



NEW VIRGINIA WETLANDS REGULATIONS

Benefit or Hindrance ?

Greetings!

A new regulation. Just what we've all been waiting for!

The final regulations were published June 26, 2006. Our most frequently used permit is 9 VAC 25-690, Virginia Water Protection General Permit (WP-4) for Impacts from Development and Certain Mining Activities. This is generally referred to as Virginia Water Protection Permit (WP-4). If we've heard it is effective 1 October, we need to listen again. The effective date has been moved up to August 1, 2006.

What are the benefits?

- The new general permits regulations are in effect for 10 years rather than the traditional 5 years.
- A WP-4 permit granted on or after 1 August expires in 7 years rather than the present 5 years.
- The limitation of 500 feet of "perennial" stream impact has been removed. The new WP-4 can be used to impact up to 1500 linear feet of any non-tidal stream.

- The term "stream channel" has been changed to "stream bed". Stream bed is defined as extending only out to the ordinary high water mark.
- The regulation states that cross sectional or profile sketches "may" be required rather than "shall" be required.
- To accommodate unforeseen changes during construction, a WP-4 may be modified to increase impacts up to one-fourth acre of open waters or wetlands and up to 100 feet of streambed (previously 50 feet), subject to notifying DEQ of the needed change.

What's unchanged for use of the WP-4?

- The limit of up to 300 linear feet of stream or less, or up to one-tenth acre of wetlands to use a "registration statement" and to avoid mitigation.
- The limit of temporary or permanent impact of up to 2 acres non-tidal wetlands or open water and up to 1500 feet of non-tidal stream bed.

Civil Engineers

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- The WP-4 may not be used for construction of a stormwater management facility in a perennial stream (construction in wetlands may be permitted).
- The WP-4 requires monitoring for impacts to wetlands caused by construction and also for creation of mitigation sites.
- An individual permit (IP) is required to impact tidal waters, wetlands and tidal streams.

What's a Hindrance?

We could not identify more restrictive requirements than before.



Questions / Contact Us

Should you become aware of any new problems created by the regulations or if you have questions, please call Dr. Bill Kirby or Erv Bedker at (703) 934-0900 or by e-mail at bkirby@psaltd.com.

New Virginia Wetlands Regulations

The final regulations published in June 26, 2006 will go into effect on August 1, 2006.

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