

Contents of a Complete Application

Regulatory Program Workshop Sept 2016

Jon Boe

Project Manager, UT-NV Branch, St. George Field
Office

US Army Corps of Engineers, Sacramento District



Topics

- Application Completeness
 - ▶ Individual Permits (Standard Permits)
 - ▶ Letters of Permission
 - ▶ Nationwide Permits
 - ▶ Regional General Permits,
 - ▶ Programmatic General Permit (PGP-10)



What constitutes a Complete Application?



Individual Permit

- Constitute only a few percent of permits processed by the St. George office
- Engineering Form 4345 used for the application. Application must be signed by the applicant or the authorized agent.
- Individual 401 Water Quality Certification Required
- Mitigation Plan



IP - When is it Complete?

- An application is determined to be complete when **sufficient information** is received to issue a public notice
- The issuance of a public notice will not be delayed to obtain information necessary to evaluate an application

325.1(d)(10)



- IPs involve a lot of coordination between the applicant, agent/consultant, the Corps Project manager and others
- To understand the application process it is really necessary you meet with the Corps project manager prior to application submission



Letter of Permission Application

- Pre-application meeting with Corps Project Manager mandatory
- Engineering Form 4345 used for the application
- All information required for an Individual Permit including mitigation plan, except for names/addresses of adjoining landowners (agency notification only for LOPs)
- See list in LOP Public Notice (UT or NV) (Part B) for specific application submittal items.
- Individual 401 water quality certification required



NWP - Pre-Construction **Notification (PCN)**

Actually a **verification** Process

PCN requirements:

- NWP notification requirements specified in NWP General Condition 31
- Addt'l Requirements specified in Regional conditions (Utah or Nevada)
- South Pacific Division NWP pre-construction notification form (Regional form)



NWP - Pre-Construction Notification

Contents of PCN – General Condition 31(b)

1. **Name**, address, and telephone numbers of prospective permittee
2. **Location** of the proposed project



Contents of PCN

3. **Project Description** – **sufficient detail** to determine minimal adverse effects and need for compensatory mitigation
- a) Project purpose;
 - b) **Direct and indirect impacts;**
 - c) **Amount of loss of waters of the US in acres or linear feet;**
 - d) Other NWP authorizations or IP for any part of project or related activity;
 - e) Sketches (e.g. conceptual plan) - illustrative description of the proposed activity



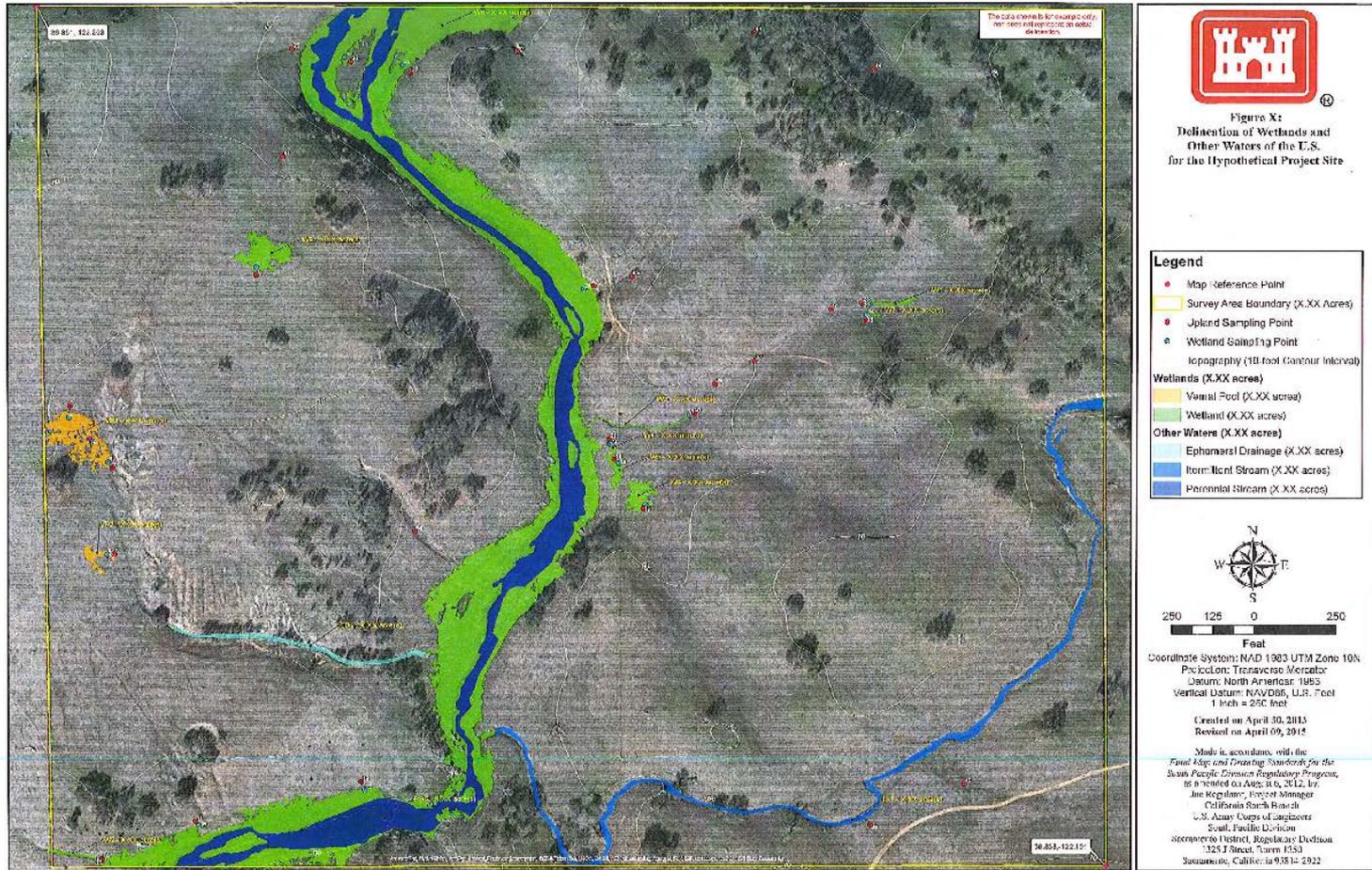
Contents of PCN

4. Delineation of Waters

- a) Wetlands and other waters
- b) Prepared in accordance with the “Minimum Standard for Aquatic Resources” found on the Sacramento District Regulatory webpage
- c) May request Corps to complete the delineation, however there “may be a delay...”
- d) Example of a delineation map for a complex site



Aquatic Resources Delineation Map



Non-complex site (no wetlands)

- The impact map may be able to adequately depict the extent of waters on the project site (ordinary high water mark depiction)
 - ▶ OHWM must be determined using Corp guidelines and depicted with Corp map and drawing standards
- Example Impact plan view map



Contents of PCN

5. Mitigation Statement

- a) If loss of greater than 1/10-acre (of wetlands):
- b) How impacts to waters of the US are to be compensated for; or
- c) Why adverse effects are minimal and why compensatory mitigation should not be required for the proposed impacts.



Contents of PCN

6. Federally-listed species or Critical Habitat

- a) Non-federal applicants: names of listed species
- b) Federal applicants must provide documentation demonstrating compliance with Sec 7 of ESA

7. Historic Properties

- a) Identify the historic property
- b) Federal applicants must provide documentation demonstrating compliance with Sec 106 of NHPA

The Corps Project Manager can advise you on the extent of the Area of Potential Effect (APE) required



401 Water certification

- Programmatic for NWP's in most cases in Utah
- Individual certification required in NV and from Indian Reservations (UT and NV)



Regional Conditions

1. Either SPD PCN Form or ENG 4345**

- a) A **written statement** describing how the activity has been designed to **avoid and minimize** adverse effects, both **temporary and permanent**, to waters of the United States.

*Note: more specific than NWP GG 31(b)(5):
avoidance, minimization, temporary impacts*

**** With an attachment providing information on compliance with all of the General and Regional Conditions.**



Regional Conditions - #1 (con't)

1. Either SPD PCN Form or ENG 4345

b) Plan view and cross-section view

- i. Location, size, and dimension of activity
- ii. Location of delineated waters
- iii. Amount (cubic yards) and area (acres) of fill
- iv. Ordinary high water mark/high tide line

c) Pre-project color photographs



Incomplete



NWP – Prospective permittee notified, Corps requests additional information within 30 days of receipt of the PCN. Applicant provides the additional information within 30 days of request or permit application may be withdrawn (without prejudice).



Regional General Permit

- Verification, as with a NWP
- Notification (application) requirements specified in each specific RGP
- Eng form 4345 used or NWP PCN (specified in the permit)
- Comparable to the NWP process
- Frequently has a programmatic 401 water quality certification associated with it



Programmatic General Permit-10

- Utah specific
- Programmatic 401 water quality certification
- Notification (application) requirements specified in the PGP-10 permit
- Utah Joint Stream Alt application used, along with supporting materials



PGP-10 Cont'd

- Application requirements contained on the Joint Stream Alt application
- UDWR requires verification from the Corps that permit complies with CWA Sect 404
- Application materials must be sufficient to allow the Corps to verify work is within conditions of the permit, waters impacts are identifiable and quantifiable, NHPA and ESA determinations can be made by the Corps
- Project Manager will send requirements for additional information directly to applicant. Need contact information on the application.



PGP-10 Cont'd

- During verification, the Corps may require the applicant to verify the project under an NWP if the project is not appropriate for verification under PGP-10. In this case, NWP notification requirements apply, State issues a state only stream alt, Corps verifies the NWP.
- Pre-application meeting, or at least a phone call is definitely recommended if applicant is unsure whether a PGP-10 is appropriate for a project.



Questions?

- Recommend you call a Program Manager in St. George when you are in doubt about something in an application/PCN, rather than submit paperwork and find out additional information is required.

