Rivanna Conservation Society  
c/o Mr. Jason Halbert  
P.O. Box 1501  
Charlottesville, VA 22902

RE: Joint Permit Application Number 06-0881  
Notification of No Permit Required

Dear Mr. Halbert:

The Department of Environmental Quality (DEQ) received your application on June 19, 2006 to breach the Woolen Mills dam on the Rivanna River and to install a temporary causeway necessary for equipment while working on the dam in Charlottesville, Virginia.

DEQ issued a Notification of No Permit Required on June 23, 2006 in response to the project receiving coverage under Nationwide Permit 27 and 33 on June 5, 2006 from the U.S. Army Corps of Engineers (USACE). DEQ was notified that the coverage under the Nationwide Permits issued to the project was suspended on February 7, 2007 until historical property issues were resolved.

In a letter dated April 13, 2007, the USACE found the project to satisfy the criteria contained in the Nationwide Permit 27 and 33, which became effective on March 19, 2007. At the date of the USACE letter, DEQ had not provided § 401 water quality certifications for the newly reissued Nationwide Permits. On April 20, 2007, DEQ finalized the § 401 water quality certifications.

Based on the information provided in the JPA noted above, the water quality impacts appear to be minimal and/or temporary in nature. As per 9 VAC 25-210-60 of the Virginia Administrative Code, a Virginia Water Protection (VWP) permit will not be required for this project because the project as presented qualifies for a general or regional permit from the U.S. Army Corps of Engineers, on which DEQ has provided unconditional § 401 Certification (Nationwide Permit 33) and conditional § 401 Certification (Nationwide Permit 27).

In addition to the conditions provided in the April 13, 2007 USACE letter, DEQ has provided the following applicable conditions of the § 401 Certification of the Nationwide Permit 27 for this project: monitoring for the success of these sites shall be conducted including submittal of as-built plans, surveys and photographs. At the completion of the proposed project, success monitoring information shall be sent to the DEQ-Valley Regional Office at the letterhead address.
Mr. Jason Halbert
May 14, 2007
Page 2

Should the size and scope of the project change, a VWP general or individual permit may be required.

If you have any questions, please contact Eric Millard at (540) 574-7813 or ermillard@deq.virginia.gov.

Sincerely,

B. Keith Fowler
Regional Water Permits Manager

cc: Mr. Michael Schwinn, Chief, U.S. Army Corps of Engineers-Western Virginia Regulatory Section
Ms. Traycie West, Virginia Marine Resources Commission
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