide a description of flow or release control structures. Include type of structure, rate of flow, size, capacity, invert elevation of outfall pipes referenced to the normal pool elevation, and the mechanism used to control release. Provide a description of available water storage facilities. Include the volume, depth, normal pool elevation, unusable storage volume and dimensions. If applicable, stage-storage relationship at the impounding structure (the volume of water in the impoundment at varying stages of water depth) and volume or rate of withdrawals from the storage facility.

3.h. Upload a map showing the *location* of each withdrawal and return of flow point.

3.i. Provide the following information at the water intake or dam site. Specify the units of measurement (e.g., million gallons per day, gallons per minute, cubic feet per second, etc.).

End of 15-year <i>Permit</i> Term	End of 30-year <i>Planning</i> Term
Proposed maximum instantaneous withdrawal:	Proposed maximum instantaneous withdrawal:
Proposed average daily withdrawal	Proposed average daily withdrawal
Proposed maximum daily withdrawal	Proposed maximum daily withdrawal
Proposed maximum monthly withdrawal	Proposed maximum monthly withdrawal
Proposed maximum annual withdrawal	Proposed maximum annual withdrawal

3.j. Describe how the above withdrawals were calculated, including the relevant assumptions made in that calculation and the documentation or resources used to support the calculations, such as population projections, population growth rates, per-capita use, new uses, changes to service areas, and if applicable, evapotranspiration data and irrigation data. Provide the calculations showing how the demand volumes were derived.

#### 4. INTERBASIN TRANSFERS

4.a. For interbasin transfer of water resources proposed from either the *Chowan River*, *New River*, *Potomac River*, *Roanoke River*, *Big Sandy River*, or *Tennessee River* basins to another river basin, provide the destination location (discharge point) of the transfer; the 8-digit USGS Hydrologic Unit Code (HUC) (<https://www.dcr.virginia.gov/soil-and-water/hu>); if known, the 10-digit and 12-digit USGS HUCs; and the latitude and longitude in Deg/Min/Sec.

4.b. Provide the amount of water that will be lost due to consumptive use. For the purpose of this application, consumptive use means the withdrawal of surface waters without recycling of said waters to their source or basin of origin. Examples of consumptive uses are water that is evaporated in cooling towers or by other means in power plants; irrigation water (all types); residential water use that takes place outside of the home; and residential water use both inside and outside of homes for residences served by septic systems. Projects that propose a transfer of water from one river basin to another and/or localities that sell water to other jurisdictions, should document the portion of the withdrawal that is not returned to the originating watershed.

4.c. Proposed monthly consumptive volume and volume of return flow in million gallons.

4.d. Upload a map showing the *location* of each withdrawal and return of flow point.

## 5. WATER WITHDRAWAL USES, NEED, AND ALTERNATIVES

5.a. Describe the proposed use(s) and need for the surface water and information on how demand for surface water was determined. *Golf courses* must provide documentation to justify the amount of water withdrawal, such as the amount of acreage under irrigation, the acreage of fairways versus greens, type of turf grass, evapotranspiration, and irrigation efficiency. Agricultural users must supply documentation justifying their requested withdrawal amount, such as type of crop, livestock, or other agriculture animal, number of animals, watering needs, acres irrigated, inches of water applied, and frequency of application. Other users of withdrawals for purposes other than those described above must provide sufficient documentation to justify the requested withdrawal amounts. Demand justification should include all of the requirements contained in [9VAC25-210-340.B](#).

5.b. For surface water withdrawals, public water supply withdrawals, and projects that will alter instream flows, provide information to establish the local water supply need. If there is not enough space to respond here, upload a separate file containing the table and information shown below.

EXISTING		PROJECTED	
Existing supply sources, yields, and demands		Projected demands over a minimum 30-year planning period	
Peak day withdrawal		Projected demands in local or regional water supply plan (9VAC25-780 et seq.) or demand for the project service area, if that is smaller in area	
Average daily withdrawal		Statistical population (growth) trends	
Safe yield (reservoir)		Projected demands by type of water use	
Lowest daily flow of record		Projected demands without water conservation measures	
Types of water uses (residential, public water supply, commercial, industrial, agricultural)		Projected demands with long-term water conservation measures	

Existing water conservation measures and drought response plan, including what conditions trigger implementation			
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5.c. For surface water withdrawals other than public water supply, upload to the RRS portal information or documentation that demonstrates alternate sources of water are available for the proposed project during times of reduced instream flow, including all of the requirements contained in [9VAC25-210-360.4](#).

5.d. Upload to the RRS portal information *from the State Water Resources Plan and the local or regional water supply plan(s)* that cover(s) the area in which the proposed water withdrawal project is located, including information that pertains to projected demand, analysis of alternatives, and water conservation measures. Discuss any discrepancies between the water supply plan and the proposed project. For projects that propose a transfer of water resources from the Chowan River, New River, Potomac River, Roanoke River, Big Sandy River, or Tennessee River basins to another river basin, include information for both the source and receiving basins.  
<https://www.deq.virginia.gov/our-programs/water/water-quantity/water-supply-planning/virginia-water-resources-plan>  
<https://www.deq.virginia.gov/our-programs/water/water-quantity/water-supply-planning>

5.e. Upload to the RRS portal an alternatives analysis for the proposed water withdrawal project, including the required range of alternatives to be analyzed; a narrative outlining the opportunities and status of regional efforts undertaken; and the criteria used to evaluate each alternative. The analysis must address all of the criteria contained in [9VAC25-210-360](#).

5.f. Upload to the RRS portal a description of any existing, flow-dependent beneficial uses along the affected stream reach, including both instream and offstream uses; the stream flow necessary to protect existing beneficial uses; how the proposed withdrawal will impact existing beneficial uses; and any measures proposed to mitigate any adverse impacts that may arise. For projects that propose a transfer of water resources from the Chowan River, New River, Potomac River, Roanoke River, Big Sandy River, or Tennessee River basins to another river basin, include both the source and receiving basins. For the purposes of this application, beneficial instream uses include, but are not limited to, the protection of fish and wildlife habitat; maintenance of waste assimilation; recreation; navigation; and cultural and aesthetic values. Offstream beneficial uses include, but are not limited to, domestic uses (including public water supply); agricultural uses; electric power generation; commercial uses; and industrial uses.

5.g. Describe the aquatic life known to be present along the affected stream reach and the aquatic life that may be impacted by the proposed water withdrawal. Include the species' habitat requirements. For projects that propose a transfer of water resources from either the Chowan River, New River, Potomac River, Roanoke River, Big Sandy River, or Tennessee River basins to another river basin, include both the source and receiving basins. If applicable, upload to the RRS portal any species survey results or reports to date.

## 6. PUBLIC COMMENTS/ISSUES FOR MAJOR WATER WITHDRAWALS OR INTERBASIN TRANSFERS

6.a. For new or expanded surface water supply projects, upload to RRS a summary of the steps taken to seek public input per 9VAC25-210-320 and a list of the issues raised during the public information process.

6.b. *For transfer of water resources proposed from either the Chowan River, New River, Potomac River, Roanoke River, Big Sandy River, or Tennessee River basins to another river basin:* If public input was not required per 9VAC25-210-320, upload a summary of any coordination and/or notice provided to the public, local/state government, and interested parties in the affected river basins and identify any issues raised.



## APPENDIX A

### Chesapeake Bay Preservation Act Information

Please answer the following questions to determine if your project is subject to the requirements of the Bay Act Regulations:

1. Is your project located within Tidewater Virginia? Yes No.  
(<https://www.deq.virginia.gov/our-programs/coastal-zone-management/about-czm/czm-boundaries>)

If “no”, the Bay Act requirements do not apply. If “yes”, then please continue to question #2, and note the Virginia Water Protection (VWP) complete permit application requirements regarding Chesapeake Bay Preservation Areas.

2. Please indicate if the project proposes to impact any of the following Resource Protection Area (RPA) features:

Tidal wetlands;

Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;

Tidal shores;

Other lands considered by the local government to meet the provisions of subsection A of 9VAC25-830-80 and to be necessary to protect the quality of state waters (contact the local government for specific information);

A buffer area not less than 100 feet in width located adjacent to and landward of the components listed above, and along both sides of any water body with perennial flow.

If the answer to question #1 was “yes” and any of the features listed under question #2 will be impacted, compliance with the Chesapeake Bay Preservation Area Designation and Management Regulations is required. **The Chesapeake Bay Preservation Area Designation and Management Regulations** are enforced through locally adopted ordinances based on the Chesapeake Bay Preservation Act (CBPA) program. Compliance with state and local CBPA requirements mandates the submission of a **Water Quality Impact Assessment (WQIA)** for the review and approval of the local government. Contact the appropriate local government office to determine if a WQIA is required for the proposed activity(ies).

The individual localities are responsible for enforcing the CBPA requirements, *not* DEQ. Therefore, local permits for land disturbance are not issued through this JPA process. If a VWP permit or coverage is issued, it ***does not constitute compliance with the CBPA regulations nor does it guarantee that the local government will grant approval for encroachments into the RPA that may result from this project.***

#### **Notes for all projects in RPAs**

Development, redevelopment, construction, land disturbance, or placement of fill within the RPA features listed above requires the approval of the locality and may require an exception or variance from the local Bay Act ordinance. Please contact the appropriate local government to determine the types of development or land uses that are permitted within RPAs.

Pursuant to 9VAC25-830-110, *on-site delineation of the RPA is required for all projects in CBPAs.*

Because USGS maps are not always indicative of actual “in-field” conditions, they may not be used to determine the site-specific boundaries of the RPA.

**Notes for shoreline erosion control projects in RPAs**

Re-establishment of woody vegetation in the buffer will be required by the locality to mitigate for the removal or disturbance of buffer vegetation associated with your proposed project. Please contact the local government to determine the mitigation requirements for impacts to the 100-foot RPA buffer.

Pursuant to 9VAC25-830-140.5.a(4) of the Virginia Administrative Code, shoreline erosion projects are a permitted modification to RPAs provided that the project is based on the “best technical advice” and complies with applicable permit conditions and meets the applicable criteria in 9VAC25-830-140.

## APPENDIX B

### Virginia Water Protection Permit Program Property-Access Agreement – Standard

**[insert PROPERTY OWNER NAME(S) – must include ALL]** (“Owner”)

who own[s] the property located at

**[insert ADDRESS and/or DEED BOOK INFORMATION and/or TAX PARCEL #]** (“Property”),

and **[insert APPLICANT OR PERMITTEE NAME(S)]** (“Applicant or Permittee”),

hereby authorizes the Department of Environmental Quality, its employees, agents, and contractors (“Authorized Parties”) the right of entry to the Property to conduct inspections necessary to evaluate the application for and ensure compliance with **[insert PERMIT NUMBER]** (“VWP Permit”).

For the purpose of this section, the time for inspection shall be deemed reasonable during regular business hours. Nothing contained herein shall make an inspection time unreasonable during an emergency. Inspections may include but are not limited to the following activities:

1. Enter upon the property, and have access to, inspect and copy any records that required as part of the VWP permit;
2. Inspect any facilities, operations, or practices (including monitoring and control equipment) regulated or required under the VWP permit; and
3. Sample or monitor any substance, parameter, or activity for the purpose of ensuring compliance with the VWP permit or as otherwise required by law.

The Owner and the Applicant or Permittee understands that access to the Property is a requirement pursuant to 9VAC25-210-90 and the VWP Permit. The DEQ may enforce the provisions of this agreement utilizing all applicable procedures and authorities under Va. Code §§ 62.1-44.15 and 10.1-1186. *Complete the table(s) below:*

*[Include Title for owners who are not individual persons. If more than four signature blocks are applicable, copy the signature blocks to a separate document for upload that shows each individual owner listed on the property record.]*

Property Owner Name (print)	Applicant or Permittee Name (print)
Property Owner Signature	Applicant or Permittee Signature
Title	Title
Date	Date

Property Owner Name (print)	Applicant or Permittee Name (print)
Property Owner Signature	Applicant or Permittee Signature
Title	Title
Date	Date

Property Owner Name (print)	Applicant or Permittee Name (print)
Property Owner Signature	Applicant or Permittee Signature
Title	Title
Date	Date

Property Owner Name (print)	Applicant or Permittee Name (print)
Property Owner Signature	Applicant or Permittee Signature
Title	Title
Date	Date