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# *Corps of Engineers Regulatory Program*

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*One Corps Serving The Army and the Nation*

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# *Organization*

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- Corps is a decentralized organization
  - One headquarters office (Washington, DC)
  - Six division offices – **Northwest Division**
  - 38 district offices – **Walla Walla District**
- Division/district boundaries based on watershed and political boundaries
- Permit decisions are made at the district level
- Division offices oversee district operations
- Headquarters establishes policy



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## ***Coeur d'Alene Field Office***

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- 2 Project Managers to cover 5 Counties
  - Mike Doherty
  - Beth Reinhart
- Located in USFS Supervisors Office in CdA
- Close coordination with IDEQ, IDWR, IDL, EPA, etc



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# *Goals of the Regulatory Program*

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- Protect the Aquatic Environment
- Fair, Flexible, and Efficient
- Make Decisions in a Timely Manner



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# *Statutory Authorities*

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- Section 404 of the Clean Water Act
  - 1972
  - Permits for fill activities in waters
  - Maintain biological, chemical, and physical integrity of waters



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# ***NUTS and BOLTS***

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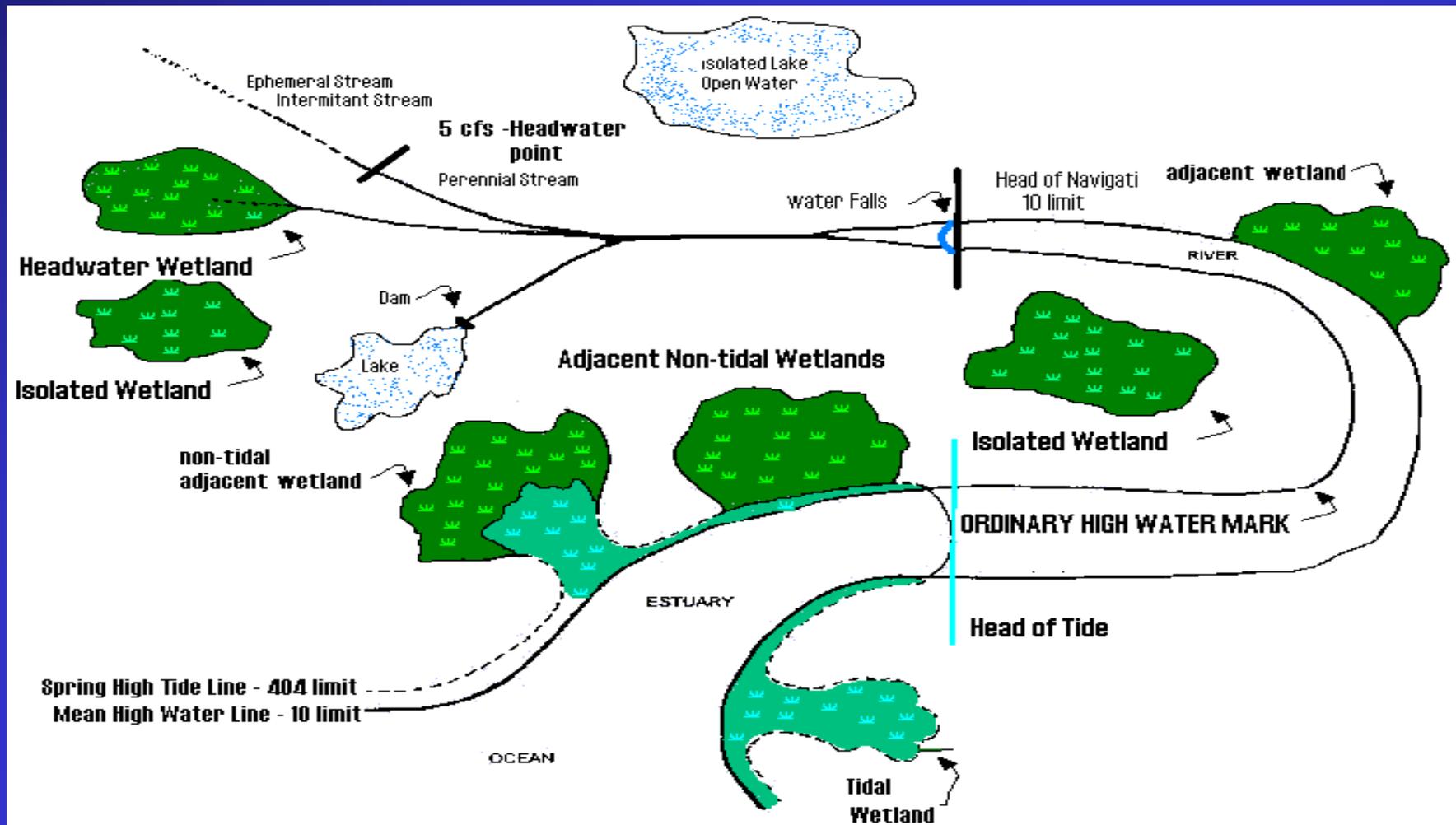
- What the Corps has jurisdiction over
  - Fill below the ordinary high water mark of waters of the US
  - Fill in wetlands which have a connection to waters of the US

**NOT ALWAYS A BLACK and WHITE CALL**



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# Regulatory Program Overview-Jurisdiction





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# *Types of Permits*

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- Individual Permits
  - Complex projects with large impacts
  - Public Notice
  - Public Interest Review
  - 8,000 per year
- General Permits
  - Activities with minor impacts
  - Faster review and approval
  - 82,000 per year



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# *Individual Permit Process*

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- Each project is evaluated
- Public notice to solicit comments
- Other agencies can comment on project
- Consider comments
- Evaluation criteria
  - Public interest review factors
  - Guidelines for discharges of fills into waters
- Make permit decision
- Average time – 129 days



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# *General Permit Process*

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- Authorize categories of activities that are:
  - Similar in nature
  - Have minimal adverse effects
- Public notice for general permit
- Most activities authorized by general permits do not require case-by-case reviews
- Landowner can proceed with project if terms and conditions are met
- Average time – 22 days



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# ***#1 Reason for Delay in Issuing a Permit***

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- **INCOMPLETE APPLICATION**



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# *Agency Involvement*

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- U.S. Environmental Protection Agency
- U.S. Fish and Wildlife Service
- National Marine Fisheries Service
- Natural Resources Conservation Service
- Native Americans (Tribes)
- State natural resource agencies
- State Historic Preservation Officer
- Tribal Historic Preservation Officer
- Local agencies



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# *Most Common Permits Issued in Area*

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- Nationwide Permits
  - Bank stabilization
  - Linear transportation crossing
  - Utility lines – water, gas, sewer
  - Residential Construction
  - Maintenance
  - Survey activities
  - Aquatic Habitat Restoration



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# *General Evaluation Criteria*

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- Purpose and Need
- Alternatives Analysis
- Public Interest Review
- Environmental Analysis
- Economic Analysis
- Mitigation



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# *Environmental Analysis*

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- Environmental Impacts
- Least Environmentally Damaging Practicable Alternative
- Practicable
  - Cost
  - Technology
  - Logistics
- Can project be constructed outside of waters?



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# *Compensatory Mitigation*

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- Offset impacts to waters
  - On-site
  - Off-site
- Provided by permittee
- Mitigation banks
  - business venture
- In lieu fee programs
  - conservation group, state government, or local government



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# ***Watershed Planning Approach to Mitigation***

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- Advantages:
  - Better planning
  - More likely to be compatible with surrounding land uses
  - Economies of scale
  - Higher chance of environmental success
  - Regulatory efficiency
    - one large site easier to monitor than several smaller, distant sites



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# *Agricultural Exemptions*

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- Section 404 permits are not required for certain agricultural activities:
  - Plowing
  - Seeding
  - Maintenance of farm or stock ponds
  - Farm roads
- Section 404 permits are required for:
  - Converting a wetland to an upland to grow crops
  - Building farm ponds by damming streams



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# ***Wetlands and Farming***

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- U.S. Department of Agriculture provided funds to drain wetlands and create new farmland
- 1985 Food Security Act
  - “Swampbuster” provisions
  - Denies subsidies to farmers who convert wetlands to farmland
  - Minimal effect exemptions allow some conversions
  - Mitigation can offset conversions
- Natural Resources Conservation Service