

17-SPGP-01 STANDARD OPERATING PROCEDURES

I. PURPOSE

17-SPGP-01 authorizes the discharge of dredged or fill material in nontidal waters of the United States, including wetlands, associated with certain residential, commercial, and institutional developments and linear transportation projects within the geographical limits of the Commonwealth of Virginia and under the regulatory jurisdiction of the US Army Corps of Engineers - Norfolk District (Corps). These projects must have minimal individual and cumulative impacts and meet the terms and conditions outlined herein.

The use of 17-SPGP-01 shall be restricted to those projects that have avoided and minimized impacts to waters of the United States, including wetlands, to the maximum extent practicable. The Clean Water Act (CWA) Section 404(b)(1) guidelines state that no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge that would have less adverse effect on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.

The intent of this permit is to authorize residential, commercial and institutional developments, linear transportation and their associated infrastructure. Small standalone projects (such as utilities, substations, regional stormwater management, single family homes or single family home attendant features) that are not associated with a proposed larger-scale development project are not authorized by 17-SPGP-01.

II. PROCEDURES

A. Confirmation of delineations:

Prior to the submission of a permit application for 17-SPGP-01, and any subsequent modifications, a proponent must obtain a:

- 1) Corps confirmed delineation (Preliminary JD) that is approved for use with a permit application
OR
- 2) Corps confirmed jurisdictional determination (Approved JD)

The confirmed delineation/determination must include the limits of all waters, including wetlands and open waters that are located within the project boundaries.

B. Preapplication Consultations:

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Upon receipt of a preapplication meeting request the receiving agency will notify the requestor that they must:

- 1) Request a joint meeting with the appropriate representative from the Corps and the VDEQ via email
AND
- 2) Provide the following information prior to the preapplication meeting:
 - a. a conceptual development plan
 - b. a vicinity map with the project boundaries clearly identified
 - c. all known permitting history, if applicable, including any Corps jurisdictional determination.

Both the Corps and VDEQ should be in attendance for all 17-SPGP-01 preapplication meetings unless they have specifically declined attendance for that project.

III. APPLICATION

A. Complete application:

- 1) A completed and signed Standard Joint Permit Application (JPA). The applicant must utilize the most recent version.
<http://www.nao.usace.army.mil/Missions/Regulatory/>
AND
- 2) A completed SPGP Complete Application Checklist form. The applicant must utilize the most recent version.
AND
- 3) A Preliminary JD or an Approved JD.

The application package must be submitted to the Virginia Marine Resource Commission (VMRC) and clearly marked 17-SPGP-01 by checking the SPGP box at the top of the JPA. The VMRC will forward a copy of the application to the applicable VDEQ office. Once the VDEQ has deemed the application complete the VDEQ will forward the complete application to the appropriate federal agency when coordination is required.

Processing of the application will not commence until the project has been issued a VMRC project number and the appropriate VDEQ office has received a complete application. The required components of a complete application are listed in the SPGP Complete Application Checklist Form.

B. Incomplete Application:

- 1) The VDEQ is the state agency responsible for ensuring permit applications meet the informational and technical requirements of the 17-SPGP-01 and for issuance of 17-SPGP-01 verifications for qualifying

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Residential, Commercial, and Institutional and Linear Transportation projects.

- 2) If the VDEQ determines the application is incomplete, the VDEQ will send the applicant a copy of the SPGP Complete Application Checklist with the missing items highlighted.
 - If the applicant does not respond within the 60 days the VDEQ will administratively withdraw the application and notify the applicant.

IV. COORDINATION PROCEDURES

- Processing and coordination of the application **will not** commence until the project has been issued a VMRC project number and the appropriate VDEQ office has received a complete application.
- The Corps project review timeframe begins when the Corps receives a complete application from the VDEQ.
- All federal agency responses to VDEQ coordination will be provided in writing via email or letter.
- The VDEQ should send all coordination concurrently using the same 17-SPGP Federal Coordination Form.
- For all projects where another federal agency is the lead (e.g FHWA) the DEQ will request Section 7 and Section 106 determinations and concurrences from the lead federal agency or their designated representative (e.g. VDOT).
- The VDEQ must review avoidance and minimization and onsite alternatives for all projects regardless of impact totals.

A. RESIDENTIAL, COMMERCIAL, INSTITUTIONAL PROJECTS:

- 1) **Section 106 coordination:**
 - a. The VDEQ will send the Corps a completed 17-SPGP Federal Coordination Form and a copy of the JPA
 - b. The Corps will complete Section 106 review in accordance with internal procedures. The Corps PM will notify the VDEQ, within 15 calendar days, if coordination with SHPO and/or other agencies is required.
 - c. Upon completion of the Section 106 review, and any required coordination, the Corps will:
 - i. notify the VDEQ PM that Section 106 has been completed
 - ii. provide all supporting documentation that documents the Corps decision

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- iii. provide the VDEQ with any special conditions, if required
- d. The VDEQ will track the decision and completion date on the VDEQ Permit Summary Sheet.
- e. A 17-SPGP verification **CAN NOT** be issued until the VDEQ has received notification in writing that the Section 106 process has been completed (regardless of the 15 day notification date)

2) **Section 408 coordination:**

- a. The VDEQ will review the Norfolk District “RP-17 Corps Project Maps”: <http://www.nao.usace.army.mil/Missions/Regulatory/RBregional.aspx>.
- b. If the project does not intersect any Corps civil works projects then the VDEQ will track the decision and completion date on the VDEQ Permit Summary Sheet.
- c. The VDEQ will send the Corps a completed 17-SPGP Federal Coordination Form and a copy of the JPA if any civil works project will be affected including the following:
 - The project is located within the boundaries of a Flood Risk Management project
 - The project is located within a waterway that contains a federal navigation channel
 - The project intersects an environmental restoration project.
- d. The Corps will complete Section 408 review in accordance with internal procedures. The Corps PM will notify the VDEQ, within 15 calendar days, if additional internal coordination is required.
- e. Upon completion of the Section 408 review, and any required coordination, the Corps will:
 - i. notify the VDEQ PM that Section 408 has been completed
 - ii. provide all supporting documentation that documents the Corps decision
 - iv. provide the VDEQ with any special conditions, if required
- f. The VDEQ will track the decision and completion date on the VDEQ Permit Summary Sheet.
- g. A 17-SPGP verification **CAN NOT** be issued until the VDEQ has received notification in writing that the Section 408 process has been completed (regardless of the 15 day notification date)

3) **Section 7 - INFORMAL screening and coordination:**

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- a. The VDEQ will determine whether federally proposed/listed species or federally proposed/designated critical habitat may occur in the project's action area. The action area is defined by regulation (50 C.F.R. § 402.02) as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action. For the purpose of the 17-SPGP-01 the VDEQ may utilize and coordinate the same action area that is used to meet the VDEQ state requirements.
- b. The VDEQ will perform informal Section 7 coordination in accordance with the most current version of the "NAO ESA Project Review Process" document and will coordinate with the appropriate agencies using the 17-SPGP Federal Coordination Form.
- c. The VDEQ will track the decision and completion date on the VDEQ Permit Summary Sheet.

4) **Section 7 FORMAL consultation (when applicable):**

- a. The VDEQ will send the Corps:
 - i. a completed 17-SPGP Federal Coordination Form
 - ii. a copy of the JPA
 - iii. the Official IPAC species list
 - iv. a completed species conclusion table
 - v. any previous correspondence with USFWS
- b. The Corps will complete formal Section 7 consultation in accordance with internal procedures.
- c. Upon completion of the Section 7 consultation, and any required coordination, the Corps will:
 - i. notify the VDEQ PM that formal Section 7 consultation has been completed
 - ii. provide all supporting documentation that documents the Corps decision
 - iii. provide the VDEQ with any special conditions, if required
- d. The VDEQ will track the decision and completion date on the VDEQ Permit Summary Sheet.
- e. A 17-SPGP verification **CAN NOT** be issued until the VDEQ has received notification in writing that the Formal Section 7 process has been completed.

5) **Federal coordination:** for projects where permanent impacts

- exceed ½ acre of waters of the US, to include stream channel,

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wetlands and open waters

OR

- exceed 300 linear feet of stream channel
- a. The VDEQ will send the Corps, EPA and USFWS a:
 - i. completed 17-SPGP Federal Coordination Form
 - ii. copy of the JPA
 - iii. copy of any additional information requests sent to the applicant
 - b. Within 15 calendar days of receipt the Corps, EPA and USFWS will provide any comments or objections regarding the project to the VDEQ
 - If no comments are received by close-of-business on the 15th calendar day then VDEQ can assume the agencies have no comments and will track the decision and completion date on the VDEQ Permit Summary Sheet.
 - c. if any agency responds with comments or objections the VDEQ will request that the applicant provide a response to the agency comments
 - If the applicant does not respond within the 60 days the VDEQ will administratively withdraw the application and notify the applicant.
 - d. The VDEQ will coordinate the applicant's response with the commenting agency for an additional 15 calendar day comment period.
 - If no comments are received by close-of-business on the 15th calendar day then VDEQ can assume the agencies have no comments and will track the decision and completion date on the VDEQ Permit Summary Sheet.
 - If the agency responds with no additional concerns the VDEQ will track the decision and completion date on the VDEQ Permit Summary Sheet.
 - e. If the agency still has additional comments or objections the VDEQ will elevate the project to the Corps for resolution
 - f. The Corps will complete processing in accordance with internal procedures.
 - g. Upon completion of the federal review, and any required coordination, the Corps will:
 - i. notify the VDEQ PM that the Corps review has been completed
 - ii. provide all supporting documentation that documents the Corps decision
 - iii. provide the VDEQ with any special conditions, if required
OR notification that the project will be processed under an alternative Corps review.
 - h. The VDEQ will track the decision and completion date on the VDEQ Permit Summary Sheet.

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B. LINEAR TRANSPORTATION:

1) **Section 106 coordination:**

- a. The VDEQ will send the Corps a completed 17-SPGP Federal Coordination Form and a copy of the JPA
- b. The Corps will complete Section 106 review in accordance with internal procedures. The Corps PM will notify the VDEQ, within 15 calendar days, if coordination with SHPO and/or other agencies is required.
- c. Upon completion of the Section 106 review, and any required coordination, the Corps will:
 - i. notify the VDEQ PM that Section 106 has been completed
 - ii. provide all supporting documentation that documents the Corps decision
 - iii. provide the VDEQ with any special conditions, if required
- d. The VDEQ will track the decision and completion date on the VDEQ Permit Summary Sheet.
- e. A 17-SPGP verification **CAN NOT** be issued until the VDEQ has received notification in writing that the Section 106 process has been completed (regardless of the 15 calendar day notification date)

2) **Section 408 coordination:**

- a. The VDEQ will review the Norfolk District "RP-17 Corps Project Maps": <http://www.nao.usace.army.mil/Missions/Regulatory/RBregional.aspx>.
- b. If the project does not intersect any Corps civil works projects then the VDEQ will track the decision and completion date on the VDEQ Permit Summary Sheet.
- c. The VDEQ will send the Corps a completed 17-SPGP Federal Coordination Form and a copy of the JPA if any civil works project will be affected including the following:
 - The project is located within the boundaries of a Flood Risk Management project
 - The project is located within a waterway that contains a federal navigation channel
 - The project intersects an environmental restoration project.
- d. Upon completion of the Section 408 review, and any required coordination, the Corps will:

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- i. notify the VDEQ PM that Section 408 has been completed
 - ii. provide all supporting documentation that documents the Corps decision
 - iii. provide the VDEQ with any special conditions, if required
- e. The VDEQ will track the decision and completion date on the VDEQ Permit Summary Sheet.
- f. A 17-SPGP verification **CAN NOT** be issued until the VDEQ has received notification in writing that the Section 408 process has been completed (regardless of the 15 calendar day notification date)

3) **Section 7 - INFORMAL screening and coordination:**

- a. The VDEQ will determine whether federally proposed/listed species or federally proposed/designated critical habitat may occur in the project's action area. The action area is defined by regulation (50 C.F.R. § 402.02) as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action. For the purpose of the 17-SPGP-01 the VDEQ may utilize and coordinate the same action area that is used to meet the VDEQ state requirements.
- b. The VDEQ will perform informal Section 7 coordination in accordance with the most current version of the "NAO ESA Project Review Process" document and will coordinate using the 17-SPGP Federal Coordination Form.
- c. The VDEQ will track the decision and completion date on the VDEQ Permit Summary Sheet.

4) **Section 7 FORMAL consultation (when applicable):**

- a. The VDEQ will send the Corps:
 - i. a completed 17-SPGP Federal Coordination Form
 - ii. a copy of the JPA
 - iii. the Official IPAC species list
 - iv. a completed Species Conclusion Table
 - v. any previous correspondence with USFWS
- b. The Corps will complete formal Section 7 consultation in accordance with internal procedures.
- c. Upon completion of the Section 7 consultation, and any required coordination, the Corps will:
 - i. notify the VDEQ PM that formal Section 7 consultation has been completed
 - ii. provide all supporting documentation that documents the Corps

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- decision
 - iii. provide the VDEQ with any special conditions, if required
 - d. The VDEQ will track the decision and completion date on the VDEQ Permit Summary Sheet.
 - e. A 17-SPGP verification **CAN NOT** be issued until the VDEQ has received notification in writing that the Formal Section 7 process has been completed.
- 5) **Federal coordination:** for projects where permanent impacts
- exceed 300 linear feet at a single impact area
- OR
- Cumulatively exceed 300 linear feet of stream channel AND/OR ½ acre of non-tidal water of the US, to include stream channel, wetlands and open waters. (Cumulative impact coordination is only applicable when multiple single and complete crossings are proposed).
- a. The VDEQ will send the Corps, EPA and USFWS a:
 - i. completed 17-SPGP Federal Coordination Form
 - ii. copy of the JPA
 - iii. copy of any additional information requests sent to the applicant
 - b. Within 15 calendar days of receipt the Corps, EPA and USFWS will provide any comments or objections regarding the project to the VDEQ
 - If no comments are received by close-of-business on the 15th calendar day then VDEQ can assume the agencies have no comments and will track the decision and completion date on the VDEQ Permit Summary Sheet.
 - c. if any agency responds with comments or objections the VDEQ will request that the applicant provide a response to the agency comments
 - If the applicant does not respond within the 60 days the VDEQ will administratively withdraw the application and notify the applicant
 - d. The VDEQ will coordinate the applicant's response with the commenting agency for a 15 calendar day comment period.
 - If no comments are received by close-of-business on the 15th calendar day then VDEQ can assume the agencies have no comments and will track the decision and completion date on the VDEQ Permit Summary Sheet.
 - If the agency responds with no additional concerns the VDEQ will track the decision and completion date on the VDEQ Permit Summary Sheet.

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- e. If the agency still has additional comments or objections the VDEQ will elevate the project to the Corps for resolution
- f. The Corps will complete processing in accordance with internal procedures.
- g. Upon completion of the federal review, and any required coordination, the Corps will:
 - i. notify the VDEQ PM that the Corps review has been completed
 - ii. provide all supporting documentation that documents the Corps decision
 - iii. provide the VDEQ with any special conditions, if required OR notification that the project will be processed under an alternative Corps review.
- h. The VDEQ will track the decision and completion date on the VDEQ Permit Summary Sheet.

V. Permit Decisions

- 1) **Permit Issuance:** The VDEQ will determine, through the processes outlined above, whether the work proposed satisfies the terms and conditions of 17-SPGP-01. All 17- SPGP-01 verifications shall be written on attached 17-SPGP-01 Verification Letter.
- 2) **Denial:** The VDEQ PM should advise the applicant if the project does not qualify for a 17- SPGP-01 verification. In these situations, the VDEQ PM should send correspondence to the applicant notifying them to either:
 - a. Revise their proposal so that it qualifies for a 17-SPGP verificationOR
 - b. Submit their application directly to the Corps for processing under a different Corps permit.

VI. Permit Re-verification

The following should apply to all re-verification requests for 17-SPGP-01 projects that were issued by the VDEQ:

- 1) All projects that have associated special conditions, an MOA regarding Section 106 of the NHPA and/or require formal consultation under Section 7 of the ESA must be coordinated with the Corps, or lead federal agency when applicable, regardless of the newly proposed impact totals.
- 2) All projects proposing additional temporary and/or permanent impacts will be processed in accordance with the coordination procedures listed in Section IV(A) and IV(B) of this SOP.

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EXCEPTION: For projects where federal coordination (IV(A)(5) and IV(B)(5) has already occurred, Federal re-coordination is not required when the total of the additional permanent impacts are less than:

- ¼ acre of waters of the US, to include stream channel, wetlands and open waters
OR
 - 100 linear feet of stream channel
- 3) The following re-verifications do not require re-coordination but do require the issuance of a new 17-SPGP Verification Letter:
- a. change in ownership/project name
 - b. decrease in impacts
 - c. modification to the development plan but no additional impacts
 - d. change in use of bank/in-lieu fee
 - e. clerical revisions
- 4) If the proposed re-verification cumulatively exceeds the thresholds of the 17-SPGP the VDEQ PM should send correspondence to the applicant notifying them to either:
- a. Revise their proposal so that it qualifies for a 17-SPGP verification.
OR
 - b. Submit their application directly to the Corps for processing under a different Corps permit.

VII. Compliance and Resolution of Non-compliance for projects authorized by the 17-SPGP-01

The VDEQ will generally maintain the primary responsibility for performing compliance inspections and resolution of non-compliance for residential, commercial, and institutional developments or linear transportation projects authorized under the 17-SPGP-01. However, this does not prevent the Corps from inspecting these project sites independently or from exerting enforcement authority.

- 1) All projects that have associated special conditions, an MOA regarding Section 106 of the NHPA and/or require formal consultation under Section 7 of the ESA must be coordinated with the Corps regardless of their impact totals.
- 2) Resolution of noncompliance activities where final resolution includes an increase in temporary and/or permanent impacts will be treated and coordinated in the same manner as re-verification requests (Section VI of this SOP).

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- 3) Non-compliance discovered by Corps PMs will be forwarded to the VDEQ for resolution. The Corps PM will include:
 - a. Project name and number
 - b. Dated discovered
 - c. Brief description of the potential non-compliance.
 - d. Notification that the Corps will/will not participate in resolution of the noncompliance.
- 4) For all 17-SPGP-01 non-compliance resolved by the VDEQ VWP staff the VDEQ will issue a new 17-SPGP-01 verification letter
- 5) For all non-compliance resolved by the VDEQ enforcement, the applicant will submit a new JPA to the VDEQ requesting a 17-SPGP verification for the project.

VIII. Dispute Resolution Process

- 1) A Joint Corps/VDEQ meeting will be scheduled between the applicable project managers to discuss project specific disputes.
- 2) A Joint Corps/VDEQ meeting will be scheduled between the Corps and VDEQ management to discuss programmatic differences.
- 3) Responsibility for the organizing the meeting shall lie with the requesting party.
- 4) When applicable, the Corps/VDEQ will invite any objecting/commenting agencies to attend the meeting.
- 5) A decision must be made at the meeting. The meeting and the decision should be documented in the project file.

IX. Training

A one day joint Corps/VDEQ training will be held once a calendar year. If additional training is needed it can be requested by either agency.

X. SPGP Annual Report Requirements

On an annual basis, the VDEQ will provide the Corps a report to assess the effectiveness of 17-SPGP-01 and evaluate the extent of its cumulative impacts.

The reports will be for the period of September 1 through August 31 of every year. This report will be advertised by public notice to provide an opportunity for the public, agencies, and interested organizations to submit comments.

The report will include the following information:

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- 1) Average number of calendar days between initial receipt of application and final approval
- 2) Average number of calendar days between receipt of complete application and final approval
- 3) Total acres of wetland impacts requested
- 4) Total acres of wetland impacts authorized
- 5) Total wetland mitigation required, broken out into the following categories:
 - a. Acres of wetland preservation required.
 - b. Acres of wetland creation/restoration required.
 - c. Wetland mitigation credits required to be purchased from a bank or in-lieu fee.
- 6) Linear feet of stream impacts requested
- 7) Linear feet of stream impacts authorized
- 8) Total stream mitigation required, broken out into the following categories:
 - a. Linear feet of stream preservation required.
 - b. Linear feet of stream enhancement/restoration required
 - c. Stream mitigation credits required to be purchased from a bank or in-lieu fee.
- 9) Total number of projects authorized, organized by 8-digit hydrologic unit code (HUC) (HUC reviewable at <http://cfpub.epa.gov/surf/locate/index.cfm>)
- 10) Total acres of wetland impacts authorized, organized by 8-digit HUC
- 11) Total linear feet of stream impacts authorized, organized by 8-digit HUC
- 12) Total number of SPGP permit re-verifications performed within the reporting period
- 13) Total number of Compliance Inspections performed, broken out into the following categories:
 - a. Number of projects found to be in compliance with permit conditions
 - b. Number of projects found to be in non-compliance with permit conditions
 - c. Number of non-compliance activities resolved within reporting period

PROJECT NAME

17-SPGP-01 COMPLETE APPLICATION CHECKLIST

*** Please note that additional information may be required by the agency(ies) to complete project review.**

Submission Requirements	Material	
1	Completed and signed JPA with SPGP box checked	
2	Any existing Corps project numbers and previous actions	
3	The applicant's name, contact person, mailing address, telephone number, email address	JPA Section 1
4	The authorized agent's name, contact person, mailing address, telephone number, email address	JPA Section 1
5	Project location information: address, city/county	JPA Section 2
6	Water body or water bodies or receiving stream, as applicable	JPA Section 2
7	Latitude and longitude (to the nearest second) from a central location within the project limits	JPA Section 2
8	The hydrologic unit code (HUC) for the project area	JPA Section 2
9	The name of the project, narrative description of project purpose, and a description of the proposed activities in waters, including wetlands	JPA Section 3
10	Permanent and temporary WOUS Impacts; to include wetlands and open waters	JPA Section 8
11	All appropriate sections from the JPA, including signature pages: (a) Include Sections 1-9, and applicable Sections 10-27 for all General Permits (b) Check that all applicable requirements within individual sections (i.e. Appendices) of the JPA have been followed, such as road and utility crossing narratives	
12	A detailed location map (e.g., a United States Geologic Survey topographic quadrangle map, ADC road map) of the project area, including the project boundary. The map should be of sufficient detail such that the site may be easily located for site inspection	
13	Project plan view. All plan view sketches should include, at a minimum, north arrow, scale, existing structures, existing contours, proposed contours (if available), limit of waters, including wetlands, direction of flow, ordinary high water line, impact limits, and location and dimension of all proposed structures in impact areas. In addition, cross-sectional or profile sketches with the above information may be required to detail impact areas and those impacts associated with the installation of structures.	
14	Check that all informational requirements for drawings, listed in Appendix D of the JPA, have been followed	
15	Large-sized impact map (at a scale no smaller than 1" = 200'); use matchlines if the entire site cannot fit on one sheet at this scale and provide a cover page showing how all sheets relate.	
16	A description of the specific on-site measures considered and taken during project design and development both to avoid and minimize impacts to waters, including wetlands, to the maximum extent practicable. If applicable, submit alternative designs as well as an economic analysis	
17	Endangered and threatened species information and related correspondence	

18	Historic resources information and related correspondence, including a plan view depicting all historical resources located within the project boundaries.	
19	A conceptual mitigation plan that adheres to the mitigation requirements and preference hierarch of the Corps-EPA Compensatory Mitigation for Losses of Aquatic Resources Rule dated April 10, 2008 (33 CFR 325 and 332; 40 CFR 230)	
20	Applicants proposing compensation involving the purchase or use of mitigation banking or in-lieu fee credits shall include as their conceptual compensation plan: (a) The name of the proposed mitigation bank or in-lieu fee; (b) the HUC in which it is located; (c) the number of credit proposed to be purchases; (d) a letter of credit availability from the Sponsor (e) If applicable, a copy of the stream assessment report in the JPA	
21	WETLANDS: Applicants proposing onsite/offsite permittee responsible mitigation shall include as their conceptual compensation plan (33 CFR 332.4(c)(2)-(14)) : (a) Objectives; (b) site selection; (c) site protection instruments; (d) baseline information; (e) credit determination methodology (f) mitigation work plan including water budget; (g) maintenance plan; (h) ecological performance standards; (i) monitoring requirements; (j) long-term management; (k) adaptive management plan; (l) financial assurances;	
22	WATERS: Applicants proposing onsite/offsite permittee responsible mitigation shall include as their conceptual compensation plan (33 CFR 332.4(c)(2)-(14)) : (a) Objectives; (b) site selection; (c) site protection instruments; (d) baseline information; (e) credit determination methodology (f) mitigation work plan including water budget; (g) maintenance plan; (h) ecological performance standards; (i) monitoring requirements; (j) long-term management; (k) adaptive management plan; (l) financial assurances; (m) planform geometry (n) channel form (o) watershed size (p) design discharge (q) riparian area plantings (r) a reference reach (s) completed Natural Channel Design Review Checklist	
23	A Corps confirmed delineation map that is approved for use with a permit application or confirmed jurisdictional determination map that includes the limits of all waters, including wetlands that are located within the project boundaries.	

24	A written disclosure identifying all wetlands, open water, streams, and associated upland buffers within the proposed project or compensation areas that are under a deed restriction, conservation easement, restrictive covenant, or other land use protective instrument (protected areas). Such disclosure shall include the nature of the prohibited activities within the protected areas.	
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VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)

REPORTING PROCEDURES

VDOT 17-SPGP-01 projects will be submitted through either:

A. The VDOT Reporting-Only spreadsheet

OR

B. The VDOT Inter-agency Coordination Meeting (IACM) JPA

A. **Reporting Only:** VDOT may report by spreadsheet on a monthly basis to VDEQ for those VDOT projects meeting the following eligibility criteria. The Spreadsheet shall address the following federal requirements: Section 106, Section 7, and 408 Civil Works projects.

- 1) Permanent impacts do not exceed 1/10 acre or 300 linear feet at any single and complete crossing of waters of the United States, including wetlands; the definition of independent utility must be applied when determining permanent impact totals
- 2) VDOT complies with all general conditions of the 17-SPGP-01.
- 3) Section 7 -Endangered Species Act Review has been completed, including FWS concurrence with findings, if required the Corps and the Federal Highway Administration (FHWA) have designated VDOT to act on their behalf for informal Section 7 coordination with FWS).
- 4) VDOT provides to VDEQ a Section 106 finding of "No Effect" determined by VDOT in accordance with the "Programmatic Agreement Among the Federal Highway Administration, the U.S. Army Corps of Engineers, Norfolk District, the Tennessee Valley Authority, the Advisory Council on Historic Preservation Officer, and the Virginia Department of Transportation Regarding Transportation Undertakings Subject to Section 106 of the National Historic Preservation Act of 1966," finalized August 2016.
- 5) An application must be submitted (the project cannot be reporting only) if VDOT's proposed activity is located in the vicinity of a Norfolk District Civil Works project. For information on the location of Norfolk District projects, VDOT staff are directed to maps located at:
<http://www.nao.usace.army.mil/Missions/Regulatory/RBregional.aspx>.

B. IACM JPA (VDOT Form) Submittals:

- 1) The JPA must include a Corps confirmed delineation (Preliminary JD) that is approved for use with a permit application or a Corps confirmed jurisdictional determination (Approved JD), OR a map/permit sketches showing VDOT's identification of waters of the US as well as data sheets as appropriate. For the

latter form of JD determination, the Corps will review the permit sketches and USGS map in the JPA and will indicate at the IACM their agreement or disagreement with the location of waters of the US as depicted by VDOT (which will be recorded in meeting comments). Any delineation/determination must include the limits of all waters, including wetlands that are located within the project boundaries.

- 2) Section 106 coordination: The JPA will include the effect determination made by VDOT in accordance with the "Programmatic Agreement Among the Federal Highway Administration, the U.S. Army Corps of Engineers, Norfolk District, the Tennessee Valley Authority, the Advisory Council on Historic Preservation Officer, and the Virginia Department of Transportation Regarding Transportation Undertakings Subject to Section 106 of the National Historic Preservation Act of 1966," (PA) finalized August 2016 and provided to VDEQ.
- 3) ESA coordination: Section 7 -Endangered Species Act Review must be completed, including FWS concurrence with findings, if required, and the documentation (including IPAC list, self-certification letter, and Species Conclusion Table) must be included in the JPA. (If the project is federally funded by the Federal Highway Administration, FHWA is the lead federal agency. FHWA has designated VDOT to act on their behalf for formal and informal Section 7 consultation with FWS. The JPA should include the same documentation whether the Corps or FHWA is the lead federal agency).
- 4) Section 408 coordination: Prior to submittal of an application, VDOT will review the Norfolk District "RP-17 Corps Project Maps":
<http://www.nao.usace.army.mil/Missions/Regulatory/RBregional.aspx>.
 - a. If the project does not intersect any Corps civil works projects then the VDOT will include the determination in the JPA.
 - b. The VDOT will request Corps coordination, via the JPA, if the proposed project meets any of the following:
 - The project is located within the boundaries of a Flood Risk Management project
 - The project is located within a waterway that contains a federal navigation channel
 - The project intersects an environmental restoration project.
 - c. The Corps will complete Section 408 review in accordance with internal procedures. The Corps PM will notify the VDEQ, within 15 calendar days, if additional internal coordination is required.
 - d. Upon completion of the Section 408 review, and any required coordination, the Corps will:
 - i. notify the VDEQ PM that Section 408 has been completed
 - ii. provide all supporting documentation that documents the Corps decision

- i. provide the VDEQ with any special conditions, if required
- e. The VDEQ will track the decision and completion date on the VDEQ Permit Summary Sheet.
- f. A 17-SPGP verification **CAN NOT** be issued until the VDEQ has received notification in writing that the Section 408 process has been completed (regardless of the 15 day notification date)

5) **Federal coordination:** for projects where permanent impacts

- exceed 300 linear feet at a single impact area

OR

- Cumulatively exceed 300 linear feet of stream channel AND/OR ½ acre of non-tidal water of the US, to include stream channel, wetlands and open waters. (Cumulative impact coordination is only applicable when multiple single and complete crossings are proposed).

- a. The VDEQ will send the Corps, EPA and USFWS a:
 - i. completed 17-SPGP Federal Coordination Form
 - ii. copy of the JPA
 - iii. copy of any additional information requests sent to the applicant
- b. Within 15 calendar days of receipt the Corps, EPA and USFWS will provide any comments or objections regarding the project to the VDEQ
 - If no comments are received by close-of-business on the 15th calendar day then VDEQ can assume the agencies have no comments and will track the decision and completion date on the VDEQ Permit Summary Sheet.
- c. if any agency responds with comments or objections the VDEQ will request that the applicant provide a response to the agency comments
 - If the applicant does not respond within the 60 days the VDEQ will administratively withdraw the application and notify the applicant
- d. The VDEQ will coordinate the applicant's response with the commenting agency for a 15 calendar day comment period.
 - If no comments are received by close-of-business on the 15th calendar day then VDEQ can assume the agencies have no comments and will track the decision and completion date on the VDEQ Permit Summary Sheet.
 - If the agency responds with no additional concerns the VDEQ will track the decision and completion date on the VDEQ Permit Summary Sheet.
- e. If the agency still has additional comments or objections the VDEQ will elevate the project to the Corps for resolution
- f. The Corps will complete processing in accordance with internal procedures.

- g. Upon completion of the federal review, and any required coordination, the Corps will:
 - i. notify the VDEQ PM that the Corps review has been completed
 - ii. provide all supporting documentation that documents the Corps decision
 - iii. provide the VDEQ with any special conditions, if required OR notification that the project will be processed under an alternative Corps review.

The VDEQ will track the decision and completion date on the VDEQ Permit Summary Sheet.

Project Name:

DEQ PM:

DEQ project number:

COE project number:

17-SPGP Federal Coordination Form

This form is to be used by the VDEQ for coordinating projects with the appropriate agencies.

Attachments included:

Item	Provided
Joint Permit Application	<input type="checkbox"/>
Project Location Map	<input type="checkbox"/>
Impact Map	<input type="checkbox"/>
USFWS IPAC	<input type="checkbox"/>
USFWS Species Conclusion Table	<input type="checkbox"/>
DEQ Additional Information Request	<input type="checkbox"/>
Other 1:	<input type="checkbox"/>
Other 2:	<input type="checkbox"/>

Reason For Coordination	Being Requested	Response Required Date
The Corps for a Section 106 determination and/or coordination:	<input type="checkbox"/>	None
The USFWS for informal Section 7 consultation:	<input type="checkbox"/>	
The Corps for 408 consultation	<input type="checkbox"/>	None
Federal coordination per sections IV(A)(5) and IV(B)(5) of the SOP:	<input type="checkbox"/>	
The Corps for formal Section 7 consultation:	<input type="checkbox"/>	
DOD Clearinghouse:	<input type="checkbox"/>	Response not required

INSERT REGIONAL LETTERHEAD

[Date]

[SPGP Permittee Contact's Name]
[Permittee Company Name]
[Permittee Address]
[City, State, Zip]

**SENT VIA E-MAIL: [enter email address]
RECEIPT CONFIRMATION REQUESTED**

RE: State Program General Permit (12-SPGP-01) Authorization
Permit Number: WPX-XX-XXXX
[Project Name], [County/City], Virginia

Dear [SPGP Permittee Contact's Name]:

The Virginia Department of Environmental Quality (DEQ) has received and completed technical review of your **application/re-verification** request [Dated] and received [Date]. Based on DEQ's technical review, DEQ has determined the proposed project satisfies the terms and conditions contained in the Corps of Engineers, Norfolk District State Program General Permit (17-SPGP-01). You are required to adhere to all terms and conditions contained within the attached 17-SPGP-01 and any Special Conditions listed below. Your 17-SPGP-01 verification is effective as of the date on this letter and remains effective until **May 31, 2022**.

The impacts are associated with the **XXXXXXXXXX (describe the type of work, e.g. construction of a residential community and associated infrastructure).**

The applicant is hereby authorized to impact **DESCRIPTION OF SPGP IMPACTS:**

The conceptual mitigation plan submitted with your application indicated that mitigation will include **[list SPGP compensation]**. This mitigation shall be completed and documentation shall be submitted to DEQ prior to commencement of project impacts.

SPECIAL CONDITIONS (List SPGP special conditions):

This letter shall serve as verification to proceed with the project as proposed. The permittee shall be responsible for contacting DEQ to revise this verification, including provisions for compensatory mitigation, if the location or amount of the impacts changes.

Please contact Permit Writer by phone at **(XXX) XXX-XXXX** or by email at **XXXX@deq.virginia.gov** if you have any questions or concerns regarding the information contained herein.

Respectfully,

Regional VWPP Program Manager

Attachments: 17-SPGP-01

Cc (via E-mail):
Agent, Company

[SPGP Permittee Contact's Name]

Permit No. WP[X]-XX-XXXX

Date

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Contact Name, U.S. Army Corps of Engineers,
Contact Name, Virginia Marine Resources Commission

17-SPGP Coordination Information to be include in the VDEQ Permit Summary Sheet

- 1) Section 106:
 - Date initiated:
 - Date Complete:
 - Section 106 Determination:
- 2) Informal Section 7 consultation:
 - USFWS Review Initiation Date:
 - USFWS Review Response Date:
 - Date Complete:
 - USFWS Determination:
- 3) 408 consultation
 - Date reviewed/initiated:
 - Date Complete:
 - 408 Determination:
- 4) Federal coordination per sections IV(A)(5) and IV(B)(5) of the SOP:
 - Date Initiated:
 - Agency response:
 - USACE:
 - EPA:
 - USFWS:

OTHER COORDINATION AS APPLICABLE:

- 5) Formal Section 7 consultation:
 - Corps Review Initiation Date:
 - Date Complete:
 - Corps Determination:
- 6) DOD Clearinghouse:
 - Date sent:

17-SPGP-01 ACRONYMS

ACHP – The Advisory Council on Historic Preservation
AJD/Approved JD – a confirmed jurisdictional determination that includes the limits of all waters of the U.S., including wetlands that are located within the project boundaries
CCB – The Center for Conservation Biology
Corps – United States Army Corps of Engineers
CWA – Clean Water Act
DCR – The Virginia Department of Conservation and Recreation
DGIF – The Virginia Department of Game and Inland Fisheries
DHR/VDHR – The Virginia Department of Historic Resources
DNH – Department of Natural Heritage
DOD – Department of Defense
EPA – The Environmental Protection Agency
ESA – The Endangered Species Act
FHWA – Federal Highway Administration
FWS/USFWS – The US Fish and Wildlife Service
HUC – Hydrologic Unit Code
JPA – Joint permit application
MOA – Memorandum of Agreement
NHPA – National Historic Preservation Act
NMFS – National marine Fisheries Service
NPS – The National Park Service
PJD/Preliminary JD - A Corps confirmed delineation that is approved for use with a permit application
PM – Project manager
POC – Point of Contact
RGL – Corps Regulatory Guidance Letter
SHPO – State Historic Preservation Officer
SPGP – State General Programmatic Permit
THPO – Tribal Historic Preservation Officer
VDEQ – The Virginia Department of Environmental Quality
VDGIF – Virginia Department of Game and Inland Fisheries
VDOT – The Virginia Department of Transportation
VMRC – The Virginia Marine Resource Commission
VWP – Virginia Water Protection
WOUS – Waters of the United States