

JOINT PERMIT APPLICATION

INSTRUCTIONS

The following instructions and information are designed to assist you in applying for permits from Federal, State, and Local regulatory agencies for work in waters and/or wetlands within the Commonwealth of Virginia. The intent is to provide general information on the permit process, not to act as a complete legal and technical reference.

Answers to technical questions and detailed information about specific aspects of the various permit programs may be obtained from the Federal, State, or Local regulatory offices listed in Part VI of this package.

THE JOINT PERMIT APPLICATION PROCESS

This single Joint Permit Application (JPA) is used by the US Army Corps of Engineers (Corps), the Virginia Department of Environmental Quality (DEQ), the Virginia Marine Resources Commission (VMRC), and the Local Wetlands Boards listed in Part VI for permitting purposes involving water and wetland resources. Please note that some health departments and local agencies, such as local building officials and erosion and sediment control authorities, do not use this application and may have different informational requirements. The applicant is responsible for contacting these agencies for information regarding their permitting requirements.

Development within the 84 Counties, Cities, and Towns of "Tidewater Virginia" (as defined in §10.1-2100 of the Code of Virginia) is subject to the requirements of the Chesapeake Bay Preservation Act. If your project is located in a Bay Act locality and will involve land disturbance or removal of vegetation within a designated Resource Protection Area (RPA), these actions will require approval from your local government. Local Wetlands Boards are not responsible for enforcing Bay Act requirements and local permits for land disturbance are not issued through this Joint Permit Application process. The requirements of the Bay Act may, however, affect the ultimate design and construction of projects. In order to ensure that these requirements are considered early in the permitting process, and to avoid unnecessary and costly delays, applicants should contact their local government as early in the process as possible. Localities may request information regarding existing vegetation within the RPA as well as a description and site drawing of any proposed land disturbance or vegetation clearing. Local Bay Act staff will then evaluate project proposals and advise their local Wetlands Boards of applicable Bay Act issues. To determine if your property is located in a Bay Act locality, learn more about Bay Act requirements, or find local government contacts, please visit the Chesapeake Bay Local Assistance Department's Web site at <http://www.cblad.state.va.us/>, or call the Department at 1-800-243-7229.

The required number of copies of your JPA and all required attachments should be submitted to the VMRC at:

Virginia Marine Resources Commission
Habitat Management Division
2600 Washington Avenue, 3rd Floor
Newport News, Virginia 23607

Unless instructed otherwise in the HOW TO APPLY section below, you should submit one copy of your application and drawings.

VMRC will assign a permit application number to the JPA and distribute copies of the application to the other regulatory agencies that are involved with the JPA process. All agencies will conduct separate but concurrent reviews of your JPA. Please be aware that while one JPA has been submitted, each agency may issue a separate permit. Therefore, make sure you have received all necessary authorizations, or documentation that no permit is required from each agency, prior to beginning the proposed work in waters and/or wetlands.

You may send a courtesy copy of your application, etc. to the agencies participating in the JPA process to initiate informal processing. However, some agencies will not formally begin processing your application until a permit application number and/or a permit application fee has been received.

During the JPA review process, site inspections may be necessary to evaluate a proposed project. Photographs of the project site may be taken during this time. Failure to allow an authorized representative of a regulatory agency to enter the project site, or to take photographs of conditions at the project site, may result in either a permit application withdrawal or a permit denial.

Public participation via the public review process is often part of the permit issuance process:

- For certain Federal and State permits, a public notice is published in a newspaper having circulation in the project area. The public may comment on the project during a designated (usually 30-day) comment period. Comments are evaluated and a decision is made whether to issue a permit, issue a permit with specific conditions, or deny a permit.
- When applicable, the project will be heard by the appropriate Local Wetlands Board after a notice of public hearing has been advertised at least once a week for two consecutive weeks in a local newspaper. You should consult your local wetlands board to determine who bears the cost for this advertisement. VMRC will conduct the hearings for localities that do not have a wetlands board.
- Protested applications for a VMRC permit which cannot be resolved; projects costing over \$50,000 involving encroachment upon or over State-owned subaqueous land; and all projects affecting State and local wetlands in localities without a wetlands board will be scheduled for public hearings by VMRC at their regularly scheduled monthly commission meetings. All interested parties will be officially notified regarding the date and time of the hearing and Commission meeting procedures. The Commission will make a decision on the project at the meeting unless a decision for continuance is made.

If a proposed project is approved, a permit or agency correspondence is sent to the applicant. In some cases a notarized signature as well as processing fees and royalties are required before the permit is validated. If the project is denied, the reason(s) for denial will be provided in writing.

If you have any questions about the need for a permit, the permitting process, or completing the JPA, contact the Corps for a pre-application consultation, or other agency staff for assistance. Agency staff can often help you minimize adverse impacts, possibly to the point of eliminating the need for a permit altogether.

ORGANIZATION OF THE JOINT PERMIT APPLICATION PACKAGE

Part I: The basic application form provides the review agencies with general information about your proposed project. The applicable signatures in this section are required by all applicants and may be required by other parties involved with your proposed project.

Part II: The appendices located in Part II provide detailed information needed by the reviewing agencies. Remember, not all appendices are required for every proposed project. If you need definitions of any of the terms used in this section, a glossary of terms can be found online at <http://www.nao.usace.army.mil/Regulatory/JPAGlossary.htm>. If you do not have access to the Internet, please call one of the participating agencies and they will be able to fax or mail a copy of the glossary to you.

Part III: The adjacent property owner (APO) Acknowledgement Form in Part III is used by VMRC for compliance with regulations applicable to its permitting programs. The form may also be used by local wetlands boards in their review of a project, where applicable.

Part IV: The DEQ Virginia Water Protection Permit (VWPP) Addendum allows supplemental information to be reported for the purposes of reviewing applications for impacts under the VWPP program regulations.

Part V: The DEQ VWPP Submittals and Certification Statement are used by applicants seeking a VWPP general permit only and provide information on additional submittals required by DEQ. Please note that this JPA, along with any required attachments or submittals, constitutes a registration statement for a VWP general permit.

Part VI: This section contains a regulatory agency directory and information regarding the wetland delineation protocol necessary for Corps and DEQ permits.

HOW TO APPLY

All applicants must complete **Part I - General Information**.

Please review the flowchart at the end of this section to determine what additional information that you need to fill out and submit. All projects involving water withdrawals must fill out Parts II, III, and IV, including the section labeled FOR WATER WITHDRAWAL ONLY.

Applicants applying for coverage under the Corps' State Program General Permit (SPGP-01) Activity 1, Category A (residential or commercial development impacting ½ acre or less of nontidal wetlands and/or waters and no greater than 300 linear feet of streambed) should submit three (3) copies of the completed JPA form and attachments, five (5) copies of blue-line drawings, and one (1) copy of 8.5 x 11 inch drawings to VMRC. Applicants applying for coverage under the Corps' State Program General Permit (SPGP-01) Activity 1, Category B (residential or commercial development impacting ½ to 1 acre of nontidal wetlands and/or waters and no greater than 2000 linear feet of streambed) should submit five (5) copies of the completed JPA form and attachments, six (6) copies of blue-line drawings, and one (1) copy of 8.5 x 11 inch drawings to VMRC. The extra copies will be forwarded to the appropriate agencies for coordination purposes with other State and Federal advisory agencies. Providing the correct amount of copies will save time in processing your application.

ADDITIONAL ATTACHMENTS

Applicants filing for coverage under the Corps State Program General Permit (SPGP-01), Activity 1, Category A or B must submit a copy of the documents resulting from the Corps field review to **DEQ** and the primary planning agency at the **county or city/town** level of government. DEQ should receive a copy of the Corps' delineation confirmation of waters boundaries, the waters delineation map, and the wetland data sheets. The primary planning agency at the **county or city/town** level of government should receive a copy of the Corps' delineation confirmation of waters boundaries and the waters delineation map.

If you are submitting the JPA as a Pre-Construction Notification (PCN) under the Corps Nationwide Permit Program (33 CFR 330, Appendix A, Part C), you must clearly identify your intention by writing the letters "**PCN**" at the top of the first page of Part I.

In order for projects requiring Local Wetlands Board authorization to be considered complete, applications **must** include the information below (per Code 28.2-1302). If you have not provided this information elsewhere in your JPA, you will need to attach it to your JPA. *"The permit application shall include the following: the name and address of the applicant; a detailed description of the proposed activities; a map, drawn to an appropriate and uniform scale, showing the area of wetlands directly affected, the location of the proposed work thereon, the area of existing and proposed fill and excavation, the location, width, depth and length of any proposed channel and disposal area, and the location of all existing and proposed structures, sewage collection and treatment facilities, utility installations, roadways, and other related appurtenances of facilities, including those on the adjacent uplands; a description of the type of equipment to be used and the means of access to the activity site; the names and addresses of record of adjacent land and known claimants of water rights in or*

adjacent to the wetland of whom the applicant has notice; an estimate of cost; the primary purpose of the project; and secondary purpose of the proposed project; a complete description of measures to be taken during and after the alteration to reduce detrimental offsite effects; the completion date of the proposed work, project, or structure; and such additional materials and documentation as the wetlands board may require.”

PERMIT APPLICATION FEES

General Note: Fees are subject to change. Please consult agency web sites or contact agencies directly for current fee information.

Corps: No permit or permit application fees are required.

DEQ: Permit application fees required by DEQ for VWP permits are provided on DEQ’s web site <http://www.deq.state.va.us> or on the Commonwealth of Virginia’s web site <http://leg1.state.va.us/000/reg/TOC.HTM> under 9 VAC 25-20-et seq. A DEQ project manager will contact you regarding the proper fee and submittal requirements after receiving your application package. After being contacted by DEQ, mail the permit application fee to the DEQ Receipts Control Department along with the Permit Application Fee Form. Please do not send DEQ permit application fees with the JPA. Please note that when completing DEQ’s Permit Application Fee Form, make sure the applicant name and facility (project) name are the same as those you reported in your JPA.

VMRC: Permit fees are \$25.00 for projects costing \$10,000.00 or less and \$100.00 for projects costing more than \$10,000.00. The proper fee is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper fee and submittal requirements. Please do not send VMRC permit fees with the JPA.

Local Wetlands Boards: Permit fees required vary. Contact the board in your location or reference locality web sites for fee information and submittal requirements. A web link for board phone numbers is provided in Part VI of the JPA. Please do not send VMRC permit fees with the JPA.

The following flowchart may be used to determine what other parts of the JPA that you need to fill out to obtain permits for your project. The information that you submit in this application satisfies the minimum legal requirements of the regulatory agencies. Additional information may be requested by these agencies in order to make permit decisions.

