

Federal Wetlands Permitting Overview

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Jacksonville District

Overview of the Corps

■ Introduction

- Area of Responsibility
- Organization

■ Jacksonville District Mission

- Navigation
- Shore Protection
- Interagency and International Services
- Emergency Management
- Flood Damage Reduction
- Ecosystem Restoration
- Regulatory

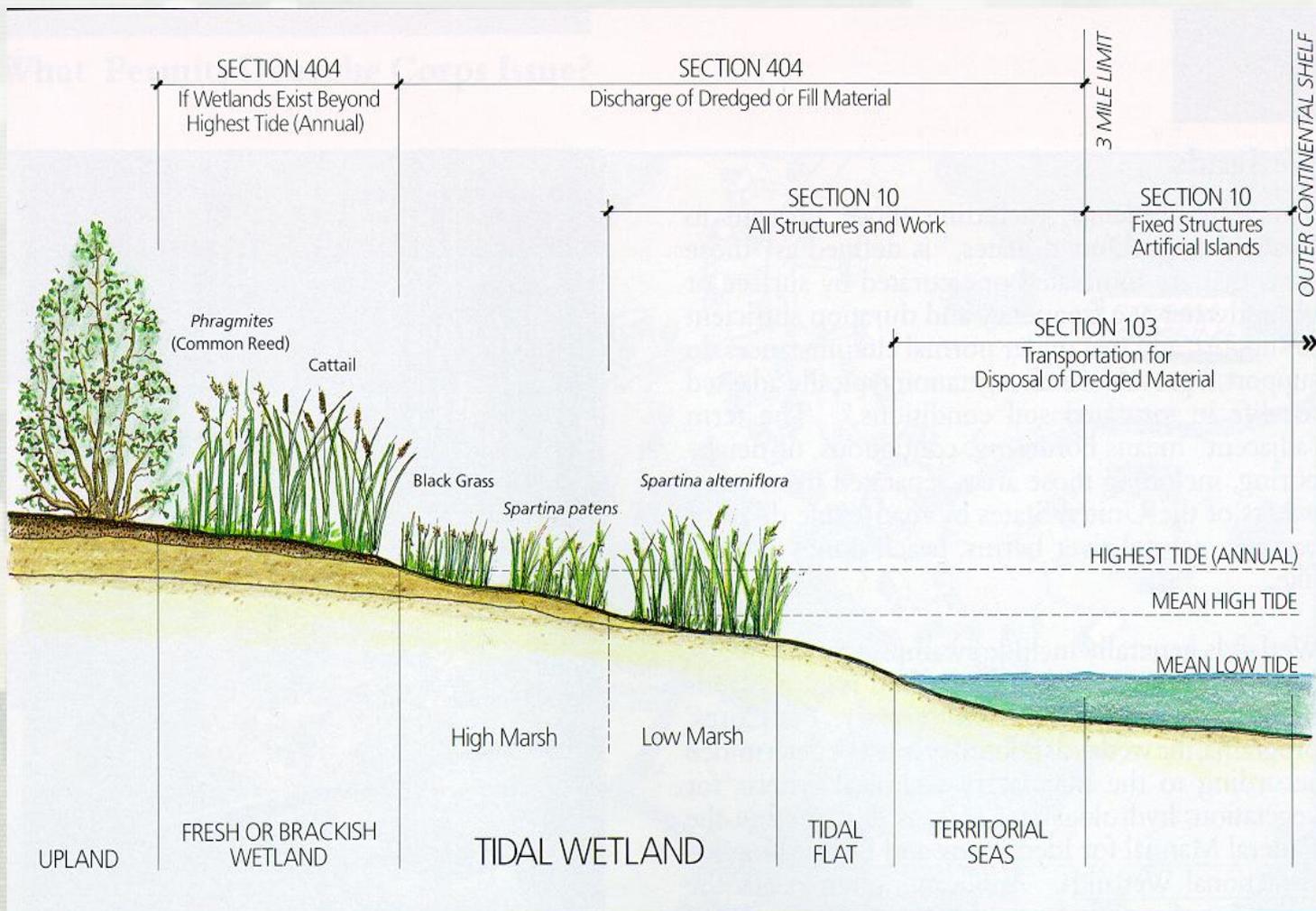


Regulatory Authority

- Section 10 of the Rivers and Harbors Act of 1899 authorizes all work in, over or under “navigable waters of the United States.” This includes the placement of docks, bulkheads with backfill, marinas, mooring buoys and other similar structures, as well as dredging and filling activities.
- Section 404 of the Clean Water Act authorizes discharges of dredged or fill material in “waters of the United States” (see 33 CFR 328) including wetlands and other special aquatic sites.
- Section 103 of the Marine Protection, Research and Sanctuaries Act authorizes the transportation of dredged material to an EPA approved ocean disposal site.



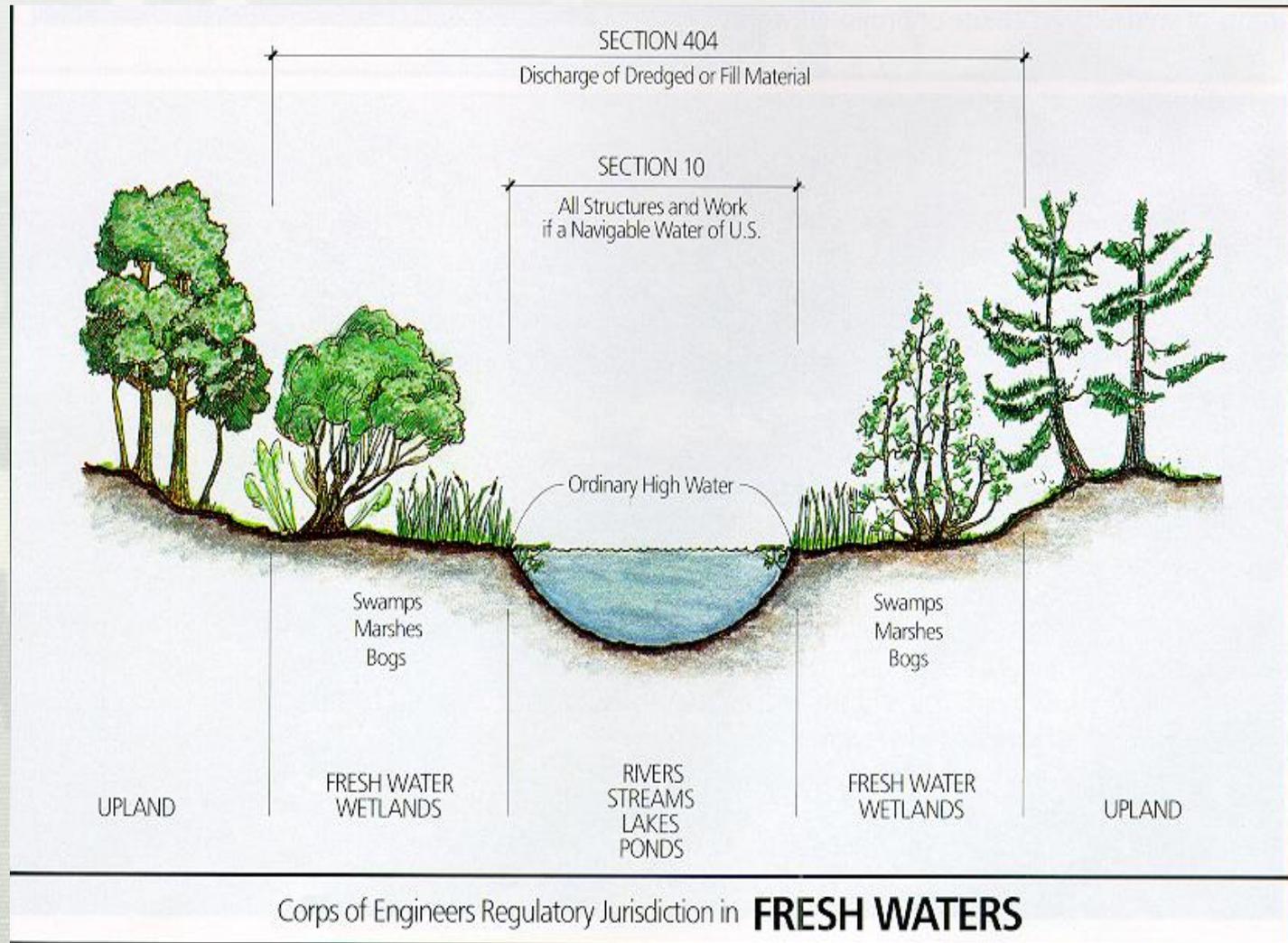
Regulatory Jurisdiction in Tidal Waters



Corps of Engineers Regulatory Jurisdiction in **TIDAL WATERS**



Regulatory Jurisdiction in Fresh Waters



Types of Permits

- **Individual Permits:**
 - (1) **Standard Permits (SP)**
 - (2) **Letters of Permission (LP)**

- **Other Minor Permits:**
 - (1) **Nationwide Permits (NWP)**
 - (2) **Regional General Permits (RGP)**
 - (3) **Programmatic General Permits (PGP)**



Individual Permits

- **Standard Permit**
 - Public Notice
 - Full project review procedure

- **Letter Of Permission**
 - Abbreviated permit procedure
 - Coordination letter
 - Defined criteria (i.e. erosion control activities not to exceed 0.2 acre of fill).



Nationwide Permits

- **There are 50 Nationwide Permits**
They currently expire March 18, 2012
- **Water Quality Certification may be required**
- **Coastal Zone Consistency Determination may be required**
- **Pre-Construction Notification may be required**
- **Subject to Discretionary Authority**

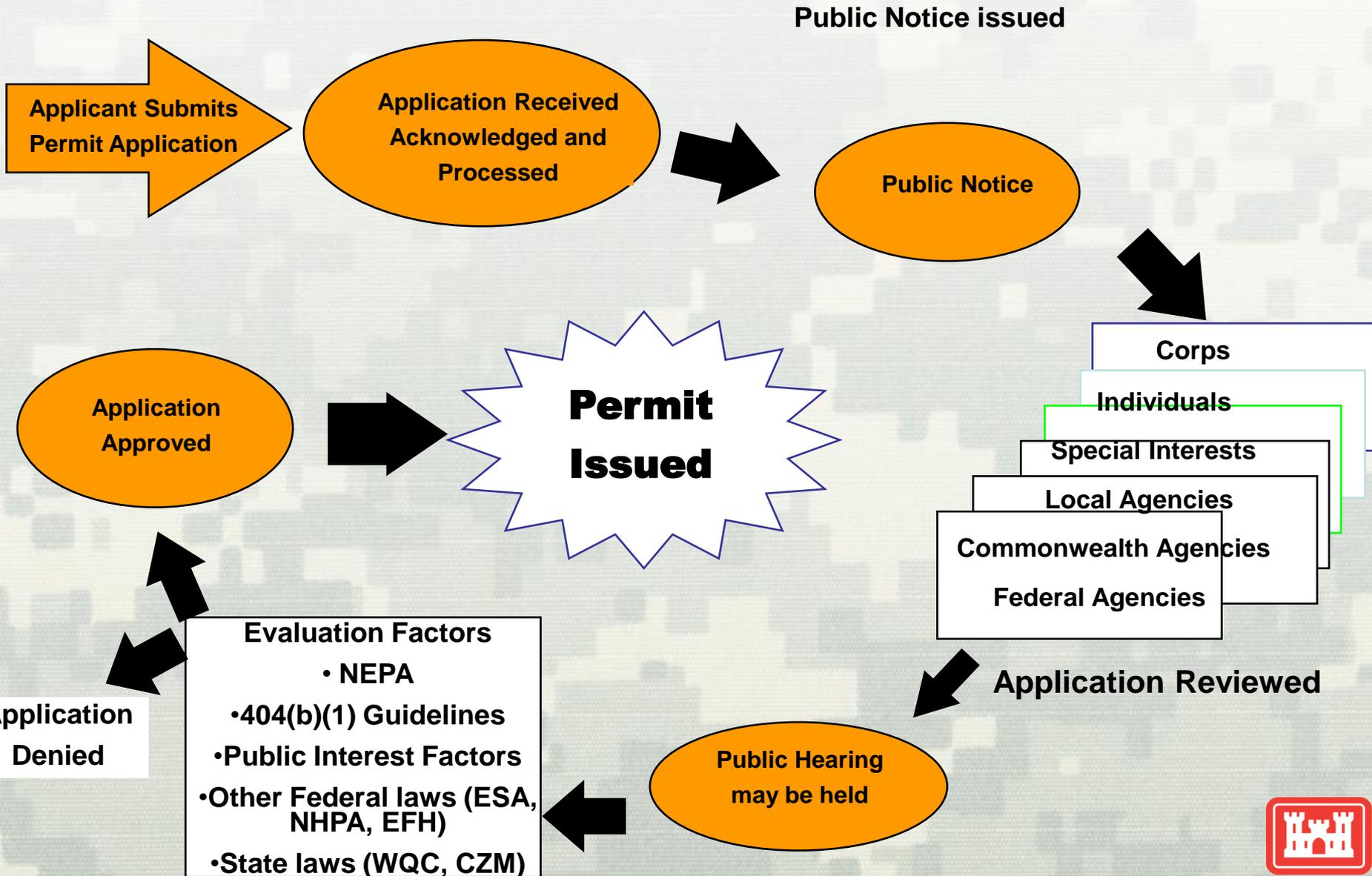


General Permits

- **Regional General Permits**
 - Specific approach for geographic area
 - Conditions deal with area issues
(i.e. GP-17)
- **Programmatic General Permits**
 - Take advantage of similar program
 - Reduce regulatory duplication
(i.e. GP-42)



Permit Review Process



Corps Decision Making 404(b)(1) Guidelines

- **Project Purpose**
 - **Sequential Process:**
 - Avoidance
 - Minimization
 - Compensation

- **Corps determines Least Environmentally Damaging Practicable Alternative (LEDPA)**

- **Corps determines mitigation**

- **Permit denied if the discharge does not comply with 404(b)(1) guidelines.**



National Environmental Policy Act (NEPA)

- **NEPA ensures consideration of environmental impacts and alternatives for federal actions**
- **NEPA Documentation Is Required On Every Permit Decision**
 - **Environmental Assessments**
 - **Mitigated FONSIs**
 - **Corps fully offsets all impacts**
 - **Environmental Impact Statements**



Other Applicable Federal Laws

- **Endangered Species Act (ESA)**
- **Magnuson-Stevens Act (Essential Fish Habitat - EFH)**
- **National Historic Preservation Act (NHPA)**
- **Coastal Zone Management Act (delegated to the State of Florida)**
- **Section 401 of the Clean Water Act (delegated to the State of Florida)**



Decision Making Public Interest Review

- **Balance Of Important Public Interest Factors**
- **22 Evaluation Factors Including:**
 - Economics
 - Wetlands
 - Fish & Wildlife Values
 - Flood Plain Values
 - Flood Hazards
 - Water Supply & Conservation
 - Navigation
 - General Environmental Concerns



Federal Project Coordination

33 CFR 320.4

- Addresses interference with authorized federal projects in navigable waters
- Proposed activities in the vicinity of an existing federal project or one under construction will be evaluated for compatibility
- Fed Gov't not liable for damage to permitted structures caused by operation of Fed project



Information necessary to prepare a Public Notice

- Application Number assigned by the District (SAJ-2010-00723-IP-MLC)
- Name & address of the applicant & authorized agent.
- Description of the proposed activity (residential, commercial, etc.) If dredging is proposed, the application must include a description of the type, composition and quantity of the material to be dredged, the method of dredging, and the site location and plans for disposal of the dredged material.



Information necessary to prepare a Public Notice (cont'd)

- **Wetland delineation (REGL 08-02)**
- **All related activities requiring authorization (avoid piecemealing, single & complete projects)**
- **Adjacent property owners**
- **Project location**
- **Completed work (if applicable)**
- **Signature of applicant/agent**
- **Drawings, plans, sketches**
- **Mitigation statement**



Regulatory Key Points

- **Protect important aquatic resources**
- **Majority of permits issued with revised footprint**
- **Mitigation does not make an unpermittable project permittable**
- **Corps fully mitigates unavoidable impacts**
- **No net loss of aquatic functions and values**
- **Large number of projects involve T&E Species, Historic Properties, Tribal Issues, and EFH issues, which add to the complexity of project evaluation**





Questions

