



MOBILE DISTRICT REGULATORY TRANSFORMATION WORKSHOP

FRIDAY
JANUARY
16
8 AM - 4 PM

A+ Applications

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Regulatory Division
Mobile District

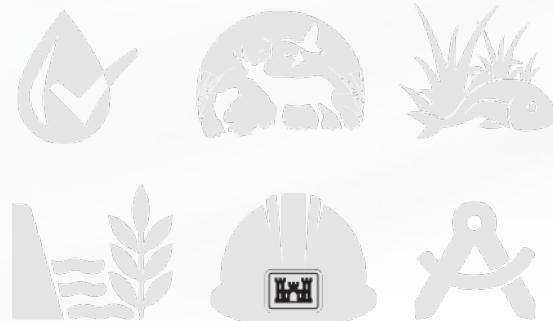


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Overview

- ✓ Types of Regulatory Permits & Requests
- ✓ Types of Forms
- ✓ Complete Applications
- ✓ Information to Submit with Applications
- ✓ Common Errors
- ✓ Tips & Suggestions



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Types of Permits & Requests

General & Nationwide Permits

- Programmatic Permits (PGP) reduce duplication
- Regional General Permits (RGP)
- Nationwide Permits (NWP)
- General Permits (all of the above)
 - Similar activities resulting in minimal individual and cumulative impacts to the environment.
 - Valid for 5-year period

Individual Permits

- Individual Permits (Letters of Permission and Standard Permits)

Jurisdictional Determinations

- Approved Jurisdictional Determinations
- Preliminary Jurisdictional Determinations
- No Permit Required

*Presentation on Jurisdiction by Courtney Shea



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General & Nationwide Permits

GP Examples:

- ALGP-05 Piers and Pile-Supported Structures
- MSGP-01 Shoreline stabilization



NWP Examples:

- NWP3 Maintenance
- NWP18 Minor Discharges
- NWP29 Residential Developments
- NWP58 Utility Line Activities for Water and Other



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Individual Permits

Letters of Permission

Letters of permission are a type of permit issued through an abbreviated processing procedure when a proposed project does not qualify for GP or NWP.

- 15-day agency notice (+ adj. properties)
- Public Interest Review
- Cumulative Effects Analysis

Typically, Section 10 activities only (pile-supported structures, cranes/conveyers, commercial scale dredging), not involving a discharge of dredged or fill material.

Standard Permits

A Standard Permit is required when a proposed project does not qualify for GP, NWP, or LOP.

- 30-day public notice*
- Practicable Alternatives Analysis
- Public Interest Review
- Cumulative Effects Analysis

*Public notice mailed to the adjacent property owners, the applicant, their consultant, and parties on the District email distribution list. All other interested parties can access pending public notices from the web via the District website or <https://rrs.usace.army.mil/rrs/public-notices>





Regulatory Program Forms

- [ENG Form 4345 - Application for Department of the Army Permit \(or, Joint Application Form\)](#)
- [ENG Form 6082 - Nationwide Permit Pre-Construction Notification \(PCN\)](#)
- [ENG Form 6285 - Certification of Compliance with Department of the Army Permit](#)
- [ENG Form 6286 - Request Pre-Application Meeting or Project Scoping](#)
- [ENG Form 6287 - Notification of Administrative Appeal Options and Process and Request for Appeal](#)
- [ENG Form 6294 - Right of Entry](#)
- [ENG Form 6295 - Authorization to Act as an Agent](#)
- [ENG 6247 – Request for USACE Jurisdictional Determination](#)
- [ENG 6249 – Preliminary Jurisdictional Determination](#)

Regulatory Program and Permits: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Regulatory-Program-Forms/>





District Specific Forms

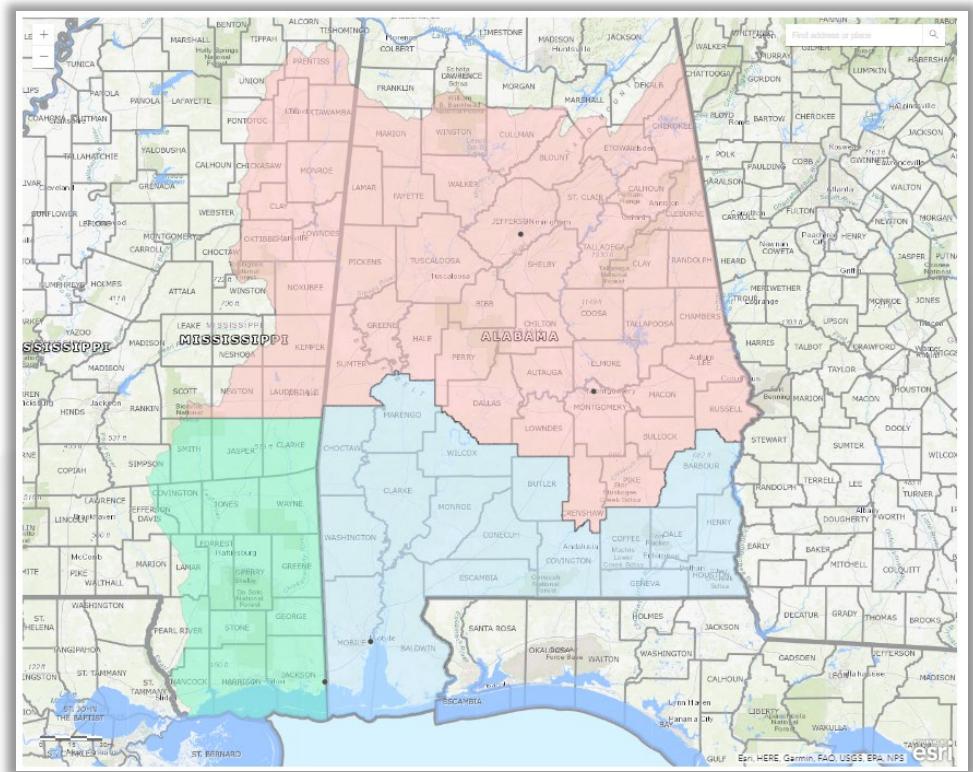
Alabama Joint Application Form (ADEM Form 166) – Send to USACE, ADEM, and other State agencies concurrently.

Mississippi Joint Application Form – *Send to MDMR if project is in Jackson, Harrison, or Hancock County. Send to USACE and MDEQ concurrently in all other counties (**see District map for specific location – we share boundaries with multiple Districts)

District Forms:

<https://www.sam.usace.army.mil/Missions/Regulatory/E-Submittal-of-Applications/>

*Submit applications via: <https://rrs.usace.army.mil/rrs> or by email to: CESAM-RD@usace.army.mil



**Mobile District Regulatory Boundaries:
<https://www.sad.usace.army.mil/Missions/Regulatory/>



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Complete Applications

Individual Permit

- 33 CFR 325.1 (c), (d) & (e) – Applications for Permits
- 33 CFR 325.3 – Public Notice

Nationwide Permit

- General Condition 32 – Pre-Construction Notification (PCN)



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What is a “Complete” Application?

*An application is determined to be complete when **sufficient information** is received **to issue a public notice***

*The issuance of a public notice will not be delayed to obtain information necessary to **evaluate** an application*

325.1(d)(10)





Public Notice

*The notice must... include **sufficient information** to give a clear understanding of the nature and magnitude of the activity **to generate meaningful comment***

325.3(a)

*Any other available information which may assist interested parties in evaluating the **likely impact** of the proposed activity, if any, on **factors affecting the public interest***

325.3(a)(13)





Contents of Application

1. General Requirements:

- a) Complete Description
- b) *Drawings, sketches, or plans sufficient for public notice
- c) Location
- d) Purpose & Need
- e) Scheduling of Activity
- f) Names and addresses of adjoining property owners
- g) List of authorization required/received/denied (federal, state, local)
- h) Location and dimensions of adjacent structures

*includes wetland delineation and impact overlay (permanent and temporary)

325.1(d)(1)





Contents of Application

2. Reasonable related activities

- a) All activities which the applicant plans to undertake which are reasonably related to the same project and for which a DA permit would be required should be included in the same permit application.

325.1(d)(2)

3. If dredging in Navigable Waters

- a) A description of the type, composition and quantity of the material to be dredged;
- b) The method of dredging; and
- c) The site and plans for disposal of the dredged material.

325.1(d)(3)





Contents of Application

4. **If** discharge (or transportation of) dredged or fill material in WOTUS
 - a) The source of the material;
 - b) The purpose of the discharge;
 - c) A description of the type, composition and quantity of the material;
 - d) The method of transportation and disposal; and
 - e) The location of the disposal site.

325.1(d)(4)

5. **If** activity involves construction of a filled area or pile or float-supported platform
 - a) Identify the use of; and
 - b) Specific structures to be erected on the fill or platform

325.1(d)(5)





Contents of Application

6. If constructing an impoundment structure

- a) Demonstrate that the structure complies with established state dam safety criteria;
- b) Designed by qualified persons; or
- c) Independently reviewed by similarly qualified persons

325.1(d)(6)

7. Mitigation Statement

- a) How impacts to waters of the US are to be avoided and minimized; and
- b) How impacts to waters of the US are to be compensated for; or
- c) Why compensatory mitigation should not be required for the proposed impacts.

325.1(d)(7)





Contents of Application

8. Signature on application

- a) Signed by applicant or designated agent;
- b) Applicant must possess or will possess requisite property interest;
- c) Application can have multiple owners, provided character of activity is similar and in same general area (each owner must designate the same agent).

325.1(d)(8)

9. If construction of artificial reef

- a) Include provisions for siting, constructing, monitoring, and managing the reef (see National Artificial Reef Plan).

325.1(d)(8)





Other Information

Not required for public notice, but still needed to evaluate an application

1. Info for compliance with other federal laws: Endangered Species surveys, cultural resource surveys, Essential Fish Habitat assessment, Section 408, 401/CZM, 404(b)(1) Guidelines, etc.
2. Effects on Public Interest Review factors: e.g. water supply, floodplain impacts, conservation, safety, economics, land use, etc.
3. Existing and historic site conditions
4. Functional Assessment (WRAP / M-WRAP Sheets / Stream Impact Worksheet) and map of sample locations/polygons
5. Alternatives Analysis - alternative sites, designs, and construction methods to support compliance with 404(b)(1) Guidelines – Demonstrate project is least environmentally damaging practicable alternative
 - Include list of site selection and design criteria, with pass/fail thresholds for practicability and impact estimates for evaluating LEDPA (evaluate ALL criteria in each alternative)
 - Provide narrative for No Action, Off-site, and On-site alternatives
 - Provide matrix/table summarizing the analysis
6. Mitigation plan – including Mitigation bank name and credit calculations



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NWP - Pre-Construction Notification

Contents of PCN – General Condition 32(b)

1. Name, address, and telephone numbers of prospective permittee
2. Location of the proposed project (decimal degree is preferred)
3. Identify specific NWP or NWP(s) proposed for authorization
4. Project Description – sufficient detail to determine adverse effects and need for compensatory mitigation. Project Description should include all activities to be covered under the permit (permanent impacts, temp impacts, HDD, all structures, etc.)
 - a) Project purpose;
 - b) Direct and indirect impacts; including temporary vs. permanent
 - c) Amount of loss of waters of the US in acres and/or linear feet (see “loss” definition)
 - d) Mitigation measures (avoidance, minimization)
 - e) Other NWP authorizations or IP for any part of project or related activity
5. Sketches (e.g. conceptual plan)
6. Delineation of wetlands/waters (map w/ sample locations, paired upland/wetland data sheets)
7. Compensatory mitigation statement (include WRAP or M-WRAP sheets/map)

More...



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Contents of PCN

8. Federally-listed species or Critical Habitat – identify listed species/habitat that might be affected. Can generate IPaC Official Species List through USFWS at: <https://ipac.ecosphere.fws.gov/>. For marine species, visit NMFS at: <https://www.fisheries.noaa.gov/resource/map/southeast-region-esa-section-7-mapper>
9. Historic Properties – identify any historic properties which have potential to be affected:
<https://www.nps.gov/subjects/nationalregister/index.htm>
10. Wild and Scenic Rivers – identify any Wild and Scenic River or “study rivers” (see NPS Nationwide Rivers Inventory at: <https://www.nps.gov/subjects/rivers/nationwide-rivers-inventory.htm>)
11. 408 Impacts – confirm that applicant has submitted written request for Section 408 permission from Corps

Form 6082 has all of this info listed, along with instructions (even if you use the Joint App Form, this can still be a helpful guide)





Common Errors

No project description or poor project description

No latitude/longitude (please use decimal degrees)

No adjacent property owner list

Application not signed by the applicant and/or agent

Inconsistent information (e.g. description doesn't match plans)

Missing drawings, poor quality drawings, incorrect terminology

No avoidance and minimization statement

No compensatory mitigation statement

Wetland delineations missing data sheets, maps of points and boundaries, poor quality data sheets

Missing water features (streams, ditches, ponds, wetlands)

Missing or incorrect functional assessment (WRAP vs. M-WRAP)

Lack of information on endangered species, historic properties

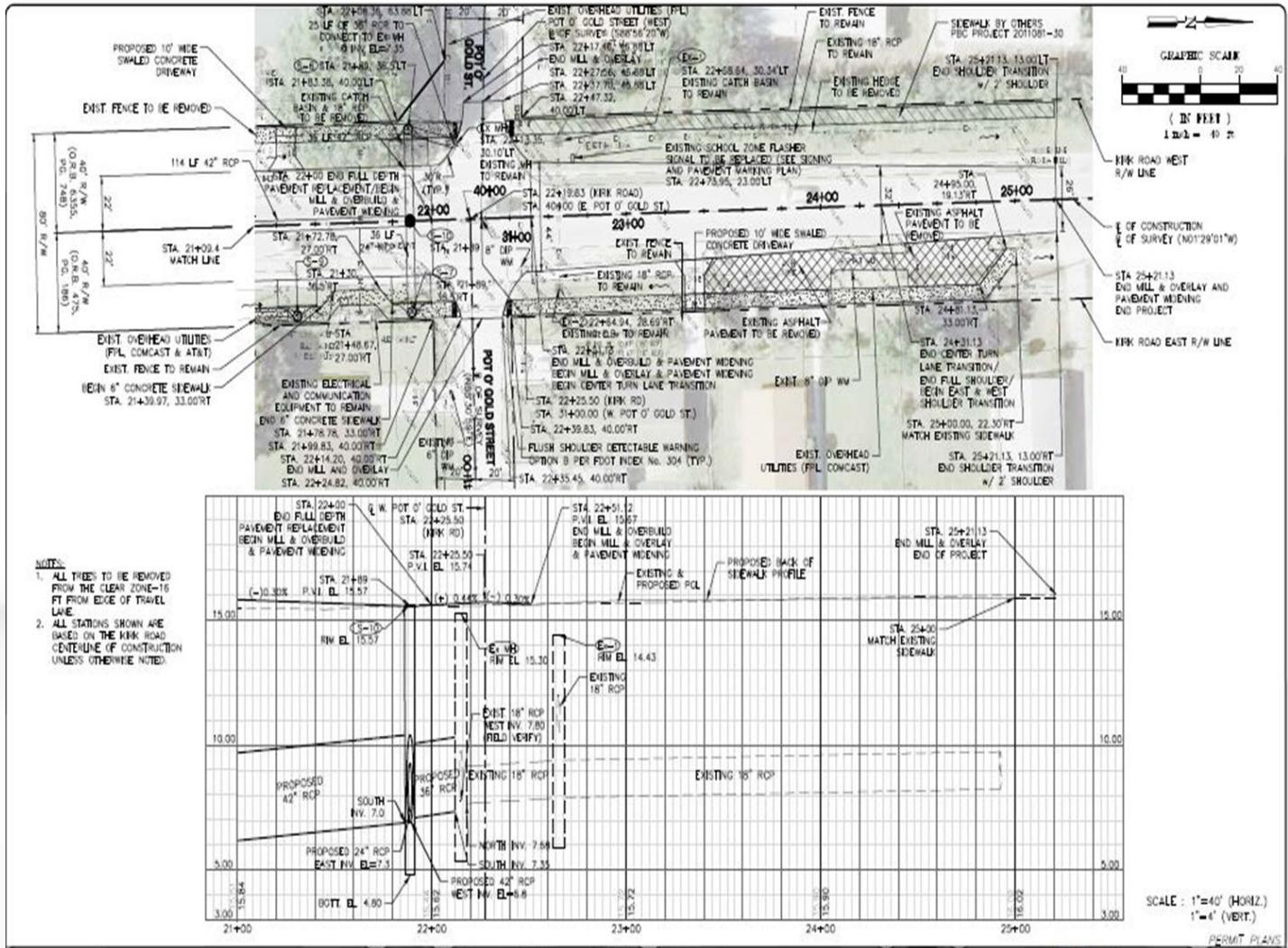


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Common Errors - Drawings

- ✗ Too much information
- ✗ Wrong type of information
- ✗ Confusing

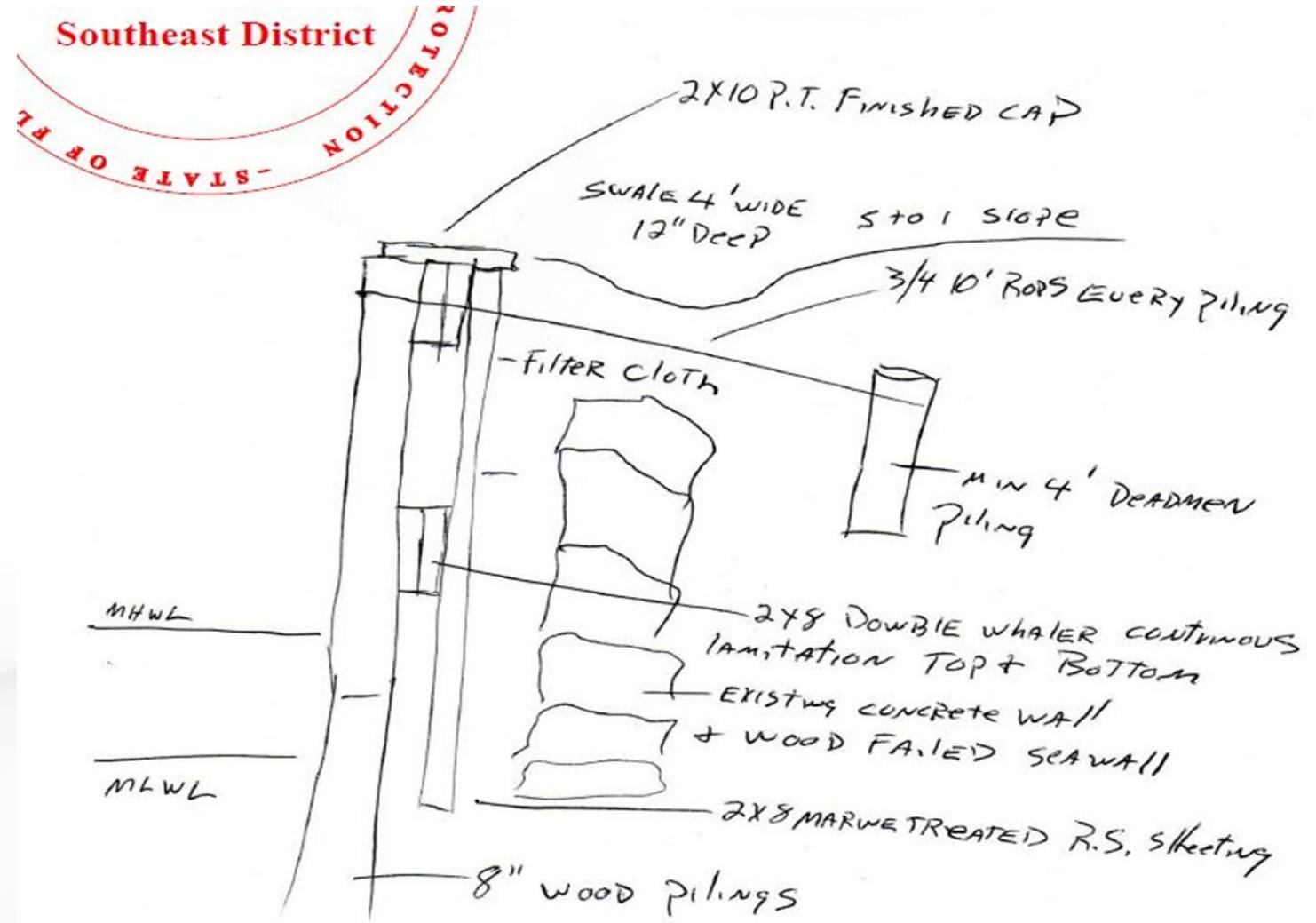


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Common Errors - Drawings

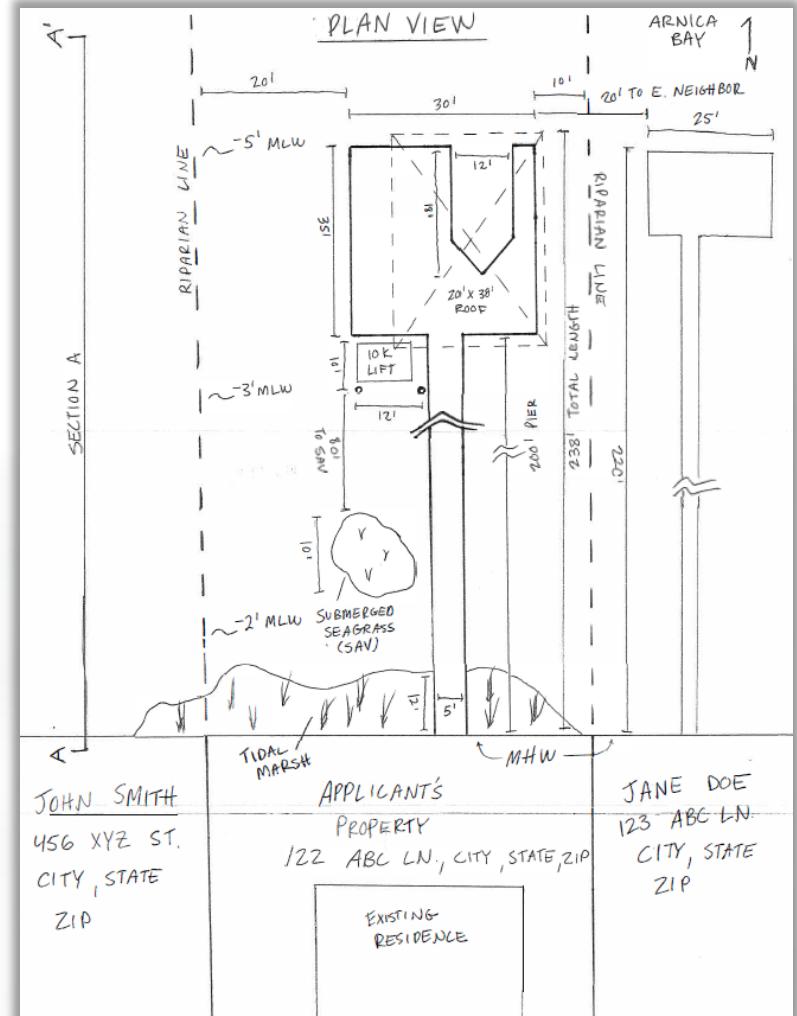
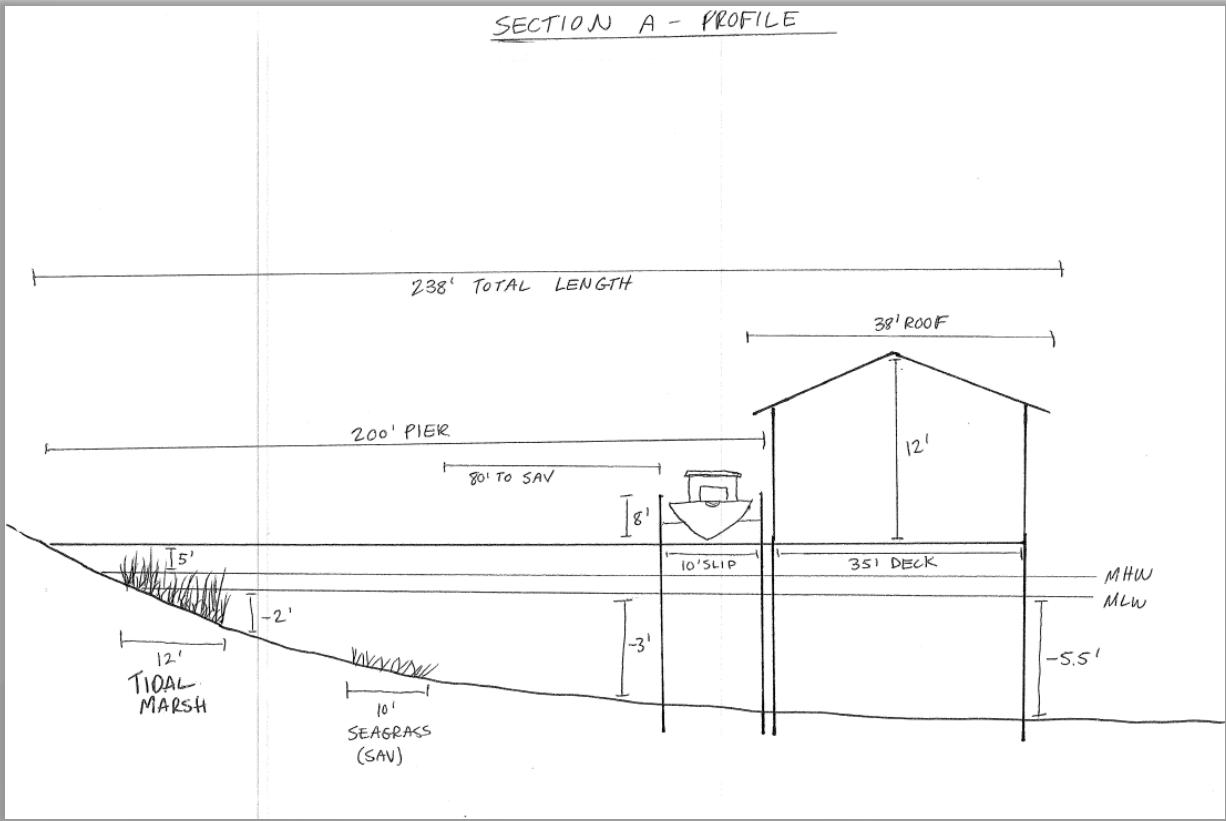
- ✗ Too little information
- ✗ Illegible
- ✗ Disorganized



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“Good” Example Drawings



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Tips & Suggestions

- Familiarize yourself with Corps regulations and guidance
- Request Pre-Application Consultation for larger, more complex projects
- Hire trained professionals to perform delineation and/or apply for permit
- Apply for permits well in advance of intended construction
- Provide details on existing/historic conditions vs. proposed changes
- **Utilize aerials in maps/plans**
- Use correct terminology/measurements (MHW, MLW, OHW, Cubic Yards, Linear Feet, etc.)
- Use legible symbology to differentiate types of impacts (cross-hatching, etc)
- Avoid requesting impacts that have no clear purpose/need
- Track/communicate how impacts have been avoided/minimized
- Know what you or your client want before applying – avoid multiple changes to the project
- Be candid about the project – We **will** ask for omitted information
- Don't assume the Corps is “against” your project
- QA/QC your submittals and respond **completely** to any requests for info

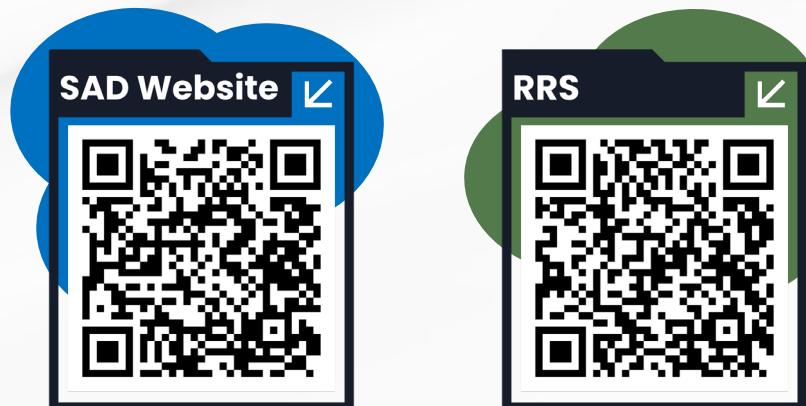




Questions?

<https://www.sad.usace.army.mil/Missions/Regulatory/>

Phone: (251) 690-2658 (Project Manager on Duty)



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