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# State Programmatic General Permit

# 22-SPGP-RCIR and 22-SPGP-LT

# Complete Application Checklist 4

# Projects Requiring a USACE-Norfolk District 22-SPGP-RCIR or 22-SPGP-LT Verification

##### The 22-SPGP-RCIR (Residential, Commercial, Institutional, and Recreational activities) and 22-SPGP-LT (Linear Transportation activities) were issued by the [USACE-Norfolk District](https://www.nao.usace.army.mil/Missions/Regulatory/RBregional.aspx) in 2022. The Virginia Water Protection (VWP) Permit Program works in conjunction with USACE-Norfolk District to provide verification of coverage under these State Programmatic General Permits (SPGP) per requirements and Standard Operating Procedures developed by USACE-Norfolk District.

**Disclaimer:** Checklists are provided as a tool when applying for a VWP individual permit or general permit coverage and for preparing a Joint Permit Application (JPA). Because the JPA is used by several agencies, all applicable sections of the JPA should be completed whether or not the item can be directly associated with a DEQ regulatory requirement. *Item numbers below do not correspond to regulation numbering.* DEQ decisions will be made by applying the State Water Control Law, VWP Permit Program regulations, and VWP Permit Program guidance to the site- and project-specific facts. *Refer to the VWP Permit Program regulations, program guidance, and other references noted herein for details of required information for complete applications*.

DEQ can provide assistance or redirection for questions about this checklist, please contact Dave Davis ([dave.davis@deq.virginia.gov](mailto:dave.davis@deq.virginia.gov); 804-698-4516).

Application status may be viewed on the DEQ Permit Enhancement and Evaluation Platform ([PEEP](https://portal.deq.virginia.gov/peep-search)).

**Prior to submitting an application, obtain from USACE-Norfolk District for a complete SPGP Application:**

| **Information Required** | **Included**  **(Y, N, or N/A)** | **Page Number(s)**  **Or Location(s)** |
| --- | --- | --- |
| 1. A valid Preliminary Screening Form, Preliminary Jurisdictional Determination (PJD) from the USACE, or Approved PJD from the USACE  [**Note:** See DEQ Memorandum *Recent Supreme Court Decision Sackett v. Environmental Protection Agency (EPA) - Effect in Virginia and How to Move Forward Without Economic Dislocation*, June 29, 2023, for more information about obtaining boundary and feature verifications in VA] |  |  |
| 2. A development plan that accurately accounts for all impacts to Waters of the United States (WOTUS), including secondary impacts, and that is acceptable by the USACE for permitting (includes all types of impacts, to WOTUS such as fill, dredging, temporary, permanent, etc.) |  |  |
| 3. An accounting of all types of impacts (e.g., fill, dredging, temporary, permanent, etc.) to WOTUS |  |  |

**For a Complete SPGP Application, provide at minimum:**

| **Information Required** | **Included**  **(Y, N, or N/A)** | **Page Number(s)**  **Or Location(s)** |
| --- | --- | --- |
| 4. Items 1 through 3 in the Pre-Application Information table above |  |  |
| 5. A completed and signed Standard JPA, clearly marked with “22-SPGP-RCIR” or “22-SPGP-LT” (use most recent version on [USACE-Norfolk District web site](https://www.nao.usace.army.mil/Missions/Regulatory/JPA/)) |  |  |
| 6. Applicable compensatory mitigation plan:  [**Note**: Activities are authorized provided all required compensatory mitigation follows the Mitigation Rule (Corps-EPA Compensatory Mitigation for Losses of Aquatic Resources, dated April 10, 2008, 33 CFR 325 and 332/40 CFR 230)]  [**Note**: DEQ must receive approval from USACE-Norfolk District for permittee-responsible mitigation PRM and/or proposals that do not meet the Mitigation Rule hierarchy] |  |  |
| 6.a. 22-SPGP-RCIR: When permanent loss of wetlands exceed 0.1 acre; and/or the permanent loss of stream bed exceeds 0.03 acre or 300 linear feet [reported in acreage and linear feet]; or |  |  |
| 6.b. 22-SPGP-LT: When any permanent loss of wetlands occurs; and/or the permanent loss of stream bed exceeds 0.03 acre or 300 linear feet [reported in acreage and linear feet] |  |  |

**Optional Items to Assist in Expediting Processing:**

| **Information** | **Included**  **(Y, N, or N/A)** | **Page Number(s)**  **Or Location(s)** |
| --- | --- | --- |
| 7. VDOT IACM JPA or VDOT Spreadsheet |  |  |
| 8. GIS shape files of project boundary/polygon, impact boundaries/polygons, surface water boundaries/polygons |  |  |
| 9. Federal Lands: Authorized activities shall not impinge upon the value of any National Wildlife Refuge, National Forest, National Park, or any other area administered by the United States Fish and Wildlife Service , U.S. Forest Service, or National Park Service unless approval from the applicable land management agency is *provided with the permit application* (SPGP General Condition #11) |  |  |
| 10. Countersinking of Pipes and Culverts, Pipes on bedrock or above existing utility lines: If the permittee determines that neither a bottomless structure nor an alternative location is practicable, justification must be *provided in the SPGP application*. The permit *application must also include* photographs documenting site conditions. (SPGP General Condition #25.f.ii) |  |  |
| 11. Countersinking of Pipes and Culverts, Pipes on steep terrain: This type of situation could occur on the side of a mountain where falls and drop pools occur along a stream. Should this be the case, or should the permittee not want to countersink the pipe/culvert for other reasons, justification must be *provided in the SPGP application*. (SPGP General Condition #25.g) |  |  |

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information."

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*Applicant Printed Name*

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*Applicant Signature Date*