

# PUBLIC WORKSHOP RGPS FOR PUBLICLY FUNDED PROJECTS

**Colonel Edward J. Kertis**

**Commander**

**Savannah District Corps of Engineers**

**Macon, Georgia**

**September 1, 2009**



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# WHY WE ARE HERE TONIGHT



- **To discuss updated Regional General Permits (RGPs) for publicly funded projects**
  
- **Background:**
  - ▶ **Regulatory Program has significant role in the national economy via permits issued for construction of public infrastructure and private development.**
  
  - ▶ **As part of the American Recovery and Reinvestment Act (ARRA), the National Regulatory Program received approximately \$25 million dollars.**
  
  - ▶ **Many USACE Districts were provided funds to accomplish various tasks that would further goals of ARRA.**
  
  - ▶ **One of Savannah District's proposals was development of RGPs for publicly funded projects.**



# WHY WE ARE HERE TONIGHT

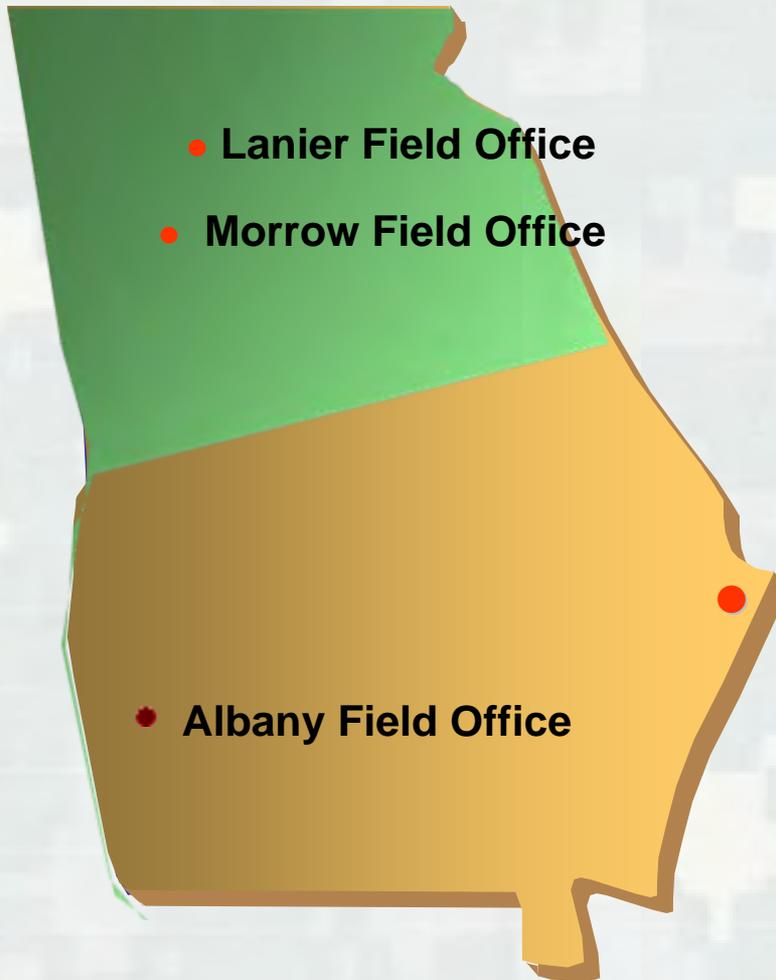


## Timeline:

- **April 29, 2009, USACE issued a Joint Public Notice (JPN) advertising the RGPs.**
- **We received hundreds of comments in response to notice.**
- **We conducted additional analyses regarding potential cumulative impacts of the originally proposed RGPs and further refined the scope.**
- **August 12, 2009, we issued a revised JPN.**
- **We are here tonight to answer any questions you may have regarding the modified RGPs.**



# Regulatory Division



**Division Chief  
Russ Kaiser**

- 59,000 Square Miles of Land
- 25,000 Miles of Waterway
- 5.5 Million Acres of Wetlands

**Savannah District Office**

**Albany Field Office**





# Primary Regulatory Authorities

**Section 10 of the Rivers and Harbors Act of 1899**



**Regulates structures, or work in or affecting, navigable waters of the United States**

**Section 404 of the Clean Water Act of 1972**



**Regulates discharges of dredged or fill material into wetlands and other waters of the United States**



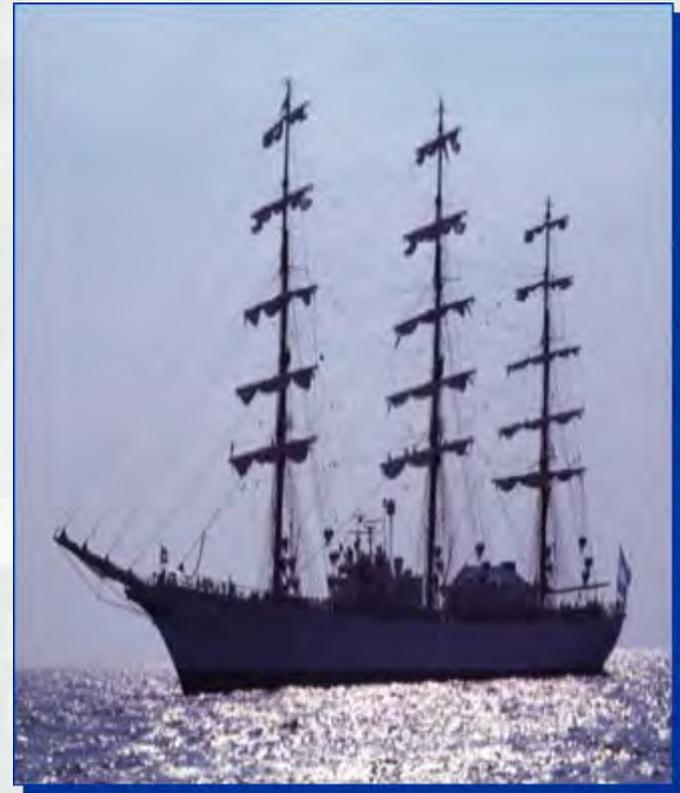
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# Waters of the United States

## Definition:

- **Territorial seas**
- **Coastal and navigable inland waters, lakes, rivers, streams, and their tributaries**
- **Interstate waters and tributaries**
- **Wetlands connected or adjacent to above waters**



# Jurisdictional Wetlands?



## FRESHWATER WETLAND

### TIDAL MARSH



### PINE FLATWOODS



### FLOODPLAIN



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**Chief, Regulatory Division**

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# Savannah District Enforcement Actions



## Federal Penalties

- Land owner may be required to restore site at own expense
- Flagrant violators may be fined up to \$50,000/day
- Extreme cases: incarceration up to 2 years
- EPA also has fining authority on Section 404 violations





# Department of the Army Permits

Request for Authorization

No Permit Required/Exempt

Individual Permit

General Permit

Regional and Programmatic

Nationwide  
(33 CFR 330)





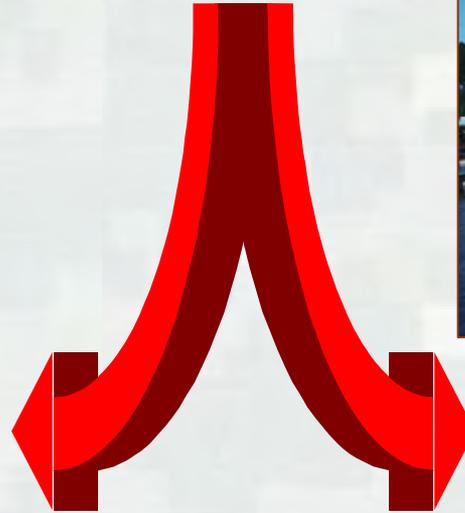
# General Permits



## Nationwide Permits

**Issued by Chief of Engineers for certain activities that are determined to have minimal impacts.**

**Examples Include: Minor road crossings, buried utility lines, bank stabilization, etc.**



## Regional Permits

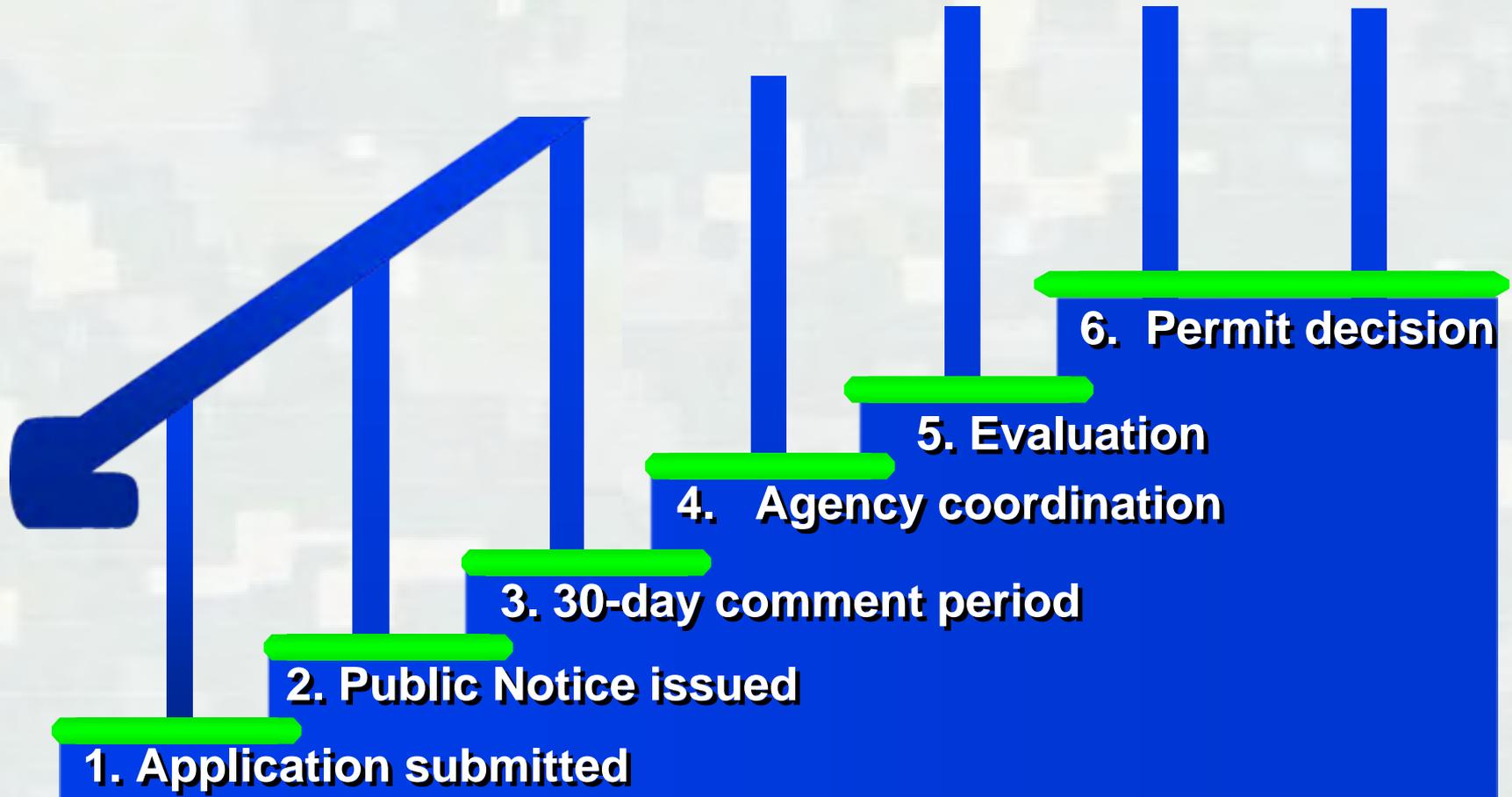
**Issued by District Engineer for certain repetitive minor activities within a specific area.**

**Examples Include: Private boat docks, public boat ramps, offshore reefs, etc.**





# Individual Permit Process



# Proposed Regional General Permits for Publicly Funded, Non-Tidal Projects



**GOAL:** To establish an avenue for expedited review of publicly funded projects that meet the goals of the ARRA as well as our implementing Regulations.

**Regional General Permit 105:** Road widening or improvement projects

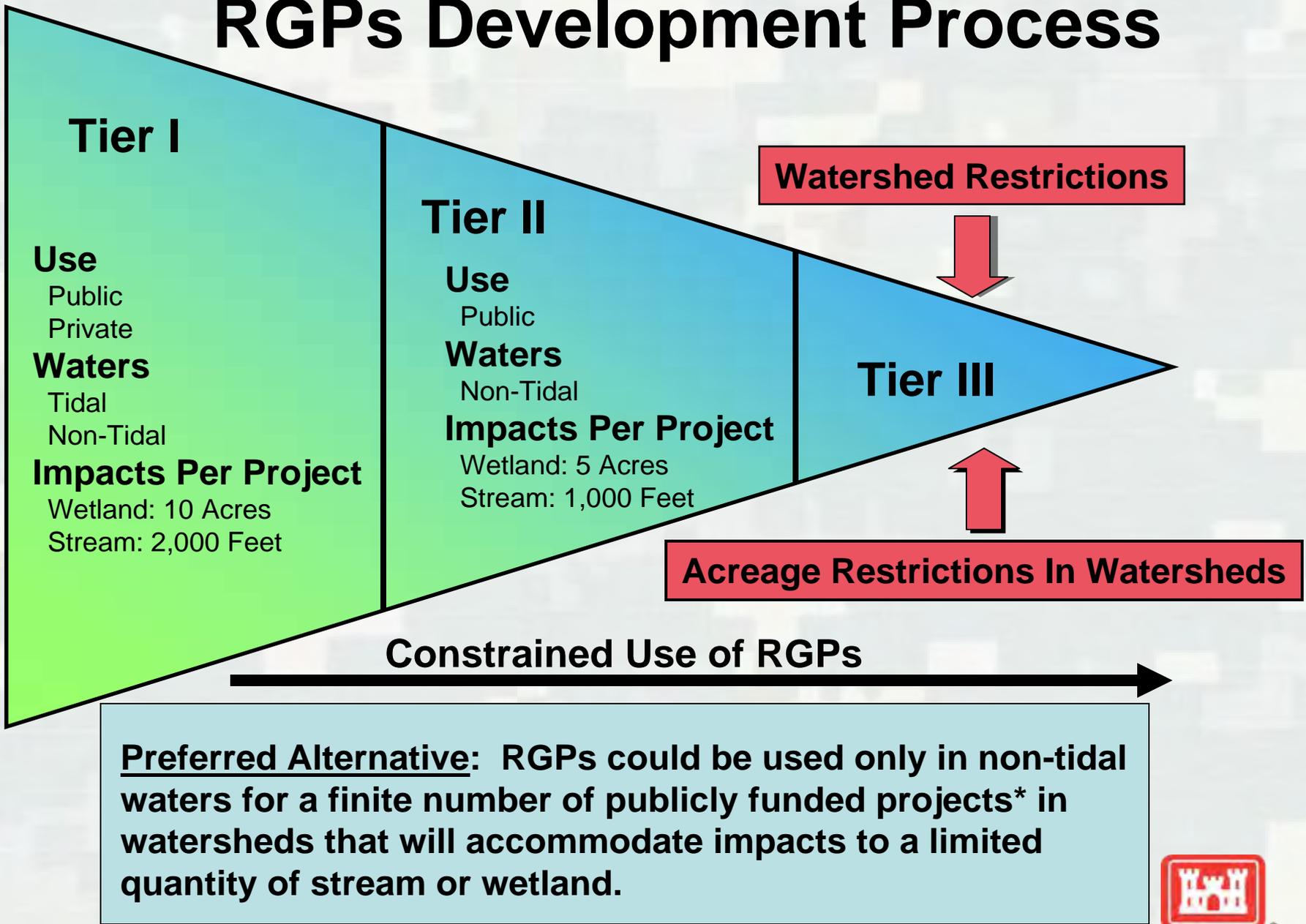
**Regional General Permit 106:** Bridge replacement projects

**Regional General Permit 107:** Institutional facilities such as governmental offices, schools, libraries, and museums

**Regional General Permit 108:** Infrastructure projects such as water treatment facilities and storm water management facilities

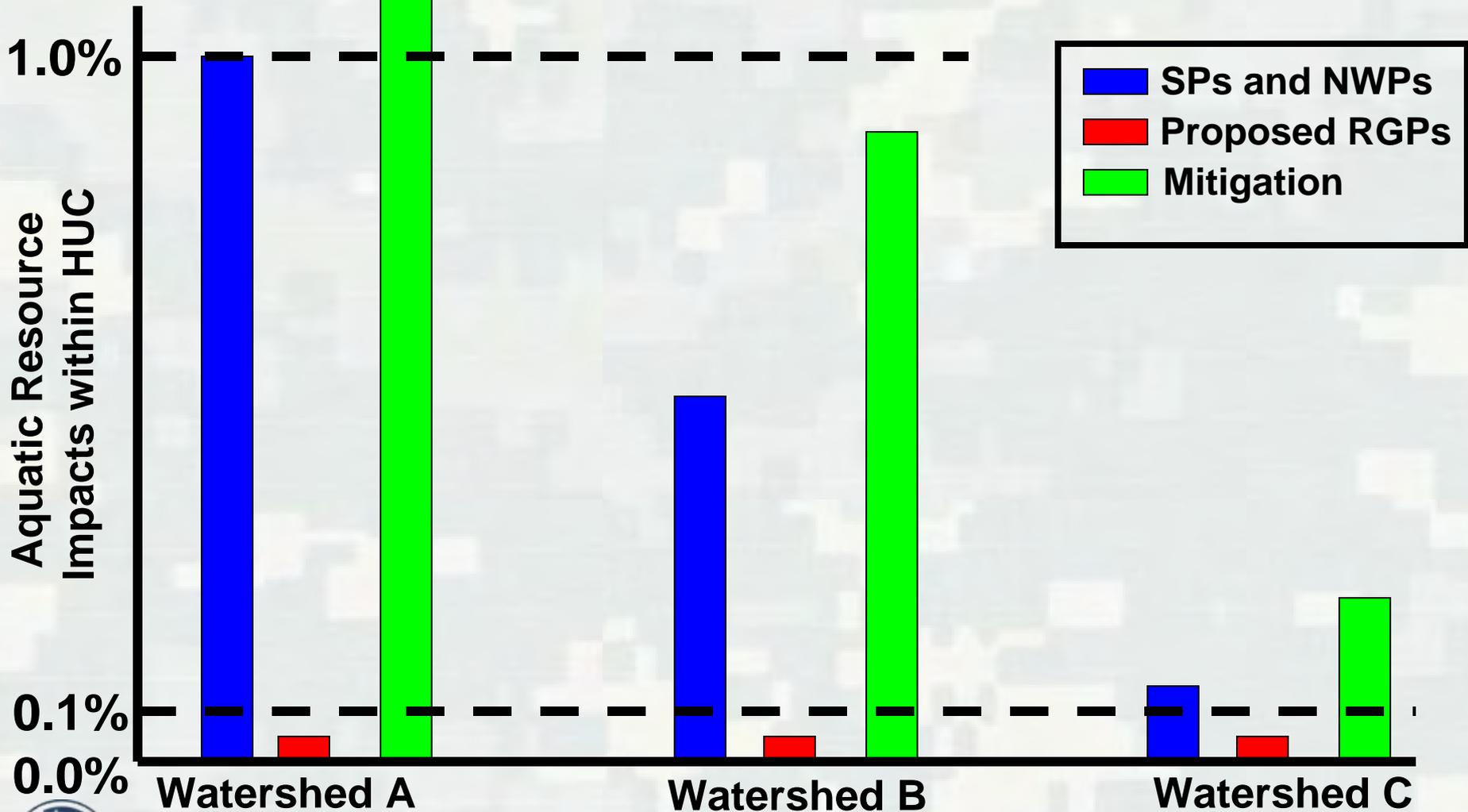


# RGPs Development Process



Single project can only impact up to 5 acres of wetland and/or 1,000 linear feet of stream. Single linear project can only impact 10 acres of wetland and/or 2,000 linear feet of stream over multiple crossings as long as no more than 3 acres of wetland and/or 500 linear feet of stream occur at a single site.

# Permit Impacts and Mitigation



# Proposed Process for Using RGPs



1. **RGPs are approved using USACE permit evaluation process.**
2. **Applicant:**
  - **Hosts public meeting and collects comments**
  - **Conducts T&E Species Survey and Cultural Resource Survey**
  - **Submits a PCN to USACE**
3. **USACE:**
  - **Ensures project will not exceed maximum threshold impacts**
  - **Coordinates complete PCN with agencies**
  - **Evaluates offsite/onsite alternatives, avoidance minimization measures, proposed mitigation and agency comments**
4. **USACE makes determination as to whether project meets criteria of RGP or requires processing as a standard permit.**



# RGP Highlights



- 1. RGP will be only for public projects in non-tidal waters.**
- 2. Projects will be evaluated on a “First Come/First Serve” basis.**
- 3. We will document that each RGP PCN is complete, and requested impacts are permissible in designated watershed and are less than minimal, individually and cumulatively.**
- 4. No work will be performed until the DE notifies permittee, in writing, work is authorized.**
- 5. RGPs cannot be used in combination with other permits to authorize a single and complete project.**
- 6. RGPs will expire 30 Sep 2010.**

