



**U.S. Army Corps  
Of Engineers**  
Norfolk District

Fort Norfolk, 803 Front Street  
Norfolk, Virginia 23510-1096

DEPARTMENT OF THE ARMY PERMIT

Permittee: Tracy Morris, Finance Administrator, Greene County, Virginia  
Permit No.: 2011-1973  
Issuing Office: Norfolk District, Corps of Engineers

Note: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899  
(33 U.S.C. 403).
- Section 404 of the Clean Water Act (33 U.S.C. 1344).
- Section 103 of the Marine Protection, Research and  
Sanctuaries Act of 1972 (33 U.S.C. 1413).

Project Description: The project proposes to construct a water supply reservoir for the County of Greene, Virginia. The capacity of the current system does not meet the projected 2050 demand of 3.5 Million Gallons a Day (MGD) for the projected 50 year water supply demand. The reservoir will permanently impact, through inundation, approximately 15,891 linear feet of streams, 2.2 acres of wetlands, and 2.15 acres of open water (Sheet 2 of 5). The impact to waters of the U.S. from the dam foot print (Sheet 3 of 5) is 380 linear feet of stream and 0.08 acre of wetland. A raw water intake (Sheet 5 of 5) will also be constructed on the Rapidan River that will impact approximately 90 linear feet of river bed. Approximately 200 cubic yards of sediment will be excavated from the area of the raw water intake and disposed of in an upland location. Temporary impacts will result from the installation of a cofferdam and turbidity curtain on the Rapidan River during the installation of the raw water intake. There are no impacts to waters of the U.S. proposed for the new raw water line.

Project Location: The project is located in many unnamed tributaries to White Run, a tributary to the Rapidan River. The project is located north of Dairy Road (State Route 633) and east of Watson Road (State Route 640) near the Town of Stanardsville, Greene County, Virginia.

### **Project Specific Conditions:**

1. Prior to the commencement of any work authorized by this permit, you shall advise the project manager, Vincent Pero, in writing at: Norfolk District Corps of Engineers, Western Virginia Regulatory Field Office, 920 Gardens Boulevard, Suite 200, Charlottesville, Virginia 22901 of the time the authorized activity will commence and the name and telephone number of all contractors or other persons performing the work. A copy of this permit and drawings must be provided to the contractor and made available to any regulatory representative during an inspection of the project site.
2. The time limit for completing the work authorized ends on **September 12, 2022**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached. Should you be unable to complete the authorized activity in the time limit provided, you must submit your request for a time extension to this office for consideration at least one month before the permit expiration date.
3. Enclosed is a "compliance certification" form, which must be signed and returned within 30 days of completion of the project, including any required mitigation. Your signature on this form certifies that you have completed the work in accordance with the permit terms and conditions.
4. **Purchase of stream and wetland compensatory mitigation credits as detailed in the Special Conditions for this permit shall be conducted prior to the initiation of the impacts authorized under this permit. Written confirmation of this purchase must be provided to the Corps' project manager.**
5. The permit review this agency conducted for this project did not include an engineering analysis of the proposed impoundment and spillway. The impoundment and reservoir are regulated by the Virginia Department of Conservation and Recreation. You should obtain any required permits from this agency specifically related to dam safety prior to beginning work.

### **Special Conditions:**

#### Instream Flows

1. A minimum in-stream flow rate (cfs) shall be returned to the White Run tributary downstream of the new dam in accordance with the following provisions:
  - a. The Greene County Reservoir shall be considered full when the total volume reaches 900 million gallons and a surface area of 125 acres.
  - b. All in-stream flows and conditions of the VADEQ 401 Water Quality Certification will become part of this authorization.

2. A monitoring report shall be prepared and submitted by January 31<sup>st</sup> of each year for the duration of this permit authorization documenting the daily withdrawals, natural inflow, and required and actual total downstream flow for the previous calendar year.

#### Stream and Wetland Mitigation

1. Stream mitigation for 15,891 linear feet of stream impacts shall be accomplished by the purchase of 17,043 stream compensation credits from an approved mitigation bank. If credits are not available at an approved bank, the applicant will inform the Corps prior to seeking credits from the Virginia Aquatic Resource Trust Fund (VARTF) that has a service area including the reservoir location. No impacts authorized by this permit are allowed until proof of purchase of credits has been sent to the Corps.

2. Wetland mitigation for impacts to 2.2 acres of wetlands shall be accomplished by the purchase of 3.25 wetland compensation credits from an approved mitigation bank. If credits are not available at an approved bank, the applicant will inform the Corps prior to seeking credits from the VARTF that has a service area including the reservoir location. No impacts authorized by this permit are allowed until proof of purchase of credits has been sent to the Corps.

#### **General Conditions:**

1. No discharge of dredged or fill material may consist of unsuitable material (e.g.: trash, debris, car bodies, asphalt etc.) and material discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

2. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

3. Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark, must be permanently stabilized at the earliest practicable date.

4. The construction or work authorized by this permit will be conducted in a manner so as to minimize any degradation of water quality and/or damage to aquatic life. Also, you will employ measures to prevent or control spills of fuels or lubricants from entering the waterway.

5. Any heavy equipment working in wetlands must be placed on mats or other measures must be taken to minimize soil disturbance.

6. Failure to comply with the terms and conditions of this permit can result in enforcement actions against the permittee and/or contractor.

7. In granting an authorization pursuant to this permit, the Norfolk District has relied on the information and data provided by the permittee. If, subsequent to notification by the Corps that a project qualifies for this permit, such information and data prove to be materially false or

materially incomplete, the authorization may be suspended or revoked, in whole or in part, and/or the Government may institute appropriate legal proceedings.

8. All dredging and/or filling will be done so as to minimize disturbance of the bottom or turbidity increases in the water that tend to degrade water quality and damage aquatic life.

9. Your use of the permitted activity must not interfere with the public's right to reasonable navigation on all navigable waters of the United States.

10. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Conditions 3 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

11. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

12. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

13. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.

14. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Further Information:**

1. Limits of this authorization:

- a. This permit does not obviate the need to obtain other Federal, state or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal projects.

2. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 3 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

5. Extensions. Project specific condition 2 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

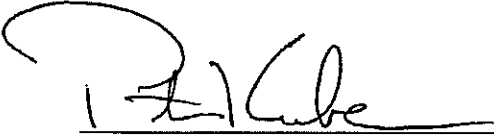
Your signature below, as a permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Tracy J. Morris  
(Permittee)

9/20/12

(Date)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



Peter R. Kube  
Chief, Western Virginia  
Regulatory Section

9/20/12  
(Date)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(Transferee)

\_\_\_\_\_  
(Date)