

TYPES OF PERMITS – OVERVIEW

INDIVIDUAL PERMITS

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US Army Corps
of Engineers®



INDIVIDUAL PERMITS 325.5(B)

- Standard Permits and Letters of Permission (LOPs)
- Activities that cannot be authorized under a General Permit
- May have more than minimal individual or cumulative environmental impacts
- Case-by-case evaluation of proposed project
- Determination that the proposed project is not contrary to the public interest





INDIVIDUAL PERMITS



Letter of Permission (LOP)

- Not controversial
- Minor individual or cumulative impacts
- No public notice (agency notice instead)
- Public interest review and 404(b)(1)

Alternatives Analysis

- Categorically excluded from NEPA
- Abbreviated coordination and documentation
- Projects that don't qualify for GP

Standard Permit

- Complex, can be controversial
- Potential for substantial environmental impacts
- Requires public notice, public interest review, NEPA compliance (EA/EIS) and 404(b)(1) Alternatives Analysis
- Full public interest review
- Projects that don't qualify for GP or LOP



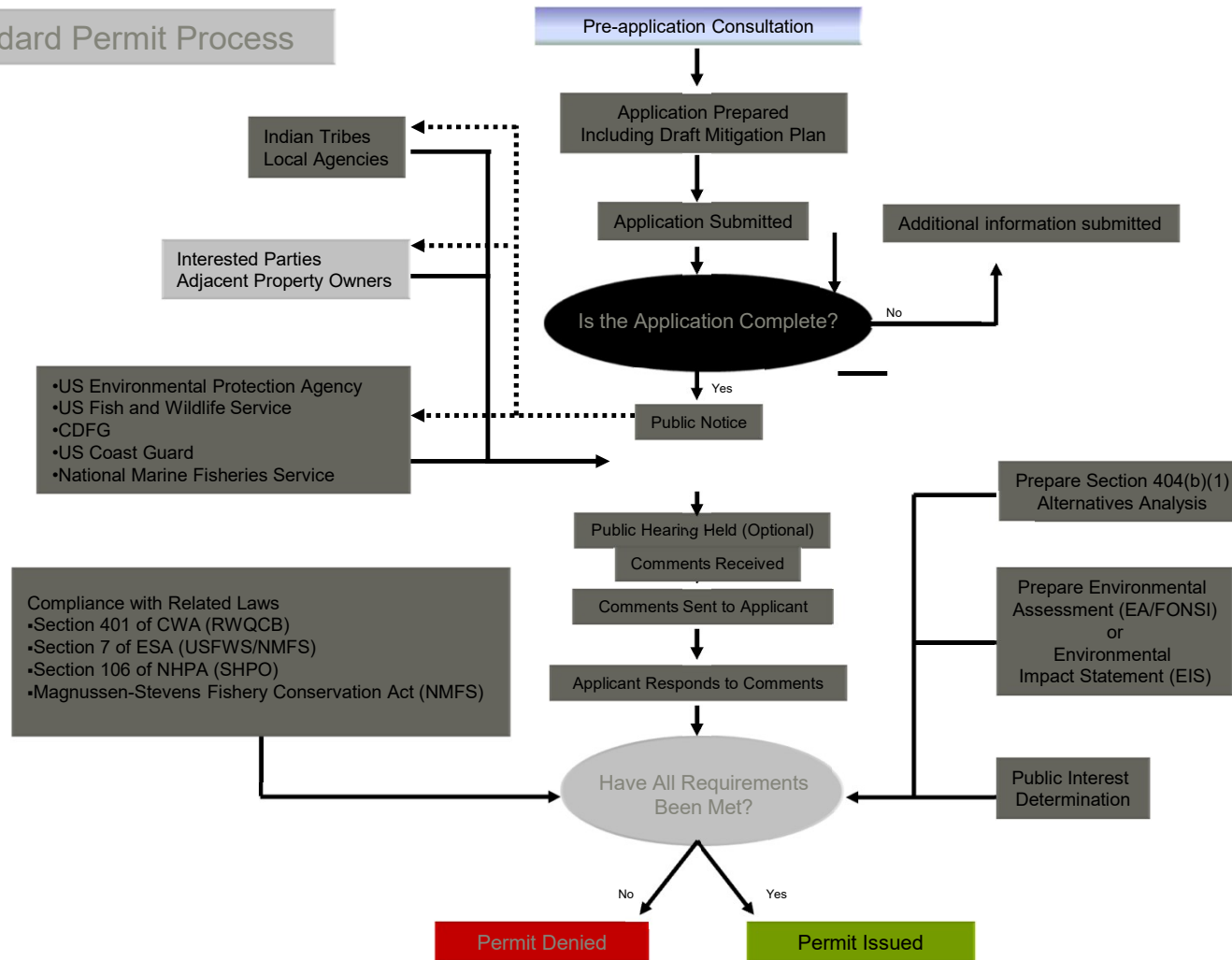
STANDARD PERMIT PROCESS



- Pre-application meeting with USACE
- Submittal of Permit Application (ENG Form 4345)
- Public Notice issued (public, adjacent landowners, interest groups, local agencies, state agencies, and Federal agencies)
- Public Notice comment period (15 to 30 days)
- Substantive comments provided to Applicant
- Applicant response to comments
- Request for additional information (if necessary)
- Any modifications needed to project to reduce environmental impacts
- Corps considers all comments and responses
- A public hearing/meeting is held (if necessary)
- Evaluate Scope of Analysis, mitigation, related laws
- Public Interest Review evaluation
- Section 404(b)(1) guidelines evaluation (if necessary)
- Corps makes a final decision



Standard Permit Process





COMPLETE APPLICATION

- Signed Application Form (ENG Form 4345)
- Complete description of the proposed activity
- Purpose and Need
- Scheduling of Activity
- Names and Addresses of Adjoining Property Owners
- Locations and Dimensions of Adjacent Structures
- List of authorizations required by other agencies
- Compensatory Mitigation Plan

Information not required for complete application but necessary for issuance

- Endangered Species information
- Cultural Resources information
- Alternatives for EPA's Section 404(b)(1) Guidelines compliance
- Site Photographs





PUBLIC INTEREST REVIEW



1. Conservation
2. Economics
3. Aesthetics
4. General Environmental Concerns
5. Wetlands
6. Fish and Wildlife Values
7. Historic Properties
8. Flood Hazards
9. Flood Plain Values
10. Land Use
11. Navigation
12. Shoreline Erosion and Accretion
13. Recreation
14. Water Supply and Conservation
15. Water Quality
16. Energy Needs
17. Safety
18. Food and Fiber Production
19. Mineral Needs
20. Property Ownership
21. Needs and Welfare of People



PROJECT PURPOSE & ALTERNATIVES



- Considers applicant's needs and type of project being proposed
- Specific enough to define needs, but not so restrictive as to constrain the range of alternatives considered
- Used to identify and evaluate practicable alternatives

Compliance with NEPA and US EPA's Section 404(b)(1) Guidelines (Section 404)
"To restore and maintain the **chemical, physical, and biological** integrity of waters of the United States through the control of discharges of dredged and fill material." 40 CFR Section 230

AVOIDANCE - MINIMIZATION - COMPENSATION

- Practicable alternatives should include no action alternative and consideration of off-site and on-site alternatives
- Evaluate alternatives for water dependency, cost, existing technology, and logistics



PERMIT DECISION

To be authorized, Corps must find the activity:

- Complies with other related laws, including ESA and NHPA
- Is not contrary to the public interest
- Is the least environmentally damaging alternative (compliance with 404(b)(1) Guidelines)
- Complies with NEPA





QUESTIONS?





CONTACT INFORMATION

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