

CORPS/VDEQ/VDOT
22-SPGP-LT
STANDARD OPERATING PROCEDURES (SOP)

I. REPORTING ONLY

FEDERAL HIGHWAY (FHWA) PROJECTS ONLY:

- A. The discharge must not cause the loss of greater than 1/2 acre of WOTUS (e.g., wetlands, open water, and stream channel). Stream channel loss must be reported in acreage and linear feet.
- B. FHWA must be the lead federal agency for the project.
- C. VDOT must submit the projects via a monthly spreadsheet to VDEQ.
- D. The spreadsheet must acknowledge the following reviews have been completed:
 - 1. Section 106 – National Historic Preservation Act
 - 2. Section 7 – Endangered Species Act
 - 3. Tribal coordination
 - 4. 408 permission - Civil Works projects.
- E. No 22-SPGP-LT verification letter will be required.
- F. All compensatory mitigation must comply with the Mitigation Rule [Corps-EPA Compensatory Mitigation for Losses of Aquatic Resources, dated April 10, 2008, 33 CFR 325 and 332/40 CFR 230].
- G. Impacts and mitigation must be included in the October 1st SPGP report.

II. IACM PROJECTS:

- A. The Following Projects must go through the IACM Process:
 - 1. All State Funded projects
 - 2. FHWA projects requiring 408 coordination
- B. The following information should be provided to the Corps two weeks prior to the Interagency Coordination Meeting (IACM):
 - 1. IACM joint permit application (JPA)
 - 2. A delineation (VDOT may use project plans), Corps confirmed delineation or Corps confirmed jurisdictional determination

*****NOTE: when the use of a permittee responsible mitigation site (PRM) is proposed for compensation, a valid PSF, PJD or AJD must also be provided for the PRM site.**

- C. The Corps will complete a preliminary screening form (PSF) prior to the IACM meeting.
- D. The Corps will provide the VDOT and the VDEQ with a copy of the PSF.
- E. VDOT is responsible for completing all Section 408 review and coordination responsibilities for USACE Districts other than the Norfolk

District.

F. A 22-SGP-LT must be issued by the VDEQ.

G. Impacts and mitigation must be included in the October 1st SPGP report.

III. FEDERAL REVIEW:

A. Federal review is complete, no Corps coordination is required and the VDEQ will issue a 22-SPGP-LT verification when **ALL** the following requirements are met:

1. The PSF states NO federal coordination is required for all federal responsibilities.
2. The PSF states the project plans are acceptable for permitting.
3. The project plans presented in the IACM meeting match the project plans referenced in the PSF.
4. VDOT has completed 408 Civil Works review and coordination (when required) for neighboring USACE Districts.

*****NOTE: If requirement 4 is the only requirement not met, then VDEQ can issue a 22-SPGP-LT verification once VDOT has emailed VDEQ and the Corps stating that all 408 coordination with neighboring USACE Districts has been completed**

B. Federal review is incomplete and Corps coordination is required through the IACM process when **ANY** of the following occur:

1. A PSF has not been provided or cannot be completed at IACM.
2. When the PSF indicates federal coordination is required for 408 – Norfolk District
3. When the PSF states formal Section 7 consultation is required.
4. When the PSF states tribal coordination is required.
5. If the project plans change after a PSF has been completed.
6. VDOT is required to complete 408 – Civil Works coordination for neighboring USACE Districts.

*****NOTE: When changes have been made to the project plans prior to the IACM, a new PSF review may be completed during the IACM at the Corps discretion.**

IV. CORPS COORDINATION:

A. The Corps, using the JPA submitted for the IACM, will complete any

required Tribal coordination and/or 408-Norfolk District Civil Works coordination.

1. When federal coordination is complete the Corps will email VDOT and VDEQ the following:
 - a. Project number
 - b. A statement that the Tribal and/or 408 coordination has been completed.
 - c. A statement that the Corps has no additional concerns regarding the issuance of the 22-SPGP-LT verification.
 2. 408 – Civil Works: When required, the VDOT will email the Corps and VDEQ to let them know 408 coordination with neighboring civil works Districts has been completed.
- B. The 22-SPGP-LT verification will not be issued until the VDEQ receives a statement from the Corps and VDOT (when applicable) that all required coordination has been completed.

V. MITIGATION COORDINATION:

Corps coordination and Corps concurrence is required when:

- A. VDOT proposes mitigation that does **NOT** follow the hierarchy as listed in the Mitigation Rule [Corps-EPA Compensatory Mitigation for Losses of Aquatic Resources dated April 10, 2008, 33 CFR 325 and 332/40 CFR 230].
 1. The Corps will work directly with the VDEQ to resolve any outstanding concerns.
 2. Once the mitigation is acceptable the Corps will email VDOT and VDEQ that the Corps approves the ecological preferred mitigation.
 3. The 22-SPGP-LT verification will not be issued until the Corps has approved the use of the mitigation.
 4. If VDOT changes their mitigation to follow the hierarchy the VDEQ will notify the Corps and move forward with the 22-SPGP-LT review and verification as outlined in this VDOT SOP.
- B. VDOT proposes permittee responsible mitigation (PRM).
 1. The Corps will work directly with the VDEQ to resolve any outstanding concerns.
 2. The appropriate agency (Corps, VDOT, FHWA) will complete federal review and coordination for the PRM site.
 3. Once the mitigation is acceptable the Corps will email VDOT and VDEQ that the Corps approves the final mitigation plan dated XXXXXXXX.
 4. The 22-SPGP-LT verification will not be issued until the Corps has

approved the use of the PRM mitigation.

5. If VDOT changes their mitigation to credit purchase, the VDEQ will notify the Corps and move forward with the 22-SPGP-LT review and verification as outlined in this VDOT SOP.

VI. PERMIT DECISIONS

- A. **Verification Issuance:** The VDEQ will determine whether the work proposed satisfies the terms and conditions of 22-SPGP-LT permit. All 22-SPGP-LT verifications will be written on the “22-SPGP Verification Letter”.
- B. **Denial:** The VDEQ should advise VDOT if the project does not qualify for a 22-SPGP-LT verification. In these situations, the VDEQ should send correspondence to the VDOT notifying them to:
 1. Revise their permit application to meet the terms and conditions of the 22-SPGP-LT permit.
 - OR
 2. Submit their application directly to the Corps for processing under a different Corps permit.
- C. **SPGP Report:** All impacts and mitigation must be included in the October 1st SPGP report.

VII. New Permit Verifications Required

SPGPs are general permits therefore SPGP verifications cannot be modified or extended. All changes to a project must receive a new 22-SPGP-LT verification. The following should apply to all verification requests for 22-SPGP-LT projects **where a 22-SPGP-LT verification has previously been issued by the VDEQ. (these applications may be submitted directly to the VDEQ except when a VMRC permit was required).**

- A. The following projects must be processed in accordance with Section II-VI of this VDOTSOP. **New verifications may be issued using the same permit number but must outline the changes made that require a new 22-SPGP verification:**
 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, regardless of the newly proposed impact totals.
 2. All projects proposing additional temporary, conversion and/or permanent impacts.
 3. All projects proposing impacts in new locations even when there is a decrease in impact totals.
- B. The following do not require coordination with the Corps but do require the

issuance of a new 22-SPGP Verification Letter. **New verifications may be issued using the same permit number but must outline the changes made that require a new 22-SPGP verification:**

1. Change in ownership/project name
 2. Modification to the development plan but no additional impacts
 3. Change in use of bank/in-lieu fee **AND** when the project is in compliance with the mitigation hierarchy as listed the Mitigation Rule [Corps-EPA Compensatory Mitigation for Losses of Aquatic Resources, dated April 10, 2008, 33 CFR 325 and 332/40 CFR 230]
 4. Clerical revisions
- C. If the new application cumulatively exceeds the thresholds of the 22-SPGP-LT, the VDEQ will send correspondence to the applicant notifying them to:
1. Revise their permit application to meet the terms and conditions of the applicable 22-SPGP verification.
- OR
2. Submit their application directly to the Corps for processing under a different Corps permit.

VIII. Compliance and Resolution of Non-compliance for projects authorized by a 22-SPGP-LT

The VDEQ will maintain the primary responsibility for performing compliance inspections and resolution of non-compliance for projects verified under a 22-SPGP-LT permit.

However, this does not prevent the Corps from inspecting these project sites independently or from exerting enforcement authority.

- A. 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.
- B. All linear transportation non-compliance activities that cumulatively exceed permanent impacts to 1/2 acre of WOTUS will be forward to the Corps for processing under a different Corps permit.
- C. Non-compliance discovered by Corps will be forwarded to the VDEQ for resolution. The Corps will include:
 1. Project name and number
 2. Dated discovered
 3. Brief description of the potential non-compliance.
- D. **All non-compliance for activities identified in Section V.III of this VDOT SOP, will require a new 22-SPGP-LT verification.** VDOT must be submitted as a new permit application and receive a new 22-SPGP-LT verification (these

applications may be submitted directly to the VDEQ except when a VMRC permit was required).

LINK FOR 408 REVIEWS: [408 Reviews > Norfolk District > 408 Review \(army.mil\)](#)