

DEPARTMENT OF THE ARMY: REGULATORY PROGRAM OVERVIEW

Kristie Wood
Supervisor, Corpus Christi Field Office
Galveston District – Regulatory Division

24th Annual Water Quality Management &
Planning Conference

Date: June 8, 2022



US Army Corps
of Engineers®



REGULATORY PROGRAM OVERVIEW

Outline:

1. Galveston District
Regulatory Division
Area of Responsibility
2. Regulatory Program Mission
2. Regulatory Program Authorities
3. Regulatory Program Jurisdiction
4. Department of the Army Permits
5. Frequently Ask Questions
7. Regulatory Program Resources
8. Galveston District Contacts



US Army Corps
of Engineers®



AREA OF RESPONSIBILITY



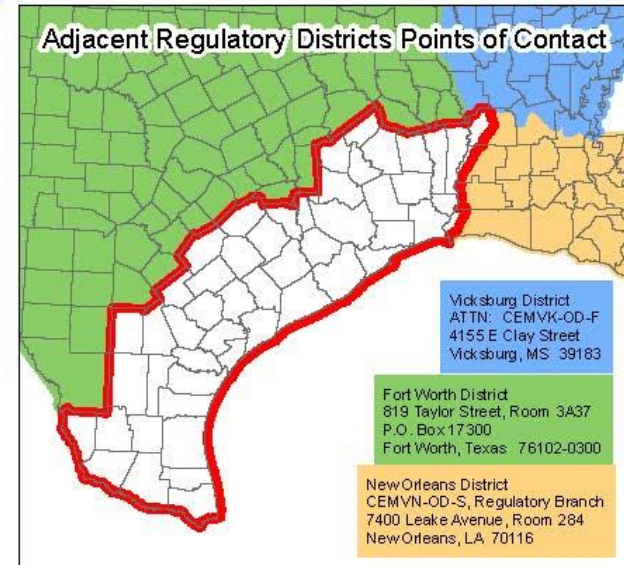
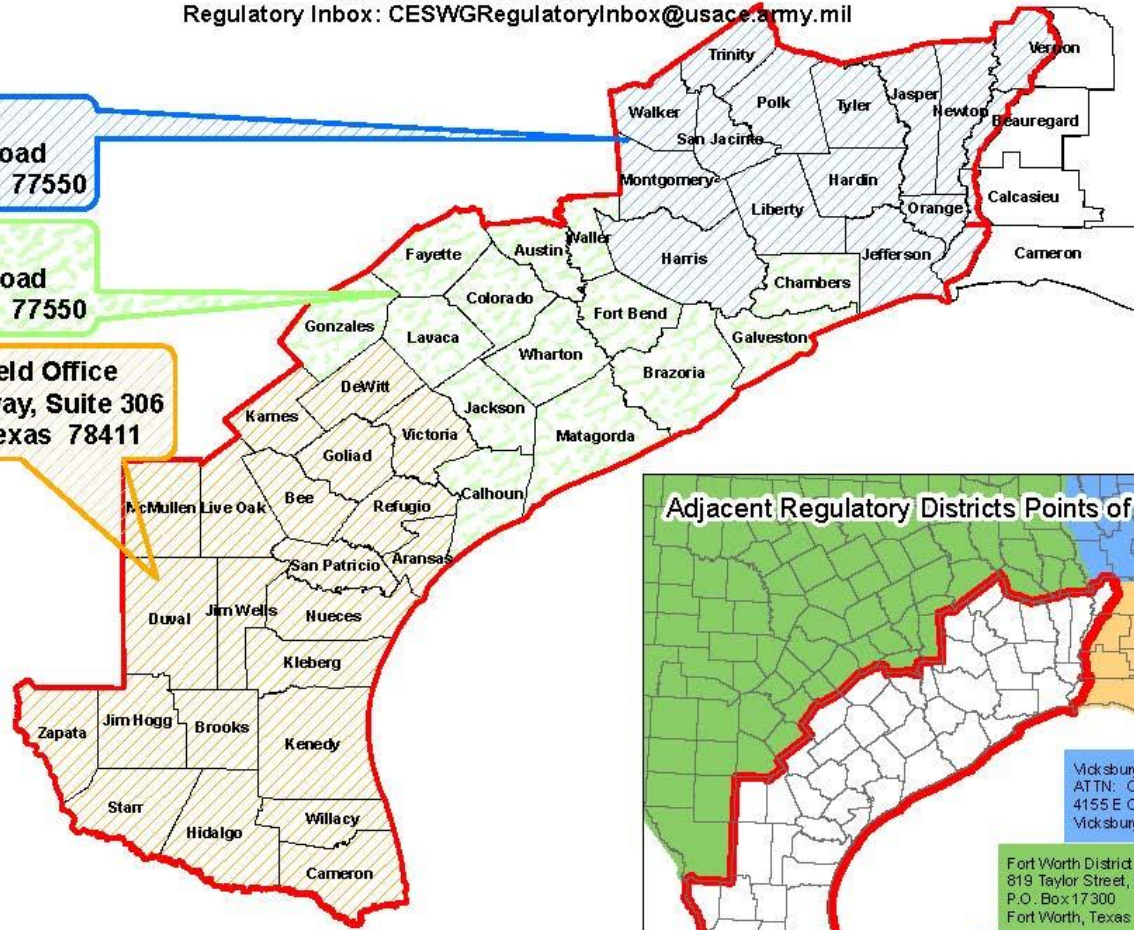
GALVESTON DISTRICT'S AREAS OF RESPONSIBILITY FOR REGULATORY DIVISION

U.S. Army Corps of Engineers, Galveston District Regulatory Division
2000 Fort Point Road, Galveston, Texas 77550
Regulatory Hotline: 409-766-3869
Regulatory Inbox: CESWGRegulatoryInbox@usace.army.mil

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



US Army Corps
of Engineers®



REGULATORY PROGRAM MISSION

To protect the nation's aquatic resources, while allowing reasonable development through fair, flexible, and balanced permit decisions.



US Army Corps
of Engineers®



REGULATORY PROGRAM AUTHORITIES

Section 10 of the Rivers and Harbors Act of 1899 (RHA)

- Requires the public to obtain a permit from the Regulatory Division for activities that effect the course, location, condition or capacity of navigable waters of the U.S. [Work, Structures, and/or Fill]
- Examples: piers, docks, breakwaters, transmission lines, dredging, excavation, etc.

Section 404 of the Clean Water Act (CWA)

- Requires the public to obtain a permit from the Regulatory Division for the discharge of dredged or fill material in any water of the U.S.
- Examples: beach nourishment, breakwaters, base fill and concrete, discharge of runoff from a contained dredged material disposal area, etc.

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (MPRSA)

- The transportation of dredged material excavated from navigable waters of the U.S. for the purpose of dumping it in ocean waters

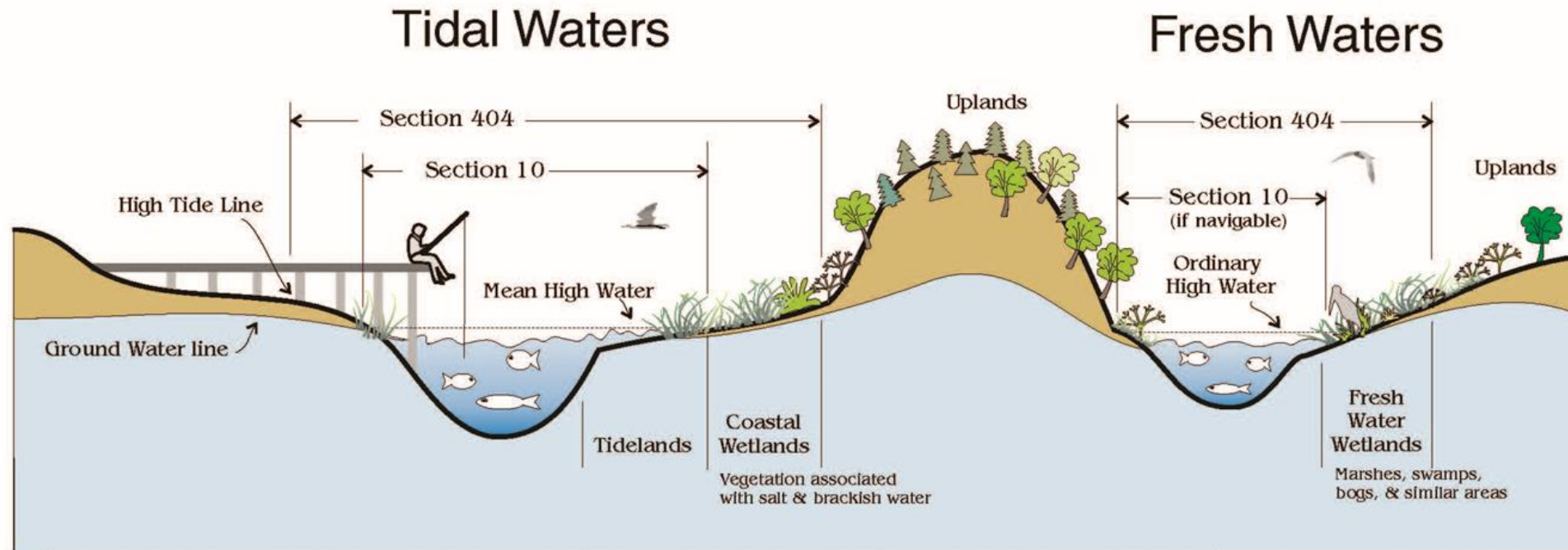


US Army Corps
of Engineers®



REGULATORY PROGRAM JURISDICTION

CORPS OF ENGINEERS REGULATORY JURISDICTION



Section 103 Ocean Discharge of Dredged Material

Typical examples
of regulated activities

Ocean discharges of
dredged material

Section 404 Disposal of Dredged or Fill Material (all waters of the U.S.)

All filling activities, utility lines, outfall structures,
road crossings, beach nourishment, riprap,
jetties, some excavation activities, etc.

Section 10 All Structures and Work (navigable waters)

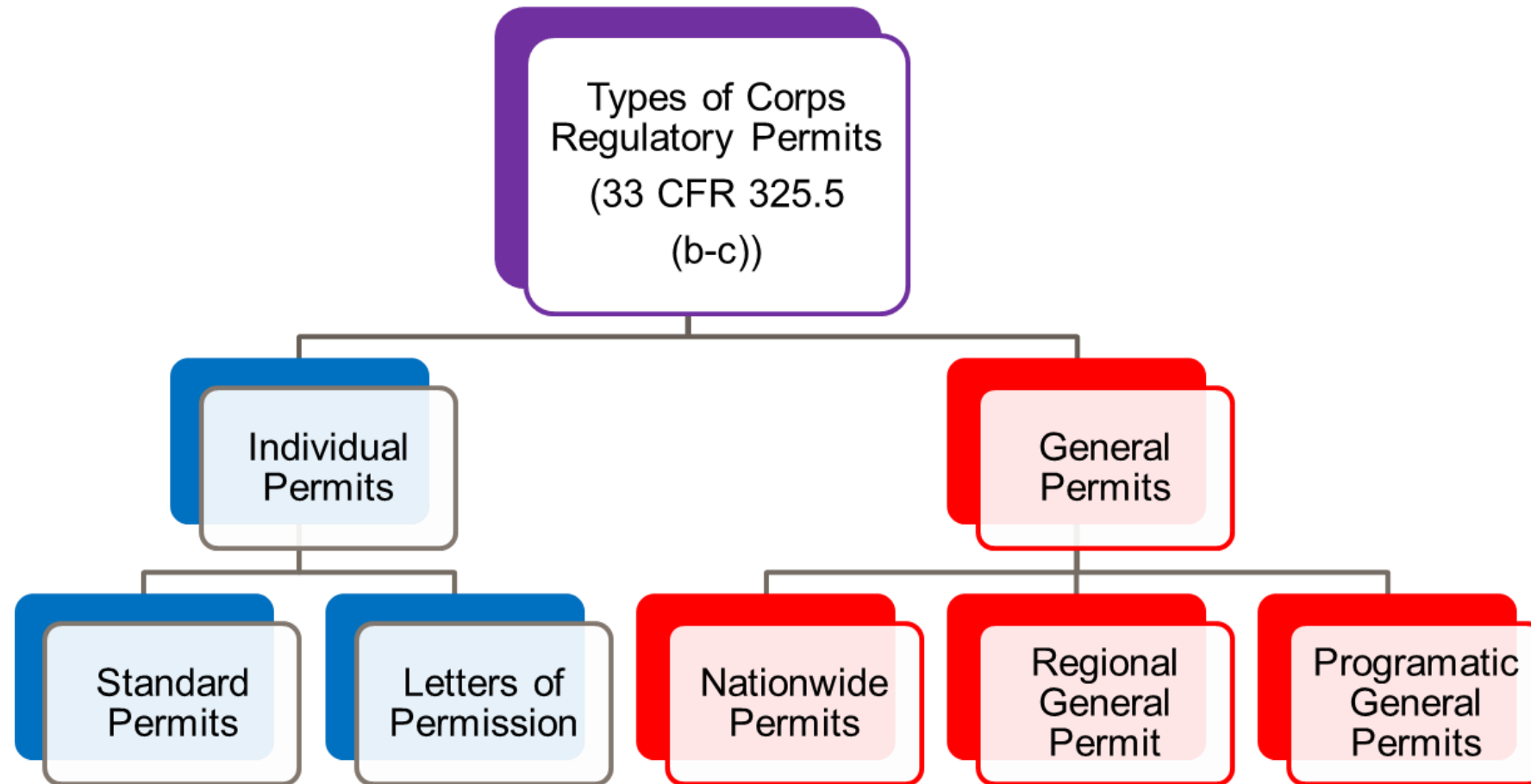
Dredging, marinas, piers, wharves,
floats, intake / outtake pipes,
pilings, bulkheads, ramps, fills,
overhead transmission lines, etc.



US Army Corps
of Engineers®



DEPARTMENT OF THE ARMY PERMITS



US Army Corps
of Engineers®



DEPARTMENT OF THE ARMY - GENERAL PERMITS

Nationwide Permits (NWP) – 57 NWPs

- Authorities: Section 10 and/or Section 404
- Minimal impact to aquatic environment
- Expedited permit review process – 45 days upon receipt of complete application
- In order to qualify for a NWP, an activity must:
 - Meet the **terms** of the applicable NWP.
 - Meet the **General Conditions** of the NWPs.
 - Meet all applicable **Regional General Conditions**.
- NWP Pre-construction Notification (PCN):
 - Some NWPs don't require a PCN (i.e., NWP 2 Structures in Artificial Canals)
 - Some only require a PCN if certain thresholds are exceeded, or a waiver is requested (i.e., NWP 13 Bank Stabilization: length >500ft, proposed fill in special aquatic sites, etc.)
 - Some always require a PCN (i.e., NWP 7 Outfall Structures and Associated Intake Structures)
 - General Condition 32(b) Lists Contents Required in PCN submission



DEPARTMENT OF THE ARMY - GENERAL PERMITS

Regional (RGP) and Programmatic General Permits (PGP)

- Similar to NWP's
- Issued to authorize a common regional activity (e.g., TPWD artificial reefs)
- Issued to minimize duplication of processes (e.g., residential piers)
- Expedited permit review process – 60 days upon receipt of complete application
- Currently, all require a PCN (refer to RGP/PGP for content requirements)



US Army Corps
of Engineers®

<https://www.swg.usace.army.mil/Missions/Regulatory/Permits/Regional-General-Permits/>



DEPARTMENT OF THE ARMY – INDIVIDUAL PERMITS

Letters of Permission (LOP)

- Authorities: Section 10 ONLY
- Abbreviated processing procedure
- Includes 15-day Interagency Coordination with Federal and state agencies
- Would not have significant individual or cumulative impacts on environmental values
- No appreciable opposition
- Timeframe: Approx. 60 days from receipt of complete application



US Army Corps
of Engineers®

<https://www.swg.usace.army.mil/Missions/Regulatory/Permits/Letter-of-Permission/>



DEPARTMENT OF THE ARMY – INDIVIDUAL PERMITS

Standard Permit (SP)

- Authorities: Section 10 and/or Section 404
- May have more than minimal impact on the environment
- Includes 30-day Public Notice
- Requires public interest review
- Most time consuming and stringent permit process
- At least 120 days from receipt of complete application



US Army Corps
of Engineers®

<https://www.swg.usace.army.mil/Missions/Regulatory/Permits/Permit-Application.aspx>



FREQUENTLY ASKED QUESTIONS

1. How can I design my project to eliminate the need for a Corps permit?
 - Tidal waters location – Select a site that is above the high tide line and avoids wetlands or other water-bodies.
 - Freshwater location – Select a site above ordinary high water and avoid wetlands adjacent to the stream or lake.
2. When should I apply for a permit?
 - Apply as early as possible to be sure you have all required approvals before project start date.
 - For a large or complex activity, it is often helpful to have a "pre-application consultation" or informal meeting with the Corps during the early planning phase of your project. You may receive helpful information at this point, which could prevent delays later.
 - When in doubt as to whether a permit may be required or what you need to provide or how long the process will take, don't hesitate to call our office.
3. Who should apply for a permit?
 - Any person, firm, or agency (including Federal, state, and local government agencies) planning to work in navigable waters of the United States, or discharge (dump, place, deposit) dredged or fill material in waters of the United States, including wetlands, must first obtain a permit from the Corps of Engineers.



US Army Corps
of Engineers®

NOTE: Permits, licenses, or other authorizations may also be required by other Federal, state and local statutes.



USACE REGULATORY PROGRAM RESOURCES



HQ USACE Website (<https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/>)

- National program info: Regulatory Announcements, National Notices and Program Initiatives, Regulations, Guidance Documents, etc.
- Permit Decisions and Approved Jurisdictional Determinations
- National Customer Service Survey Link



Galveston District Website (<https://www.swg.usace.army.mil/Missions/Regulatory/>)

- Permit Application and Information
- Electronic Submittal Instructions
- Public Notices – you can sign up!

Galveston District Regulatory Division Workshop

- Fall 2022 – TBD



US Army Corps
of Engineers®



GALVESTON DISTRICT REGULATORY DIVISION CONTACTS



Kristie Wood
Supervisor, Corpus Christi Regulatory Field Office
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411
Phone: (361)814-5847 x1005
Email: Kristie.A.Wood@usace.army.mil



Regulatory Hotline: (409)766-3869



Regulatory Inbox: CESWGRegulatoryInbox@usace.army.mil



Public Notice Inbox: swg_public_notice@usace.army.mil



US Army Corps
of Engineers®

