



**DEPARTMENT OF THE ARMY**  
NORFOLK DISTRICT, CORPS OF ENGINEERS  
FORT NORFOLK, 803 FRONT STREET  
NORFOLK, VIRGINIA 23510-1096

March 19, 2015

REPLY TO  
ATTENTION OF:

Western Virginia Regulatory Section  
NAO-2014-00851, VA DEQ Wetlands and Stream Replacement Fund

Ms. Brenda Winn  
VA Department of Environmental Quality  
629 East Main Street  
Richmond, Virginia 23219

Dear Ms. Winn:

This is in reference to your proposed VA DEQ Wetlands and Stream Replacement Fund Program (NAO 2014-00851). On October 23, 2014, The U.S. Army Corps of Engineers, Norfolk District, placed your prospectus for this program on the Districts website for a 30 day Public comment period (Public Notice). Comments received by this office from The Nature Conservancy (TNC), Ducks Unlimited (DU), Department of Conservation and Recreation (DCR), Chesapeake Bay Foundation (CBF), and the Environmental Protection Agency (EPA). The comments received were sent to you on 9 December 2014.

On January 28, 2015 you presented your prospectus to the Interagency Review Team (IRT) at their monthly meeting. The Norfolk District and the IRT have reviewed the comments received and your presentation and provide the following comments:

1. Address the comment letters received as a result of the Public Notice.
2. Address the IRT concern that three years is too long to wait to implement projects on the ground.
3. Recommend that reference to State code be put in a separate part of the instrument to avoid confusion in the event State law changes.
4. Ensure it is stated that water quality improvement projects will use money received from State only authorized projects, unless there is concurrence from the Chairs and the IRT.
5. Show how the money will be tracked for each type of project
6. Clarify "alternative mitigation". This is specifically defined in the Federal Mitigation Rule (FMR)

7. Address how projects that are State only going to be kept separate from 404 only funded projects?
8. Ensure that there are no State codes that may be in conflict with the FMR. (ie. Going to the Fund prior to purchasing released VARTF credits)

Please address the comments in this letter and submit your responses to this office. Once the information is reviewed a meeting will be scheduled with the Corps and/or IRT to discuss this proposal further and give you guidance on developing a draft Instrument.

If you have any questions, please contact me at (434) 973-0568 or [Vincent.d.pero@usace.army.mil](mailto:Vincent.d.pero@usace.army.mil)

Sincerely,

Vincent D. Pero  
Western Virginia Regulatory Section