

GENERAL PERMITS

Completeness Determinations and Processing

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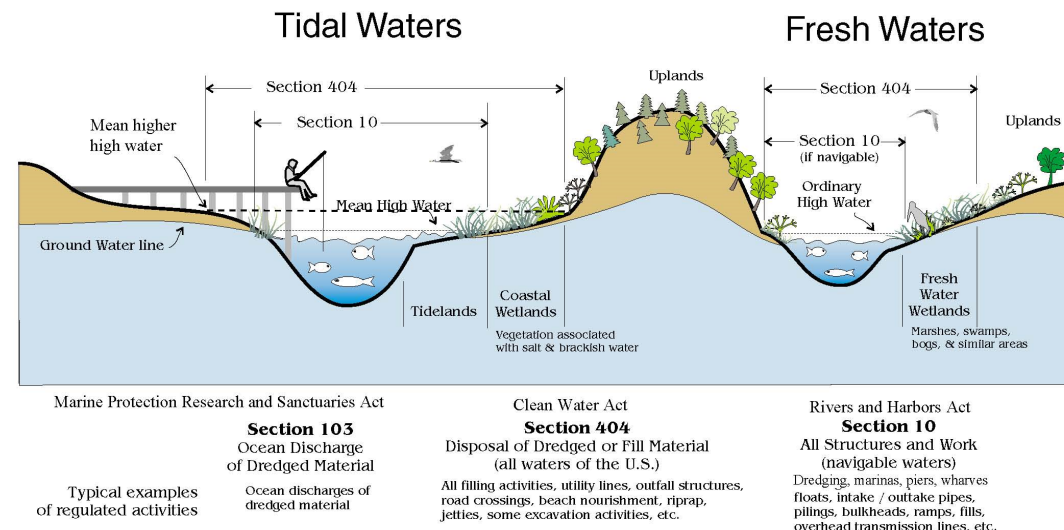
Sacramento District

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**US Army Corps
of Engineers®**

CORPS OF ENGINEERS REGULATORY JURISDICTION





OVERVIEW



What is a General Permit?

- Description
- Types

Complete Application/PCN

- Components
- Resources

Processing

- Sub-Actions
- Timeframes

Example

- Regional General Permit 8, *Emergency Repair and Protection Activities*





GENERAL PERMITS – DESCRIPTION



Issued on a Regional or Nationwide Basis for a category or categories of activities when:

- Substantially similar activities that cause minimal impacts.
- Result in avoidance of unnecessary duplication of efforts.
- Valid for 5 years after issuance.



GENERAL PERMITS – TYPES



There are 3 different sub-categories of General Permits, based on the need to streamline Federal actions:

- Nationwide Permits (NWP)
- Regional General Permits (RGP)
- Programmatic General Permits (PGP)

Current Regional General Permits

REGIONAL GENERAL PERMIT 1 - MINIMAL IMPACT ACTIVITIES - EAST CONTRA COSTA COUNTY	▲
REGIONAL GENERAL PERMIT 2 - RESERVOIR MAINTENANCE ACTIVITIES	▲
REGIONAL GENERAL PERMIT 3 - BOAT DOCKS AND ASSOCIATED STRUCTURES	▲
REGIONAL GENERAL PERMIT 7 - CONSTRUCTION AND MAINTENANCE OF FLOOD CONTROL FACILITIES UNDER THE CLARK COUNTY REGIONAL GENERAL PERMIT	▲
REGIONAL GENERAL PERMIT 8 - EMERGENCY REPAIR AND PROTECTION ACTIVITIES	▲
REGIONAL GENERAL PERMIT 9 - MINOR DISCHARGES ASSOCIATED WITH THE SACRAMENTO MUNICIPAL UTILITY DISTRICT'S UPPER AMERICAN RIVER	▲
REGIONAL GENERAL PERMIT 11 - SIERRA VISTA SPECIFIC PLAN INFRASTRUCTURE, PLACER COUNTY, CALIFORNIA	▲
REGIONAL GENERAL PERMIT 12 - AQUATIC HABITAT IMPROVEMENT FOR STREAM CHANNELS IN COLORADO	▲
REGIONAL GENERAL PERMIT 13 (AKA RGP96) - NATURAL DISASTER MITIGATION & FLOOD-RELATED ACTIVITIES IN COLORADO	▲
REGIONAL GENERAL PERMIT 14 - PLACER VINEYARDS SPECIFIC PLAN INFRASTRUCTURE, PLACER COUNTY, CALIFORNIA	▲
REGIONAL GENERAL PERMIT 15 - MINIMAL IMPACT ACTIVITIES CONDUCTED UNDER THE SOUTH SACRAMENTO IN-LIEU FEE PROGRAM	▲
REGIONAL GENERAL PERMIT 16 - ANADROMOUS SALMONID FISHERIES RESTORATION	▲
REGIONAL GENERAL PERMIT 37 - STREAM STABILIZATION IN WESTERN COLORADO	▲

Current Programmatic General Permits

PROGRAMMATIC GENERAL PERMIT 10 - MINIMAL IMPACT ACTIVITIES AUTHORIZED IN CONJUNCTION WITH THE STATE OF UTAH'S STREAM ALTERATION PROGRAM	+
PROGRAMMATIC GENERAL PERMIT 17 - SOUTH SACRAMENTO HCP	+



COMPLETE APPLICATION/PCN



Three essential components:

- Delineation
- List of potentially affected listed species or designated habitat (Section 7 ESA)
- Statement of potential effects on historic properties (Section 106 NHPA)

Can use either the:

- South Pacific Division Preconstruction Notification Checklist
- An application form (ENG Form 4345)



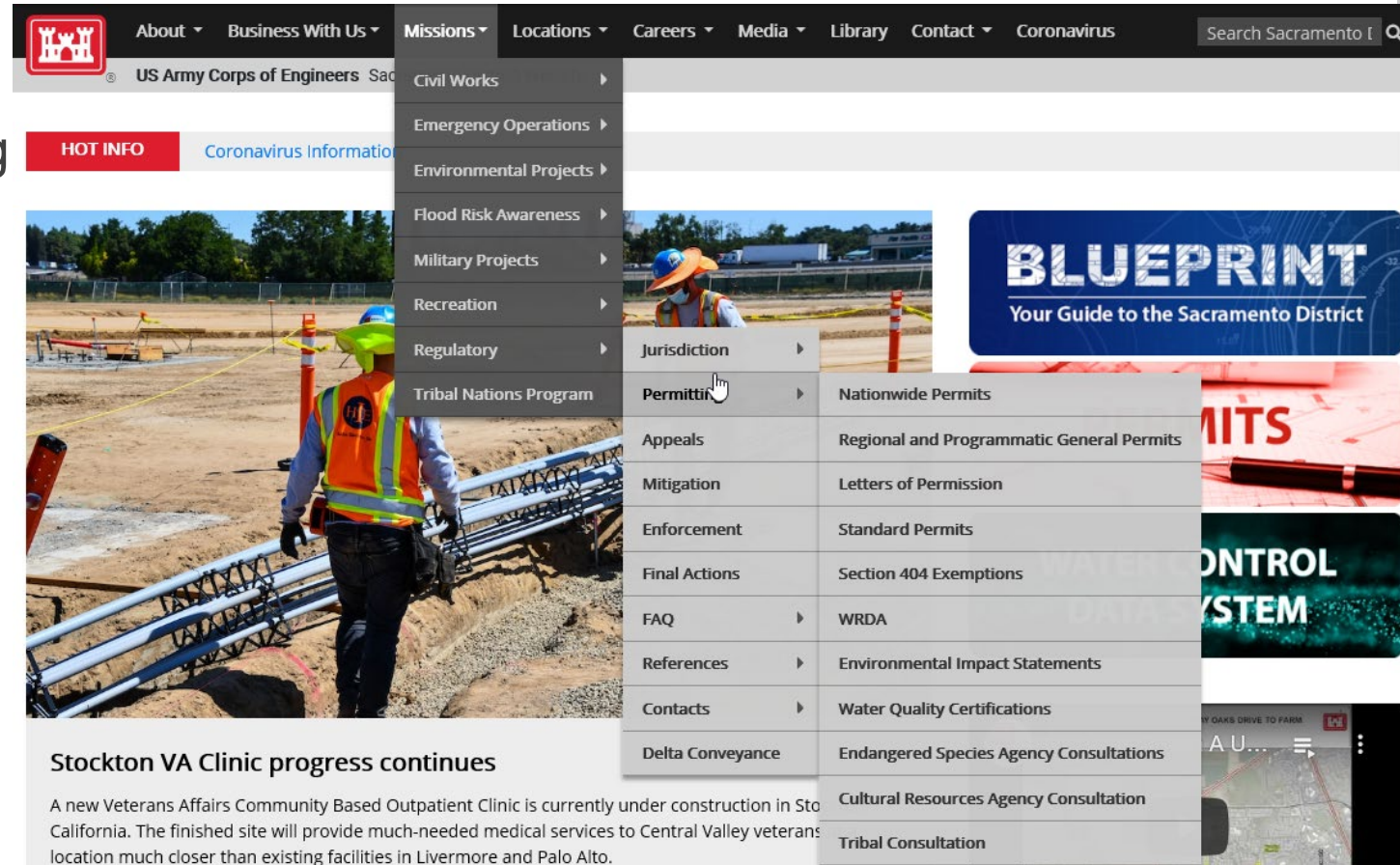
COMPLETE APPLICATION/PCN – RESOURCES



Three resources to reference for ensuring your PCN is Federally Complete:

- General Conditions - 18, 20, and 31
- Regional Conditions B(1-12)
- ACOE Sacramento District Website > Missions > Regulatory > Jurisdiction/Permitting

<https://www.spk.usace.army.mil/>





PROCESSING – SUB-ACTIONS



Sub-Action Types:

- Information Requests
- Tribal Coordination
- National Historic Preservation Act
- Endangered Species Act/Essential Fish Habitat
- Internal Corps Coordination





PROCESSING – TIMEFRAMES



As part of the tentative 60-day processing timeframe:

- Information Requests
- Tribal Consultation
- National Historic Preservation Act



**GUIDELINES FOR COMPLIANCE WITH
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT**
March 24, 2014

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Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), requires Federal agencies to take into account the effects of their undertakings on Historic Properties and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. Therefore, prior to the issuance or authorization of any permit under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act, the U.S. Army Corps of Engineers, Sacramento District, Regulatory Division (Corps) must consider the effect the permit may have on Historic Properties. Historic Properties may include prehistoric or historic districts, sites, buildings, structures, objects, sacred sites, and traditional cultural places, that are included in, or eligible for inclusion in, the National Register of Historic Places.



PROCESSING – TIMEFRAMES, CONTINUED



As part of the tentative 60-day processing timeframe:

- Endangered Species Act and Essential Fish Habitat
- Internal Corps Coordination
- After the resolution of the last sub-action, except Section 408 permissions, the Project Manager has 30 days to issue the verification letter.



ESA INFORMATION GUIDELINES FOR THE REGULATORY PROGRAM

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March 2018

Section 7(a)(2) of the Endangered Species Act (ESA) requires Federal agencies, in consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service (Services), to ensure that actions authorized, funded, or carried out by that agency are not likely to jeopardize the continued existence of any Federally-listed endangered or threatened species. Therefore, before any activity can be authorized by the U.S. Army Corps of Engineers, Sacramento District Regulatory Division (Corps) under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act, we must ensure that the project is in compliance with the ESA. The Sacramento District has developed this guidance in coordination with the Services to improve the quality of the ESA information the District submits to the Services when initiating consultation under the federal Endangered Species Act.



EXAMPLE – REGIONAL GENERAL PERMIT 8



Regional General Permit 8

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EMERGENCY REPAIR AND PROTECTION ACTIVITIES

EFFECTIVE: August 10, 2018
EXPIRES: August 10, 2023

The U.S. Army Corps of Engineers, Sacramento District (District), hereby issues Regional General Permit (RGP) 8 authorizing structures or work in or affecting navigable waters of the United States and the discharge of dredged or fill material into waters of the United States, including wetlands, necessary for repair or protection measures associated with an emergency situation. An emergency situation, as determined by this office, is one which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a Department of the Army permit is not undertaken within a time period less than the normal time to process the request under standard processing procedures.

Note: The term "you" and its derivatives, as used in this RGP, means the permittee or any future transferee. The term "this office" refers to the appropriate U.S. Army Corps of Engineers, Sacramento District office identified in the *Contacts and Additional Information* section below. After you receive written verification for your project under this RGP from this office, you are authorized to perform that work in accordance with the terms and conditions specified below, and any project specific special conditions included in the written verification.

ISSUING OFFICE: U.S. Army Corps of Engineers, Sacramento District

ACTION ID: SPK-1997-00652

AUTHORITIES: Section 10 of the Rivers and Harbors Act of 1899 (RHA) for structures or work in or affecting navigable waters of the United States and Section 404 of the Clean Water Act (CWA) for the discharge of dredged or fill material in waters of the United States.

LOCATION: This RGP covers emergency activities subject to the authorities of Regulatory Program within the District's boundaries of California, Nevada, and Utah (see attached District map).

This RGP is applicable to all counties in the States of Nevada and Utah, and in the following counties in the State of California:

Alameda (eastern), Alpine, Amador, Butte Calaveras, Colusa, Contra Costa (eastern), El Dorado, Fresno, Glenn, Kern (north-western), Kings, Lake, Lassen, Madera, Mariposa, Merced, Modoc,

Following receipt of a PCN/Application:

- Completeness Determination/Request for Info
- Consultation(s)
- Verification

Please submit to either the appropriate Project Manager or send to SPKRegulatoryMailbox@usace.army.mil



THANK YOU

