



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION  
1401 EAST BROAD STREET  
RICHMOND, VIRGINIA 23219 2000

**Gregory A. Whirley**  
Commissioner

July 19, 2011

Mr. David L. Davis, CPWD, PWS  
Director, Office of Wetlands and Water Protection  
Department of Environmental Quality  
PO Box 1105  
Richmond, VA 23218

Re: VWP General Permit Authorization Number WP3-08-4060  
VDOT Project Number U000-104-V02,P101 (McIntire Road Extension)  
City of Charlottesville, VA

Dear Mr. Davis:

The Virginia Department of Transportation requests termination of the above-referenced General Permit Authorization Number WP3-08-4060 and the associated Norfolk District, Corps of Engineers State Program General Permit (07-SPGP-01) for the McIntire Road Extension in Charlottesville, VA. We are currently evaluating construction options that will not impact surface waters or waters of the U.S. Pursuant to WP3 permit condition Part III.K.4.b., we are submitting the attached signed termination statement because the authorized impacts will not occur.

Please contact me at (804) 371-6831 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen J. Long".

Stephen J. Long  
State Environmental Administrator

Cc: Kathy Perdue, Corps of Engineers

## PERMIT TERMINATION BY CONSENT

Name and Address of Permittee: Kenneth J. Shirley  
Virginia Department of Transportation  
1601 Orange Road  
Culpeper, Virginia 22701  
540 829 7510

Name and Location of Project: VDOT Project Number U000-104-V02, P101,  
McIntire Road Extension, City of Charlottesville,  
Virginia

Permit Authorization Numbers: VWP General Permit Authorization No. WP3-08-  
4060  
Norfolk District Corps of Engineers' State Program  
General Permit 07-SPGP-01 and 07-SPGP-01  
Special Conditions

I hereby agree to the termination of the above-referenced VWP and 07-SPGP-01 permit authorizations and waive my right to a public hearing in accordance with § 62.1-44.14(5) of the Code of Virginia.

I certify that the permit authorizations are not undergoing Department of Environmental Quality enforcement action.

I certify under penalty of law that the activities and any required compensatory mitigation authorized by the VWP general permit and the 07-SPGP-01 will not occur. I understand that by submitting this notice of termination VDOT is no longer authorized to perform activities in surface waters in accordance with the VWP general permit and the 07-SPGP-01, and that performing activities in surface waters is unlawful where the activity is not authorized by a VWP or 07-SPGP-01 permit. I also understand that the submittal of this notice does not release VDOT from liability for any violations of this VWP general permit authorization or the 07-SPGP-01 authorization, nor does it allow VDOT to resume the permitted activities without reapplication and reauthorization.

Also, termination of the permit authorizations eliminates any Federal action for the project and, therefore, the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470f) and 36 CFR Part 800 are no longer applicable. Therefore, the Memorandum of Agreement (MOA) executed in April, 2011 is null and void, and VDOT shall so notify the other signatories and consulting parties to the MOA in accordance with Stipulation XIII.B.

  
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Kenneth J. Shirley  
Culpeper District Construction Engineer

19 July '11  
\_\_\_\_\_  
Date