

DEPARTMENT OF ARMY PERMITTING PROCESS: RESTORE ACT PROJECTS

237
237
237

217
217
217

200
200
200

80
119
27

252
174
.59

255
255
255

0
0
0

163
163
163

131
132
122

239
65
53

110
135
120

112
92
56

62
102
130

102
56
48

130
120
111

Andria Davis
Evaluation Branch
Regulatory Division
USACE Galveston District

RESTORE ACT Presentation
Galveston, Texas
16 November 2016



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U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT



GALVESTON DISTRICT'S AREAS OF RESPONSIBILITY FOR REGULATORY DIVISION

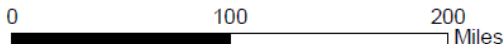
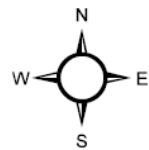
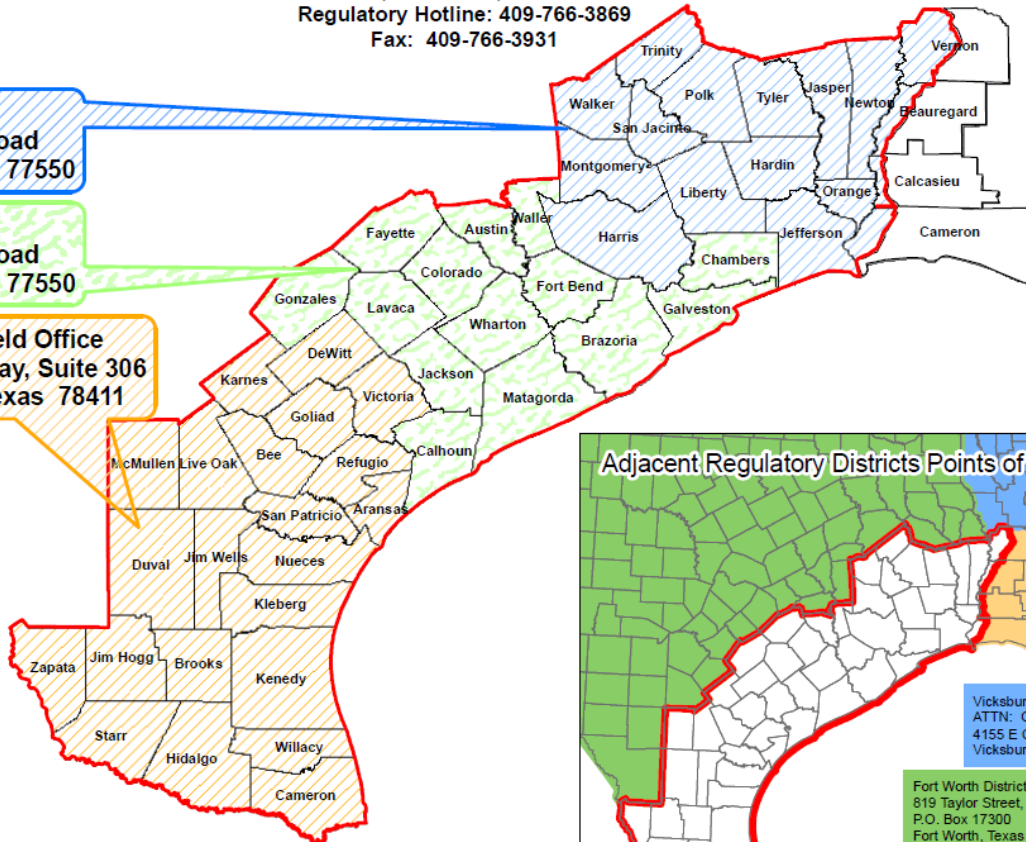
U.S. Army Corps of Engineers, Galveston District Regulatory Division
 2000 Fort Point Road, Galveston, Texas 77550
 P.O. Box 1229, Galveston, Texas 77553-1229
 Regulatory Hotline: 409-766-3869
 Fax: 409-766-3931

North Unit
 2000 Fort Point Road
 Galveston, Texas 77550

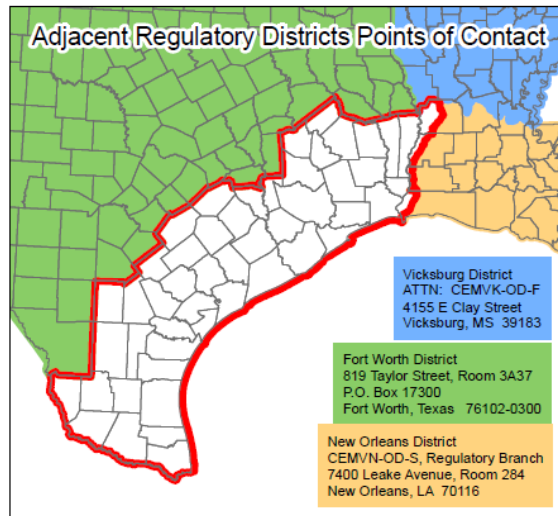
Central Unit
 2000 Fort Point Road
 Galveston, Texas 77550

Corpus Christi Field Office
 5151 Flynn Parkway, Suite 306
 Corpus Christi, Texas 78411

- 50,000+ square miles
- 700 miles of coastline
- 48 counties, portions of
- 4 Louisiana parishes
- 16 Congressional Districts
- 25 Project Managers
- 4 Branch Leaders
- 11 Support Staff



Map Updated 1 August 2016



Vicksburg District
 ATTN: CEM/K-OD-F
 4155 E Clay Street
 Vicksburg, MS 39183

Fort Worth District
 819 Taylor Street, Room 3A37
 P.O. Box 17300
 Fort Worth, Texas 76102-0300

New Orleans District
 CEMVN-OD-S, Regulatory Branch
 7400 Leake Avenue, Room 284
 New Orleans, LA 70116



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REGULATORY GOALS AND PURPOSE

Goals

- Protect the Nation's overall aquatic environment
- Make fair and reasonable decisions for the regulated public
- Continually enhance the efficiency of the program

Purpose

- Protect Navigation
- Restore and maintain the physical, chemical and biological integrity of the Nation's waters




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JURISDICTION REGULATIONS AND DEFINITIONS

Section 10 – Rivers and Harbors Act of 1899

- all navigable waters of the United States
- subject to ebb and flow of tide shoreward to the mean high water mark
- presently used, or have been used in the past, or may be susceptible to use to transport interstate or international commerce
- Extends to OCS

Section 404 – Clean Water Act of 1972

- “Waters of the United States, including the territorial seas” plus...
- Waters of the United States in 33 CFR 328.3(a)
- extends seaward to include all ocean waters within a zone three nautical miles from the coast line (the "territorial seas")



SECTION 10 RIVERS AND HARBORS ACT OF 1899 (33 U.S.C. 401)

- Structures and/or work in, or affecting, navigable waters of the United States.
- Structures and/or work outside the limits of navigable waters, IF these structures or work could affect the course, location, or condition of the waterbody so as to impact its navigable capacity.
- Artificial islands, installations, or other devices on the outer continental shelf.



SECTION 404 CLEAN WATER ACT (33 U.S.C 1344)

- Discharge of dredged or fill material.
- Activities Regulated as a Discharge:
 - Addition of dredged material to a specified discharge site located in waters
 - Runoff or overflow from a contained land or water disposal area
 - Any addition, including more than incidental redeposit of dredged material, mechanized land clearing, ditching, channelization, or other excavation



The islands provide a benefit by rebuilding the shoreline slowly as the soil is carried from the placement area to the shoreline, increasing the wildlife and wetland habitats

February 2007



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SECTION 103 MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT (OCEAN DUMPING ACT - 33 U.S.C. 1413)

- Transportation of dredged material by vessel or vehicle for purpose of dumping in ocean waters at sites designated by EPA under 40 CFR 228.
- Dredged material, for purposes of Section 103, means any material excavated or dredged from “navigable” waters of the United States.



TYPES OF PERMITS

General Permits (GP)

- For activities having minor impacts

Nationwide General Permits (NWP)

- Subject to Section 10 and Section 404 for specific activities)
- These permits are developed by USACE Headquarters
- Already issued to the nation and have been pre-coordinated with other agencies for water quality impacts, endangered species concerns, etc.
- Some permits require notification to the Corps = *Pre-Construction Notification (PCN)*
- Also has Regional Conditions for the Galveston District

Regional General Permits (RGP)

- Subject to Section 10 (for specific activities)
- These permits are developed by the USACE districts

INDIVIDUAL Permits (IP)

- For activities having **more** than minor impacts

Letters of Permission (LOP)

- Subject to Section 10 (sometimes 404)
- These permits require a 15 Day Interagency Coordination

Standard Permits (SP)

- Subject to Section 10 and Section 404
- The permits include a 15/30 Day Public Notice
- Requires all other elements of permit evaluation



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TYPES OF PERMITS ANTICIPATED FOR RESTORE ACT PROJECTS

<http://www.swg.usace.army.mil/BusinessWitUs/RegulatoryBranch/Permits.aspx>

- **NWP 27 – Aquatic Habitat Restoration**
 - Restoration, Enhancement, and establishment of tidal and non-tidal aquatic resources
 - Must result in increase in aquatic resources functions and services
 - Requires Agency coordination if loss of water of United States is greater than ½ acre

- **Individual Standard Permit**





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HOW WE CAN HELP OVERCOME CHALLENGES


- Early communication and collaboration
- Pre-application meetings are available to get feedback in your project while in the planning stages.

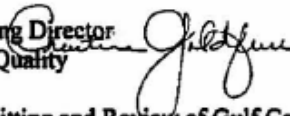


October 20, 2016

M-17-01

MEMORANDUM FOR EXECUTIVE DEPARTMENTS AND AGENCIES

FROM:  Shaun Donovan, Director
Office of Management and Budget

 Christina Goldfuss, Managing Director
Council on Environmental Quality

SUBJECT: Federal Coordination, Permitting and Review of Gulf Coast Ecosystem Restoration Projects

Purpose: The memorandum provides guidance to agencies to facilitate the timely review and permitting—where appropriate—of Gulf coast environmental restoration projects. Additionally, the Gulf Coast Interagency Environmental Restoration Working Group is formalized as the coordinating body for Federal agencies with regard to environmental review and permitting of projects in the region.

- *Formalizes & expands upon the Gulf Coast Interagency Environmental Restoration Working Group*
- *Purpose: to achieve more effective and efficient interagency coordination with particular regard to environmental review and permitting*



HOW WE CAN HELP OVERCOME CHALLENGES

- If your project is associated with any kind of funding, let us know ASAP. State what kind of funding and any known timelines & priorities.
- Section 408 Reviews/Real Estate Reviews—identify where the funding will come from if your project is subject to 408/Real Estate Review



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REGULATORY TOPICS

INFORMATIONAL VIDEOS

- Mitigation
- Regulatory 101
- Cumulative Impacts
- Cultural Resources
- Public Interest Review Factors
- Regulatory Process
- Alternative Analysis
- Section 404(b)(1) guidelines
- Wetland Delineation
- USACE HQ Civil Works Regulatory Program and Permits
- Regulatory Program Links
- Click on Video Library

<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx>



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QUESTIONS!

Contact us:

Mailing Address:

U. S. Army Corps of Engineers
Galveston District
CESWG-RD-E
P.O. Box 1229
Galveston, TX 77553-1229

Telephone: 409-766-3869

Fax: 409-766-3931

(call ahead to schedule a meeting)

District Office Location:

U.S. Army Corps of Engineers
Jadwin Building
2000 Fort Point Road
Galveston, TX 77550

On the web at:

<http://www.swg.usace.army.mil/BusinessWithUs/RegulatoryBranch.aspx>



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