

Reference: RGL 84-13

Subject: PERMIT COORDINATION

Title: PERMITTING ACTIVITIES ASSOCIATED WITH CORPS PLANNING & O&M PROJECTS

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Description: WHEN BENEFITS FROM FEDERAL PROJECTS DEPEND ON RELATED PRIVATE WORK REQUIRING A PERMIT, THE PERMIT REQUIREMENTS WILL BE MET WITHIN THE OTHER NEPA DOCUMENTS WHEN POSSIBLE.

1. Existing guidance at 33 CFR 209.145 and 33 CFR 322.5 directs Corps officials to consider non-federal activities in planning Corps construction and maintenance projects. To the maximum practical extent, related non-federal activities should be coordinated with interested Federal, state, regional and local agencies and the general public simultaneously with the Corps project.
2. Concurrent with the distribution of this RGL, planning and operation and maintenance elements are circulating documents EC 1105-2-134 and 33 CFR 335, respectively, reemphasizing the above policy and providing new guidance to ensure that it is implemented to the fullest extent practicable. Full implementation will require active cooperation between regulatory, operations and planning elements.
3. The intent of existing policy, and reemphasized by the above documents, is to ensure that the full benefits of a project anticipated by Congress at the time of authorization are realized. Conversely, any activity which is found to be not in the public interest should not contribute to the economic justification of a project.
4. Planning Studies: FOA's are being directed (EC 1105-2-134) to include project beneficiaries' activities in the environmental documentation developed for the project as required by NEPA and the Section 404(b)(1) guidelines to the maximum degree practicable. Concurrently, the district's regulatory element will develop an abbreviated processing procedure or special area management plan to facilitate review of project beneficiaries' activities at the time of project construction. This procedure/plan should detail the nature of the activities covered, include a generic public interest review, special conditions, mitigation requirements, a statement of findings and specify the limited level of final review that will be conducted at the time that project construction commences. It should be clearly stated in the plan that any activity which meets the plan's specified

criteria and is consistent with legislation in effect at the time of construction, normally will be permitted immediately. All this information will be incorporated into the feasibility report describing the anticipated Corps' project.

5. Public comment on the regulatory portion of the feasibility report should be obtained through the public involvement procedures conducted as part of the normal planning process. Public Notices announcing such procedures should identify specifically any regulatory actions associated with the project.

6. Normally, CZM concurrence and/or 401 certification for the abbreviated processing procedure or the special area management plan should be obtained at the same time as those required for the Corps' project. It remains the responsibility of the project beneficiaries to obtain all other state and local permits that may be required.

7. O&M Activities: Regulatory elements should work closely with operations' staff to contact project beneficiaries during the planning of Corps' maintenance activities and determine if concurrent maintenance of their facilities is needed. Documents authorizing maintenance activities normally will include sufficient discussions of ancillary activities in need of maintenance, to secure water quality certification and, if needed, CZM concurrence in the same action as the Corps' maintenance work. In addition, Section 10, 404 and 103 authorizations normally should be issued for concurrent ancillary maintenance activities prior to approval of the Corps' work.

FOR THE COMMANDER: