



US Army Corps
of Engineers

U.S. Army Corps of Engineers

Permit Process Overview

AAPA Miami

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U.S. Army Corps of Engineers Regulatory Program

- 1200 regulators
- 90,000+ permits issued in FY 07
- Conducted over 100,000 wetland delineations
- Enforcement: ~1000 Actions
- Responsible for permit



Compliance and enforcement activities



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Define the Permit Boundaries

Process

Inputs:

Application
Request JD
Pre Application Meeting
Policies, Laws, Guidelines, etc.

Suppliers:

Applicants
Agents
Relative SOP
Environmental
Land Owners
Resource Agencies
Local State Agencies

Individual Permit Process:

- Application Comes In
- Log into System
- PM Reviews for Completeness
- JD
- Public Notice
- Coordination with Agencies
(401, CZM, 106, Tribal Trust, ESA, EFH, etc.)
- Decision Document
- Decision Sent

Outputs:

Permit
Decision

Customer:

Applicant
Taxpayer

Trigger:

Receipt of Request
(JD, Application)

Done:

Receive Permit or
Denial Letter



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Individual Permit Process

Pre-Application Phase

Public Notice

Response to comments

Environmental Assessment

Finding of No Significant Impact (FONSI)



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Individual Permit Process with EIS

Pre-Application Phase

Decision to conduct EIS

Applicant's Consultants Analyze Impacts*

Draft EIS/Public Notice*

Response to comments*

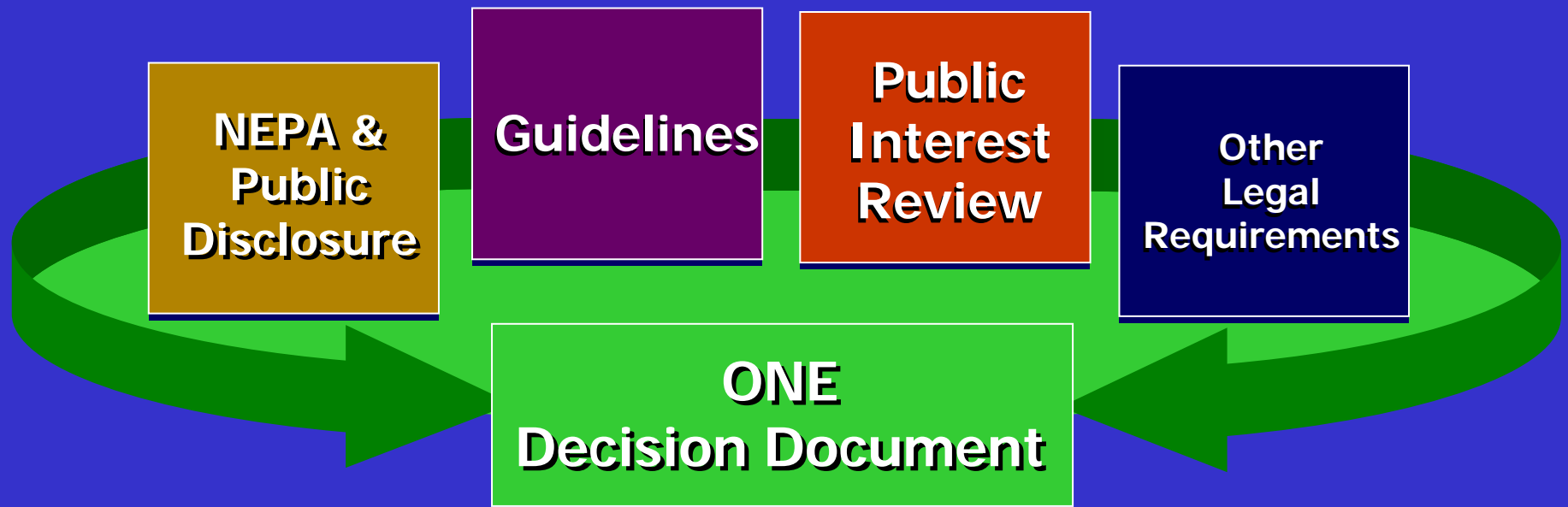
Additional Studies*

Final EIS/Draft 404(B)(1) Analysis*

Record of Decision/Final 404(B)(1) Analysis

*** Corps Oversight**

Granting/Denying a Permit: the Decision-Making Process

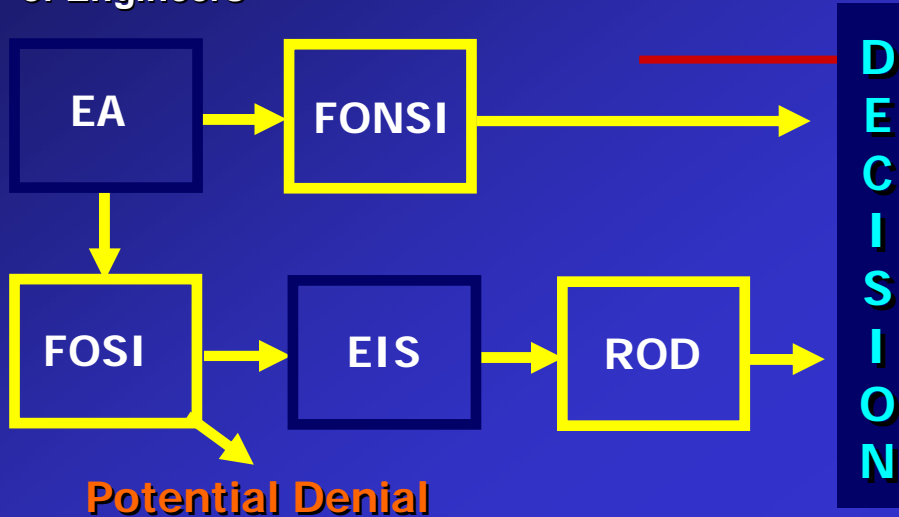


The process can seem daunting – know your rights
and responsibilities as applicants
Accurate and timely information is key



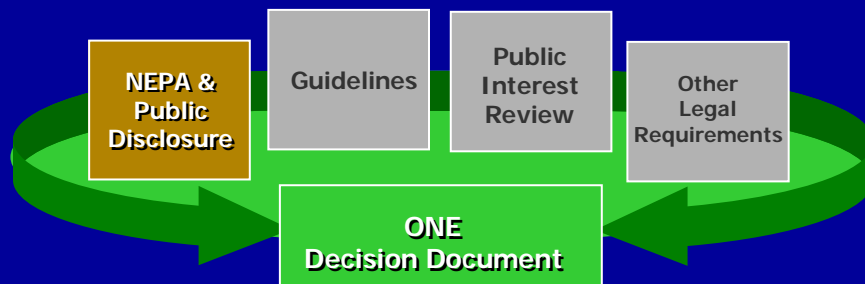
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NEPA & Public Disclosure – The Decision-Making Process



- Consider alternatives - avoidance, minimization, mitigation
- Determine if there are significant impacts to the human environment
- An EIS (vs. an EA) is a more formal, time-intensive, and comprehensive process

“Findings of **No** Significant Impacts”
 vs.
 “Finding of Significant Impacts”



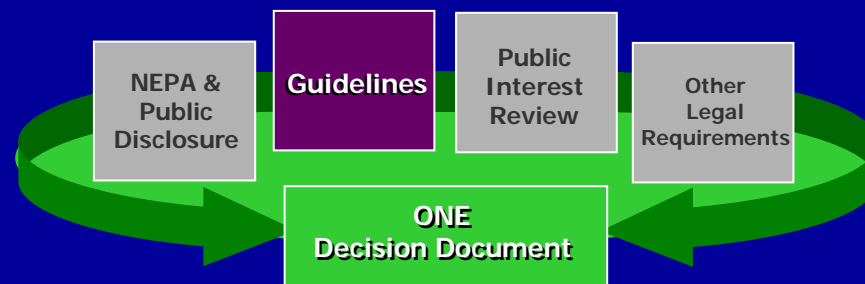
A FONSI/FOSI is ultimately the decision of the District Commander



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Guidelines – The Decision-Making Process

- 404 (b)(1) Guidelines
(developed by Corps & EPA for 404 projects only)
 - least environmentally damaging practicable alternative
 - compliance with other state and federal standards
 - significant degradation
 - minimize/mitigate aquatic resource impacts



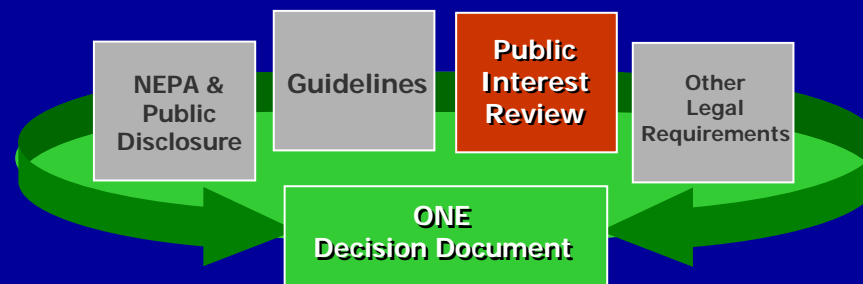


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Public Interest Review - The Decision-Making Process

- **Public Interest Review**
 - performed on all Individual permits
 - balance benefits against detriments to public
 - Corps decision to issue unless “contrary to the public interest”
 - 20 public interest factors (needs & welfare of the people)

- **Wetlands**
- **Aesthetics**
- **Recreation**



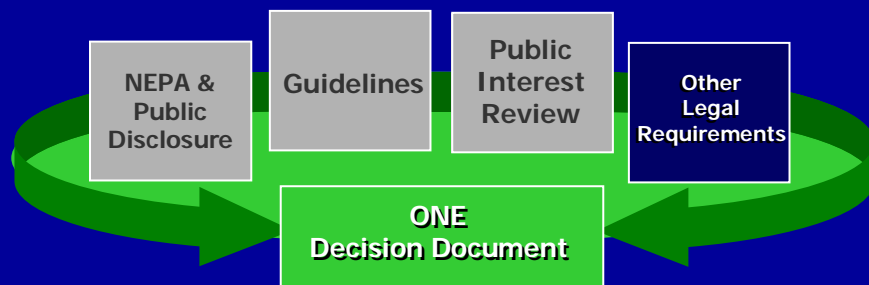
- **Property Rights**
- **Energy Needs**
- **Economics**



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Other Legal Requirements - The Decision-Making Process

- Other laws
 - Endangered Species Act
(request comment from FWS & NMFS)
 - National Historic Preservation Act
(request comment from State Historic Preservation Officer)
 - Additional laws based on project and geographic-specific information



The opinion of the agencies are important – they are the experts – heed their advice – We develop relationships with these agencies

When a permit is justified, but requires mitigation....



Wetland creation

- Mitigation compensation
 - Establishment (creation)
 - Restoration (re-establishment, rehabilitation)
 - Enhancement
 - Protection/maintenance (preservation)

Most permits will require mitigation

There is much work to do to ensure mitigation success - think out of the box – seek balance



Roadblocks towards Arriving at a Decision

- Complexity of decision-making: documentation
- Insufficient information from the applicant
- Lots of interest from non-governmental groups
- Delays with other agencies: water quality, coastal consistency, ESA, etc.
- People attempting to use Corps outside of its authority



Regulatory is one of the most complex and controversial missions in the entire Corps
Work with our Regulators to get to a decision



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Regulatory Branch

<http://www.usace.army.mil>

“Services for the Public”

“Regulatory/Permits”

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