



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

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

## DEPARTMENT OF THE ARMY PERMIT

**Permittee:** Shirley Contracting Company, LLC  
**Permit No.:** NAO-2014-01572 / VMRC# 19-V0554  
**Issuing Office:** U.S. Army Corps of Engineers Norfolk District Regulatory Branch  
(CENAO-WR-R)

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:**

You are authorized to permanently impact 0.97 acres of wetlands and 2,251 linear feet of streams and temporarily impact 0.05 acres of wetlands and 358 linear feet of stream channel in order to widen the existing Route 7 from 4 lanes to 6 lanes. These impacts are the result of intersection improvements, bridge replacement over Difficult Run, shared use paths, utility relocations, stormwater management, and relocation of 1,492 linear feet of Colvin Run which runs parallel to Route 7. Temporary cofferdams will be utilized to allow stream work to occur in dry conditions. The proposed work is shown on site plans titled "Route 7 Corridor Improvements East, VDOT UPC 99478, WOUS/Wetland Impact Map, Fairfax County, Virginia" sheets 1-7 dated April 2019 (enclosed).

**Project Location:** Existing Route 7 in Fairfax County, Virginia between Colvin Run Road and Jarrett Valley Drive.

### **Project Specific Special Conditions:**

1. Prior to the commencement of any work authorized by this permit, you shall advise the project manager, Robert Berg, in writing at: Norfolk District, Corps of Engineers, 803 Front Street, Norfolk, VA 23510 or by email at robert.a.berg@usace.army.mil at least two weeks in advance of starting work authorized by this permit. Alert the project manager of the anticipated start date of the authorized activity 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 kept on site at all times, available to any regulatory representative during an inspection of the project site.

You are not authorized to begin clearing or construction activities in waters of the U.S. (including wetlands) associated with this permit until a preconstruction conference is held to ensure that all affected parties fully understand the requirements of this permit. This meeting must be held prior to the start of land disturbance in wetlands and must include you or a designated representative, your agent/consultant, the contractor, the contractor's foreman, and Robert Berg, the Corps project manager for your permit. To arrange this meeting, contact Robert Berg.

2. The time limit for completing the work authorized ends on August 8, 2029. 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. Final Plans and specifications for authorized activities shall be submitted and approved by the Corps prior to initiation of the permitted activities.
5. Strict sediment and erosion control measures consistent with those contained in the standards and criteria of the current Virginia Sediment and Erosion Control handbook shall be used. The disposal site for any excavated material as part of the project shall be located in a non-wetland area and shall be retained using silt fences and staked hay bales and/or other measures consistent with the Virginia Sediment and Erosion Control handbook.
6. The applicant has provided proof of purchase of 1.847 acres of wetland mitigation credits purchased from Pandora Farm Mitigation Bank and 0.003 acres of credits from the Crooked Run Mitigation Bank. These purchases satisfy the required 1.85 acres of wetland mitigation credits. The applicant will be required to purchase 2,166 linear feet of stream credits from an approved mitigation bank servicing the impact

watershed. Proof of purchase of required mitigation is required prior to any impact to wetlands or streams authorized by this permit.

7. All temporarily impacted wetlands and streams must be restored upon completion of the work to their preconstruction conditions.
8. Any temporary cofferdams utilized to work in dry conditions must be removed upon completion of construction and any impacted areas restored to preconstruction conditions.
9. Pipes and culverts placed in streams at Str. 30-12, Str. 32-9 and Str. 32-10 will be countersunk at both the inlet and outlet ends, unless indicated otherwise by the Norfolk District on a case-by-case basis (see below). Pipes that are 24" or less in diameter shall be countersunk 3" below the natural stream bottom. Pipes that are greater than 24" in diameter shall be countersunk 6" below the natural stream bottom. The countersinking requirement does not apply to bottomless pipes/culverts or pipe arches. All single pipes or culverts (with bottoms) shall be depressed (countersunk) below the natural streambed at both the inlet and outlet of the structure. In sets of multiple pipes or culverts (with bottoms) at least one pipe or culvert shall be depressed (countersunk) at both the inlet and outlet to convey low flows.

When countersinking culverts, permittees must ensure reestablishment of a surface water channel (within 15 days post construction) that allows for the movement of aquatic organisms and maintains the same hydrologic regime that was present pre-construction (i.e. the depth of surface water through the permit area should match the upstream and downstream depths). This may require the addition of finer materials to choke the larger stone and/or placement of riprap to allow for a low flow channel.

### **General Conditions:**

1. 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 Condition 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.
2. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately stop work and 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.

3. 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.
4. 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.
5. 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.
6. 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).
7. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.
8. 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 or high tide line, must be permanently stabilized at the earliest practicable date.
9. 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.
10. Any heavy equipment working in wetlands other than those permitted for permanent impact must be placed on mats or other measures must be taken to minimize soil disturbance.
11. Failure to comply with the terms and conditions of this permit can result in enforcement actions against the permittee and/or contractor.
12. 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.
13. All dredging and/or filling will be done so as to minimize disturbance of the bottom or turbidity increases in the water which tend to degrade water quality and damage aquatic life.

14. 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.

**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.

  
\_\_\_\_\_  
(Permittee)

10/18/2019  
\_\_\_\_\_  
(Date)

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

*FOR*  10/30/19  
Patrick V. Kinsman, PE  
Colonel, U.S. Army  
Commanding

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