



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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August 12, 2008

Mr. J. Robert Hume  
U. S. Army Corps of Engineers  
Regulatory Branch  
Norfolk District, Fort Norfolk  
803 Front Street  
Norfolk, Virginia 23510-1096

RE: Final Section 401 Water Quality Certification of Norfolk District RP-15, RP-17, RP-18, RP-19, RP-22, RP-40, LOP-1 and LOP-2

Dear Mr. Hume:

On April 1, 2008 the U.S. Army Corps of Engineers (USACE) Norfolk District published a notice of their proposed reissuance and modification of several Norfolk District Regional Permits and Letters of Permission. The following Regional Permits and Letters of Permission were reissued on August 14, 2003 with an expiration date of August 14, 2008: RP-15, RP-17, RP-18, RP-19, RP-22, RP-40, LOP-1 and LOP-2.

The State Water Control Board hereby provides unconditional §401 Water Quality Certification for the following Norfolk District Regional Permits as meeting the requirements of the Virginia Water Protection Permit Regulation, which serves as the Commonwealth's §401 Water Quality Certification:

- RP-15: Maintenance of Certain Ditches
- RP-17: Private Piers and Mooring Piles
- RP-18: Private Piers not covered by RP-17
- RP-19: Certain Activities covered by VMRC and/or Local Wetland Boards
- RP-22: Installation of Certain Structures in Lake Gaston
- RP-40: Minor Maintenance Dredging in Non-tidal Waters
- LOP-2: Letter of Permission for Certain Navigationally-related Recreational and Commercial Dredging Projects

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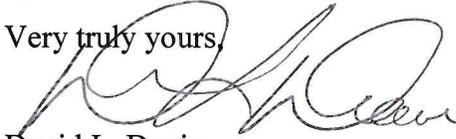
With regard to the LOP-1 Letter of Permission for Virginia Department of Transportation projects, the State Water Control Board will continue to process applications for individual §401 Certification through a Virginia Water Protection General or Individual Permit pursuant to 9VAC25-210-10 et seq., with the following exception as noted in 9VAC25-210-220 B:

“The board may waive the requirement for a VWP individual permit when the proposed activity qualifies for a permit issued by the USACE and receives a permit from the VMRC, pursuant to Chapter 12 (Section 28.2-1200 et seq.) or Chapter 13 (Section 28.2-1200 et seq.) of Title 28.2 of the Code of Virginia, and the activity does not impact instream flows.”

Pursuant to our Virginia Water Protection Permit Regulation 9VAC25-210-130 H, the State Water Control Board is issuing this final §401 Certification as meeting the requirements of the VWP regulation and after having advertised and accepted public comment for 30 days on our intent to provide certification. We note that no public comments on our proposed certification were received by this office.

Thank you for your continuing cooperation in the administration of the Joint Permit Program.

Very truly yours,



David L. Davis  
Director, Office of Wetlands and Water Protection

cc: VWP Managers