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# Virginia Water Protection General Permit Coverage

# Complete Application Checklist 1

# Permanent Impacts Greater than 1/10 acres of Wetlands and/or Open Water or 300 Linear Feet of Stream Bed

**Disclaimer:** Checklists are provided as a tool when applying for a Virginia Water Protection (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 . ***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](https://portal.deq.virginia.gov/peep-search)).

Information Required for a complete application is in accordance with the following regulations, unless otherwise noted on item in the checklist. The VWP General Permit Regulations are [9VAC25-660](https://law.lis.virginia.gov/admincode/title9/agency25/chapter660/) (WP1); [9VAC25-670](https://law.lis.virginia.gov/admincode/title9/agency25/chapter670/) (WP2); [9VAC25-680](https://law.lis.virginia.gov/admincode/title9/agency25/chapter680/) (WP3); and [9VAC25-690](https://law.lis.virginia.gov/admincode/title9/agency25/chapter690/) (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*](https://law.lis.virginia.gov/admincode/title9/agency25/chapter210/section116/)*, and §*[*62.1-44.15:23*](https://law.lis.virginia.gov/vacode/62.1-44.15%3A23/) *should be used as a reference in reviewing the requirements of Conceptual Compensatory Mitigation Plan.*

| **For a Complete Application, Provide at Minimum:** | **Included****(Y, N, or N/A)** | **Page Number(s)****Or Location(s)** |
| --- | --- | --- |
| 1. Applicant Information |  |  |
| 1.a. Legal name of Applicant as registered with the SCC (as applicable). If Applicant is a business, name of contact person; and |  |  |
| 1.b. Mailing address as registered with the SCC (as applicable), phone number, and email address of Applicant and/or contact person |  |  |
| 2. Property owner information, if different from Applicant |  |  |
| 2.a. Legal name of property owner as registered with the SCC (as applicable); |  |  |
| 2.b. Mailing address as registered with the SCC (as applicable), phone number, and email address of Property Owner |  |  |
| 3. Authorized Agent information, if applicable |  |  |
| 3.a. Legal name of authorized agent as registered with the SCC (as applicable); |  |  |
| 3.b. Mailing address as registered with the SCC (as applicable), phone number, and email address of Agent |  |  |
| 4. If applicable, existing VWP general permit tracking number |  |  |
| 5. Project name and proposed project schedule |  |  |
| 6. Project site location information: |  |  |
| 6.a. Physical street address, nearest street, or nearest route number; |  |  |
| 6.b. City or County; |  |  |
| 6.c. Zip code; |  |  |
| 6.d. Parcel number(s), if applicable; |  |  |
| 6.e. Name of impacted water body(ies) or receiving waters; |  |  |
| 6.f. Latitude and longitude at center of site(s) (to nearest second); |  |  |
| 6.g. National Watershed Boundary Dataset (NWBD) fourth order subbasin; and |  |  |
| 6.h. Detailed map: location of site(s), project boundary, and all preservation areas on site(s) |  |  |
| 7. Narrative description of the project (including purpose and need) |  |  |
| 8. Plan-View Drawing(s) (full- or half-size plan sheets) of the project, including at a minimum: |  |  |
| 8.a. North arrow; |  |  |
| 8.b. Graphic scale (recommended maximum scale ratio of 1:200 ft.); |  |  |
| 8.c. Existing and proposed topographic or bathymetric contours; |  |  |
| 8.d. Limits of proposed impacts to surface waters; |  |  |
| 8.e. Location of all existing and proposed structures (fill riprap/outlet protection/channel tie-ins, dredging, excavation, etc.); |  |  |
| 8.f. All delineated state and federal jurisdictional surface waters, including isolated, on the site.Include: |  |  |
| 8.f(1) The Cowardin classification for those surface waters and waterway name, if designated; |  |  |
| 8.f(2) ebb and flood or direction of flow; and |  |  |
| 8.f(3) ordinary high water mark in nontidal areas;[**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] |  |  |
| 8.g. Limits of Chesapeake Bay Resource Protection Areas 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](https://law.lis.virginia.gov/admincode/title9/agency25/chapter830/)); and |  |  |
| 8.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) |  |  |
| 9. Cross-sectional and profile drawing(s) of each proposed impact area. Include at a minimum:  |  |  |
| 9.a. Graphic scale; |  |  |
| 9.b. Existing structures; |  |  |
| 9.c. Existing and proposed elevations; |  |  |
| 9.d. Limits of surface water areas; |  |  |
| 9.e. Ebb and flood or direction of flow (if applicable); |  |  |
| 9.f. Ordinary high water mark in nontidal areas;[**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] |  |  |
| 9.g. Impact limits; |  |  |
| 9.h. 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.]; and |  |  |
| 9.i. For piping or culverting stream flows: Longitudinal profile of the pipe or culvert position and stream bed thalweg, or spot elevations of the stream thalweg at the beginning and end of the pipe or culvert, extending to a minimum of 10 feet beyond the limits of proposed impact |  |  |
| 10. Narrative description of all impacts to surface waters.Include: |  |  |
| 10.a. Type of activity to be conducted in surface waters; |  |  |
| 10.b. Any physical alteration to surface waters; |  |  |
| 10.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; |  |  |
| 10.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; and (iii) when compensatory mitigation is required, the impacts identified according to the assessed type using the Unified Stream Methodology; |  |  |
| 10.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; |  |  |
| 10.f. Either a copy of the approved jurisdictional determination (AJD) or when unavailable, one of the following:* Preliminary jurisdictional determination (PJD) from USACE, USDA-NRCS, or DEQ; or
* 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

[**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] |  |  |
| 10.g. Delineation / Impact map showing:* Geographic area of all delineated surface water boundaries;
* Wetlands, stream, and open water impacts, as applicable, described in same manner as above; and
* 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. On-site alternatives analysis for proposed project.Include: |  |  |
| 11.a. On-site measures taken during project design and development to first avoid and then minimize impacts to surface waters to the maximum extent practicable; |  |  |
| 11.b. Specific on-site measures taken to reduce the size, scope, configuration, or density of the proposed project; |  |  |
| 11.c. A review of alternative sites where required for the project, which would avoid or result in less adverse impact to surface waters; |  |  |
| 11.d. Documentation demonstrating the reason the applicant determined less damaging alternatives are not practicable; and |  |  |
| 11.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 |  |  |
| 12. Permit application fee, if required ([9VAC25-20](https://law.lis.virginia.gov/admincodefull/title9/agency25/chapter20/)). ***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 program staff. Payments should be accompanied by a copy of the completed Water Division Permit Application Fee Form. |  | [Attaching a copy of the completed Fee Form is acceptable but does not serve as proof of payment or deposit by DEQ] |
| 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, or other land use protective instrument (i.e., protected areas).Include: |  |  |
| 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; and |  |  |
| 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](https://law.lis.virginia.gov/admincode/title9/agency25/chapter830/)), as additional state or local requirements may apply if the project is located within an RPA |  |  |
| 14. Signature page (from JPA) containing original signature, date, and certification |  |  |
| 15. ***WP 1 only:*** FEMA flood insurance rate map or FEMA-approved local floodplain map showing 100-year floodplain(s) (Section 60.B.13) |  |  |
| 16. ***WP3 and WP4 dredging activities*:** Verification that the dredge material is free from toxic material.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 60.B.10) |  |  |

| **For a Complete Application, the Following Compensation Information is Required**  | **Included****(Y, N, or N/A)** | **Page Number(s)****Or Location(s)** |
| --- | --- | --- |
| 17. Information Required for the purchase of mitigation bank or in-lieu fee program credits shall include the following: |  |  |
| 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). Note: The WP1 General Permit requires compensation at 2:1 ratio for all wetland impacts. |  |  |
| 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*** at a price below 200 percent 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*](https://law.lis.virginia.gov/vacode/62.1-44.15%3A23/) |  |  |
| 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. 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.  |  |  |
| 19. ***For all permittee-responsible compensation (PRM) (WP2, WP3, and WP4 Only)*** |  |  |
| 19.a. Project site location information: |  |  |
| 19.a(1) Physical street address, nearest street, or nearest route number; |  |  |
| 19.a(2) City or County; |  |  |
| 19.a(3) Zip code; |  |  |
| 19.a(4) Parcel number(s), if applicable; |  |  |
| 19.a(5) Name of impacted water body(ies) or receiving waters; |  |  |
| 19.a(6) Latitude and longitude at center of site(s) (to nearest second); |  |  |
| 19.a(7) National Watershed Boundary Dataset (NWBD) fourth order subbasin; and |  |  |
| 19.a(8) Detailed map: location of site(s), project boundary, and all preservation areas on site(s) |  |  |
| 20. 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 (9VAC25-210-116.B).Include: |  |  |
| 20.a. The ability of the permittee-responsible compensatory mitigation sites to replace lost wetland acreage and functions or lost stream functions and water quality benefits |  |  |
| 20.b 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](https://law.lis.virginia.gov/admincode/title9/agency25/chapter210/section80/), 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 |  |  |
| 20.c. A draft of the intended protective mechanism(s) (9VAC25- 210-116 B 2) 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; or other protective instrument.Include: |  |  |
| 20.c(1) A provision for access to the site; |  |  |
| 20.c(2) The following minimum restrictions, listed as:* + 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 activities, corrective action measures, or DEQ-approved activities that are described in the approved final compensatory mitigation plan or long-term management plan; and
 |  |  |
| 20.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] |  |  |
| 21. ***For permittee-responsible compensation (PRM) for wetland impacts*** a conceptual compensation plan shall also include the following: |  |  |
| 21.a. The goals and objectives in terms of replacement of wetland acreage and functions; |  |  |
| 21.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; |  |  |
| 21.c. A description of the surrounding land use; |  |  |
| 21.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; |  |  |
| 21.e. Groundwater elevation data, if available, or the proposed location of groundwater monitoring wells to collect these data; |  |  |
| 21.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] |  |  |
| 21.g. A conceptual grading plan; |  |  |
| 21.h. A conceptual planting scheme including suggested plant species and zonation of each vegetation type proposed; |  |  |
| 21.i. A description of existing soils including general information on both topsoil and subsoil conditions, permeability, and the need for soil amendments; |  |  |
| 21.j. A draft design of any water control structures; |  |  |
| 21.k. Inclusion of buffer areas; |  |  |
| 21.l. A description of any structures and features necessary for the success of the site; |  |  |
| 21.m. The schedule for compensatory mitigation site construction; and |  |  |
| 21.n. Measures for the control of undesirable species |  |  |
| 22. ***For permittee-responsible compensation (PRM) for stream impacts*** a conceptual compensation plan shall also include the following: |  |  |
| 22.a. The goals and objectives in terms of water quality benefits and replacement of stream functions; |  |  |
| 22.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; |  |  |
| 22.c. A description of the surrounding land use; |  |  |
| 22.d. The proposed stream segment restoration locations including plan view and cross-sectional drawings; |  |  |
| 22.e. The stream deficiencies that need to be addressed; |  |  |
| 22.f. Data obtained from a DEQ-approved, stream impact assessment methodology such as the Unified Stream Methodology; |  |  |
| 22.g. The proposed restoration measures to be employed including channel measurements, proposed design flows, types of instream structures, and conceptual planting scheme; |  |  |
| 22.h. Reference stream data, if available; |  |  |
| 22.i. Inclusion of buffer areas; |  |  |
| 22.j. Schedule for restoration activities; and |  |  |
| 22.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)** |
| --- | --- | --- |
| 23. All applicable sections of the Standard JPA, Tidewater JPA, VDOT IACM JPA, or VDOT Spreadsheet (Section 50.B; FORMS) |  |  |
| 24. Species or habitat information from Virginia Department of Wildlife Resources, Virginia Department of Conservation and Recreation, and/or U.S. Fish and Wildlife Service to assist the department in reviewing and processing an application [(Section 50.C)](https://law.lis.virginia.gov/admincode/title9/agency25/chapter690/section50/) |  |  |
| 25. GIS shape files of project boundary/polygon, impact boundaries/polygons, surface water boundaries/polygons |  |  |
| 26. A table of impacts directly on Delineation / Impact Map required for complete application |  |  |

Sd

"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."

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*Applicant Printed Name*

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*Applicant Signature Date*