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MEMORANDUM

Division of Water Program Coordination
Office of Water Permit Programs

SUBJECT: GUIDANCE MEMORANDUM 00-2001
Revised Joint Permit Application Addendum for Virginia Water Protection Permit

TO: Regional Directors

FROM: Larry G. Lawson, P.E.

DATE: January 21, 2000

COPIES: Regional Permit Managers, VWPP Supervisors, Martin Ferguson, Richard Ayers, Cindy Berndt

The attached document is a revision to the Joint Permit Application (JPA) Addendum that is used by the Department of Environmental Quality (DEQ) to supply information needed to process Virginia Water Protection Permit (VWPP) applications. Revisions to the original JPA Addendum have been made to remove information no longer required and to seek additional information needed to review these applications. The revisions have been coordinated through the Regional VWPP Supervisors to gain input from those individuals reviewing applications.

The revised JPA Addendum will be filed with the Registrar and will appear on the DEQ Web Page. It will also be forwarded to the Virginia Marine Resources Commission and the Norfolk District Army Corps of Engineers for inclusion on their Web Pages and printed material.

DISCLAIMER

This document provides procedural guidance to the permit staff. This document is guidance only. It does not establish or affect legal rights or obligations. It does not establish a binding norm and is not finally determinative of the issues addressed. Agency decisions in any particular case will be made by applying the State Water Control Law and the implementation regulations on the basis of the site specific facts when permits are issued.

ADDENDUM

DEPARTMENT OF ENVIRONMENTAL QUALITY ADDITIONAL INFORMATION FOR VIRGINIA WATER PROTECTION PERMITS

1. Provide the latitude and longitude at the center of the project and a U.S.G.S. topographic map of the project location.

Latitude __ - __ - __ Topographic map name:_____
Longitude __ - __ - __

2. Provide the eight digit Hydrologic Unit Code (HUC) for the project site and proposed mitigation site (if different). The HUC is defined by the Hydrologic Unit Map of the United States (U.S.G.S 1980).

Project HUC _____ Mitigation HUC _____

3. Provide the Stream Classification pursuant to Virginia's Water Quality Standards (9 VAC 25-260-50) for surface waters which will be impacted by the project.

___ Class I - Open Ocean
___ Class II - Estuarine Waters
___ Class III - Nontidal Waters
___ Class IV - Mountainous Zone Waters
___ Class V - Stockable Trout Waters
___ Class VI - Natural Trout Waters
___ Class VII - Wetlands

4. Stream Drainage Area (check whichever applies)

A. ___ <1 square mile B.___ <5 square miles C. ___ >5 square miles

5. Functional values assessments (wetlands only):

For all projects impacting one acre or more of wetlands, a functional values assessment is required. We suggest that a functional assessment method be selected based upon its ease of use, ability to provide quality information, and utility in the field. The functional assessment and the methodology utilized to determine functional value(s) must be submitted with the application package.

6. Wetland delineation (where applicable):

A. All projects impacting wetlands must provide a delineation map showing the physical location and aerial extent of all wetlands on the site. All data sheets and calculations utilized to determine an area's wetland status will be submitted with the delineation map. The currently accepted federal methodology will be used in preparing wetland delineations. The wetland delineation verification from the U.S. Army Corps of Engineers must be included with the application package, if available.

B. The applicant should provide any available information regarding threatened or endangered species and special aquatic sites located on the proposed project site. Pursuant to the Code of Virginia 29.1-564: "Taking, transportation, sale, etc., of endangered species is prohibited. The taking, transportation, processing, sale or offer for sale within the Commonwealth of any fish or wildlife appearing on any list of threatened or endangered species published by the U.S. Secretary of the Interior pursuant to the provisions of the federal Endangered Species Act of 1973 (P.L. 93-205), or any modifications or amendments thereto, is prohibited except as provided in 29.1-568."

7. Mitigation Plan (required for unavoidable wetland losses and stream modifications): **Important: The Virginia Water Protection Permit Regulation (9 VAC 25-210-90) requires that the permittee take all reasonable steps to avoid all adverse environmental impacts to State waters, including wetlands.**

A. The mitigation plan will at a minimum include:

1. Measures taken to avoid impacts to surface waters, including wetlands, to the maximum extent practicable.

2. Where impacts could not be avoided, measures taken to reduce impacts to surface waters, including wetlands.

3. Where impacts could not be avoided or minimized, a mitigation plan which completely describes the type of impact to be mitigated and the means by which mitigation will be accomplished.

A mitigation plan which includes wetland creation and/or stream restoration should provide the following information:

a. Wetland creation:
   - Mitigation goals in terms of functions and values (acres of wetlands, vegetation type, etc.);
   - Location map – topographic map, including latitude and longitude at the center of each mitigation site;
   - Source of hydrology, and Water budget for both a "typical" and a "dry" year for each mitigation site;
   - Conceptual grading plan, showing existing and proposed grade;
   - Plant species list and planting scheme, including expected zonation;
   - Soil preparation and amendments;
   - Surrounding land use/plans, including probable future land use, if available;
   - Abatement/control plan for invasive plants and animal species;
   - Schedule for mitigation construction/restoration;
   - And all structures and features considered necessary for the success of the plan.

b. Stream restoration:
- Information regarding on-site stream restoration opportunity;
- Location map – topographic map or plan drawing which depicts stream sections to be restored;
- Identify proposed stream restoration activities for each section (i.e., riparian plantings, bank stabilization, etc.);
- Plant species list and planting scheme (including plant sizes and spacings);
- and identification of proposed construction habitat structures(i.e., riffles, pools, k-dams, etc.), location and function in terms if existing or "recruit" of specific organism which will inhabit such structures.

B. If no mitigation is planned, a brief statement to this effect and a detailed explanation as to the reason no replacement mitigation is planned must be submitted.

Projects involving a water withdrawal or a FERC hydropower licensing or relicensing are required to provide the information in items 8 through 16.

8. Appendix N - Stream Intakes and Outfall Structures, Appendix 0 - Stream Channel Modifications and /or Appendix P - Impoundments/Dams, must be completed as appropriate. .

9. Provide the median monthly stream flows in cubic feet per second (cfs) at the water intake or dam site.

Month	Median Flow (cfs)	Month	Median Flow (cfs)
January		July	
February		August	
March		September	
April		October	
May		November	
June		December	

10. Describe below or on an attachment the stream flow gauges, the type of calculations used and the period of record that was used to calculate the median monthly flows in item 9, and the average flows provided in Appendices N, O, and P.

_____

_____

_____

11. Provide the maximum instantaneous withdrawal and maximum daily withdrawal at the water intake or dam site. Specify the units of measurement, i.e., million gallons per day, gallons per minute, cubic feet per second, etc.

Maximum instantaneous withdrawal_____

Maximum daily withdrawal _____

12. Describe the manner in which the withdrawal of water varies over time, for example, as a function of the time of year, or time of day, or time of week.

13. Describe below the amount of water that will be lost to consumptive use. For the purpose of this application, consumptive use means the withdrawal of surface waters without recycle of said waters to their source or basin of origin. Attach a map showing the location of the withdrawal and location of the return of flow.

14. Describe below or in a separate attachment how the amount of water to be withdrawn was calculated and relevant assumptions made in that calculation. Also, describe the proposed use of the water withdrawal.

15. Describe in an attachment the existing beneficial uses of the surface water body near the proposed project site that would be affected by the withdrawal of water. Include both instream and offstream uses. 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 (including public water supply), agricultural, hydropower, commercial and industrial uses. Describe the stream flow necessary to protect existing beneficial uses and how the proposed withdrawal will impact existing beneficial uses.

16. Describe in an attachment the aquatic life known to be present at the proposed location that will be impacted by the proposed withdrawal. Include information on the species known to be present and their habitat requirements.