

INTRODUCTION TO THE REGULATORY PROGRAM AND PACKS PROGRAMMATIC

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REGULATORY MISSION

To protect the Nation's aquatic resources, while allowing reasonable development through fair and balanced decisions. The Corps is neither a proponent or an opponent of proposed activities.



The Corps accomplishes the mission through the review of permit applications, coordination with agency partners, and verification or issuance of permits.



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PRESENTATION OUTLINE

1. Basics of Corps Permitting
2. Endangered Species Act
3. Lake Cushman Programmatic
4. Submitting An Application
5. Resources





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BASICS OF CORPS PERMITTING



- Is the **Activity** regulated?
(Activity Jurisdiction)
- Is the **Area** regulated?
(Geographic Jurisdiction)



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SECTION 404 CLEAN WATER ACT

- Mission: To restore and maintain the chemical, physical and biological integrity of the waters of the U.S.
- Requires that a permit be obtained from the Corps' Regulatory Branch for the **discharge of dredged or fill material** in any water of the U.S.
- Many more waters than those regulated under Section 10 of the RHA.
- Not all waters are waters of the U.S. Sometimes, the Corps must make a jurisdictional determination.





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SECTION 404 CLEAN WATER ACT

Regulated jurisdictional activities:

- Discharge of fill material (most commonly as rip rap (large rock), gravel, sand, concrete, large wood, soil/compost, etc.)
- Discharge of dredged material
 - Mechanized land clearing
 - Grading
 - Excavation activities with discharges beyond “incidental fallback”
- Material placed where it has the effect of:
 - Replacing any portion of a water of the U.S. with dry land
 - Changing the bottom elevation of a water of the U.S.

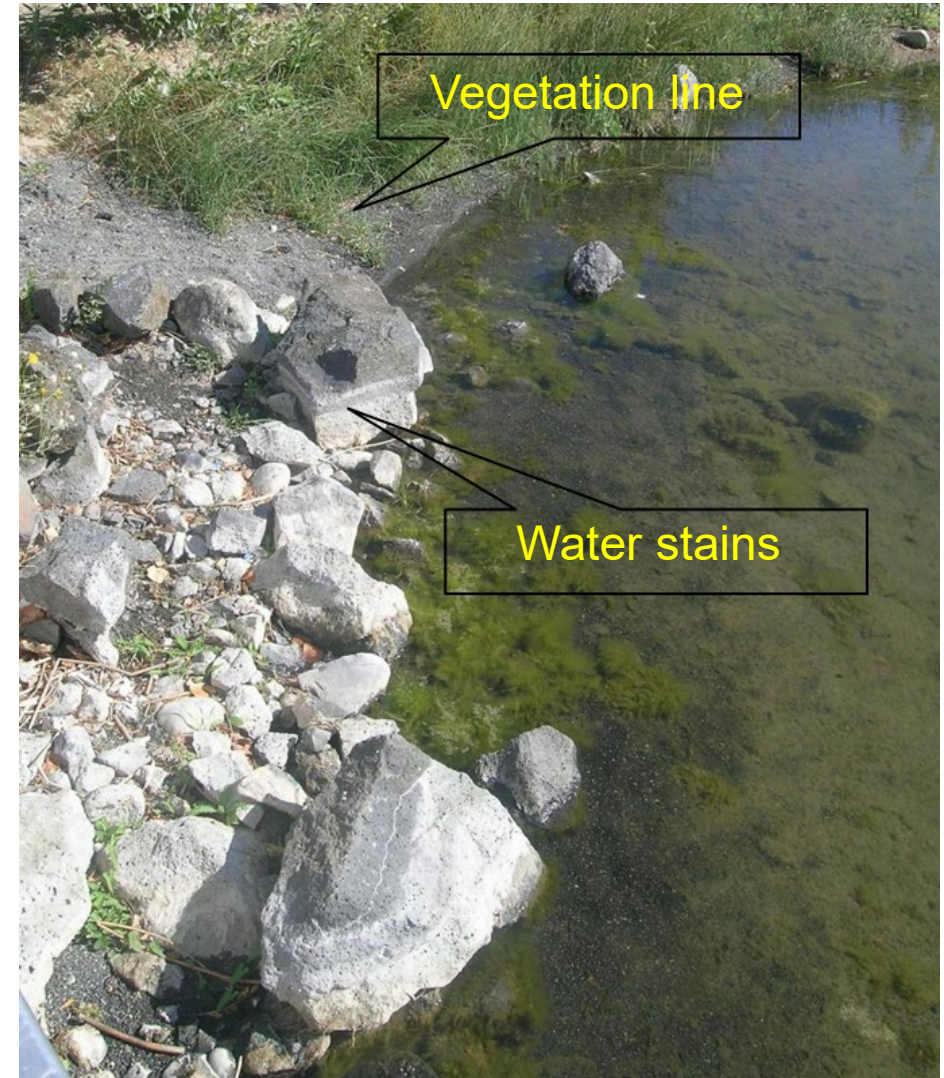




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EXAMPLES OF LIMITS OF CORPS' GEOGRAPHIC JURISDICTION IN FRESH WATERS

Section 404 geographic jurisdiction:
Ordinary High Water (OHW)





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SUBMITTING AN APPLICATION

- Pre-Application Meetings
 - Large/complex projects
 - Tribal Interest
 - Potential sediment contamination
- Submitting an Application
 - To the Corps & Ecology at the same time
- Project review and permit issuance
- Compliance with Permit Conditions
 - Construction compliance
 - Mitigation compliance





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	General Permits		Individual Permits	
	Regional General Permits	Nationwide Permits	Letter of Permission	Standard Permit
Joint Aquatic Resource Permit Application	x	x	x	x
Project Drawings	x	x	x	x
Tribal Coordination	x	x	x	x
National Historic Preservation Act	x	x	x	x
Jurisdictional Determination	x	x	x	x
Mitigation Sequencing - Compensatory Mitigation ¹	x	x	x	x
Endangered Species Act		x	x	x
Water Quality Certification ²			x	x
Coastal Zone Management Consistency			x	x
Public Interest Review			x	x
Public Notice				x
National Environmental Protection Act				x
404(b)(1) Guidelines				x
Alternatives Analysis				x
Cumulative Effects Assessment				x

¹ Projects are assessed on a case-by-case basis to determine whether or not compensatory mitigation is necessary to offset the adverse effects of the proposed action.

² If Section 401 Water Quality Certification conditions are not met under the Nationwide Permit program, then individual review with the Washington State Department of Ecology is required.



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ENDANGERED SPECIES ACT: SECTION 7

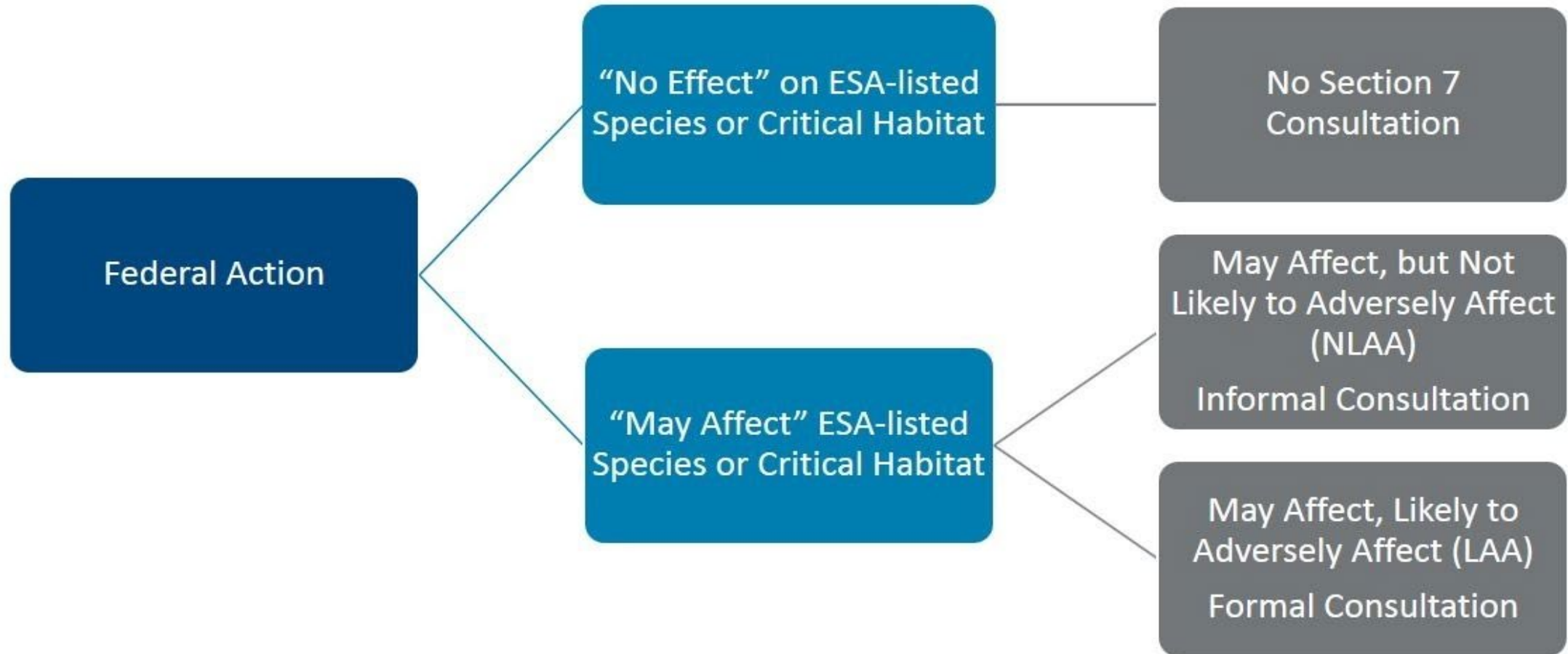
“Each Federal agency shall... insure that any action authorized...by such agency...is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species”





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CONSULTATION OVERVIEW





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PROJECTS ALONG LAKE CUSHMAN AND KOKANEE SHORELINE (PACKS) PROGRAMMATIC

Covered Activities

Category A. Repair, Replacement, or Maintenance of Existing

1. Shoreline stabilization measures
2. Community or public boat ramps
3. Single-family, shared and community docks/piers
4. Stairways/steps, walkways and paths
5. Temporary use/access

Category B. New or Ancillary Structures

1. Shared docks/piers
2. Mooring buoys
3. Swimming floats
4. Lighting

Category C. Habitat Improvement Actions

Excluded Activities

1. New Single-family dock/pier and new community dock/pier
2. New structural shoreline stabilization measures
3. New or maintenance dredging
4. New, repaired, or replaced community park, commercial dock/pier, public dock/pier, marina, recreation site, and floating boom



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EXAMPLE CONSERVATION MEASURES AND RESTRICTIONS

- Where feasible living shorelines should be utilized. A geotechnical assessment must be submitted to determine living shoreline techniques are infeasible.
- Repair and replacement dock/pier structures cannot exceed 300 square feet. If the existing structure is more than 300 square feet, the size of the repaired or replacement must be reduced to no more than 300 square feet.
- All creosote-treated wood must be removed from the proposed project area.



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UTILIZE THE PROGRAMMATIC

- No Biological Assessment required.
- Submit information confirming you meet all the requirements, including the necessary application information.
- Tacoma Power has developed tools that can be submitted with your application to streamline the ESA review process.
- Tacoma Power will post the tools on their [website](#) when they become available.



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WANT TO KNOW MORE?

Regulatory HQ HomePage at

<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx>

- Links to Regulations, Policies, MOAs and MOUs
- Video Library that provides more detailed overviews of aspects of the review process
- Avatar for finding Regulatory offices
- And so Much More!

Seattle District Regulatory Page at

<https://www.nws.usace.army.mil/Missions/Civil-Works/Regulatory/>

Ask a Regulator!

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