

STATE PROGRAMMATIC GENERAL PERMIT 17-SPGP-01 NORFOLK DISTRICT

Proposed 17-SPGP Permit Authorization to the
Commonwealth of Virginia

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For WSSI

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PROPOSED CHANGES FROM THE 12-SPGP

The 17-SPGP will not be applicable to projects that will impact waters, including wetlands that are regulated pursuant to Section 10 of the Rivers and Harbors Act of 1899

(33 U.S.C § 403)

New Language: The people of the Commonwealth of Virginia (Virginia or "the Commonwealth") are hereby authorized by the Secretary of the Army and the Chief of Engineers and under Section 404 of the Clean Water Act (CWA) (33 U.S.C. § 1344), to perform the aforementioned work in non-tidal waters and wetlands of the Commonwealth as described herein. The Corps' authority and guidance to develop general permits is contained in 33 U.S.C. § 1344(e), 33 C.F.R. § 325.2(e)(2), 33 C.F.R. § 325.3(b), and Corps Regulatory Guidance Letter (RGL) 83-7.

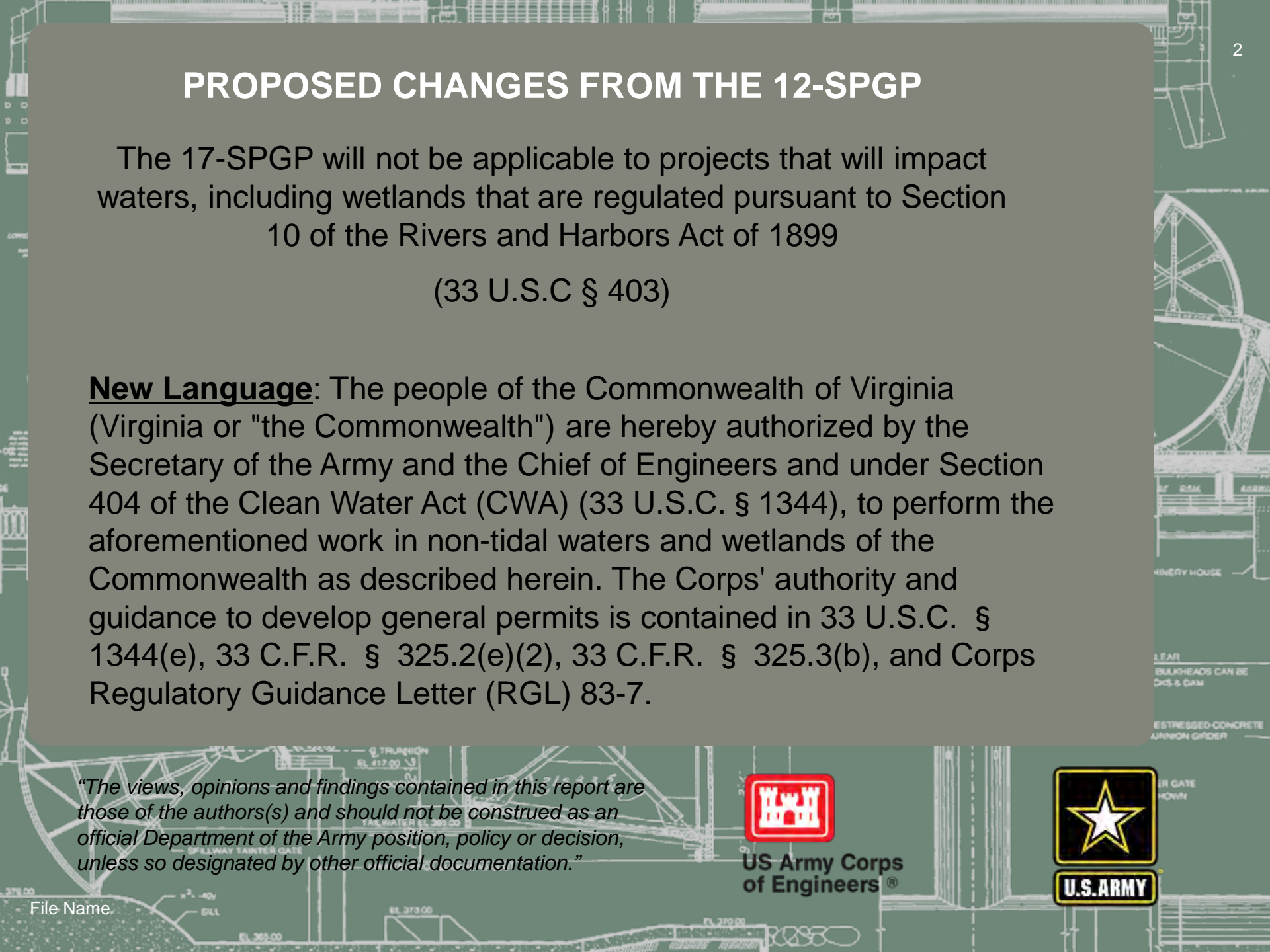
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PROPOSED CHANGES FROM THE 12-SPGP

A fillable Complete Application Form has been included that list the required information necessary for considering the SPGP application complete.

Requirements for a complete application:

- 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/>
- A completed SPGP Complete Application Checklist. The applicant must utilize the most recent version.
- A Corps confirmed delineation that is approved for use with a permit application (Preliminary JD) OR a confirmed jurisdictional determination (Approved JD) that includes the limits of all waters of the U.S., including wetlands that are located within the project boundaries.

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PROJECT NAME
17-SPGP-01 COMPLETE APPLICATION CHECKLIST

Submittal Requirements		Material Location
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 control 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	Wetlands/Waters Impacts	JPA Section 3
11	All appropriate sections from the JPA, including signature pages (a) include Sections 1-6 and applicable Sections 10-27 for all General Permits (b) Check that all applicable requirements within individual sections (i.e. Appendix) 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	Completion of the project, or site remains, contained and covered 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 environmental plan.	
17	Preparation and completion of permit application and related correspondence	
18	Historic resource information and related correspondence, including a plan showing existing all historical resources located within the project boundaries	
19	A conceptual mitigation plan that adheres to the mitigation requirements for Losses of Aquatic Resources (LAR) Transparency Mitigation for Losses of Aquatic Resources Rule dated April 10, 2000 (33 CFR 325 and 332; 40 CFR 230)	
20	Final study proposing mitigation measures including the structure or series of mitigation banks or credits to provide staff reduction. Both conceptual compensation plan: (a) for each of the proposed mitigation bank or credit site: (i) the total acreage to be acquired; (ii) the number of credits proposed for each location; (iii) a letter of credit availability from the Sponsor (b) if applicable, a copy of the stream assessment report to the JPA	
21	Wetlands: Applicants proposing construction of multi-compartment mitigation shall include, as their conceptual compensation plan (33 CFR 325.4(a)(4)(i), 332.4(a)(4)(i), 40 CFR 230.103): (a) site selection; (b) site protection instruments; (c) bankline information; (d) credit determination methodology; (e) mitigation work plan including water budget; (f) maintenance plan; (g) ecological performance standards; (h) adaptive management plan; (i) long-term management; (j) invasive management plan; (k) annual assessment	

22	Wetlands: Applicants proposing construction of parallel response mitigation shall include, as their conceptual compensation plan (33 CFR 325.4(a)(4)(ii), 332.4(a)(4)(ii), 40 CFR 230.103): (a) objectives; (b) site selection; (c) site protection instruments; (d) bankline information; (e) credit determination methodology; (f) mitigation work plan including water budget; (g) maintenance plan; (h) ecological performance standards; (i) monitoring assessment; (j) long-term management; (k) adaptive management plan; (l) financial assessment; (m) planform geometry; (n) channel form; (o) watershed use; (p) design storage; (q) riparian area delineation; (r) a reference point; (s) completed Natural Channel Design Review Checklist; (t) completed Scopes Morphological Characteristics Form	
23	A Corps certified delineation map that is approved to use with a permit application or confirmed jurisdictional determination map that delineates the limits of all waters, including wetlands that are located within the project boundaries	
24	A written disclosure detailing all wetlands and 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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PROPOSED CHANGES FROM THE 12-SPGP

The threshold language and the term waters was changed to be consistent with the 2017 Nationwide permit changes.

New Language: Activities involve the discharge of dredged/fill material associated with residential, commercial, and institutional projects and propose:

- the TOTAL permanent loss of not more than 1 acre of non-tidal waters of the US, to include stream channel, wetlands and open waters.

AND

- the permanent loss of not more than 2,000 linear feet of stream channel;

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. The discharge must not cause the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects. The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed 1/2-acre. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.



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PROPOSED CHANGES FROM THE 12-SPGP

The exclusions language was deleted and a statement was added to allow the 17-SPGP to be used for activities that qualify for the 17-SPGP but are excluded from State VWP regulations.

New Language: The 17-SPGP-01 may also be used for activities excluded from State VWP permitting when those activities are associated with a larger residential, commercial, institutional development and/or linear transportation project.



PROPOSED CHANGES FROM THE 12-SPGP

The permit language has been clarified to show that a Corps confirmed delineation (Preliminary JD) and/or Corps confirmed jurisdictional determination (Approved JD) is required for permit application.

New Language: A Corps confirmed delineation that is approved for use with a permit application (Preliminary JD) OR a confirmed jurisdictional determination (Approved JD) that includes the limits of all waters of the U.S., including wetlands that are located within the project boundaries.

Old Language: ..., plus a confirmed delineation from the Corps with associated map(s) and data sheets, will be required to render the application complete for 12-SPGP-01 purposes.



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PROPOSED CHANGES FROM THE 12-SPGP

Language detailing the steps for federal coordination have been removed as these are more appropriately located in the 17-SPGP Standard Operating Procedures.



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PROPOSED CHANGES FROM THE 12-SPGP

A General Condition regarding 408 coordination has been added.

New Language: 408 Certification: Under 33 USC 408, the Secretary of the Army must determine whether to grant permission to alter a U.S. Army Corps of Engineers civil works project. The Corps may grant this authorization if the work does not impair usefulness of the project and does not harm the public interest.



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PROPOSED CHANGES FROM THE 12-SPGP

A minimum standard compensation ratio of 0.5:1 has been added for the permanent impacts/loss of open waters.

New Language: Wetland mitigation: will generally be required for all residential, commercial, and institutional development projects where the total permanent impacts exceed 1/10 acre AND for all wetland impacts on linear transportation projects that are funded in part or in total by local, state or federal funds.

Generally, the minimum required wetland mitigation ratios will be as follows:

2:1 for forested wetlands

1.5:1 for scrub-shrub wetlands

1:1 for herbaceous emergent wetlands

0.5:1 for permanent loss of open waters

1:1 for conversion of forested wetlands to herbaceous emergent wetlands.



PROPOSED CHANGES FROM THE 12-SPGP

The limits for linear transportation have been raised to $\frac{1}{2}$ acre of waters for all impacts and a limit of 1,000 linear feet has been added for stream channel impacts. Lateral encroachment is no longer considered differently than other impacts and therefore limits specifically referencing lateral encroachment have been removed.

New Language: Activities involve the discharge of dredged/ fill material associated with the construction, expansion, modification, or improvement of linear transportation projects that are single and complete with independent utility and propose:

- the TOTAL permanent loss of not more than $\frac{1}{2}$ acre of non-tidal waters of the US, to include stream channel, wetlands and open waters
- AND
- the permanent loss of not more than 1,000 linear feet of stream channel at any single impact site with independent utility.



PROPOSED CHANGES FROM THE 12-SPGP

Time extension language has been removed as time extensions will not be granted. New permit verifications will need to be obtained.

33 CFR 330.6(b): Expiration of nationwide permits. The Chief of Engineers will periodically review NWP and their conditions and will decide to either modify, reissue, or revoke the permits. If an NWP is not modified or reissued within five years of its effective date, it automatically expires and becomes null and void. Activities which have commenced (i.e, are under construction) or are under contract to commence in reliance upon an NWP will remain authorized provided the activity is completed within twelve months of the date of an NWP's expiration, modification, or revocation, unless [discretionary authority](#) has been exercised on a case-by-case basis to modify, suspend, or revoke the [authorization](#) in accordance with [33 CFR 330.4\(e\)](#) and [33 CFR 330.5 \(c\) or \(d\)](#). Activities completed under the [authorization](#) of an NWP which was in effect at the time the activity was completed continue to be authorized by that NWP.



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PROPOSED CHANGES FROM THE 12-SPGP

The SPGP Section 106 PA agreement is proposed for termination and Section 106 review and coordination will be completed by the Norfolk District.

New Language: Historic Properties: In cases where the Corps determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the 17-SPGP-01 activity, or whether additional section 106 consultation is necessary.

Non-federal permittees shall not begin work on the activity until Section 106 review and/or coordination has been completed AND they have received their 17-SPGP verification letter from the VDEQ.



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QUESTIONS?



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