

DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
CESAS-OP-F P.O. BOX 889
SAVANNAH, GEORGIA 31402-0889

DISTRICT REGULATION
NO. 1145-1-1

8 January 2001

Civil Regulatory Functions
SAVANNAH DISTRICT REGULATORY PROGRAMS

1. Purpose. This regulation establishes the policies and responsibilities for the administration of the Regulatory Program in the Savannah District as defined under 33 CFR Parts 320 through 330.

2. Applicability. This regulation applies to all Savannah District team members.

3. References.

a. 33 CFR 320 through 330, 22 July 1982, Interim Final Regulations.

b. ER 200-2-2, 4 March 1988, Procedures for Implementing NEPA.

c. ER 1145-2-305, 1 June 1988, Removal of Wrecks and other Obstructions.

4. Policy and Objectives.

a. The Savannah District regulatory responsibilities under Title 33 CFR 320 through 330 include enforcing regulations pertaining to and reviewing Department of the Army Permit Applications for obstruction or alteration of navigable waters, discharge of dredge or fill material into waters of the United States, and transportation of dredged material for the purpose of dumping into ocean waters. The U.S. Army Corps of Engineers' policies and procedures for carrying out these responsibilities are documented in reference 3.a.

b. The Regulatory Program is an important part of the District mission requiring specialized technical expertise in regulatory matters and in the engineering, physical, biological and environmental sciences. The Regulatory Program is sensitive, highly visible, and has to address a broad range of interests in public and private sectors.

c. The permit program activities extend to all phases of an applicant's project development including planning, design, construction, and operation. Public interest, environmental, water quality, and jurisdictional considerations must be defined to develop necessary information and data for analysis. Timely and effective guidance and decisions must be given throughout the early coordination and processing of Department of the Army permits.

d. Consistency, timelines and thoroughly coordinated actions are basic objectives in administering the regulatory responsibilities to the maximum degree of effectiveness.

5. Responsibilities.

a. The Regulatory Branch. Operations Division, Regulatory Branch, has the responsibility for administering and enforcing the Federal laws and regulations relating to the Regulatory Program and is designated as the Savannah District's single point of contact for matters pertaining to or affecting the District's Regulatory Program. The Regulatory Branch will establish and maintain procedures and policies to carry out the regulatory responsibilities, assuring an orderly process which may involve other staff elements, the public and other federal, state, and local agencies. The Regulatory Branch must thoroughly and effectively coordinate the regulatory process. This coordination includes the National Environmental Policy Act (NEPA) procedures and all attendant reviews, meetings, hearings, and other actions including the scoping process if appropriate. The Regulatory Branch will carry out attendant jurisdictional determinations, field investigations, preapplication conferences, unauthorized work activities and surveillance.

b. Navigation Management Branch. The Chief of the Navigation Management Branch who is the O&M Navigation Project Manager provides technical support and review on permit application public notices for the potential and probable effects on Operations and Maintenance, General, navigation projects under his or her responsibility. The costs involved with these reviews are charged to the Operations and Maintenance, General, project and not to the Regulatory Program. The Navigation Project Manager is also responsible for removal of sunken vessels and obstructions by Government labor or contract. This work is chargeable to special revolving fund accounts.

c. Office of Counsel. The Office of Counsel provides legal advice and guidance on regulatory actions by the Savannah District. The Office of Counsel reviews for legal sufficiency all documents and instruments relating to non-routine permit applications and enforcement actions as well as Restrictive Covenants. Office of Counsel provides legal representation during conferences, meetings, and other instances when other participants are represented by counsel and legal issues are involved. Office of Counsel also defends the Regulatory Branch against litigation filed, prepares litigation reports and files enforcement actions on behalf of the Regulatory Branch with the Office of the United States Attorney. All charges are direct in addition to general overhead.

d. Engineering Division. Engineering Division is responsible for providing engineering support for the review and evaluation of Department of the Army applications, unauthorized activities, and other regulatory actions when requested. Engineering Division also reviews permit application public notices for potential and probable effects on military and civil works projects. Charges for these reviews, unless specifically requested by the Chief, Regulatory Branch, should be to the Engineering project or overhead and not the Regulatory Program. When Engineering is specifically tasked to review a regulatory action or to provide engineering support to the Regulatory Branch, a regulatory cost account number will be provided.

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e. Planning Division. Planning Division provides environmental technical support and advice as may be required on Department of the Army permit applications and other Regulatory Program activities. Planning Division reviews permit application public notices and other Regulatory Program activities for potential and probable effects on civil works and military planning studies as well as flood plain management activities. These reviews are charged to the cost account of the Planning Project and not the Regulatory Program. Planning Division prepares Environmental Impact Statements and other types of environmental documents when requested by the Regulatory Branch. When Planning Division is specifically tasked to review a regulatory action or to provide Planning support to the Regulatory Branch, a regulatory cost account number will be provided. Planning Division reviews information and provides technical support on wrecks and obstructions that may be significant cultural resources or historic properties. This support can include resources evaluation and inter-agency coordination when requested by the Regulatory Branch.

f. Real Estate Division. Real Estate Division reviews Department of the Army permits application public notices for potential and/or probable effects or encroachment on Federal lands.

/s/
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Commanding

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