

# Sacramento District Regulatory Program

Paul Maniccia

Chief, Enforcement Unit

Regulatory Division

US Army Corps of Engineers, Sacramento  
District

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# Types of Permits



- **General Permits**
  - ▶ Nationwide
  - ▶ Regional
  - ▶ Programmatic
- **Individual Permits**
  - ▶ Standard
  - ▶ Letters of Permission



# Types of Permits

- Standard / Individual Permits
  - ▶ Activities with more than minimal impact
    - e.g. > than ½ acre of waters
- General Permits
  - ▶ For minimal adverse effects to the aquatic environment
    - Most common form are Nationwide Permits
    - NWP 3, 14, 23, and 33



# Three Types of General Permits

- Nationwide: Issued by Corps HQ for specific activities for use nationwide.
- Programmatic: Founded on an existing state, local, or other federal agency program and designed to avoid duplication with that program. Issued by Corps district or division.
- Regional: Issued by Corps district or division after following standard permit processing procedures for a class or classes of activities in a region.



# General Permits

- Established in advance for activities similar in nature that cause only minimal individual and cumulative environmental effects
- To be “verified” under a GP, the activity:
  - ▶ Has to meet specific terms/conditions
  - ▶ Require notification to the Corps/other agencies
  - ▶ Compensate for loss of waters

33 CFR 322.2(f), 325.2(e), 325.5; 40 CFR 230.11(g)



# Examples

- **Regional General Permit 1**  
Minimal impact activities within plan area of East Contra Costa County HCP
- **Regional General Permit 2**  
City of Elk Grove Routine Channel Maintenance
- **Programmatic General Permit 40**  
Minimal Impact Activities under the stream alteration program in the State of Utah





# Nationwide Permits

- Nationwide permits- over 85% of activities are authorized under NWPs
- NWPs cover RHA Section 10 & CWA Section 404
- 50 NWPs have been issued authorizing a variety of minimal impact activities in waters of the U.S.
- Issued by HQ every 5 years



# Standard Permit

- Standard Permits (Individual Permit)
  - ▶ A type of individual permit (33 CFR 325.2, 325.5) Form 4345
  - ▶ For projects with more than minimal impacts to aquatic resources
  - ▶ Requires public notice, public interest review, NEPA compliance (EA/EIS) and a 404(b)(1) Alternatives Analysis
  - ▶ Permit may be valid up to 5 years





# Standard Permit

## Letters of Permission

- Issued by a district for a specific activity through an abbreviated processing procedure
  - ▶ Requires coordination with resource agencies and a public interest determination
  - ▶ No public notice necessary
  - ▶ Categorically excluded under NEPA
- LOP procedures in CA:
  - ▶ Section 10 RHA only activities
  - ▶ Section 404 CWA “Minor Impact” activities

33 CFR 325.5(e), 325 Appendix B



# Compliance with Other Related Laws

- National Environmental Policy Act
- Section 7 of the Endangered Species Act
- Magnuson-Stevens Fishery Conservation Act
- Section 106 of the National Historic Preservation Act
- Section 401 of the Clean Water Act



# Mitigation

- Mitigation is required for impacts to waters of the US (33CFR Part 332 – Mitigation Rule)
- Corps defines mitigation as avoidance, minimization and compensation
  - ▶ Avoidance – avoiding the impact
  - ▶ Minimization – minimizing impact through BMPs and other measures
  - ▶ Compensation – replacing unavoidable impacts through restoration or creation
- Goal is No Net Loss of Wetlands



# Contact Information

Sacramento District Regulatory Office:

Phone: 916-557-5250

Paul Maniccia

Phone: 916-557-6704

[paul.m.maniccia@usace.army.mil](mailto:paul.m.maniccia@usace.army.mil)

<http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/>



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