



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

TDD (804) 698-4021

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4020
1-800-592-5482

March 16, 2011

William T. Walker, Chief
Regulatory Branch
Norfolk District Army Corps of Engineers
803 Front Street
Norfolk, Virginia 23510-1096

**US Army Corps of Engineers
Norfolk District Regulatory Branch
Received by KR D
Date: March 17, 2011**

RE: Final Section 401 Certification of Regional Permit 05 for Construction of Small Impoundments

Dear Mr. Walker,

Provided herein is the Commonwealth of Virginia's decision with regard to Section 401 Water Quality Certification for activities authorized by the U.S. Army Corps of Engineers (the Corps) Regional Permit 05 (RP-05) for the Construction of Small Impoundments.

Pursuant to Virginia Water Protection (VWP) Permit Regulation 9 VAC 25-210-130.H., the State Water Control Board is issuing this final Section 401 Water Quality Certification as meeting the requirements of the VWP regulation, after advertising its intention and accepting public comment for 30 days. The public comment period began on December 29, 2010 and ended on January 27, 2011. No comments were received.

The State Water Control Board hereby provides unconditional Section 401 Water Quality Certification for the RP-05 for the Construction of Small Impoundments.

Please be aware that the final review for consistency with Virginia's Coastal Resources Management Program (VCP) pursuant to the federal Coastal Zone Management Act of 1972, as amended, is not yet complete. Projects in the Tidewater area of Virginia may require additional coordination with the VCP prior to issuance of an RP-05 until the federal consistency review is complete. A map depicting those localities within the coastal zone can be found at <http://www.deq.virginia.gov/coastal/coastmap.html>. Questions regarding federal consistency

with VCP should be directed to Ms. Ellie Irons at (804) 698-4325 or ellie.iron@deq.virginia.gov.

Please do not hesitate to contact Liz McKercher (804) 698-4291; (elizabeth.mckercher@deq.virginia.gov) or me (804) 698-4105; dave.davis@deq.virginia.gov) if you have any questions regarding this Section 401 Water Quality Certification.

Sincerely,

A handwritten signature in black ink, appearing to read "David L. Davis". The signature is fluid and cursive, with the first name "David" being the most prominent part.

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

CC: Ms. Ellie Irons, DEQ OEIR
Mr. Rick Henderson, Deputy of Regulatory Branch, Norfolk District Army Corps of Engineers
Mr. Nicholas Konchuba, Norfolk District Army Corps of Engineers
Ms. Katy Damico, Norfolk District Army Corps of Engineers