

Off-Site Alternatives Analysis

Fall 2010 Consultant Workshop



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US Army Corps of Engineers
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Purpose

- Compliance with 404(b)1 Guidelines as part of 404(b)1 analysis
- 40 CFR Section 230.7(b)(1)
 - ▶ *No discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem*
- Required for all non-water dependent Section 404 discharges



Purpose (Cont'd)

- Water Dependency
 - ▶ *where a project does not require access or proximity to or sighting within a special aquatic site, it is presumed that a practicable alternative that does not involve discharges into special aquatic sites are available, unless clearly demonstrated otherwise*



Order of Alternatives Analysis

1. Site selection criteria
2. Factors used to analyze alternatives
3. Applicant's preferred alternative
4. Alternative sites considered



Site Selection Criteria

- Based on project purpose, case-by-case basis
- Minimum Size Requirement and Rationale
- Configuration and Rationale (square, rectangle, etc.)
- Where does project need to be located?
 - ▶ Regional
 - ▶ State
 - ▶ County
 - ▶ City
 - ▶ Specific area of the city
 - ▶ Proximity to a certain development (target market, airport, availability of potable water, etc.)
- Scope cannot be too limited as to eliminate all practicable alternative, i.e. at intersection 'Y'



Applicant's Preferred Alternative

- Explain characteristics of the site and impacts that would occur on the site with the proposed project as planned without being biased.
 - ▶ *USACE makes final decision*



Factors Used to Analyze Alternatives

- Based on the purpose and need of project
- Used to determine the least environmentally damaging practicable alternative (LEDPA)
- Type of factors and number of factors is determined on a case-by-case basis
 - Ownership of parcel is almost never a factor
 - Impacts to aquatic sites always a factor
 - All factors have to be measurable-not just Pass or Fail
- Examples
 - Highway visibility, proximity to residential areas, costs, water quality, T&E species, sustainability of the site, etc.



Analysis of an Off-Site Alternative

- Provide specific location of site
 - ▶ Maps help!
- For aquatic resources, always provide:
 - ▶ Amount of wetlands/streams on-site
 - ▶ Amount of wetlands/streams that would need to be impacted for purpose of the project
 - ▶ Impacts jurisdictional/non-jurisdictional areas?
- Label non-quantitative factors with a rating; i.e., High, Medium, Low ; Scale 1-5; etc.



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Keep in Mind

- Off-site alternatives are not being compared to the preferred alternative
 - ▶ Compared to No Action alternative:
 - “The no action alternative would not result in any impact on the aquatic environment or any other environmental factor. The no action alternative would not meet the basic project purpose.”*
- Aquatic impacts is most commonly the deciding factor when determining the LEDPA



Conclusion

We need unbiased, detailed, but concise descriptions of alternative sites (include numbers and other qualitative information) in order to determine the LEDPA.

