

STATE WATER CONTROL BOARD  
NOTICE OF INTENT TO REAUTHORIZE USE OF VIRGINIA AQUATIC RESOURCES TRUST  
FUND AS A FORM OF COMPENSATORY MITIGATION UNDER 9 VAC 25-210-10 *et seq.*

Pursuant to Section 62.1-44.15:20-23 of the Code of Virginia and 9 VAC 25-210-116D, the State Water Control Board (the “Board”) is giving notice of its intent to reauthorize the Virginia Aquatic Resources Trust Fund (“VARTF”), one of several acceptable forms of compensatory mitigation for permitted impacts to state waters including streams and wetlands, to continue use of its existing program instrument (“Instrument”), after considering public comment for a 30-day period starting April 18, 2016.

The Nature Conservancy (“TNC”) remains the sponsor of VARTF, an existing in-lieu fee compensatory mitigation program, which has been in operation in the Commonwealth of Virginia since 1995, in accordance with a Memorandum of Understanding between TNC and the U.S. Army Corps of Engineers (“the Corps”), as amended in 2003. In 2011, the Virginia Department of Environmental Quality (“DEQ”) participated on a work group with the Corps, TNC, the Environmental Protection Agency (“EPA”), the U.S. Fish & Wildlife Service (“USFWS”), and the National Oceanic & Atmospheric Administration (“NOAA”) to develop the Instrument, bringing VARTF into compliance with the “Federal Mitigation Rule” (33 CFR 332), which governs compensatory mitigation for activities authorized by Corps permits, as well as Virginia State Water Control Law and DEQ’s Virginia Water Protection Permit (VWPP) program.

The purpose of this reauthorization is to maintain guidelines, responsibilities, and standards set forth in 2011 for the establishment, use, operation, and maintenance of VARTF in compliance with State Water Control Law and the VWPP program. The Instrument satisfies the requirements set forth by the VWPP program in 9VAC 25-210-116D, including: Dedication to the achievement of no net loss of wetland acreage and functions or stream functions and water quality benefits; consultation with DEQ on site selection; provision of annual reports detailing projects and contributions by watershed; and a mechanism to establish fee amounts. Additionally, VARTF demonstrates, through annual reports, that its efforts have enhanced wetland acreage and functions or stream functions and water quality benefits, through the preservation, creation, or restoration of wetlands or streams. Lastly, VARTF continues to work in collaboration with the interagency review team for in-lieu fee programs on efforts to advance the VARTF program over time.

The Board proposes to reauthorize VARTF to use the Instrument, continuing as a compensatory mitigation option for a five-year period ending July 14, 2021. DEQ's approval will remain in effect until July 14, 2021, provided that the conditions of the Instrument are met. Approval of VARTF may be made by letter, after accepting and considering public comments on its approval of VARTF for at least a 30-day public comment period. A copy of this public notice and links to the VARTF Program Instrument, Exhibits, and most recent VARTF Annual Report are available on the DEQ website Wetlands and Streams Public Notice page at <http://www.deq.virginia.gov/Programs/Water/WetlandsStreams/PublicNotices.aspx>, under the Program and Regulatory section. These documents may also be obtained by calling or emailing David L. Davis, DEQ Office of Wetlands & Stream Protection. Written comments, including those by email, must be received no later than 11:59 p.m. on May 18, 2016 and should be submitted to David L. Davis using the contact information given below. Only those comments received within the comment period will be considered by the Board. Written comments shall include the name, address, and telephone number of the writer, shall reference "VARTF Reauthorization" in the subject line, and shall contain a complete, concise statement of the factual basis for comments. CONTACT PERSON: David L. Davis, Virginia Department of Environmental Quality, Office of Wetlands & Stream Protection, P. O. Box 1105, Richmond, Virginia 23218, Phone (804) 698-4105 or E-mail [dave.davis@deq.virginia.gov](mailto:dave.davis@deq.virginia.gov).