

Contents of a Complete Application

Regulatory Program Workshop September 2016

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What constitutes a Complete Application?

- Individual Permit

- ▶ 33 CFR 325.1 (c), (d) & (e) – *Applications for Permits*
- ▶ 33 CFR 325.3 – *Public Notice*

- Nationwide Permit

- ▶ General Condition 31. *Pre-Construction Notification*



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)



Public Notice

- The notice must... include **sufficient information** to *give a clear understanding* of the nature and magnitude of the activity to generate meaningful comment

325.3(a)

- Any other available information which may assist interested parties in evaluating the likely impact of the proposed activity, if any, on factors affecting the public interest

325.3(a)(13)



Specific Items

Completed application form (ENG 4345)

- ▶ Signed by applicant or by duly authorized agent
 - i. Agent authorization on form or separate written statement.

A large, stylized handwritten signature in black ink that reads "John Hancock". The signature is written in a cursive style with a large loop at the end.

325.1(c)
325.1(d)(8)





U.S. ARMY CORPS OF ENGINEERS APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT 33 CFR 325. The proponent agency is CECW-CO-R.			Form Approved - OMB No. 0710-0003 Expires: 30-SEPTEMBER-2015		
<p>Public reporting for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.</p> <p>PRIVACY ACT STATEMENT</p> <p>Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.</p>					
(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)					
1. APPLICATION NO.		2. FIELD OFFICE CODE		3. DATE RECEIVED	
				4. DATE APPLICATION COMPLETE	
(ITEMS BELOW TO BE FILLED BY APPLICANT)					
5. APPLICANT'S NAME			8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required)		
First - Middle - Last -			First - Middle - Last -		
Company -			Company -		
E-mail Address -			E-mail Address -		
6. APPLICANT'S ADDRESS:			9. AGENT'S ADDRESS:		
Address-			Address-		
City - State - Zip - Country -			City - State - Zip - Country -		
7. APPLICANT'S PHONE NOS. w/AREA CODE			10. AGENTS PHONE NOS. w/AREA CODE		
a. Residence b. Business c. Fax			a. Residence b. Business c. Fax		
STATEMENT OF AUTHORIZATION					
11. I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.					
_____ SIGNATURE OF APPLICANT DATE					
NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY					
12. PROJECT NAME OR TITLE (see instructions)					
13. NAME OF WATERBODY, IF KNOWN (if applicable)			14. PROJECT STREET ADDRESS (if applicable)		
			Address		
15. LOCATION OF PROJECT			City - State- Zip-		
Latitude: -N Longitude: -W					
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)					
State Tax Parcel ID Municipality					
Section - Township - Range -					

ENG FORM 4345, DEC 2014

PREVIOUS EDITIONS ARE OBSOLETE.

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Contents of Application

1. a) Complete Description
- b) Drawings, sketches, or plans sufficient for public notice (Engineering plans and specs are not required)
- c) Location
- d) Purpose & Need
- e) Scheduling of Activity
- f) Names & addresses of adjoining property owners
- g) List of authorization required/received/denied (federal, state, local)



325.1(d)(1)



Contents of Application

2. Reasonable related activities

- a) All activities which the applicant plans to undertake which are *reasonably related* to the same project and for which a DA permit would be required should be *included in the same permit application*.

325.1(d)(2)



Contents of Application

3. For **Dredging** in Navigable Waters
- a) A description of the type, composition and quantity of the material to be dredged;
 - b) The method of dredging; and
 - c) The site and plans for disposal of the dredged material.

325.1(d)(3)



Contents of Application

4. **Discharge** of dredged or fill material
- a) The source of the material;
 - b) The purpose of the discharge;
 - c) A description of the type, composition and quantity of the material;
 - d) The method of transportation and disposal;
and
 - e) The location of the disposal site. 325.1(d)(4)



Contents of Application

5. If activity involves construction of a filled area or pile or float-supported platform
- a) The use of; and
 - b) Specific structures to be erected on the fill or platform



325.1(d)(5)



Contents of Application

6. Construction of an **impoundment structure**
- a) Demonstrate that the structure complies with established state dam safety criteria;
 - b) Designed by qualified persons; or
 - c) Independently reviewed by similarly qualified persons.

325.1(d)(6)



Contents of Application

7. Mitigation Statement

- a) How impacts to waters of the US are to be avoided and minimized; and
- b) How impacts to waters of the US are to be compensated for; or
- c) Why compensatory mitigation **should not be required** for the proposed impacts.

325.1(d)(7)



Items Not Required

****But still needed to evaluate an application and issue a permit****

1. Info to facilitate Sec. 7 ESA compliance
2. Info to facilitate Sec. 106 NHPA compliance
3. Delineation report
4. Information on alternative methods and sites to support 404(b)(1) analysis
5. Draft compensatory mitigation plan



IP - Summary

- An application is complete when **sufficient information** is received to issue a public notice
- 15 days for Corps to review and publish PN if application is complete
- Other items needed for processing are **NOT** required for a complete application, but are recommended avoid missing the “30-day” response timeframe.



Nationwide Permits

Pre-Construction Notification Form

U.S. Army Corps of Engineers South Pacific Division



Nationwide Permit Pre-Construction Notification (PCN) Form

This form integrates requirements of the U.S. Army Corps of Engineers Nationwide Permit Program within the South Pacific Division (SPD), including General and Regional Conditions. You MUST fill out all boxes related to the work being done. Fillable boxes in this form expand if additional space is needed.

Box 1 Project Name			
Applicant Name		Applicant Title	
Applicant Company, Agency, etc.		Applicant's internal tracking number (if any)	
Mailing Address			
Work Phone with area code	Mobile Phone with area code	Home Phone with area code	Fax # with area code
E-mail Address		Relationship of applicant to property: <input type="checkbox"/> Owner <input type="checkbox"/> Purchaser <input type="checkbox"/> Lessee <input type="checkbox"/> Other:	
<p>Application is hereby made for verification that subject regulated activities associated with subject project qualify for authorization under a U.S. Army Corps of Engineers Nationwide Permit or Permits as described herein. I certify that I am familiar with the information contained in this application and, that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agency to which this application is made the right to enter the above-described location to inspect the proposed, in-progress or completed work. I agree to start work <u>only</u> after all necessary permits have been received and to comply with all terms and conditions of the authorization.</p>			
Signature of applicant			Date (mm/dd/yyyy)

If anyone other than the person named as the Applicant will be in contact with the U.S. Army Corps of Engineers representing the Applicant regarding this project during the permit process, Box 2 MUST be filled out.

Box 2 Authorized Agent/Operator Name		Agent/Operator Title	
Agent/Operator Company, Agency, etc.		E-mail Address	
Mailing Address			
Work Phone with area code	Mobile Phone with area code	Home Phone with area code	Fax # with area code
<p>I hereby authorize the above named authorized agent to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application. I understand that I am bound by the actions of my agent and I understand that if a federal or state permit is issued, I, or my agent, must sign the permit.</p>			
Signature of applicant			Date (mm/dd/yyyy)
<p>I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate.</p>			
Signature of authorized agent			Date (mm/dd/yyyy)

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Revised March 21, 2012. For the most recent version of this form, visit your Corps District's Regulatory website.



Nationwide Permits

Pre-Construction Notification (PCN) Form

- Streamlined permitting process (no PN issued, no off-site alternatives analysis)
- Requires (almost) all the information up front that is necessary to evaluate and verify that the project fits the NWP.



Contents of PCN

Contents of PCN – General Condition 31(b)

Made in Writing

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 “current method...”
- c) May request Corps to complete the delineation, however there “may be a delay...”



Contents of PCN

5. Mitigation Statement

- a) If loss of greater than 1/10-acre:
 - 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.
-
- *SPK's Regional Conditions for Utah offer more insight on mitigation info needs- more on that to come.*



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 ESA Sec 7 (BO or other FWS concurrence)

7. Historic Properties

- a) Provide cultural resource report with literature search and on-site assessment
- b) Federal applicants must provide documentation demonstrating compliance with Sec 106 of NHPA



Onto Regional Conditions...



Sacramento District Nationwide Permit Program Regional Conditions Checklist for Utah

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG®

On March 18, 2012, the U.S. Army Corps of Engineers' South Pacific Division approved 24 regional conditions for the 2012 Nationwide Permits (NWP) in Utah, within the Sacramento District. This checklist is intended to assist applicants with completing the South Pacific Division Pre-Construction Notification Checklist and to ensure compliance with the regional conditions. This checklist does not include the full text of each regional condition.

Please refer to the *Final Sacramento District Nationwide Permit Regional Conditions for Utah* (http://www.spk.usace.army.mil/Portals/12/documents/regulatory/nwp/2012_nwps/2012-NWP-RC-UT.pdf) and the *List of Additional Information Required for Complete Pre-Construction Notification for California, Nevada and Utah*, when completing this checklist.

Please check the box to indicate you have read and have/will comply with the regional condition and provide a rationale on how you have/will comply with the condition.

Check	Regional Condition	Compliance Rationale
<input type="checkbox"/>	1. Pre-construction Notification. PCN must include: <input type="checkbox"/> Avoidance & minimization statement. <input type="checkbox"/> Plan & cross-section drawings. <input type="checkbox"/> Pre-project photos.	
<input type="checkbox"/>	2. Pre-construction Notification. PCN must be submitted for: <input type="checkbox"/> Activities below 4,217 feet mean sea level (MSL) adjacent to the Great Salt Lake and below 4,500 feet MSL adjacent to Utah Lake <input type="checkbox"/> Crossings of perennial or intermittent waters. <input type="checkbox"/> Activities within 100 feet of a natural spring.	
<input type="checkbox"/>	3. Recordation. Permittee will record the NWP verification.	The proposed project does not involve the designation of a preserve or a structure in a navigable water OR I agree to record the NWP verification with the Registrar of Deeds.
<input type="checkbox"/>	4. Avoided Waters. Permittee shall: <input type="checkbox"/> Establish & maintain a preserve. <input type="checkbox"/> Place avoided waters & buffers into a separate parcel; and <input type="checkbox"/> Establish permanent legal protection.	
<input type="checkbox"/>	5. Temporary Fill. PCN will include: <input type="checkbox"/> Avoidance practicability statement. <input type="checkbox"/> Description of the fill. <input type="checkbox"/> Plan for restoration and/or revegetation. Permittee will: <input type="checkbox"/> Use clean & washed gravel, <input type="checkbox"/> Place a horizontal marker. <input type="checkbox"/> Remove all temporary fill within 30 days.	

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Regional Conditions

1. a) Written statement describing avoidance and minimization of temporary and permanent impacts.

Note: more specific than NWP GC 31(b)(5): Mitigation Statement

- 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



Regional Conditions

5. Description of the proposed temporary fill

- a) Type and amount of material;
- b) The area proposed to be impacted; and
- c) Proposed plan for restoration of temporary fill including re-vegetation plan;
- d) Reason why avoidance of temporary impacts is not practicable



Regional Conditions

21. Requests to **waive the 300 linear foot limitation**

- a) A narrative description of the stream - volume and duration of flow; length, width, and depth; a description of the adjacent vegetation community; a statement regarding the wetland status of the adjacent areas; surrounding land use; water quality; cumulative impacts in the watershed; any other relevant information
- b) Analysis of impacts as described in #1
- c) Measures to avoid and minimize losses to waters of the US
- d) A compensatory mitigation plan

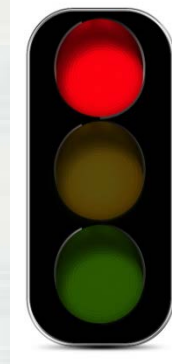


LOP – Completeness Items

- Minor Impact Letter of Permission (LOP)
- A type of **Individual Permit** issued by SPK
- Include all the information for an IP, except for names/addresses of adjoining landowners (agency notification only for LOPs)
- See list in LOP (Part B, #1-16) for specific submittal items.
 - ▶ Delineation required
 - ▶ Compensatory mitigation plan



Incomplete



IP – Applicant notified, Corps requests additional information within 15 days of receipt of the application.

NWP – Permittee notified, Corps requests additional information within 30 days of receipt of the PCN.

- a) Specify the information needed to make the PCN Complete
- b) “General Rule” request additional information only once



Tips for timely processing

- Do your best to submit a complete application
 - ▶ Include everything necessary to process (delineation, alternatives, ESA, NHPA, mitigation plan, etc.)
- Use a template – ours, yours
- **Get us involved early!**
- When in doubt, refer to regs or ***call us***



Common Missing Items

- Clear, concise project map showing waters of the US and project impacts
- Section 106 reports, T&E reports
- Statement of avoidance & minimization
- Regional conditions checklist

***Bottom line- all items get overlooked now and then, so just be thorough!**



Thank You

