



**US Army Corps
of Engineers**®
New England District

Vermont General Permits (GPs) Inter-Agency Review Procedures For Federal and State Resources Agencies

Self-Verification (SV): May proceed without application or notification to the Corps provided the project proponent verifies that the activity will meet the terms and conditions of applicable GPs. If the Corps becomes aware of a project and determines that it is not eligible for SV, they will immediately notify the applicant that the project cannot proceed until it is modified to make it eligible for SV or receives authorization under PCN or an Individual Permit.

Pre-Construction Notification (PCN): The Corps will coordinate all projects that are determined to be eligible for PCN with the Interagency Review Team (IRT) which includes Federal resource agencies [U.S. Fish and Wildlife Service (USFWS), U.S. Environmental Protection Agency (EPA), and for project in designated rivers of the National Wild and Scenic River (WSR) System with the National Park Service (NPS)] and the Vermont Department of Environmental Conservation Watershed Management Division (DEC). The Corps will also coordinate projects eligible for PCN with the Vermont State Historic Preservation Officer (VT SHPO) and for projects within Bennington, Rutland and Addison Counties with the Stockbridge-Munsee Tribal Historic Preservation Officer (THPO).

Screening of PCN projects will generally occur by email to facilitate prompt decision making. If appropriate, projects may also be coordinated through fax, telephone, mail or at an interagency screening meeting at the Corps Vermont Project Office (VPO).

The IRT must provide initial comments within ten business days of receiving the Memorandum for Record (MFR) from the Corps. These comments may:

- a. State no objection;
- b. Recommend modifications or special conditions to avoid, minimize or compensate for adverse environmental impacts associated with the project;
- c. Request additional information. The requested information must be within the agency's area of expertise and commensurate with the level of impact. The requesting agency will be provided an additional ten business days after receipt of additional information to provide final comments recommending modifications or special conditions;
- d. Federal agencies may recommend an Individual Permit (IP). The written request must be signed by a supervisor, express a concern that is within the agency's area of expertise and authority, state the resource or species that could be impacted by the project, and describe the impacts that, either individually or cumulatively, will be more than minimal. The Corps will decide whether or not an IP is appropriate and if not provide their reasons to the respective agencies and document in the MFR; or
- e. DEC may require an individual water quality certification (WQC). This initial notice to the Corps may be verbal or by email, but must be directed to the appropriate Corps project manager. The DEC shall confirm by letter to the appropriate Corps project manager within an additional ten working days from the date of their initial notification that an individual WQC review is required. If the DEC does not notify the Corps as outlined herein, WQC is conditionally granted for the project. A "no objection" or similar comment in response to the MFR from DEC will be interpreted as waiving WQC.

All comments must be received by the appropriate Corps project manager within the timeline outlined herein. For PCN projects, “no comment/concern” will be assumed if the agency does not provide comments within the initial ten business days or within ten business days after receipt of requested additional information.

If necessary, the Corps will notify the applicant of any concerns raised during the screening process. When the Corps determines that the applicant has satisfactorily resolved issues raised the Corps will proceed with a permit decision. If the applicant is unable to modify the project so that there will be no more than minimal impact, the Corps will exercise its discretionary authority and require an IP. The Corps will notify the applicant and the IRT of its determination to take discretionary authority. The Corps may reinstate a project’s eligibility under the GPs provided concerns are satisfied.

If the Corps determines that the activity is eligible for these GPs, the Corps will send an authorization letter directly to the applicant.

Notification Procedures for Emergency Situations: 33 CFR 325.2(e)4 states that an “emergency” is a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures.” In an emergency situation, the Corps will make a reasonable effort to receive comments from the IRT.

When an application for PCN work is received and the Corps determines it is an emergency, the Corps will email a copy of the MFR and plans to the IRT. Each of the IRT agencies will designate one emergency contact and an alternate in the event the regular contact is unavailable. The IRT will have 16 working hours to notify the Corps in writing of any issues or comments to minimize impacts and protect the aquatic environment. The Corps will make a reasonable effort to address and resolve issues and comments raised before proceeding with a decision on the GP. If no response is received within 16 working hours, the Corps will send an authorization letter directly to the applicant.

When the Federal Emergency Management Agency (FEMA) notifies the Corps of the occurrence of a disaster and advises the Corps of the nature of the occurrence and any known remedial and/or protective measures, the Corps will notify the appropriate agency contacts within one business day. The Corps will work with FEMA and the emergency contacts under the above process to expedite authorization under these GPs.