



Processing of DA Permit Applications

Reference Guide Sections 4.7, 4.9, 5.4, and Appendices B and D



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(Reference Guide Section 4.7, 4.9, 5.4, and Appendices B and D)

Overview

Making Permit Decisions

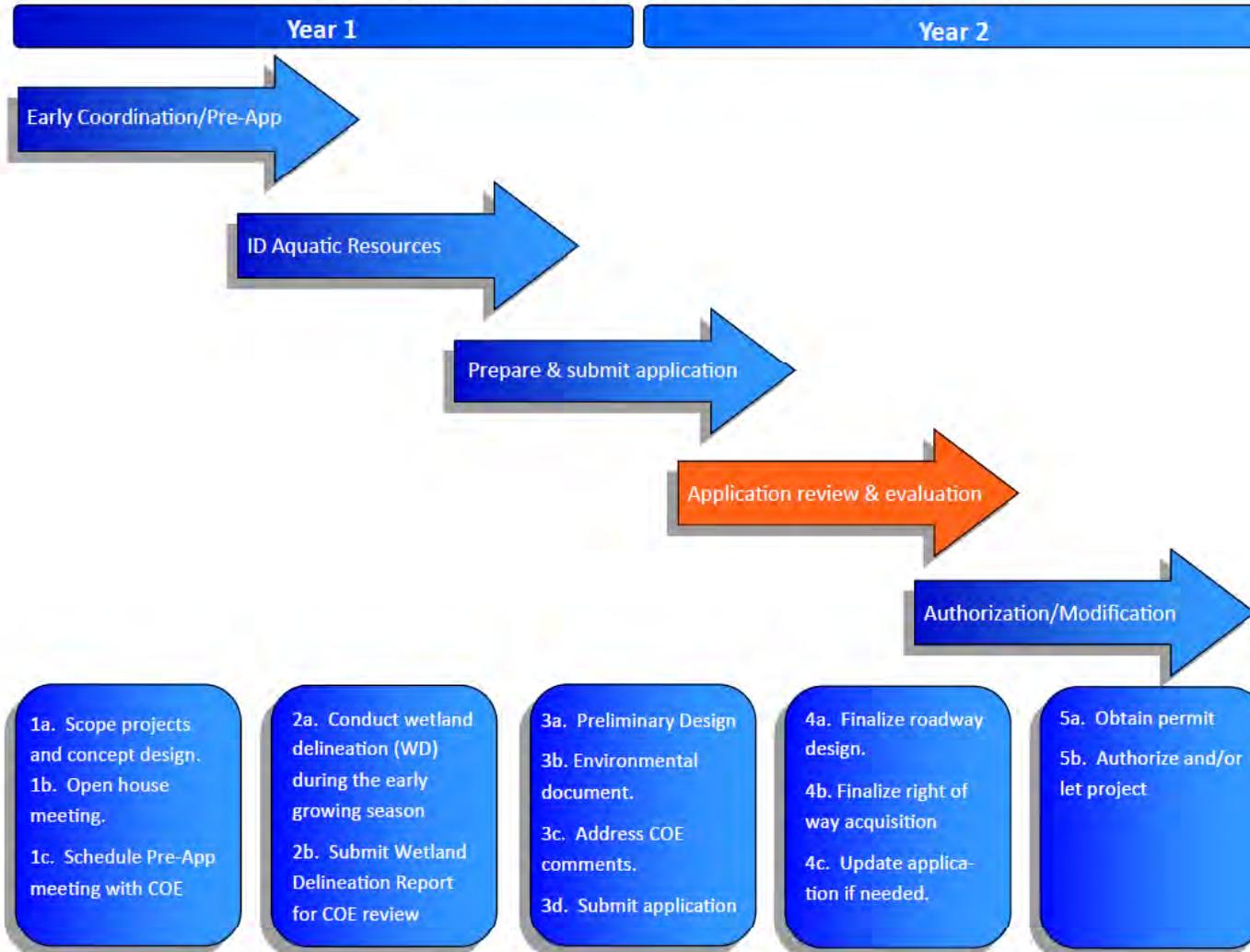
Permit Types and Forms

Typical Permits for Road Projects

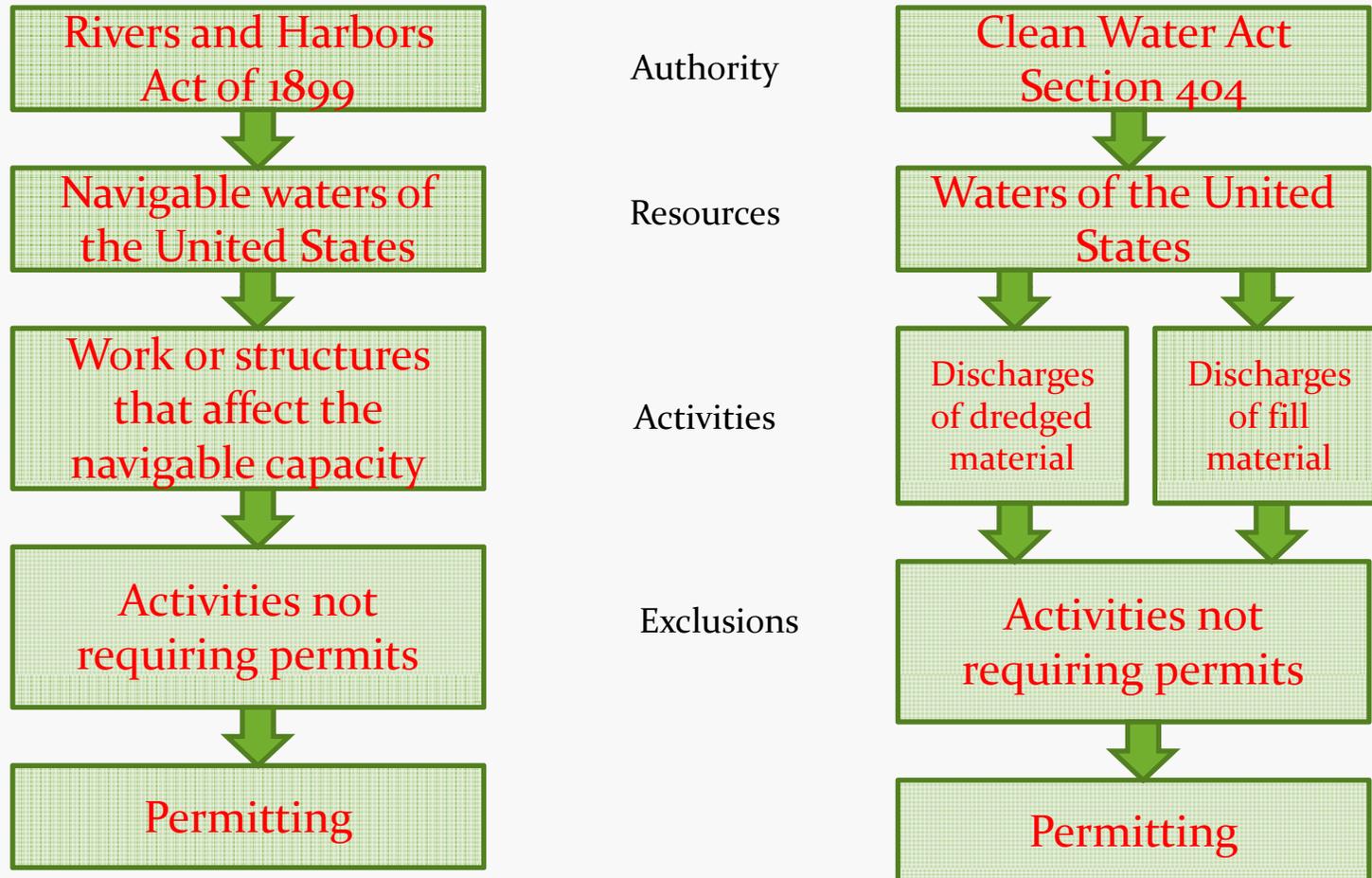
What to Expect

Summary

Example Project Schedule for Water Resources Permitting



Determining If A Permit Is Required



Making Permit Decisions

The Bottom Line.....

Every permit we issue follows an identical evaluation process (with respect to the statutory authority)

The rigor of the analysis is dependent on the type of project, the type of resource being impacted, the degree and magnitude of the impact, and the public's opinion of the project

It is our job to *objectively* evaluate the application and determine if the project complies with the Section 404(b)(1) guidelines and is not contrary to the public interest

Making Permit Decisions

How we conduct our evaluations

Our permit process has three primary components: a NEPA evaluation, public interest determination, and a Section 404(b)(1) compliance determination

NEPA is a procedural requirement, the public interest review and Section 404(b)(1) compliance determination are substantive

The 404(b)(1) compliance determination is not performed for Section 10 only evaluations

Making Permit Decisions

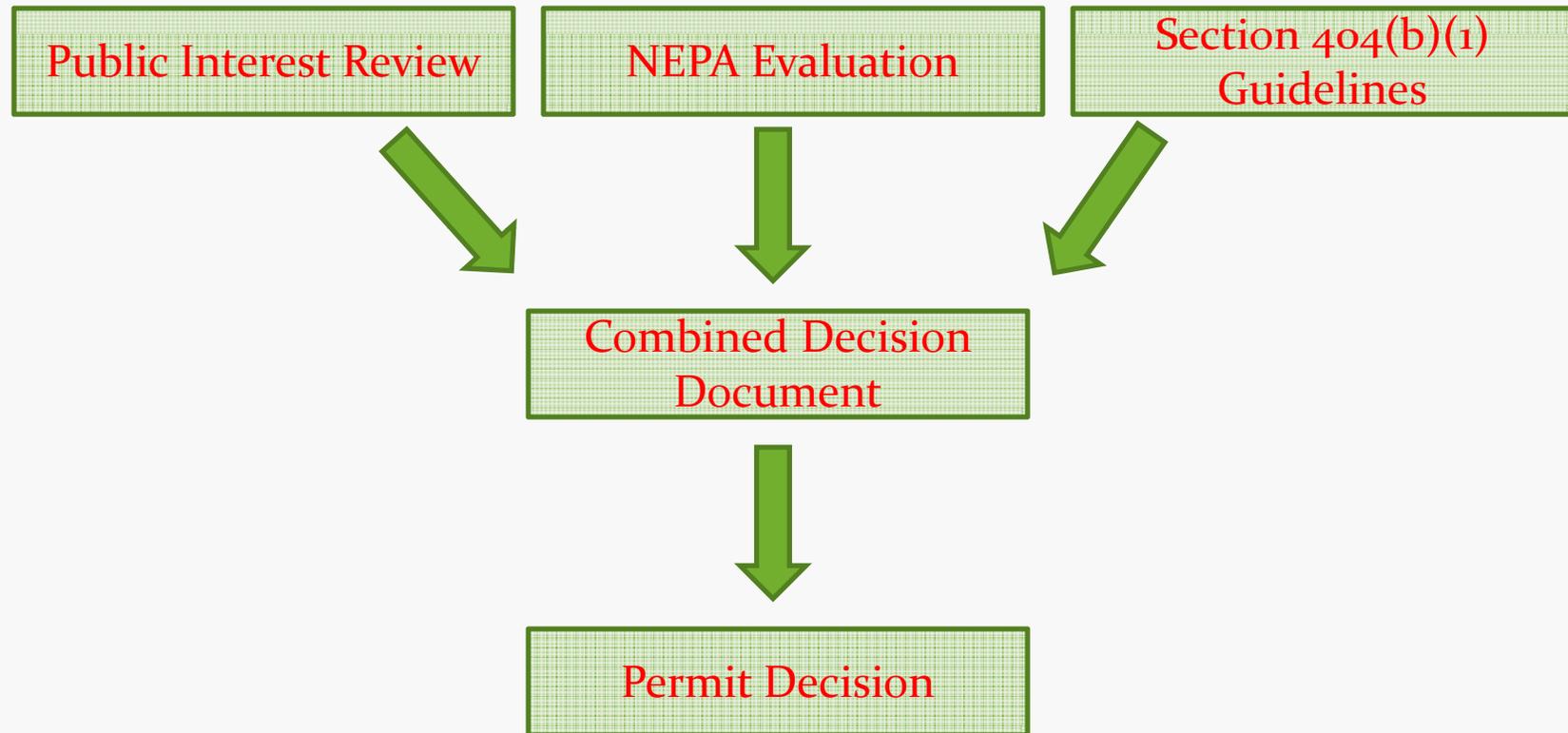
How we conduct our evaluations

Our combined decision document integrates the public interest review, NEPA evaluation, and a Section 404(b)(1) compliance determination into one document

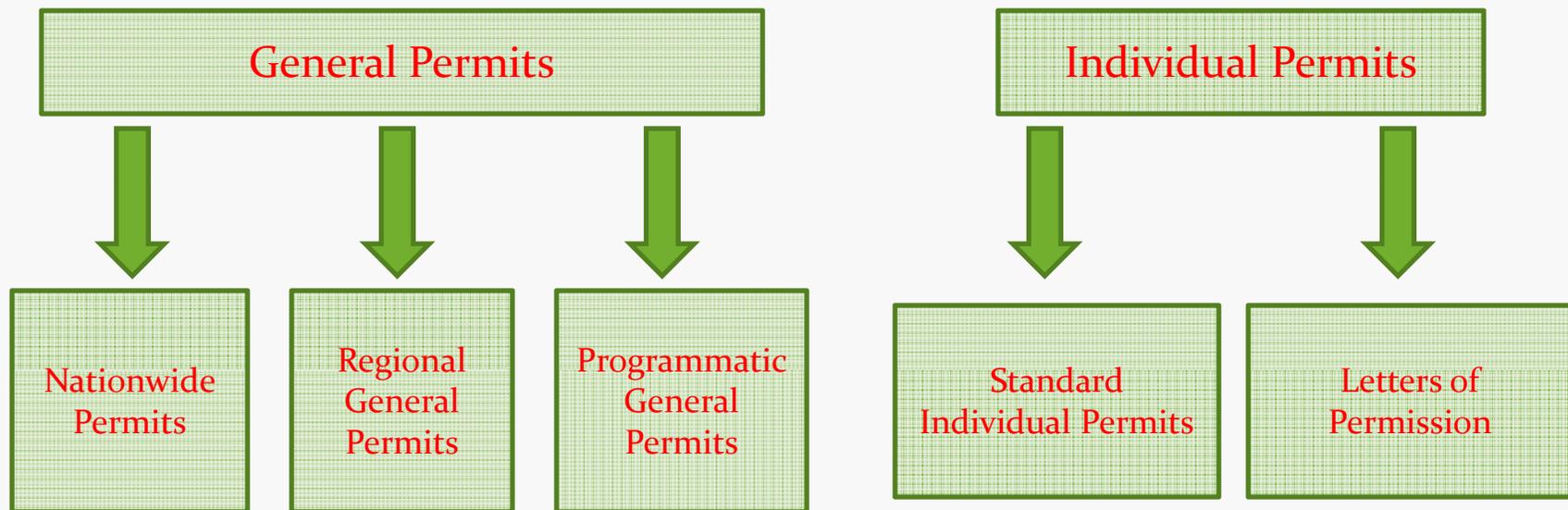
A combined decision document is prepared for every individual permit decision

A combined decision document is prepared for a general permit when that permit is issued by the District, not for every request for authorization under the general permit

Making Permit Decisions



Permits Types and Forms



Permits Types and Forms

General Permits

Used for projects that individually and cumulatively have minimal impact

GPs include nationwide permits, regional general permits, and programmatic general permits

Districts should use GPs whenever possible to reduce processing times

Letters of Permission

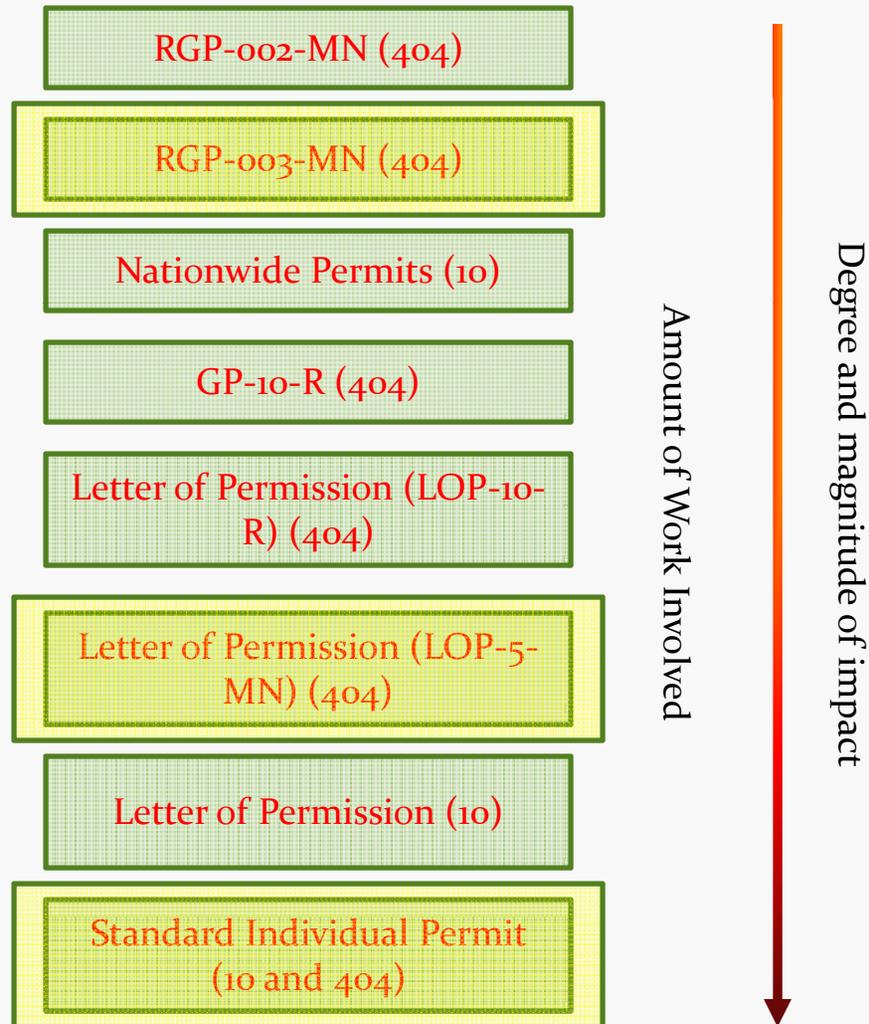
An individual permit with an abbreviated processing procedure

Most often does not require an individual public notice depending on the statutory authority and the procedures established by the District

Standard Individual Permits

The full Monty

Permits Types and Forms



Regional General Permit RGP-003-MN

Category A Maintenance Activities

- Repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or any currently serviceable structure authorized by 33 CFR 330.3
- Discharges into WOUS cannot exceed 0.5 acre or 500 linear feet of stream in a single location
- Temporary fills can be authorized under this category and do not count against the threshold
- Notification for wetland impacts greater than 0.10 acre, wetland impacts exceed the mitigation threshold, an affected structure is greater than 50 years old, or the work is in a Section 10 water.

Regional General Permit RGP-003-MN

Category L Linear Transportation Projects

- Construction, expansion, modification, or improvement of linear transportation projects
- Discharges into WOUS cannot exceed 0.5 acre or 500 linear feet of stream in a single location
- Temporary fills can be authorized under this category and do not count against the threshold
- Notification required in most cases

Regional General Permit RGP-003-MN

Category P Maintenance of Existing Public Roads

- Maintenance, repair, or rehabilitation of existing public roads
- Discharges into WOUS cannot exceed 0.5 acre or 500 linear feet of stream in a single location
- Temporary fills can be authorized under this category and do not count against the threshold
- Projects must fit into one of two categories to be eligible

Regional General Permit RGP-003-MN

Category P Maintenance of Existing Public Roads

- i. Discharges regulated by MnDNR
 - Projects that receive authorization from the MnDNR require only submission of a PCN five calendar days prior to starting work. Written confirmation from the Corps is not required.

- ii. Discharges associated with reconstruction and culvert replacement projects on existing roads
 - Part of a maintenance or repair project. Individual culvert replacements are considered single and complete projects unless part of a more comprehensive reconstruction project.
 - Requires notification based on amount of impact, age of structure, impacts on flow of waterbody, or if in a Section 10 water.

Letter of Permission LOP-005-MN

Categories of Activities Eligible for Authorization

- Public road projects that impact less than 5 acres of WOUS
- Public and private projects that impact less than 3 acres of WOUS

Coordination Procedures

- Once a complete application has been provided a description of the project will be posted to the Corps website
- Corps reviews and evaluates project and prepares a combined decision document

What to Expect



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MINNESOTA 55101-1678

REPLY TO
ATTENTION OF
Operations
Regulatory (MVP-XXXX-XXXXX-XXX)

Date

THIS IS NOT A PERMIT

Agent or Applicant
Street Address

Dear Mr./Ms. :

We have received your submittal described below. You may contact the Project Manager with questions regarding the evaluation process. The Project Manager may request additional information necessary to evaluate your submittal.

File Number: MVP-XXXX-XXXXX-XXX

Applicant:

Project Name:

Received Date:

Project Manager: Project Manager
U.S. Army Corps of Engineers
Regulatory Branch
180 Fifth Street East, Suite 700
St. Paul, Minnesota 55101-1678

651-290-XXXX

Additional information about the St. Paul District Regulatory Program can be found on our web site at <http://www.mvp.usace.army.mil/missions/regulatory>.

Please note that initiating work in waters of the United States prior to receiving Department of the Army authorization could constitute a violation of Federal law. If you have any questions, please contact the Project Manager.

Thank you.

U.S. Army Corps of Engineers
St. Paul District
Regulatory Branch

We are now sending an acknowledgement letter when we receive an application

What to Expect

If we determine that the application is incomplete a letter will be sent specifically identifying what additional information is required for a complete application.

Once a complete application has been provided we will initiate our review of the application

If the project will be reviewed under our LOP procedures we will prepare a posting for public/agency comment

If the project will be reviewed as a standard individual permit we will prepare a public notice and initiate a 30 day public/agency comment period

What to Expect

If we determine that additional information is required to make a final permit decision a letter will be sent specifically identifying what additional information is required

Behind the scenes, the Corps is most likely coordinating your project with the State Historic Preservation Office and the Board of Water and Soil Resources (mitigation).

Depending on the project we may also be coordinating with the US Fish and Wildlife Service, the US Environmental Protection Agency, Native American tribes, MPCA, MnDNR, and /or other state and local agencies with a role/interest in the project.

What to Expect

Application Review Timeframes

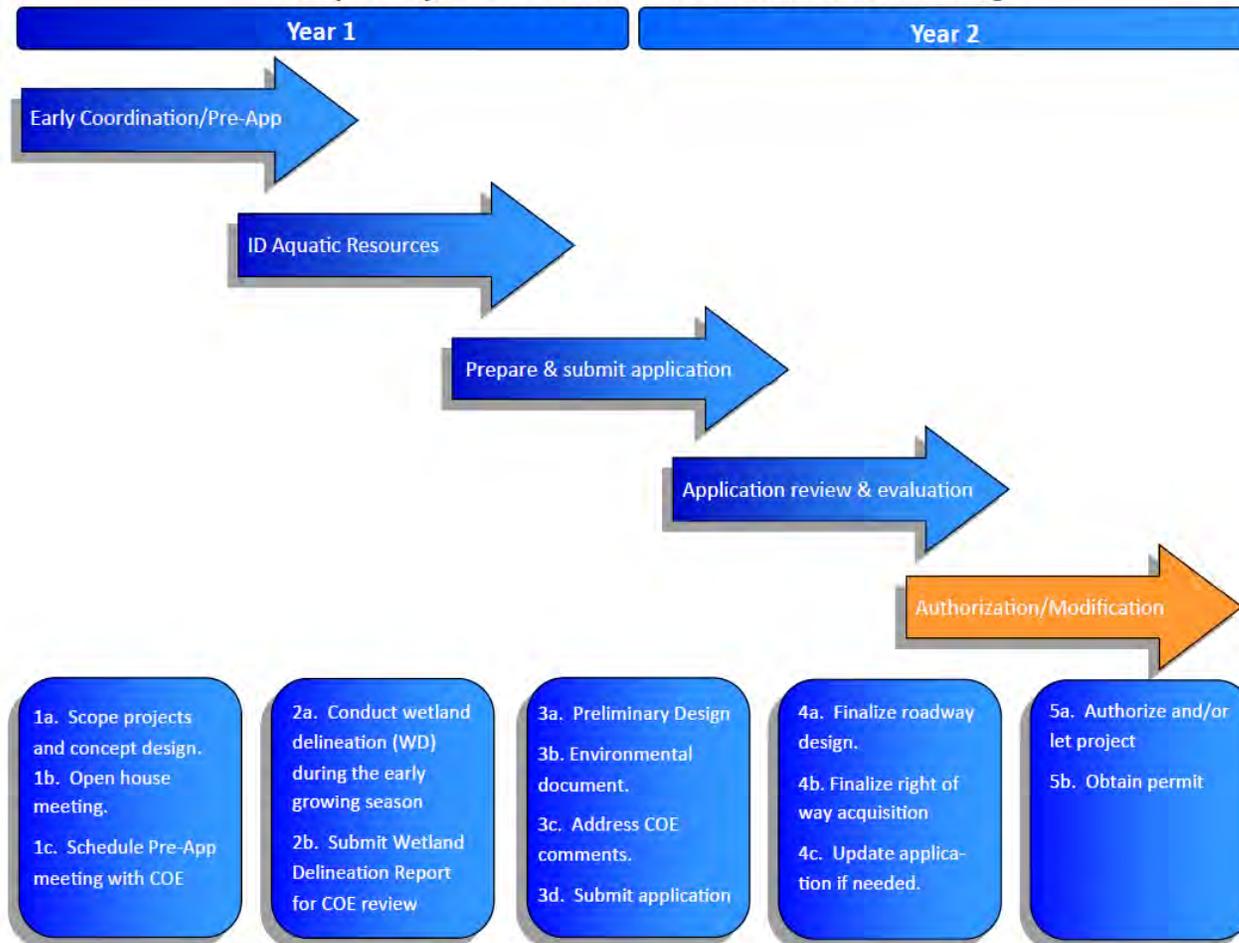
- Our national performance goal is to complete 75% of our general permit reviews in 60 days or less. In FY2013 the St. Paul District met this goal 84% of the time.
- Our national performance goal is to complete 50% of our individual permit reviews in 120 days or less. In FY2013 the St. Paul District met this goal 59% of the time.



Staying in Compliance with Your Permit

March 2014

Example Project Schedule for Water Resources Permitting





Staying in Compliance with Your Permit

Understanding Your Permit

Permit Modifications

Permit Non-compliance

Understanding Your Permit

Read your permit carefully and ask questions if something is unclear

Pay attention to seasonal work limitations, expiration dates, and reporting requirements

Make sure your contractors have been provided a copy of the permit and are aware of the limitations and requirements

Permit Modifications

The verification letter/permit authorizes the work described based on the information provided during the review.

If project designs change during construction then you should seek a modification of the permit.

Most common reasons for permit modifications include change in impact amounts, change in expiration dates, adding additional work to project, additional access to site or staging fills.



Permit Modifications

Permit modifications follow a straightforward process (33 CFR 325.7)

Most modifications are completed without issuing a supplemental public notice and typically only require coordination with the agencies who commented on or were involved with the original application review

Permit Non-Compliance

Our goal is to have 100% compliance with all DA permits.

Our program is based primarily on the honor system; we are not funded to inspect every project.....

But we do inspect a lot of projects each year and we tend to focus on those that have the greatest potential impact on aquatic resources.

Permit Non-Compliance

Self-reporting of non-compliance is a factor in our evaluation of all permit non-compliance cases.

Our ultimate goal is to get the project back into compliance.

Punitive enforcement measures are directed towards repeat, flagrant, and/or egregious permit violations.