



**US Army Corps
of Engineers** ®
Norfolk District

News Release



FOR IMMEDIATE RELEASE

Date: May 31, 2007, # 07-09

Contacts: Virginia Department of Environmental Quality: Bill Hayden - (804) 698-4447.

U.S. Army Corps of Engineers: Bob Hume, Regulatory - (757) 201-7657 or Terry McCann, Public Affairs - (757) 201-7606.

Virginia, Army Corps reach agreement on modified wetlands permitting

On June 1, 2007, the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality (DEQ) plans to implement an agreement that creates a more efficient permitting process, provides the state more control over certain development activities, and better enables a “one-stop shopping” approach for commercial and residential developers and transportation planners whose projects will impact non-tidal waters.

Under the agreement, the Corps’ Norfolk District will delegate to the Commonwealth of Virginia additional permitting decision authority through a modification to the existing federal State Programmatic General Permit (SPGP) program for wetlands impacts.

The goal is to attain an overall permitting process that will be consistent, timely, balanced and fair for the benefit of Virginians and the environment, while making efficient use of state and federal resources and eliminating duplication of effort between the two agencies. As a result, the level of environmental protection for Virginia wetlands and streams will be maintained.

The Commonwealth will be the lead regulatory authority for the roughly 425 development and transportation projects per year that qualify for the SPGP in Virginia. These are projects that have non-tidal waters impacts up to one acre of wetlands and 2,000 linear feet of streams for development projects, and one-third acre for roads projects, the same thresholds that have been in place since the first SPGP was issued. These projects currently make up approximately ten percent of the Norfolk District’s annual permit workload.

Now mirrors programs in other states

While the Corps will retain oversight responsibilities, this delegation enables the Corps and DEQ to take a significant step forward toward a more efficient process that is more in line with those of other states, including Maryland, Pennsylvania and the six New England states.

Previously, developers and transportation planners whose projects affected non-tidal waters had to submit applications to the Army Corps of Engineers to receive a permitting letter, and to DEQ to receive a state water protection permit. Each agency was independently responsible for monitoring to ensure compliance with permitting provisions.

Now, for wetlands and stream impacts under this agreement, the developers and planners are required to obtain a permit only from the DEQ and they must satisfy only a single agency regarding mitigation of

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Corps, Virginia wetlands permitting agreement
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non-tidal waters impacts. Additionally, in conjunction with permit applications, the agreement will delegate to the Commonwealth the authority to conduct initial screenings for threatened and endangered species and historic resources.

The Commonwealth will have permitting authority under the SPGP program, and the Corps will retain oversight and management responsibility for this federal program and will continue to monitor for consistency with federal laws, policies and guidelines.

Program benefits

The agreement has benefits for the program's customers as well as for the Commonwealth and the Corps:

- Permit applicants will receive equivalent services in a simpler, more straightforward manner.
- The state will be able to interact more closely with developers and transportation planners.
- The Corps will be able to use its available resources to focus more extensively on compliance and enforcement.
- Both Virginia and the Corps will be able to continue their comprehensive approach to protecting the region's wetlands and streams.

To ensure a smooth transition and continuity in operations, the two agencies have developed detailed standard operating procedures and will collaborate in joint training opportunities.