	Table 1 - Corps Evaluation of West Virginia		
Type of Condition	Condition	Determination	PN la
Standard	 To ensure project compliance with state water quality requirements applicable to these Nationwide Permits, notification is to be provided prior to construction to West Virginia Department of Environmental Protection (WV DEP) for any permitted activity for which the U.S. Army Corps of Engineers (USACE) requires preconstruction notification (PCN), in accordance with Nationwide Permit General Condition 32. This condition is required through authority provided in State Certification of Activities Requiring a Federal License or Permit, 40 C.F.R §121.3 (2020) and WV Water Pollution Control Act, W.Va. Code §22-11-1, et seq. (2014). 	Accepted	1. To ensure project compliance with state water quality re notification is to be provided prior to construction to West for any permitted activity for which the U.S. Army Corps o (PCN), in accordance with Nationwide Permit General Co provided in State Certification of Activities Requiring a Fee Water Pollution Control Act, W.Va. Code §22-11-1, et seq
Standard	2. To compensate for unavoidable impacts to aquatic resources as a result of the discharge of dredge or fill material, the applicant must provide proof of compensatory mitigation (as outlined in Standard Condition 16 below) to WV DEP prior to construction, for an activity resulting in cumulative permanent impacts to streams greater than 300 linear feet or causing the loss of greater than 1/10 acre of wetlands. This condition is required in accordance with the following; Rules for Individual State Certification of Activities Requiring a Federal Permit, W.Va. C.S.R. §47-5A-6 (2014), Antidegradation Implementation Procedures, W.Va. C.S.R §60-5-1, et seq. (2008), and Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1 et seq. (2016).	Accepted	2. To compensate for unavoidable impacts to aquatic reso the applicant must provide proof of compensatory mitigati prior to construction, for an activity resulting in cumulative or causing the loss of greater than 1/10 acre of wetlands. Rules for Individual State Certification of Activities Requiri Antidegradation Implementation Procedures, W.Va. C.S.F Water Quality Standards, W.Va. C.S.R. §47-2-1 et seq. (2
Standard	3. To protect the biological integrity of the aquatic ecosystem, culverted crossings shall be sized and installed in a manner to allow the passage of aquatic life and freely pass bankfull flows. Exceptions to this requirement would be when culvert placement is on bedrock, or when stream gradient is equal to or greater than 4%, or when bankfull elevation is greater than final surface elevation. This condition is required in accordance with Antidegradation Implementation Procedures, W.Va. C.S.R §60-5-1, et seq. (2008), and Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016).	Accepted	3. To protect the biological integrity of the aquatic ecosyst manner to allow the passage of aquatic life and freely pas when culvert placement is on bedrock, or when stream gra elevation is greater than final surface elevation. This cond Implementation Procedures, W.Va. C.S.R §60-5-1, et seq Standards, W.Va. C.S.R. §47-2-1, et seq. (2016).
Standard	4. To protect the designated uses of waters of the state, the permittee shall investigate for the presence of water supply intakes or other activities within 1/2 mile downstream of the activity, which may be affected by increased suspended solids and turbidity, caused by work in the watercourse. The permittee shall give notice to operators of any such water supply intakes and such other water quality dependent activities as necessary before beginning work in the watercourse in sufficient time to allow preparation for any change in water quality. This condition is required in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-7.2.a.2 (2016) and Antidegradation Implementation Procedures, W.Va. C.S.R §60-5-1, et seq (2008).	Accepted	4. To protect the designated uses of waters of the state, the supply intakes or other activities within 1/2 mile downstreat suspended solids and turbidity, caused by work in the water supply intakes and such other water quality deet the watercourse in sufficient time to allow preparation for a accordance with Requirements Governing Water Quality Section Antidegradation Implementation Procedures, W.Va. C.S.F.
Standard	5. To ensure that temporary stream and wetland crossings have no significant adverse impact to aquatic resources, the following procedures and requirements shall be followed and met in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-3.2 (2016) and Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008). At each stream crossing, substrate in the channel will be removed and stockpiled separately from other excavated material. This native material must be reused in restoration of the stream channel, which is to be completed within 72 hours or as soon as practicable after completion of the crossing. Upon final stream bed restoration, the stream must have similar physical characteristics to include substrate, pattern, profile, dimension and embeddedness of the original stream channel. At each wetland crossing, any excavated material. This native material must be reused and stockpiled separately from other excavated material from the top 12 inches of soil will be removed and stockpiled separately the open cut crossing and restoration must be completed within 72 hours or as soon as practicable after completed by the open cut crossing. Stream crossings will be conducted as close to a right angle to the watercourse as practicable and the area of in stream activity will be limited to reduce disturbance.	Accepted	5. To ensure that temporary stream and wetland crossings the following procedures and requirements shall be follow Water Quality Standards, W.Va. C.S.R. §47-2-3.2 (2016) C.S.R. §60-5-1, et seq. (2008). At each stream crossing, s separately from other excavated material. This native mat which is to be completed within 72 hours or as soon as pri- bed restoration, the stream must have similar physical cha and embeddedness of the original stream channel. At each inches of soil will be removed and stockpiled separately fr reused in restoration of the wetlands temporarily impacted completed within 72 hours or as soon as practicable after conducted as close to a right angle to the watercourse as to reduce disturbance.
Standard	6. Spoil materials from the watercourse or onshore operations, including sludge deposits, shall not be dumped in the watercourse, or deposited in wetlands or other areas where the deposit may adversely affect the surface waters of the state consistent with the requirements set forth in WV Water Pollution Control Act, W.Va. Code §22-11-4.a.16 (2014) and Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016).	Accepted	6. Spoil materials from the watercourse or onshore operat watercourse, or deposited in wetlands or other areas whe state consistent with the requirements set forth in WV Wa and Requirements Governing Water Quality Standards, W

language

v requirements applicable to these Nationwide Permits, st Virginia Department of Environmental Protection (WV DEP) of Engineers (USACE) requires pre-construction notification Condition 32. This condition is required through authority Federal License or Permit, 40 C.F.R §121.3 (2020) and WV eq. (2014).

ation (as outlined in Standard Condition 16 below) to WV DEP ve permanent impacts to streams greater than 300 linear feet s. This condition is required in accordance with the following; uiring a Federal Permit, W.Va. C.S.R. §47-5A-6 (2014), S.R §60-5-1, et seq. (2008), and Requirements Governing (2016).

vstem, culverted crossings shall be sized and installed in a ass bankfull flows. Exceptions to this requirement would be gradient is equal to or greater than 4%, or when bankfull ndition is required in accordance with Antidegradation eq. (2008), and Requirements Governing Water Quality

, the permittee shall investigate for the presence of water ream of the activity, which may be affected by increased vatercourse. The permittee shall give notice to operators of any dependent activities as necessary before beginning work in or any change in water quality. This condition is required in y Standards, W.Va. C.S.R. §47-2-7.2.a.2 (2016) and S.R §60-5-1, et seq (2008).

ngs have no significant adverse impact to aquatic resources, bwed and met in accordance with Requirements Governing 6) and Antidegradation Implementation Procedures, W.Va. g, substrate in the channel will be removed and stockpiled naterial must be reused in restoration of the stream channel, practicable after completion of the crossing. Upon final stream characteristics to include substrate, pattern, profile, dimension ach wetland crossing, any excavated material from the top 12 from other excavated material. This native material must be er completion of the crossing. Stream crossings will be as practicable and the area of in stream activity will be limited

rations, including sludge deposits, shall not be dumped in the here the deposit may adversely affect the surface waters of the Vater Pollution Control Act, W.Va. Code §22-11-4.a.16 (2014) W.Va. C.S.R. §47-2-1, et seq. (2016).

Standard	7. To protect aquatic resources from unauthorized discharge of pollutants, storage and refueling areas shall not be located within any surface water body. All spills shall be promptly reported to the State Center for Pollution, Toxic Chemical and Oil Spills, 1-800-642-3074. This condition is required in accordance with; Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-3 (2016) and WV Water Pollution Control Act, W.Va. Code §22-11-8 (2014).	Accepted	7. To protect aquatic resources from unauthorized dischar located within any surface water body. All spills shall be pr Chemical and Oil Spills, 1-800-642-3074. This condition is Water Quality Standards, W.Va. C.S.R. §47-2-3 (2016) an (2014).
Standard	8. To reduce sedimentation of aquatic resources and increased turbidity, it is required that proper stabilization of all disturbances below the ordinary high-water mark of waters shall be installed within 24 hours or as soon as practicable to prevent erosion. Where possible, stabilization shall incorporate revegetation using bioengineering as an alternative to riprap. If riprap is utilized, it must be of such weight and size that bank stress or slump conditions shall not be created due to its placement. Fill must be clean, nonhazardous and of such composition that it shall not adversely affect the biological, chemical or physical properties of the receiving waters. Unsuitable materials include but are not limited to: copper chromium arsenate (CCA) and creosote treated lumber, car bodies, tires, large household appliances, and asphalt. To reduce potential slope failure and/or erosion behind the material, fill containing concrete must be of such weight and size that promotes stability during expected high flows. Loose large slab placement of concrete sections from demolition projects greater than thirty-six (36) inches in its longest dimension are prohibited. Rebar or wire in concrete shall not protrude further than one (1) inch. All activities require the use of clean and coarse non-erodible materials with 15% or less of like fines that is properly sized to withstand expected high flows. This condition is required in accordance with; Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-3 (2016), WV Water Pollution Control Act, W.Va. Code §22-11-8 (2014) and Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008).	Accepted	8. To reduce sedimentation of aquatic resources and incredisturbances below the ordinary high-water mark of waters to prevent erosion. Where possible, stabilization shall incoto to riprap. If riprap is utilized, it must be of such weight and created due to its placement. Fill must be clean, nonhazar affect the biological, chemical or physical properties of the limited to: copper chromium arsenate (CCA) and creosote appliances, and asphalt. To reduce potential slope failure must be of such weight and size that promotes stability du concrete sections from demolition projects greater than this Rebar or wire in concrete shall not protrude further than or non-erodible materials with 15% or less of like fines that is condition is required in accordance with; Requirements Go (2016), WV Water Pollution Control Act, W.Va. Code §22-Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008).
Standard	9. To protect the water quality of aquatic resources, runoff from any storage areas or spills shall not be allowed to enter storm sewers without acceptable removal of solids, oils and toxic compounds. Discharges from retention/detention ponds must comply with permit requirements of the National Pollutant Discharge Elimination System permit program of the WV DEP. This condition is required in accordance with; WV Water Pollution Control Act, W.Va. Code §22-11-4.a.16 (2014) and Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016).	Accepted	9. To protect the water quality of aquatic resources, runoff enter storm sewers without acceptable removal of solids, or retention/detention ponds must comply with permit require System permit program of the WV DEP. This condition is r Act, W.Va. Code §22-11-4.a.16 (2014) and Requirements et seq. (2016).
Standard	10. To protect aquatic resources from discharge associated with land disturbance activities, which are one (1) acre or greater in total area, the project proponent must comply with the National Pollutant Discharge Elimination System or other state stormwater permit requirements as established by the WV DEP, if applicable. Any land disturbances are required to use Best Management Practices for Sediment and Erosion Control, as described in the latest West Virginia Department of Environmental Protection's Erosion and Sediment Control Best Management Practice Manual, or similar documents prepared by the West Virginia Division of Highways. These handbooks are available from the respective agency offices. This condition is required in accordance with; WV Water Pollution Control Act, W.Va. Code §22-11-4.a.16 (2014) and Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-3 (2016).	Accepted	10. To protect aquatic resources from discharge associate greater in total area, the project proponent must comply w other state stormwater permit requirements as established required to use Best Management Practices for Sediment Virginia Department of Environmental Protection's Erosior or similar documents prepared by the West Virginia Divisio respective agency offices. This condition is required in acc §22-11-4.a.16 (2014) and Requirements Governing Water
Standard	11. To protect aquatic resources from unpermitted discharges consistent with the requirements of WV Water Pollution Control Act, W.Va. Code §22-11-4.a.16 (2014) and Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016), concrete shall not be permitted to enter the watercourse unless contained by tightly sealed forms or cells. Concrete handling equipment shall not discharge waste washwater into wetlands or watercourses at any time without adequate wastewater treatment as approved by the WV DEP.	Accepted	11. To protect aquatic resources from unpermitted dischar Control Act, W.Va. Code §22-11-4.a.16 (2014) and Requir §47-2-1, et seq. (2016), concrete shall not be permitted to forms or cells. Concrete handling equipment shall not disc any time without adequate wastewater treatment as approx
Standard	12. To maintain the biological integrity of the state's fisheries, a spawning waiver is required for in-stream work in designated warm water streams and their adjacent tributaries during the fish spawning season of April to June and for trout waters and their adjacent tributaries during the trout water fish spawning season of September 15 to March 31. Fish spawning waivers may be requested from West Virginia Division of Natural Resources (WV DNR) Coordination Unit, at (304) 637-0245. For information about specific stream designations contact West Virginia Department of Environmental Protection, Water Quality Standards Section at (304) 926-0440. This condition is required in accordance with Requirements Governing Water Quality	Accepted	12. To maintain the biological integrity of the state's fisher designated warm water streams and their adjacent tributan trout waters and their adjacent tributaries during the trout v Fish spawning waivers may be requested from West Virgin Unit, at (304) 637-0245. For information about specific stre Environmental Protection, Water Quality Standards Sectio accordance with Requirements Governing Water Quality S Resources Declaration of Policy, W.Va. Code §20-2-4 (20

narge of pollutants, storage and refueling areas shall not be promptly reported to the State Center for Pollution, Toxic is required in accordance with; Requirements Governing and WV Water Pollution Control Act, W.Va. Code §22-11-8

creased turbidity, it is required that proper stabilization of all ters shall be installed within 24 hours or as soon as practicable accorporate revegetation using bioengineering as an alternative nd size that bank stress or slump conditions shall not be zardous and of such composition that it shall not adversely he receiving waters. Unsuitable materials include but are not ote treated lumber, car bodies, tires, large household re and/or erosion behind the material, fill containing concrete during expected high flows. Loose large slab placement of thirty-six (36) inches in its longest dimension are prohibited. one (1) inch. All activities require the use of clean and coarse t is properly sized to withstand expected high flows. This Governing Water Quality Standards, W.Va. C.S.R. §47-2-3 22-11-8 (2014) and Antidegradation Implementation

off from any storage areas or spills shall not be allowed to s, oils and toxic compounds. Discharges from irrements of the National Pollutant Discharge Elimination is required in accordance with; WV Water Pollution Control hts Governing Water Quality Standards, W.Va. C.S.R. §47-2-1,

ated with land disturbance activities, which are one (1) acre or with the National Pollutant Discharge Elimination System or ned by the WV DEP, if applicable. Any land disturbances are ent and Erosion Control, as described in the latest West ion and Sediment Control Best Management Practice Manual, ision of Highways. These handbooks are available from the accordance with; WV Water Pollution Control Act, W.Va. Code ter Quality Standards, W.Va. C.S.R. §47-2-3 (2016).

narges consistent with the requirements of WV Water Pollution juirements Governing Water Quality Standards, W.Va. C.S.R. to enter the watercourse unless contained by tightly sealed ischarge waste washwater into wetlands or watercourses at proved by the WV DEP.

teries, a spawning waiver is required for in-stream work in taries during the fish spawning season of April to June and for ut water fish spawning season of September 15 to March 31. rginia Division of Natural Resources (WV DNR) Coordination stream designations contact West Virginia Department of stion at (304) 926-0440. This condition is required in y Standards, W.Va. C.S.R. §47-2-3.2 (2016) and Wildlife 2017).

	Standards, W.Va. C.S.R. §47-2-3.2 (2016) and Wildlife Resources Declaration of Policy, W.Va. Code §20-2-4 (2017).		
Standard	13. To protect stream stability and avoid unnecessary degradation of aquatic resources, the project proponent should avoid removal of riparian vegetation to the greatest extent practicable. This condition is required in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-3 (2016) and Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008).	Accepted	13. To protect stream stability and avoid unnecessary deg avoid removal of riparian vegetation to the greatest extent Requirements Governing Water Quality Standards, W.Va. Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008).
Standard	14. To protect aquatic life and reduce turbidity and disturbance to aquatic resources, the operation of equipment in-stream shall be minimized and accomplished during low flow periods when practical. Ingress and egress for equipment outside the immediate work area requires prior approval of the WV DNR Office of Land and Stream. This condition is required in accordance with; Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-3 (2016) and Wildlife Resources Declaration of Policy, W.Va. Code §20-2-4 (2017).	Accepted	14. To protect aquatic life and reduce turbidity and disturb stream shall be minimized and accomplished during low fl equipment outside the immediate work area requires prior condition is required in accordance with; Requirements Ge (2016) and Wildlife Resources Declaration of Policy, W.Va
Standard	 15. To ensure the protection of West Virginia's high quality and special aquatic resources, notification must be provided to the WV DEP 60-days prior to construction describing the project purpose, location, and impacts for use of any Nationwide Permit(s) resulting in work in streams set forth in Sections A, B, and C below. The WV DEP will provide applicant coordination within 15 days of receipt of a complete notification. A. Tier 3 Protection is provided for aquatic resources in accordance with West Virginia Code of State Regulations, Requirements Governing Water Quality Standards, Antidegradation Policy, Title 47, Series 2, Section 4 for Outstanding National Resource Waters to include, but are not limited to, all streams and rivers within the boundaries of Wilderness Areas designated by The Wilderness Act (16 U.S.C. §1131, et seq.) within the state, all federally designated rivers under the Wild and Scenic Rivers Act, 16 U.S.C. §1271, et seq.; all streams and other bodies of water in state parks which are high quality waters or naturally reproducing trout streams; waters designated under the National Parks and Recreation Act of 1978, as amended; and pursuant to W.Va. C.S.R. §§60-5-6, 7 (2008) those waters whose unique character, ecological or recreational value, or pristine nature constitutes a valuable national or state resource. This condition is required in accordance with Tier 3 Protection Review Procedures, W.Va. C.S.R. §§60-5-6, 7 (2008). The listing of Tier 3 streams is located at: https://dep.wv.gov/WWE/Programs/wqs/Documents/Tier%203%20Info/WVTier_3_Nov2013_web.xlt B. Naturally-Reproducing Trout Streams are protected to ensure the continued propagation and maintenance of naturally-reproducing trout. For information about specific streams contact WV DEP, Water Quality Standards, at 304-926-0440. This condition is required in accordance with Requirements Governing Water Quality Standards, at 304-926-0440. This condition herequire for accordance with Requirements Governing Wat	Accepted	 15. To ensure the protection of West Virginia's high quality provided to the WV DEP 60-days prior to construction des any Nationwide Permit(s) resulting in work in streams set provide applicant coordination within 15 days of receipt of A. Tier 3 Protection is provided for aquatic resources in ac Requirements Governing Water Quality Standards, Antide Outstanding National Resource Waters to include, but are of Wilderness Areas designated by The Wilderness Act (1 designated rivers under the Wild and Scenic Rivers Act, 1 water in state parks which are high quality waters or naturally reproduce Parks and Recreation Act of 1978, as amended; and purs whose unique character, ecological or recreational value, resource. This condition is required in accordance with Tie 7 (2008). The listing of Tier 3 streams is located at: https://dep.wv.gov/WWE/Programs/wqs/Documents/Tier% B. Naturally-Reproducing Trout Streams are protected to a naturally-reproducing trout. For information about specific 926-0440. This condition is required in accordance with R C.S.R. §47-2-1, et seq. (2016) and Antidegradation Implet (2008). C. West Virginia Natural Stream Preservation Act identifie that would impound, divert or flood the body of water: Gre confluence with the New River, Anthony Creek from its he Cranberry River from its headwaters to its confluence with Nicholas County to the confluence with the Gauley River. requirements of the Natural Streams Preservation Act, W.
Standard	 §22-13-1, et seq. (2011). 16. The following mitigation guidelines are established to ensure no significant adverse impact to the chemical, physical, hydrologic, or biological integrity of wetlands and streams without compensating for the aquatic resource functions that will be lost as a result of the permitted activity. The discharge of dredged or fill material into a stream or wetland is authorized based upon the following criteria: A. Greater than one-tenth (1/10) acre of cumulative permanent impact to wetland(s) (including wetland type 	Accepted	 16. The following mitigation guidelines are established to physical, hydrologic, or biological integrity of wetlands and functions that will be lost as a result of the permitted activit wetland is authorized based upon the following criteria: A. Greater than one-tenth (1/10) acre of cumulative permating the permitted activity of the permitted activity permitted activity activity.

egradation of aquatic resources, the project proponent should ent practicable. This condition is required in accordance with /a. C.S.R. §47-2-3 (2016) and Antidegradation Implementation

Irbance to aquatic resources, the operation of equipment inv flow periods when practical. Ingress and egress for ior approval of the WV DNR Office of Land and Stream. This Governing Water Quality Standards, W.Va. C.S.R. §47-2-3 Va. Code §20-2-4 (2017).

lity and special aquatic resources, notification must be lescribing the project purpose, location, and impacts for use of et forth in Sections A, B, and C below. The WV DEP will of a complete notification.

accordance with West Virginia Code of State Regulations, idegradation Policy, Title 47, Series 2, Section 4 for are not limited to, all streams and rivers within the boundaries : (16 U.S.C. §1131, et seq.) within the state, all federally to 16 U.S.C. §1271, et seq.; all streams and other bodies of turally reproducing trout streams; waters in national parks and lucing trout streams; waters designated under the National ursuant to W.Va. C.S.R. §§60-5-6, 7 (2008) those waters e, or pristine nature constitutes a valuable national or state Tier 3 Protection Review Procedures, W.Va. C.S.R. §§60-5-6,

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to ensure the continued propagation and maintenance of fic streams contact WV DEP, Water Quality Standards, at 304-Requirements Governing Water Quality Standards, W.Va. olementation Procedures, W.Va. C.S.R. §60-5-1, et seq.

ifies the following streams or rivers as protected from activities Greenbrier River from its confluence with Knapps Creek to its headwaters to its confluence with the Greenbrier River, *v*ith the Gauley River, Birch River from Cora Brown Bridge in Elk River, and New River from its confluence with the r. This condition is required consistent with the authority and W.Va. Code §22-13-1, et seq. (2011).

to ensure no significant adverse impact to the chemical, and streams without compensating for the aquatic resource tivity. The discharge of dredged or fill material into a stream or

manent impact to wetland(s) (including wetland type ject location, impacts, and plan for mitigation to be submitted

B. The amount of fill in a wetland, wetland complex or wetland system without mitigation is not to cumulatively exceed 1/10 acre.	B. The amount of fill in a wetland, wetland complex 1/10 acre.
C. Cumulative permanent impacts to stream(s) greater than 300 linear feet requires prior notification	C. Cumulative permanent impacts to stream(s) greater
describing the project location, impacts, and plan for mitigation to be submitted to the WV DEP. The West	project location, impacts, and plan for mitigation to
Virginia Stream Wetland Valuation Metric (SWVM) is the preferred assessment methodology to assist with	Valuation Metric (SWVM) is the preferred assessme
the determination of required mitigation. The metric is available at the Huntington and Pittsburgh USACE web	mitigation. The metric is available at the Huntington
sites.	In all instances, mitigation for all impacts incurred the
In all instances, mitigation for all impacts incurred through use of these Nationwide Permits must first be	elimination of the impacts, then minimization of the
directed to elimination of the impacts, then minimization of the impacts and lastly through compensatory	cases, the environmentally preferable compensator
	•
mitigation. In many cases, the environmentally preferable compensatory mitigation may be provided through	or the West Virginia In-Lieu Fee Program. Permitte
an approved mitigation bank or the West Virginia In-Lieu Fee Program. Permittee responsible compensatory	the methods of; restoration, enhancement, establis
mitigation may be performed using the methods of; restoration, enhancement, establishment, and in certain	required compensatory mitigation should be located
circumstances, preservation. In general, the required compensatory mitigation should be located in the same	most likely to successfully replace lost functions an
watershed as the impact site and located where it is most likely to successfully replace lost functions and	banks or in-lieu fee for in-kind replacement is not re
services as the impacted site. However, the use of mitigation banks or in-lieu fee for in-kind replacement is	until such time as mitigation banks or in-lieu project
not restricted to the same watershed in which the impact has occurred until such time as mitigation banks or	Wetlands. When permittee responsible in-kind repl
in-lieu projects are developed in each major watershed.	following ratios until such time an approved function
Wetlands. When permittee responsible in-kind replacement mitigation is used, it is to be accomplished at the	Virginia.
following ratios until such time an approved functional assessment methodology is established for the state of	Permanent impacts to open water wetlands are to b
West Virginia.	Permanent impacts to wet meadow/emergent wetla
Permanent impacts to open water wetlands are to be one (1) acre replaced for one (1) acre impacted.	Permanent impacts to scrub-shrub and forested we
Permanent impacts to wet meadow/emergent wetlands are to be two (2) acres replaced for one (1) acre	impacted.
impacted.	In instances where compensatory in-kind mitigation
Permanent impacts to scrub-shrub and forested wetlands are to be three (3) acres replaced for one (1) acre	resource, the replacement ratio may be reduced to
impacted.	impacted.
In instances where compensatory in-kind mitigation is completed 12 months prior to the impact of the aquatic	NOTE: The ratio of created/restored wetlands to im
resource, the replacement ratio may be reduced to as low as one (1) acre created/restored to every one (1)	adequate replacement of the impacted wetlands fur
acre impacted.	many of the more complicated type wetlands, such
NOTE: The ratio of created/restored wetlands to impacted wetlands not only ensures no net loss but assures	readily be replaced through creation. Furthermore,
the adequate replacement of the impacted wetlands functions and values at the level existing prior to the	In certain instances, the WV DEP DWWM may con
impact. For many of the more complicated type wetlands, such as scrub-shrub and forested, the values and	the following:
functions cannot readily be replaced through creation. Furthermore, not all wetland creation is successful.	Five (5) to one (1) for open water wetlands;
In certain instances, the WV DEP DWWM may consider the acquisition of existing wetlands. Acquisition ratios	Ten (10) to one (1) for wet meadow/emergent wetla
include the following:	Fifteen (15) to (1) for scrub-shrub and forested wet
Five (5) to one (1) for open water wetlands;	Under externuating circumstances, the Secretary ma
Ten (10) to one (1) for wet meadow/emergent wetlands; and	threat of development.
Fifteen (15) to (1) for scrub-shrub and forested wetlands.	All wetlands acquired, using the acquisition method
Under extenuating circumstances, the Secretary may accept lower ratios for high quality wetlands under	Corporation for management by the Wildlife Resource
significant threat of development.	protected from disturbance by the permittee or their
All wetlands acquired, using the acquisition method of mitigation, shall either be deeded to the WVDNR	a non-profit conservation organization is preferred.
Public Land Corporation for management by the Wildlife Resources Section or placed under a conservation	Streams. When proposing permittee responsible co
casement and be protected from disturbance by the permittee or their designee. Third party oversight of the	functions for permanent stream impacts. Mitigation
conservation easement by a non-profit conservation organization is preferred.	and post- condition stream quality and complexity of
Streams. When proposing permittee responsible compensatory mitigation, projects shall attempt to replace	of the SWVM worksheets. Compensatory mitigation
lost functions for permanent stream impacts. Mitigation shall be determined on a case-by-case basis based	easements by the permittee or their designee.
on the pre- and post- condition stream quality and complexity of the mitigation project preferably utilizing the	These requirements are established in accordance
most current version of the SWVM worksheets. Compensatory mitigation may require protection through	§60-5-1, et seq, (2008), Requirements Governing V
deed restrictions or conservation easements by the permittee or their designee.	Pollution Control Act, W.Va. Code §22-11-1, et seq
These requirements are established in accordance with; Antidegradation Implementation Procedures, W.Va.	Requiring a Federal Permit, W.Va. C.S.R. §47-5A-6
C.S.R. §60-5-1, et seq, (2008), Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-3	Resources; Final Rule, 33 C.F.R. §332 (2008).
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plex or wetland system without mitigation is not to cumulatively exceed

) greater than 300 linear feet requires prior notification describing the on to be submitted to the WV DEP. The West Virginia Stream Wetland essment methodology to assist with the determination of required ngton and Pittsburgh USACE web sites.

red through use of these Nationwide Permits must first be directed to f the impacts and lastly through compensatory mitigation. In many satory mitigation may be provided through an approved mitigation bank mittee responsible compensatory mitigation may be performed using ablishment, and in certain circumstances, preservation. In general, the cated in the same watershed as the impact site and located where it is is and services as the impacted site. However, the use of mitigation not restricted to the same watershed in which the impact has occurred ojects are developed in each major watershed.

replacement mitigation is used, it is to be accomplished at the actional assessment methodology is established for the state of West

e to be one (1) acre replaced for one (1) acre impacted. wetlands are to be two (2) acres replaced for one (1) acre impacted. ed wetlands are to be three (3) acres replaced for one (1) acre

ation is completed 12 months prior to the impact of the aquatic ed to as low as one (1) acre created/restored to every one (1) acre

to impacted wetlands not only ensures no net loss but assures the ds functions and values at the level existing prior to the impact. For such as scrub-shrub and forested, the values and functions cannot hore, not all wetland creation is successful.

consider the acquisition of existing wetlands. Acquisition ratios include

wetlands; and

l wetlands. Iry may accept lower ratios for high quality wetlands under significant

ethod of mitigation, shall either be deeded to the WVDNR Public Land esources Section or placed under a conservation casement and be their designee. Third party oversight of the conservation easement by

ble compensatory mitigation, projects shall attempt to replace lost ation shall be determined on a case-by-case basis based on the prexity of the mitigation project preferably utilizing the most current version gation may require protection through deed restrictions or conservation

ance with; Antidegradation Implementation Procedures, W.Va. C.S.R. ing Water Quality Standards, W.Va. C.S.R. §47-2-3 (2016), WV Water t seq. (2014), Rules for Individual State Certification of Activities -5A-6 (2014), and Compensatory Mitigation for Losses of Aquatic

	(2016), WV Water Pollution Control Act, W.Va. Code §22-11-1, et seq. (2014), Rules for Individual State Certification of Activities Requiring a Federal Permit, W.Va. C.S.R. §47-5A-6 (2014), and Compensatory Mitigation for Losses of Aquatic Resources; Final Rule, 33 C.F.R. §332 (2008).		
Standard	17. To protect mussel populations in accordance with state and federal requirements, should native freshwater mussels be encountered during the use of any Nationwide Permit, all activity reasonably expected to jeopardize the population is to cease immediately and the WV DNR Wildlife Resources Section, Wildlife Diversity Program is to be contacted (304-637-0245) to determine significance of the mussel population and the action to be taken. This condition is required in accordance with; Rules for Individual State Certification of Activities Requiring a Federal Permit, W.Va. C.S.R. §47-5A-3.1 (2014), Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016), Possession of Wildlife, W.Va. Code §20-2-4 (2017) and Fishing Regulations W.Va. C.S.R. §58-60-5.11 (2020).	Accepted	17. To protect mussel populations in accordance with state mussels be encountered during the use of any Nationwide I population is to cease immediately and the WV DNR Wildlift contacted (304-637-0245) to determine significance of the r condition is required in accordance with; Rules for Individua Permit, W.Va. C.S.R. §47-5A-3.1 (2014), Requirements Go et seq. (2016), Possession of Wildlife, W.Va. Code §20-2-4 5.11 (2020).
Special	 12. Utility Line Activities. 13. Utility Line Activities. 14. To ensure no significant adverse impact to the chemical, physical, hydrologic, or biological integrity of aquatic ecosystems, high quality waters and special aquatic resources, notification 60-days prior to project initiation is required to be provided to the WV DEP for any of the following facilities or impacts. The WV DEP Secretary, in his or her sole discretion, reserves the right to require an individual water quality certification in accordance with; W.Va. Code §22-16.d (2020), WV Water Pollution Control Act, W.Va. Code §22-11-7A (2014) and Individual State Certification of Activities Requiring a Federal Permit, W.Va. C.S.R. §47-5A-1 et seq. (2014) for the following activities: Pipeline crossings on a Section 10 river require notification and review (unless the bore is greater than 100 feet below the stream bed on the Ohio River mainstem, or greater than 50 feet below the stream bed on all other Section 10 waters), in order to ensure that project activity does not result in significant impact to the integrity, or the chemical, physical, hydrologic, or biological components of the aquatic ecosystem; Utility lines within wetlands that would use or consider the use of herbicides for right-of-way maintenance require notification and review, to ensure the protection of West Virginia's high quality and special aquatic resources; Cumulative permanent impacts to stream(s) totaling greater than 300 linear feet and cumulative wetland impacts exceeding 1/10 acre require notification and review, to ensure no significant adverse impact to the chemical, physical, hydrologic, or biological integrity of wetlands and streams; v. Pipelines carrying separated natural gas liquids, unless installed with an automated system which will indicate a sudden loss of pressure, require notification and review, to ensure that project activity does not result in an impact to the chemical, physical, hydrologic, or biological	A and F – Declined B-E and G-I – Accepted	 12. Utility Line Activities. Nationwide Permit 12 West Virginia 401 Water Quality CA. General Water Quality Certification is declined for: Pipeline crossings on a Section 10 river (unless the bore in River mainstem, or greater than 50 feet below the stream brite iii. Utility lines within wetlands that would use or consider the iii. Projects proposing permanent impacts to any stream ide iv. Cumulative permanent impacts to stream(s) totaling greater exceeding 1/10 acre; Pipelines carrying separated natural gas liquids, unless in sudden loss of pressure. An individual Section 401 Water Quality Certification or waiter Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2008). To protect the integrity of aquatic resources dredging for Requirements Governing Water Quality Standards, W.Va. C.S.R. §60-5-1, et seq. D. Submarine pipeline stream crossings (including horizonta prevent flotation and the possibility of leakage or rupture and (3) feet below the stream bottom in accordance with; WV W Antidegradation Implementation Procedures, W.Va. C.S.R. §47-2-1, et seq. (2008).
	 following; Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008), Natural Streams Preservation Act, W.Va. Code §22-13-1, et seq. (2011), WV Water Pollution Control Act, W.Va. Code §22-11-1, et seq. (2014), and Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016) B. To prevent permanent impacts to aquatic resources associated with equipment tracking in wetlands, the use of protective mats when practicable is required. This condition is required in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016) and Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008). C. To protect the integrity of aquatic resources dredging for backfill material is not allowed in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016) and Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008). D. Submarine pipeline stream crossings (including horizontal directional drilling) must be designed and constructed to prevent flotation and the possibility of leakage or rupture and the top of pipelines must he 		 E. Horizontal directional drilling for underwater crossings rea a West Virginia Professional Engineer to be kept on site and to ensure the protection of the chemical, physical and biolog WV Water Pollution Control Act, W.Va. Code §22-11-8 (201 C.S.R. §60-5-1, et seq. (2008), and Requirements Governin (2016). F. General Water Quality Certification is declined when this Section 401 Water Quality Certification or waiver must be o H. To prevent erosion of stream banks at Right of Way (RO close as practicable to preconstruction contours. Riparian a conservation grasses, legumes, and woody species (of low undisturbed lands. Routine mowing or clearing adjacent to 25 feet wide, as measured from the waterbody's mean high

ate and federal requirements, should native freshwater de Permit, all activity reasonably expected to jeopardize the dlife Resources Section, Wildlife Diversity Program is to be ne mussel population and the action to be taken. This dual State Certification of Activities Requiring a Federal Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, 2-4 (2017) and Fishing Regulations W.Va. C.S.R. §58-60-

cy Certification Special Conditions:

re is greater than 100 feet below the stream bed on the Ohio n bed on all other Section 10 waters); the use of herbicides for right-of-way maintenance; identified in WQC Standard Condition 15 A, B, and C; greater than 300 linear feet and cumulative wetland impacts

s installed with an automated system which will indicate a

waiver must be obtained from the WVDEP.

ssociated with equipment tracking in wetlands, the use of ion is required in accordance with Requirements Governing (2016) and Antidegradation Implementation Procedures,

for backfill material is not allowed in accordance with a. C.S.R. §47-2-1, et seq. (2016) and Antidegradation eq. (2008).

ontal directional drilling) must be designed and constructed to and the top of pipelines must he buried a minimum of three / Water Pollution Control Act, W.Va. Code §22-11-8 (2014), .R. §60-5-1, et seq. (2008), and Requirements Governing (2016).

requires an Inadvertent Return Contingency Plan certified by and made available upon request. This condition is required blogical integrity of the aquatic resource in accordance with; 2014), Antidegradation Implementation Procedures, W.Va. rning Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq.

his permit is being used for water withdrawal. An individual e obtained from the WVDEP.

ROW) crossings all waterbody banks are to be returned as n areas shall be revegetated with native species of ow determinate growth), similar in density to adjacent to waterbodies shall be limited to allow a riparian strip at least igh water mark, to permanently revegetate with native plant

Special	 21. Surface Coal Mining Activities. Nationwide Permit 21 West Virginia 401 Water Quality Certification Special Conditions: A. Individual State Water Quality Certification is required for activities impacting any classification of stream listed in West Virginia 401 Water Quality Certification Standard Condition 15. To ensure the protection of 	A-D – Accepted	21. Surface Coal Mining Activities. Nationwide Permit 21 West Virginia 401 Water Quality C A. Individual State Water Quality Certification is required for West Virginia 401 Water Quality Certification Standard Con
	 buried a minimum of three (3) feet below the stream bottom in accordance with; WV Water Pollution Control Act, WVA. Code §22-11.8 (2014), Antidegradation Implementation Procedures, WVA. C.S.R. §60-5-1, et seq. (2008), and Requirements Governing Water Quality Standards, WVA. C.S.R. §60-5-1, et seq. (2016). E. Horizontal directional drilling for underwater crossings requires an Inadvertent Returm Contingency Plan certified by a West Virginia Professional Engineer to be kept on site and made available upon request. This condition is required to ensure the protection of the chemical, physical and biological integrity of the aquatic resource in accordance with; WV Water Pollution Control Act, WVA. Code §22-11.6 (2014), Antidegradation Implementation Procedures, WVA. C.S.R. §60-5-1, et seq. (2008), and Requirements Governing Water Quality Standards, WVA. C.S.R. §47-2-1, et seq. (2016). To ensure water availability in perennial streams and to protect the integrity of aquatic resources, a 60-day advance notification prior to construction must be provided to WV DEP DWWM when this permit is being used for water withdrawal allowing for a determination or whether the water withdrawal will have impacts to aquatic resources, thus necessitating further review or an individual water quality certification. Information to be provided is as follows; The maximum water withdrawal rate! designs to minimize impingement and entrainment of aquatic life, and a description of how the intake rate will affect streamflow, or be varied, during periods of seasonal low flow and/or drough! The W DEP will provide applicant coordination within 15 days of receipt of a complete notification. This condition is required the acquatic enverystem, no permanent structure authorzed by this permit shall prevent fish movement upstream or downstream in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2006). To		species across the entire construction right-of-way. Howeve centered on the pipeline and up to 10 feet wide may be clea corridor in an herbaceous state. In addition, trees that are lo could compromise the integrity of the pipeline coating may be Seeding recommendations can be found in West Virginia Di Wildlife Habitat on Oil & Gas Infrastructure." This condition i Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (20 W.Va. C.S.R. §60-5-1, et seq. (2008). I. To ensure water contact recreation (Category C) uses are tubes, swimmers, etc. could be using the stream in the work minimum of 50 feet upstream and downstream of the strear potential danger. Requirements Governing Water Quality St

ever, to facilitate periodic corrosion/leak surveys, a corridor cleared at a frequency necessary to maintain the 10-foot re located within 15 feet of the pipeline that have roots that ay be cut and removed from the permanent right-of-way. a Division of Natural Resources' publication, "Enhancing on is required in accordance with Requirements Governing (2016) and Antidegradation Implementation Procedures,

are protected, where it is apparent that small boats, inner work area, easily seen warning signs must be placed a eam crossings construction site to advise stream users of the y Standards, W.Va. C.S.R. §47-2-6.4 (2016)

y Certification Special Conditions:

for activities impacting any classification of stream listed in Condition 15. To ensure the protection of West Virginia's high

	 West Virginia's high quality and special aquatic resources, this condition is required in accordance with Tier 3 Protection Review Procedures, W.Va. C.S.R. §60-5-6 (2008) and is required consistent with the authority and requirements of the Natural Streams Preservation Act, W.Va. Code §22-13-1 et seq. (2011). B. Individual State Water Quality Certification is required for mining related activities cumulatively impacting greater than ½ acre of intermittent or perennial stream(s). To ensure no significant adverse impact to the chemical, physical, hydrologic, or biological integrity of aquatic ecosystems in accordance with Individual State Certification of Activities Requiring a Federal Permit, W.Va. C.S.R. §47-5A-1 et seq. (2014), Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-3.2 (2016), WV Water Pollution Control Act, W.Va. Code §22-11-1 et seq. (2014) and Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1 et seq. (2008). C. Individual State Water Quality Certification is required for linear transportation projects which involve stream crossings for haul roads, access roads, conveyor belts, pipelines, etc. in intermittent or perennial stream(s) greater than ½ acre cumulative or 300 linear feet per individual crossing. To ensure no significant adverse impact to the chemical, physical, hydrologic, or biological integrity of aquatic ecosystems in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-3.2 (2016), WV Water Pollution Control Act, W.Va. Code §22-11-1 et seq. (2014), Individual State Certification of Activities Requiring a Federal Permit, W.Va. C.S.R. §47-5A-1 et seq. (2014). D. Individual State Water Quality Certification is required for cumulative permanent wetland impacts greater than ½ acre. To ensure no significant adverse impact to the chemical, physical, hydrologic, or biological integrity of aquatic ecosystems in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-5A-1 e		quality and special aquatic resources, this condition is required Procedures, W.Va. C.S.R. §60-5-6 (2008) and is required Natural Streams Preservation Act, W.Va. Code §22-13-1 e B. Individual State Water Quality Certification is required for than ½ acre of intermittent or perennial stream(s). To ensu- hydrologic, or biological integrity of aquatic ecosystems in Requiring a Federal Permit, W.Va. C.S.R. §47-5A-1 et sec Standards, W.Va. C.S.R. §47-2-3.2 (2016), WV Water Pol Antidegradation Implementation Procedures, W.Va. C.S.R C. Individual State Water Quality Certification is required for crossings for haul roads, access roads, conveyor belts, pip than ½ acre cumulative or 300 linear feet per individual cro chemical, physical, hydrologic, or biological integrity of aqu Governing Water Quality Standards, W.Va. C.S.R. §47-2-3 §22-11-1 et seq. (2014), Individual State Certification of Ac et seq. (2014) and Antidegradation Implementation Proced D. Individual State Water Quality Certification is required for acre. To ensure no significant adverse impact to the chem ecosystems in accordance with Requirements Governing ' Individual State Certification of Activities Requiring a Fede Antidegradation Implementation Procedures, W.Va. C.S.R
Special	 29. Residential Developments. Nationwide Permit 29 West Virginia 401 Water Quality Certification Special Conditions: A. Projects affecting Section 10 waters and adjacent wetlands require individual water quality certification. This condition is required to ensure that the activity has no significant adverse impact to water resources, fish and wildlife, recreation, critical habitats, wetlands and other natural resources in accordance with; Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016), the Antidegradation Implementation Procedures, W.Va. C.S.R. §47-5A-1, et seq. (2014). B. Placing in-stream stormwater management facilities with this permit requires individual water quality certification. This condition is required to ensure that the activity has no significant adverse impact to water resources, fish and wildlife, recreation, critical habitats, wetlands and other natural resources in accordance with; Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-5A-1, et seq. (2014). B. Placing in-stream stormwater management facilities with this permit requires individual water quality certification. This condition is required to ensure that the activity has no significant adverse impact to water resources, fish and wildlife, recreation, critical habitats, wetlands and other natural resources in accordance with; Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq (2016), the Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq (2008), and Individual State Certification of Activities Requiring a Federal Permit, W.Va. C.S.R. §60-5-1, et seq (2008), and Individual State Certification of Activities Requiring a Federal Permit, W.Va. C.S.R. §47-5A-1, et seq. (2014). 	A and B – Accepted	 29. Residential Developments. Nationwide Permit 29 West Virginia 401 Water Quality A. Projects affecting Section 10 waters and adjacent wetla condition is required to ensure that the activity has no sign recreation, critical habitats, wetlands and other natural res Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016), ft C.S.R. §60-5-1, et seq. (2008), and Individual State Certific C.S.R. §47-5A-1, et seq. (2014). B. Placing in-stream stormwater management facilities with This condition is required to ensure that the activity has no wildlife, recreation, critical habitats, wetlands and other na Governing Water Quality Standards, W.Va. C.S.R. §47-2-Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008), and Individual Permit, W.Va. C.S.R. §47-5A-1, et seq. (2014).
Special	 39. Commercial and Institutional Developments. Nationwide Permit 39 West Virginia 401 Water Quality Certification Special Conditions: A. Individual water quality certification is required for projects impacting Section 10 waters and adjacent wetlands. This condition is required to ensure that the activity has no significant adverse impact to water resources, fish and wildlife, recreation, critical habitats, wetlands and other natural resources in accordance with; Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016), the Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008), and Individual State Certification of Activities Requiring a Federal Permit, W.Va. C.S.R. §47-5A-1, et seq (2014). B. Placing in-stream stormwater management facilities with this permit requires individual water quality certification. This condition is required to ensure that the activity has no significant adverse impact to water resources, fish and wildlife, recreation, critical habitats, wetlands and other natural resources in accordance with; Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-5A-1, et seq. (2016). 	A and B – Accepted	 39. Commercial and Institutional Developments. Nationwide Permit 39 West Virginia 401 Water Quality A. Individual water quality certification is required for proje This condition is required to ensure that the activity has not wildlife, recreation, critical habitats, wetlands and other na Governing Water Quality Standards, W.Va. C.S.R. §47-2- Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008), and Inc Permit, W.Va. C.S.R. §47-5A-1, et seq (2014). B. Placing in-stream stormwater management facilities wit This condition is required to ensure that the activity has not wildlife, recreation, critical habitats, wetlands and other na Governing Water Quality Standards, W.Va. C.S.R. §47-2-

equired in accordance with Tier 3 Protection Review ed consistent with the authority and requirements of the 1 et seq. (2011).

d for mining related activities cumulatively impacting greater nsure no significant adverse impact to the chemical, physical, in accordance with Individual State Certification of Activities seq. (2014), Requirements Governing Water Quality Pollution Control Act, W.Va. Code §22-11-1 et seq. (2014) and S.R. §60-5-1 et seq. (2008).

I for linear transportation projects which involve stream pipelines, etc. in intermittent or perennial stream(s) greater crossing. To ensure no significant adverse impact to the quatic ecosystems in accordance with Requirements 2-3.2 (2016), WV Water Pollution Control Act, W.Va. Code Activities Requiring a Federal Permit, W.Va. C.S.R. §47-5A-1 redures, W.Va. C.S.R. §60-5-1 et seq. (2008).

d for cumulative permanent wetland impacts greater than ½ emical, physical, hydrologic, or biological integrity of aquatic ig Water Quality Standards, W.Va. C.S.R. §47-2-3.2 (2016), deral Permit, W.Va. C.S.R. §47-5A-1 et seq. (2014), and S.R. §60-5-1 et seq. (2008).

ty Certification Special Conditions:

tlands require individual water quality certification. This gnificant adverse impact to water resources, fish and wildlife, esources in accordance with; Requirements Governing Water), the Antidegradation Implementation Procedures, W.Va. tification of Activities Requiring a Federal Permit, W.Va.

with this permit requires individual water quality certification. no significant adverse impact to water resources, fish and natural resources in accordance with; Requirements 2-1, et seq (2016), the Antidegradation Implementation ndividual State Certification of Activities Requiring a Federal

ty Certification Special Conditions:

jects impacting Section 10 waters and adjacent wetlands. no significant adverse impact to water resources, fish and natural resources in accordance with; Requirements 2-1, et seq. (2016), the Antidegradation Implementation Individual State Certification of Activities Requiring a Federal

vith this permit requires individual water quality certification. no significant adverse impact to water resources, fish and natural resources in accordance with; Requirements 2-1, et seq. (2016), the Antidegradation Implementation

	Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008), and Individual State Certification of Activities Requiring a Federal Permit, W.Va. C.S.R. §47-5A-1, et seq (2014).		Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008), and Ind Permit, W.Va. C.S.R. §47-5A-1, et seq (2014).
Special	 40. Agricultural Activities. Nationwide Permit 40 West Virginia 401 Water Quality Certification Special Condition: Placing in-stream stormwater management facilities with this permit requires individual water quality certification. This condition is required to ensure that the activity has no significant adverse impact to water resources, fish and wildlife, recreation, critical habitats, wetlands and other natural resources in accordance with; Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016), the Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008), and Individual State Certification of Activities Requiring a Federal Permit, W.Va. C.S.R. §47-5A-1, et seq (2014). 	Accepted	 40. Agricultural Activities. Nationwide Permit 40 West Virginia 401 Water Quality of Placing in-stream stormwater management facilities with the condition is required to ensure that the activity has no signing recreation, critical habitats, wetlands and other natural resc Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016), the C.S.R. §60-5-1, et seq. (2008), and Individual State Certifice C.S.R. §47-5A-1, et seq (2014).
Special	 43. Stormwater Management Facilities. Nationwide Permit 43 West Virginia 401 Water Quality Certification Special Condition: Placing in-stream stormwater management facilities with this permit requires individual water quality certification. This condition is required to ensure that the activity has no significant adverse impact to water resources, fish and wildlife, recreation, critical habitats, wetlands and other natural resources in accordance with; Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016), the Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008), and Individual State Certification of Activities Requiring a Federal Permit, W.Va. C.S.R. §47-5A-1, et seq (2014). 	Accepted	 43. Stormwater Management Facilities. Nationwide Permit 43 West Virginia 401 Water Quality of Placing in-stream stormwater management facilities with the condition is required to ensure that the activity has no sign recreation, critical habitats, wetlands and other natural resc Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016), the C.S.R. §60-5-1, et seq. (2008), and Individual State Certified C.S.R. §47-5A-1, et seq (2014).
Special	 48. Commercial Shellfish Mariculture Activities. Nationwide Permit 48 West Virginia 401 Water Quality Certification Special Condition: To maintain and protect Tier 3 waters, and protect the integrity of special aquatic resources of the state, notification 60-days prior to impact must be provided to WV DEP DWWM when this permit is being used for the discharge of material to Section 10 waters and streams identified in Standard Condition 15 A, B, and C herein, allowing for a determination of whether the activity will degrade the aquatic resources, thus necessitating further review or an individual water quality certification. Information to be provided in the notification is as follows: i. A statement of the proposed project purpose; ii. an pidentifying the project area with proposed aquatic resource impacts; iii. a list of proposed permanent impacts to streams and wetlands; and iv. any proposed temporary impacts to streams and wetlands. The WV DEP will provide applicant coordination within 15-days of receipt of a complete notification. This condition is required in accordance with; W.Va. Code §22-1-6.d (2020), WV Water Pollution Control Act, W.Va. Code §22-11-7A (2014) and Individual State Certification of Activities Requiring a Federal Permit, W.Va. C.S.R. §47-5A-1, et seq. (2014), Tier 3 Protection Review Procedures, W.Va. C.S.R. §§60-5-6 (2008), Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016), and the Natural Streams Preservation Act, W.Va. Code S02-11-2-1, et seq. (2016), and the Natural Streams Preservation Act, W.Va. Code S02-11-2-1, et seq. (2016), and the Natural Streams Preservation Act, W.Va. Code S02-11-2-1, et seq. (2016), and the Natural Streams Preservation Act, W.Va. Code S02-11-2-1, et seq. (2016), and the Natural Streams Preservation Act, W.Va. Code S02-11-2-1, et seq. (2016), and the Natural Streams Preservation Act, W.Va. Code S02-11-2-1, et seq. (2016), and the Natural Streams Preservat	Declined	48. Commercial Shellfish Mariculture Activities. Nationwide Permit 48 West Virginia 401 Water Quality (General Water Quality Certification is declined when this p 10 waters and streams identified in Standard Condition 15 Quality Certification or waiver must be obtained from the W
Special	 §22-13-1, et seq. (2011). 50. Underground Coal Mining Activities Nationwide Permit 50 West Virginia 44)1 Water Quality Certification Special Conditions A. Individual State Water Quality Certification is required for activities impacting any classification of stream listed in West Virginia 401 Water Quality Certification Standard Condition 15. To ensure the protection of West Virginia's high quality and special aquatic resources, this condition is required in accordance with Tier 3 Protection Review Procedures, W.Va. C.S.R. §60-5-6 (2008) and is required consistent with the authority and requirements of the Natural Streams Preservation Act, W.Va. Code §22-13-1 et seq. (2011). B. Individual State Water Quality Certification is required for mining related activities cumulatively impacting greater than ½ acre of intermittent or perennial stream(s). To ensure no significant adverse impact to the chemical, physical, hydrologic, or biological integrity of aquatic ecosystems in accordance with Individual State Certification of Activities Requiring a Federal Permit, W.Va. C.S.R. §47-5A-1 et seq. (2014), Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-3.2 (2016), WV Water Pollution Control Act, W.Va. Code §22-11-1 et seq. (2014) and Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1 et seq. (2008). 	A-D – Accepted	 50. Underground Coal Mining Activities Nationwide Permit 50 West Virginia 44)1 Water Qualit A. Individual State Water Quality Certification is required West Virginia 401 Water Quality Certification Standard Condition high quality and special aquatic resources, this condition Procedures, W.Va. C.S.R. §60-5-6 (2008) and is required Natural Streams Preservation Act, W.Va. Code §22-13-1 B. Individual State Water Quality Certification is required than ½ acre of intermittent or perennial stream(s). To ens physical, hydrologic, or biological integrity of aquatic ecos Activities Requiring a Federal Permit, W.Va. C.S.R. §47-2 Quality Standards, W.Va. C.S.R. §47-2-3.2 (2016), WV W (2014) and Antidegradation Implementation Procedures, Terminal Stream (Source)

Individual State Certification of Activities Requiring a Federal

y Certification Special Condition:

this permit requires individual water quality certification. This gnificant adverse impact to water resources, fish and wildlife, esources in accordance with; Requirements Governing Water , the Antidegradation Implementation Procedures, W.Va. ification of Activities Requiring a Federal Permit, W.Va.

y Certification Special Condition:

n this permit requires individual water quality certification. This gnificant adverse impact to water resources, fish and wildlife, esources in accordance with; Requirements Governing Water), the Antidegradation Implementation Procedures, W.Va. tification of Activities Requiring a Federal Permit, W.Va.

y Certification Special Condition:

permit is being used for the discharge of material to Section 15 A, B, and C herein. An individual Section 401 Water WVDEP.

lity Certification Special Conditions

ed for activities impacting any classification of stream listed in I Condition 15. To ensure the protection of West Virginia's on is required in accordance with Tier 3 Protection Review red consistent with the authority and requirements of the 8-1 et seq. (2011).

ed for mining related activities cumulatively impacting greater ensure no significant adverse impact to the chemical, cosystems in accordance with Individual State Certification of .7-5A-1 et seq. (2014), Requirements Governing Water / Water Pollution Control Act, W.Va. Code §22-11-1 et seq. es, W.Va. C.S.R. §60-5-1 et seq. (2008).

	 C. Individual State Water Quality Certification is required for linear transportation projects which involve stream crossings for haul roads, access roads, conveyor belts, pipelines, etc. in intermittent or perennial stream(s) greater than ½ acre cumulative or 300 linear feet per individual crossing. To ensure no significant adverse impact to the chemical, physical, hydrologic, or biological integrity of aquatic ecosystems in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-3.2 (2016), WV Water Pollution Control Act, W.Va. Code §22-11-1 et seq. (2014), Individual State Certification of Activities Requiring a Federal Permit, W.Va. C.S.R. §47-5A-1 et seq. (2014) and Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1 et seq. (2008). D. Individual State Water Quality Certification is required for cumulative permanent wetland impacts greater than ½ acre. To ensure no significant adverse impact to the chemical, physical, hydrologic, or biological integrity of aquatic ecosystems in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-5A-1 et seq. (2008). D. Individual State Water Quality Certification is required for cumulative permanent wetland impacts greater than ½ acre. To ensure no significant adverse impact to the chemical, physical, hydrologic, or biological integrity of aquatic ecosystems in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-3.2 (2016), Individual State Certification of Activities Requiring a Federal Permit, W.Va. C.S.R. §47-5A-1 et seq. (2014), and Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1 et seq. (2008). 		C. Individual State Water Quality Certification is required crossings for haul roads, access roads, conveyor belts, p than ½ acre cumulative or 300 linear feet per individual c chemical, physical, hydrologic, or biological integrity of ac Governing Water Quality Standards, W.Va. C.S.R. §47-2 §22-11-1 et seq. (2014), Individual State Certification of A 5A-1 et seq. (2014) and Antidegradation Implementation D. Individual State Water Quality Certification is required acre. To ensure no significant adverse impact to the cher ecosystems in accordance with Requirements Governing Individual State Certification of Activities Requiring a Fed Antidegradation Implementation Procedures, W.Va. C.S.
Special	 51. Land-Based Renewable Energy Generation Facilities, Nationwide Permit 51 West Virginia 401 Water Quality Certification Special Condition: To maintain and protect Tier 3 waters, and protect the integrity of special aquatic resources of the state, notification 60-days prior to impact must be provided to WV DEP DWWM when this permit is being used for the discharge of material to Section 10 waters and streams identified in Standard Condition 15 A, B, and C herein, allowing for a determination of whether the activity will degrade the aquatic resources, thus necessitating further review or an individual water quality certification. Information to be provided in the notification is as follows: A statement of the proposed project purpose; map identifying the project area with proposed aquatic resource impacts; a list of proposed permanent impacts to streams and wetlands; and any proposed temporary impacts to streams and wetlands. The WV DEP will provide applicant coordination within 15-days of receipt of a complete notification. This condition is required in accordance with; W.Va. Code §22-1-6.d (2020), WV Water Pollution Control Act, W.Va. Code §22-11-7A (2014) and Individual State Certification of Activities Requiring a Federal Permit, W.Va. C.S.R. §47-5A-1, et seq. (2014), Tier 3 Protection Review Procedures, W.Va. C.S.R. §860-5-6 (2008), Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016), and the Natural Streams Preservation Act, W.Va. Code §22-13-1, et seq. (2011). 	Declined	51. Land-Based Renewable Energy Generation Facilit Nationwide Permit 51 West Virginia 401 Water Quality General Water Quality Certification is declined when this Section 10 waters and streams identified in Standard Cor Water Quality Certification or waiver must be obtained fro
Special	 Streams Preservation Act, W.Va. Code §22-13-1, et seq. (2011). 52. Water-Based Renewable Energy Generation Pilot Projects Nationwide Permit 51 West Virginia 401 Water Quality Certification Special Condition: To maintain and protect Tier 3 waters, and protect the integrity of special aquatic resources of the state, notification 60-days prior to impact must be provided to WV DEP DWWM when this permit is being used for the discharge of material to Section 10 waters and streams identified in Standard Condition 15 A, B, and C herein, allowing for a determination of whether the activity will degrade the aquatic resources, thus necessitating further review or an individual water quality certification. Information to be provided in the notification is as follows: i. A statement of the proposed project purpose; ii. map identifying the project area with proposed aquatic resource impacts; iii. a list of proposed permanent impacts to streams and wetlands; and iv. any proposed temporary impacts to streams and wetlands. The WV DEP will provide applicant coordination within 15-days of receipt of a complete notification. This condition is required in accordance with; W.Va. Code §22-16.d (2020), WV Water Pollution Control Act, W.Va. Code §22-11-7A (2014) and Individual State Certification of Activities Requiring a Federal Permit, W.Va. C.S.R. §47-5A-1, et seq. (2014), Tier 3 Protection Review Procedures, W.Va. C.S.R. §60-5-6 (2008), Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016), and the Natural Streams Preservation Act, W.Va. Code §22-13-1, et seq. (2011). 	Declined	52. Water-Based Renewable Energy Generation Pilot Nationwide Permit 51 West Virginia 401 Water Quality General Water Quality Certification is declined when this Section 10 waters and streams identified in Standard Co Water Quality Certification or waiver must be obtained fro

red for linear transportation projects which involve stream s, pipelines, etc. in intermittent or perennial stream(s) greater al crossing. To ensure no significant adverse impact to the of aquatic ecosystems in accordance with Requirements 7-2-3.2 (2016), WV Water Pollution Control Act, W.Va. Code of Activities Requiring a Federal Permit, W.Va. C.S.R. §47ion Procedures, W.Va. C.S.R. §60-5-1 et seq. (2008). red for cumulative permanent wetland impacts greater than ¹/₂ chemical, physical, hydrologic, or biological integrity of aquatic hing Water Quality Standards, W.Va. C.S.R. §47-2-3.2 (2016), Federal Permit, W.Va. C.S.R. §47-5A-1 et seq. (2014), and C.S.R. §60-5-1 et seq. (2008).

cilities. Ility Certification Special Condition:

is permit is being used for the discharge of material to Condition 15 A, B, and C herein. An individual Section 401 from the WVDEP.

lot Projects Ility Certification Special Condition: his permit is being used for the discharge of material to Condition 15 A, B, and C herein. An individual Section 401 I from the WVDEP.

Special	57. Electric Utility Line and Telecommunications Activities	A –	57. Electric Utility Line and Telecommunications Activ
	Nationwide Permit C West Virginia 401 Water Quality Certification Special Conditions:	Declined	Nationwide Permit C West Virginia 401 Water Quality C
	A. To ensure no significant adverse impact to the chemical, physical, hydrologic, or biological integrity of	B-G –	A. General Water Quality Certification is declined for the fo
	aquatic ecosystems, high quality waters and special aquatic resources, notification 60-days prior to project	Accepted	i. Pipeline crossings on a Section 10 river (unless the bore
	initiation is required to be provided to the WV DEP for any of the following facilities or impacts. The WV DEP		River mainstem, or greater than 50 feet below the stream
	Secretary, in his or her sole discretion, reserves the right to require an individual water quality certification in		ii. Utility lines within wetlands that would use or consider the
	accordance with; W.Va. Code §22-1-6.d (2020), WV Water Pollution Control Act, W.Va. Code §22-11-7A		iii. Projects proposing permanent impacts to any stream id
	(2014) and Individual State Certification of Activities Requiring a Federal Permit, W.Va. C.S.R. §47-5A-1 et		iv. Cumulative permanent impacts to stream(s) totaling gre
	seq. (2014) for the following activities:		exceeding 1/10 acre.
	i. Pipeline crossings on a Section 10 river require notification and review (unless the bore is greater than 100		An individual Section 401 Water Quality Certification or wa
	feet below the stream bed on the Ohio River mainstem, or greater than 50 feet below the stream bed on all		B. To prevent permanent impacts to aquatic resources ass
	other Section 10 waters), in order to ensure that project does not result in significant impact to the integrity, or		protective mats when practicable is required. This conditio
	the chemical, physical, hydrologic, or biological components of the aquatic ecosystem;		Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq (20)
	ii. Utility lines within wetlands that would use or consider the use of herbicides for right-of-way maintenance require notification and review, in order to protect downstream aquatic resources from exposure to herbicide;		W.Va. C.S.R. §60-5-1, et seq. (2008). C. To protect the integrity of aquatic resources dredging fo
	iii. Projects proposing permanent impacts to any stream identified in WQC Standard Condition 15 A, B, and C		Requirements Governing Water Quality Standards, W.Va.
	herein require notification and review, to ensure the protection of West Virginia's high quality and special		Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq
	aquatic resources;		D. Submarine pipeline stream crossings (including horizon
	iv. Cumulative permanent impacts to stream(s) totaling greater than 300 linear feet and cumulative wetland		prevent flotation and the possibility of leakage or rupture a
	impacts exceeding 1/10 acre require notification and review, to ensure no significant adverse impact to the		(3) feet below the stream bottom in accordance with; WV V
	chemical, physical, hydrologic, or biological integrity of wetlands and streams;		Antidegradation Implementation Procedures, W.Va. C.S.R
	The WV DEP will provide applicant coordination within 15 days of receipt of a complete notification. Individual		Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2
	certification may be required for the above activities to ensure the proposed activity complies with the		E. Horizontal directional drilling for underwater crossings re
	following; Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008), Natural		a West Virginia Professional Engineer to be kept on site ar
	Streams Preservation Act, W.Va. Code §22-13-1, et seq. (2011), WV Water Pollution Control Act, W.Va.		to ensure the protection of the chemical, physical and biolo
	Code §22-11-1, et seq. (2014), and Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-		WV Water Pollution Control Act, W.Va. Code §22-11-8 (20
	<mark>1, et seq. (2016)</mark> .		C.S.R. §60-5-1, et seq. (2008), and Requirements Govern
	B. To prevent permanent impacts to aquatic resources associated with equipment tracking in wetlands, the		F. To protect the biological integrity of the aquatic ecosyste
	use of protective mats when practicable is required. This condition is required in accordance with		prevent fish movement upstream or downstream in accord
	Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq (2016) and Antidegradation		Standards, W.Va. C.S.R. §47-2-3.2 (2016) and Antidegrad
	Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008).		seq. (2008).
	C. To protect the integrity of aquatic resources dredging for backfill material is not allowed in accordance with		G. To prevent erosion of stream banks at Right of Way (R
	Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016) and Antidegradation		close as practicable to preconstruction contours. Riparian
	Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008).		conservation grasses, legumes, and woody species (of low
	D. Submarine pipeline stream crossings (including horizontal directional drilling) must be designed and		undisturbed lands. Routine mowing or clearing adjacent to 25 feet wide, as measured from the waterbody's mean hig
	constructed to prevent flotation and the possibility of leakage or rupture and the top of pipelines must he buried a minimum of three (3) feet below the stream bottom in accordance with; WV Water Pollution Control		species across the entire construction right-of-way. However
	Act, W.Va. Code §22-11-8 (2014), Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et		centered on the pipeline and up to 10 feet wide may be cle
	seq. (2008), and Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016).		corridor in an herbaceous state. In addition, trees that are
	E. Horizontal directional drilling for underwater crossings requires an Inadvertent Return Contingency Plan		could compromise the integrity of the pipeline coating may
	certified by a West Virginia Professional Engineer to be kept on site and made available upon request. This		Seeding recommendations can be found in West Virginia I
	condition is required to ensure the protection of the chemical, physical and biological integrity of the aquatic		Wildlife Habitat on Oil & Gas Infrastructure." This condition
	resource in accordance with; WV Water Pollution Control Act, W.Va. Code §22-11-8 (2014), Antidegradation		Water Quality Standards, W.Va. C.S.R. §47-2-3 (2016) an
	Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008), and Requirements Governing Water		C.S.R. §60-5-1, et seq. (2008).
	Quality Standards, W.Va. C.S.R. §47-2-3 (2016).		
	F. To protect the biological integrity of the aquatic ecosystem, no permanent structure authorized by this		
	permit shall prevent fish movement upstream or downstream in accordance with Requirements Governing		
	Water Quality Standards, W.Va. C.S.R. §47-2-3.2 (2016) and Antidegradation Implementation Procedures,		
	W.Va. C.S.R. §60-5-1, et seq. (2008).		
	· • · · · /	•	· ·

ivities

Certification Special Conditions: following activities:

re is greater than 100 feet below the stream bed on the Ohio n bed on all other Section 10 waters);

the use of herbicides for right-of-way maintenance; identified in WQC Standard Condition 15 A, B, and C; reater than 300 linear feet and cumulative wetland impacts

vaiver must be obtained from the WVDEP.

ssociated with equipment tracking in wetlands, the use of ion is required in accordance with Requirements Governing (2016) and Antidegradation Implementation Procedures,

for backfill material is not allowed in accordance with a. C.S.R. §47-2-1, et seq. (2016) and Antidegradation eq. (2008).

ontal directional drilling) must be designed and constructed to and the top of pipelines must he buried a minimum of three / Water Pollution Control Act, W.Va. Code §22-11-8 (2014), .R. §60-5-1, et seq. (2008), and Requirements Governing (2016).

requires an Inadvertent Return Contingency Plan certified by and made available upon request. This condition is required ological integrity of the aquatic resource in accordance with; 2014), Antidegradation Implementation Procedures, W.Va. rning Water Quality Standards, W.Va. C.S.R. §47-2-3 (2016). stem, no permanent structure authorized by this permit shall rdance with Requirements Governing Water Quality adation Implementation Procedures, W.Va. C.S.R. §60-5-1, et

ROW) crossings all waterbody banks are to be returned as n areas shall be revegetated with native species of ow determinate growth), similar in density to adjacent to waterbodies shall be limited to allow a riparian strip at least igh water mark, to permanently revegetate with native plant ever, to facilitate periodic corrosion/leak surveys, a corridor cleared at a frequency necessary to maintain the 10-foot re located within 15 feet of the pipeline that have roots that ay be cut and removed from the permanent right-of-way. a Division of Natural Resources' publication, "Enhancing on is required in accordance with Requirements Governing and Antidegradation Implementation Procedures, W.Va.

	G. To prevent erosion of stream banks at Right of Way (ROW) crossings all waterbody banks are to be returned as close as practicable to preconstruction contours. Riparian areas shall be revegetated with native species of conservation grasses, legumes, and woody species (of low determinate growth), similar in density to adjacent undisturbed lands. Routine mowing or clearing adjacent to waterbodies shall be limited to allow a riparian strip at least 25 feet wide, as measured from the waterbody's mean high water mark, to permanently revegetate with native plant species across the entire construction right-of-way. However, to facilitate periodic corrosion/leak surveys, a corridor centered on the pipeline and up to 10 feet wide may be cleared at a frequency necessary to maintain the 10-foot corridor in an herbaceous state. In addition, trees that are located within 15 feet of the pipeline that have roots that could compromise the integrity of the pipeline coating may be cut and removed from the permanent right-of-way. Seeding recommendations can be found in West Virginia Division of Natural Resources' publication, "Enhancing Wildlife Habitat on Oil & Gas Infrastructure." This condition is required in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-3 (2016) and Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008).		
Special	 b) Horsder (Leosy). B3. Utility Line Activities for Water and Other Substances Nationwide Permit D West Virginia 401 Water Quality Certification Special Conditions: A. To ensure no significant adverse impact to the chemical, physical, hydrologic, or biological integrity of aquatic ecosystems, high quality waters and special aquatic resources, notification 60-days prior to project initiation is required to be provided to the WV DEP for any of the following facilities or impacts. The WV DEP Secretary, in his or her sole discretion, reserves the right to require an individual water quality certification in accordance with; W.Va. Code §22-1-6.d (2020), WV Water Pollution Control Act, W.Va. Code §22-11-7A (2014) and Individual State Certification of Activities Requiring a Federal Permit, W.Va. Code §22-11-7A (2014) for the following activities: i. Pipeline crossings on a Section 10 river require notification and review (unless the bore is greater than 100 feet below the stream bed on the Ohio River mainstem, or greater than 50 feet below the stream bed on all other Section 10 waters), in order to ensure that project activity does not result in significant impact to the integrity, or the chemical, physical, hydrologic, or biological components of the aquatic ecosystem; ii. Utility lines within wetlands that would use or consider the use of herbicides for right-of-way maintenance require notification and review, in order to protect downstream aquatic resources; iv. Cumulative permanent impacts to stream(s) totaling greater than 300 linear feet and cumulative wetland impacts exceeding 1/10 acre require notification and review, to ensure tha distingt and verse impact to the chemical, physical, hydrologic, or biological integrity of wetlands and streams; and v. Pipelines transporting hazardous substances consistent with the definition found in Section 101(14) of the Comprehensive	A and F – Declined B-E and G-H – Accepted	 58. Utility Line Activities for Water and Other Substance Nationwide Permit D West Virginia 401 Water Quality C A. General Water Quality Certification is declined for the fol i. Pipeline crossings on a Section 10 river (unless the bore River mainstem, or greater than 50 feet below the stream b ii. Utility lines within wetlands that would use or consider the iii. Projects proposing permanent impacts to any stream ide v. Cumulative permanent impacts to stream(s) totaling great exceeding 1/10 acre; and v. Pipelines transporting hazardous substances consistent Comprehensive Environmental Response, Compensation a Toxic Substances Control Act, 15 U.S.C. §53(2601–2629). An individual Section 401 Water Quality Certification or wait B. To prevent permanent impacts to aquatic resources asso protective mats when practicable is required. This condition Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (20 W.Va. C.S.R. §60-5-1, et seq. (2008). C. To protect the integrity of aquatic resources dredging for Requirements Governing Water Quality Standards, W.Va. C. Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. D. Submarine pipeline stream crossings (including horizont prevent flotation and the possibility of leakage or rupture ar (3) feet below the stream bottom in accordance with; WV W Antidegradation Implementation Procedures, W.Va. C.S.R. Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (20 E. Horizontal directional drilling for underwater crossings re a West Virginia Professional Engineer to be kept on site an to ensure the protection of the chemical, physical and biolo WV Water Pollution Control Act, W.Va. Code §22-11-8 (20 C.S.R. §60-5-1, et seq. (2008), and Requirements Governii (2016). F. General Water Quality Certification is declined when this Section 401 Water Quality Certification or waiver must be co G. To protect the biological integrity of the aquatic ecosyster prevent fish movement upstream or downstream in accordance

nces

Certification Special Conditions:

following activities:

re is greater than 100 feet below the stream bed on the Ohio n bed on all other Section 10 waters);

the use of herbicides for right-of-way maintenance; identified in WQC Standard Condition 15 A, B, and C; greater than 300 linear feet and cumulative wetland impacts

nt with the definition found in Section 101(14) of the n and Liability Act (CERCLA), 42 U.S.C. § 9601(14) and

vaiver must be obtained from the WVDEP.

ssociated with equipment tracking in wetlands, the use of ion is required in accordance with Requirements Governing (2016) and Antidegradation Implementation Procedures,

for backfill material is not allowed in accordance with a. C.S.R. §47-2-1, et seq. (2016) and Antidegradation eq. (2008).

ontal directional drilling) must be designed and constructed to and the top of pipelines must he buried a minimum of three / Water Pollution Control Act, W.Va. Code §22-11-8 (2014), R. §60-5-1, et seq. (2008), and Requirements Governing (2016).

requires an Inadvertent Return Contingency Plan certified by and made available upon request. This condition is required ological integrity of the aquatic resource in accordance with; 2014), Antidegradation Implementation Procedures, W.Va. rning Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq.

his permit is being used for water withdrawal. An individual e obtained from the WVDEP.

stem, no permanent structure authorized by this permit shall rdance with Requirements Governing Water Quality

 C. To protect the integrity of aquatic resources dredging for backfill material is not allowed in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016) and Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008). D. Submarine pipeline stream crossings (including horizontal directional drilling) must be designed and constructed to prevent flotation and the possibility of leakage or rupture and the top of pipelines must he buried a minimum of three (3) feet below the stream bottom in accordance with; WV Water Pollution Control Act, W.Va. Code §22-11-8 (2014), Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008), and Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016). E. Horizontal directional drilling for underwater crossings requires an Inadvertent Return Contingency Plan certified by a West Virginia Professional Engineer to be kept on site and made available upon request. This condition is required to ensure the protection of the chemical, physical and biological integrity of the aquatic resource in accordance with; WV Water Pollution Control Act, W.Va. Code §22-11-8 (2014), Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008) and Requirements Governing Water Pollution Control Act, W.Va. Code §22-11-8 (2014), Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008), and Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2008), and Requirements Governing Water Quality Standards, W.Va. Code §22-11-8 (2014), Antidegradation Implementation Procedures, W.Va. C.S.R. §47-2-1, et seq. (2008), and Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016).
F. To ensure water availability in perennial streams and to protect the integrity of aquatic resources, a 60-day
advance notification prior to construction must be provided to WV DEP DWWM when this permit is being used for water withdrawal, allowing for a determination of whether the water withdrawal will have impacts to aquatic resources, thus necessitating further review or an individual water quality certification. Information to be provided is as follows:
i. The maximum water withdrawal rate;
ii. designs to minimize impingement and entrainment of aquatic life, and iii. a description of how the intake rate will affect streamflow, or be varied, during periods of seasonal low flow
and/or drought.
The WV DEP will provide applicant coordination within 15 days of receipt of a complete notification. This condition is required in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016), Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016) and Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008). G. To protect the biological integrity of the aquatic ecosystem, no permanent structure authorized by this permit shall prevent fish movement upstream or downstream in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. §47-2-1, et seq. (2016) and Antidegradation Implementation Procedures.
Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008). H. To prevent erosion of stream banks at Right of Way (ROW) crossings all waterbody banks are to be returned as close as practicable to preconstruction contours. Riparian areas shall be revegetated with native species of conservation grasses, legumes, and woody species (of low determinate growth), similar in density to adjacent undisturbed lands. Routine mowing or clearing adjacent to waterbodies shall be limited to allow a riparian strip at least 25 feet wide, as measured from the waterbody's mean high water mark, to permanently revegetate with native plant species across the entire construction right-of-way. However, to facilitate periodic corrosion/leak surveys, a corridor centered on the pipeline and up to 10 feet wide may be cleared at a frequency necessary to maintain the 10-foot corridor in an herbaceous state. In addition, trees that are located within 15 feet of the pipeline that have roots that could compromise the integrity of the pipeline coating may be cut and removed from the permanent right-of-way. Seeding recommendations can be found in West Virginia Division of Natural Resources' publication, "Enhancing Wildlife Habitat on Oil & Gas Infrastructure." This condition is required in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. 33 §47-2-1, et seq. (2016) and Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008).

Standards, W.Va. C.S.R. §47-2-1, et seq. (2016) and Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008).

H. To prevent erosion of stream banks at Right of Way (ROW) crossings all waterbody banks are to be returned as close as practicable to preconstruction contours. Riparian areas shall be revegetated with native species of conservation grasses, legumes, and woody species (of low determinate growth), similar in density to adjacent undisturbed lands. Routine mowing or clearing adjacent to waterbodies shall be limited to allow a riparian strip at least 25 feet wide, as measured from the waterbody's mean high water mark, to permanently revegetate with native plant species across the entire construction right-of-way. However, to facilitate periodic corrosion/leak surveys, a corridor centered on the pipeline and up to 10 feet wide may be cleared at a frequency necessary to maintain the 10-foot corridor in an herbaceous state. In addition, trees that are located within 15 feet of the pipeline that have roots that could compromise the integrity of the pipeline coating may be cut and removed from the permanent right-of-way. Seeding recommendations can be found in West Virginia Division of Natural Resources' publication, "Enhancing Wildlife Habitat on Oil & Gas Infrastructure." This condition is required in accordance with Requirements Governing Water Quality Standards, W.Va. C.S.R. 33 §47-2-1, et seq. (2016) and Antidegradation Implementation Procedures, W.Va. C.S.R. §60-5-1, et seq. (2008).