

# REGIONAL BRIEFING

# ANTILLES REGULATORY

**Sindulfo Castillo, PE**

Chief, Antilles Regulatory Section

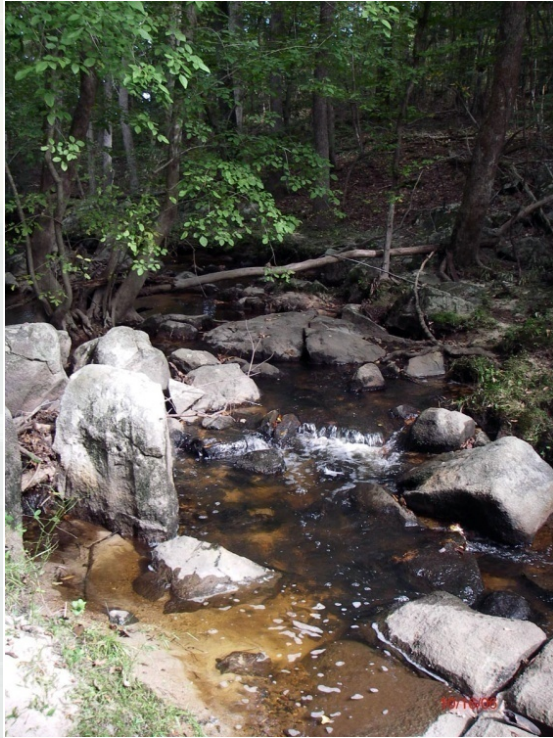
USACE, Jacksonville District

September 3, 2014



US Army Corps of Engineers  
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# AGENDA



- Joint Permit Application (JPA)
  - ▶ Application
  - ▶ Process
- Regional Supplement
- Antilles Rapid Assessment Method (PR-VI ARAM)
- Efficiencies
- Tools & Tips
- Contacts
- Questions?



# An Overview of...

## The Joint Permit Application for Dredging and Filling in Water of the United States

[www.saj.usace.army.mil/Missions/Regulatory.aspx](http://www.saj.usace.army.mil/Missions/Regulatory.aspx)

[www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx](http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx)



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JACKSONVILLE DISTRICT


**US Army Corps of Engineers**

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HOME MISSIONS REGULATORY

### Regulatory Division

The



**Regulatory Mission**

Jacksonville District administers the largest regulatory permitting program in the Corps, which provides protection for waters of the United States, including federally delineated wetlands and navigable waters.

The U.S. Army Corps of Engineers Regulatory Program began in 1950 with the responsibility of protecting and maintaining the nation's navigable waterways. As a result of changing public needs and evolving policy via new laws and court decisions, protection has been extended to all waters of the United States, including many wetlands.


Jacksonville District Regulatory Division has jurisdiction over the geographic area of Florida, Puerto Rico and the U.S. Virgin Islands. The Division is geographically aligned in two Permitting Branches, which are further divided into nine Sections, and a Special Projects and Enforcement Branch.

**Useful Websites**

- National Wetland Plant List
- Florida Department of Environmental Protection
- Florida Water Management Districts
- NOAA Fisheries
- RIBITS
- U.S. Environmental Protection Agency
- U.S. Fish and Wildlife Service

### Regulatory News

Regulatory Open House




**Open House Presentations:**

- Regulatory Program Overview
- Jacksonville District's Regulatory Program: Strategies for Success
- Alternatives Analysis
- Compensatory Mitigation and the Mitigation Rule
- Endangered Species Act
- Assessment of Indirect Effects in Wetlands

Click HERE for the Regulatory Open House Agenda

Click HERE for Dates & Locations



### Regulatory Pages

- Browse Emergency Permitting Actions
- Browse Pending & Final Individual Permit Actions
- Customer Survey
- Florida - Interactive Permit Application Module
- Funded Agreements (WRDA & SAFETEA-LU)
- Items of Interest
- Jurisdictional Determinations
- Public Notices
- ENG 4345 Interactive Permit Application Module
- Regulatory Office Locations
- Source Book

Contact Information

## Regulatory Pages

Browse Emergency Permitting Actions

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Customer Survey

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Regulatory Office Locations

Source Book




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## Overview

[Collapse All](#) [Expand All](#)

- [Introduction](#)
- [Geographic Extent](#)
- [Legislative Authorities](#)
- [Delegation of Authority](#)

## Permitting

[Collapse All](#) [Expand All](#)

- [Standard Permit](#)
- [General Permits](#)
- [Letter of Permission](#)
- [Nationwide Permits](#)
- [No Permit Required](#)
- [Artificial Reefs](#)
- [Processing Steps](#)
- [Special Conditions](#)
- [Forms](#)

### Application Forms:

- **Corps of Engineers form ENG 4345** – This form is accepted by every Corps of Engineers office, and is the required form for submittal of permit applications for Puerto Rico and the U.S. Virgin Islands. Please note that State Agencies often require submittal of their own forms.
- **Joint Application for Environmental Resource Permit/Authorization to use State-Owned Submerged Lands/Federal Dredge and Fill Permit in Northwest Florida (62-346.900(1))** - Used in the Panhandle area of Florida that is aligned with the Northwest Florida Water Management District
- **Joint Environmental Resource Permit Application (62-343.900)** - The Corps works in conjunction with the local representatives of the Florida Department of Environmental Protection and Water Management Districts to review permit applications. A joint permit application has been developed to encompass the rules of the Federal and State agencies of Florida.
- **Supplemental Checklists** - These checklists are designed to assist you in providing complete information with your application:
  - **In-Water Activities Checklist**
  - **Fill and Excavation Activities for Land Development Checklist**
  - **ENG 4345 Checklist for use in Florida, Puerto Rico, and the U.S. Virgin Islands**
- **Jurisdictional Forms** - These forms will assist you in providing information for wetlands jurisdiction:
  - **Wetland Data Forms**
    - **Atlantic and Gulf Coast Plain Region**
    - **Caribbean Islands Region**
  - **Jurisdictional Determination Form**
    - **Instructions**
    - **Approved Jurisdictional Determination Form**
- **Additional Forms:**
  - **Nationwide Permit Compliance Certification**
  - **Self Certification of Permit Compliance**
  - **Notification of Administrative Appeal Options and Process For Appeal (NAO-RFA)**
  - **Permit Transfer Request**
  - **Potential unauthorized activity report**

ENG 4345 Form



17. DIRECTIONS TO THE SITE

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E-mail /

6. APP

Address

City -

7. APP

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Section

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24. Is Any Portion of the Work Already Complete?  Yes  No IF YES, DESCRIBE THE COMPLETED WORK

18. Nat

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address-

City -

State -

Zip -

b. Address-

City -

State -

Zip -

c. Address-

City -

State -

Zip -

d. Address-

City -

State -

Zip -

20. Re

e. Address-

City -

State -

Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

21. Typ

Type

Amount

\* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

23. Del    
 SIGNATURE OF APPLICANT                      DATE                      SIGNATURE OF AGENT                      DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

ENG 4345 Form



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### Overview

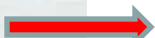
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Checklist



ENG FORM 4345 CHECKLIST

*Additional information may be requested depending on site location and site conditions.*

- Provide the name, mailing address, and contact information of the applicant, agent, and/or consultant **(Blocks 5 through 10)**.
- Applicant's signature if agent or consultant is employed. **(Block 11)**
- Please provide name identifying the proposed project, e.g., Landmark Plaza. **(Block 12)**
- Provide the project's location including but not limited to name of waterbody, municipality, section, township, range, address of work, State Tax Parcel ID, latitude and longitude, and driving directions **(Blocks 13 through 17)**
- Describe the overall activity. Indicate whether discharge of dredged material or fill material is involved. **(Block 18)**
  - For Docks and Piers please provide the following:
    - Construction methodology (i.e. wood, concrete, floating, etc.)
    - Type of vessel and proposed use (recreational use by applicant, rental, commercial use by applicant, etc.)
    - Number of existing slips (show the location of each slip on the project drawings as well)
  - For excavation/dredging activity(ies) provide the following:
    - Description, dimension, and location to be excavated/dredged (open water, existing channel, etc.)
    - Method of excavation/dredging (hydraulic, clamshell, barge-mounted crane, etc.)
    - Description, dimensions, and location of disposal site
  - For Shoreline Stabilization please provide the following:
    - Type of fill material to be used (i.e. concrete, wood, rock, etc.)
    - Construction methodology (type of equipment, from land or by barge, etc.)
    - Volume of backfill, if applicable
- State the purpose and need for the project; describe the intended use of the proposed activity. **(Block 19)**
- For Fill and Excavation Activities provide the following **(Blocks 20 through 22)**:
  - Describe the area to be filled; i.e. wetlands or open water and give dimension in square feet or acres
  - Describe the quantity of fill material to be used in cubic yards
  - Describe the type and composition of the fill material and its source (i.e. rock, sand, clay, concrete, etc.)
  - Describe any temporary construction and access fills that may be required
- Provide a statement to show how the proposed impacts to waters of the U.S. (i.e. wetlands, surface waters, etc.) have been avoided, minimized, and compensated; or a brief description of why you believe mitigation is not required **(Block 23)**
- If work has begun or has been completed please provide a brief description of the completed activities **(Block 24)**
- Provide the names and mailing addresses of the Adjoining Property Owners, Lessees, etc. whose property adjoins the project site or who may be affected by the proposed activity. **(Block 25)**
- Indicate if you have applied for or received authorization from other federal, state, or local agencies for the project. **(Block 26)**
- Provide the signature of the applicant or authorized party. **(Block 27)**

Drawing and Illustration Information:

- Provide location map indicating site location and boundaries.
- Provide overlay of site conditions (i.e. wetlands and/or surface waters) with the proposed activity
- Provide separate plan view and cross-sectional drawings for existing and proposed site conditions.
- Provide black and white legible plan view drawings on 8 1/2" X 11" sized paper to include:
  - North arrow
  - Dimensions of existing and proposed activity(ies)
  - Total plan of development
  - Indicate the location of cross-sectional views
  - Dimensions of site conditions to include the location of waters of the U.S.
- Provide black and white legible cross-sectional drawings on 8 1/2" X 11" sized paper to include:
  - Dimensions of proposed work
  - Indicate the mean/ordinary high water line and mean/ordinary low water line for project adjacent to waters of the U.S.

Supplemental Drawing Information:

- For In-Water Activities:
  - Indicate the height above the mean high water line, especially for docks or other in-water structures
  - Indicate the length of shoreline
  - Indicate the location of any vegetation along the shoreline and in-water resources (i.e. seagrasses, oysters, coral)
  - Volume of dredge material noted on the drawing if applicable
  - Existing and proposed water depths if dredging is proposed
  - Distance to any Federal Channel and width of waterway
- For Fill or Excavation Activities:
  - Label area to be filled and/or excavated in acres or square feet
  - Distances of proposed activities to avoided resources.

Checklist

Drawings

Supplemental





# Complete Application

Submittal package to generate a Public Notice (PN)

- Signed Application (agent letter)
- Project Description, Purpose, Type & Quantity Material to Discharge
- Location with Coordinates
- Adjacent Property Owners Addresses
- Statements on Avoidance and Minimization of Wetland Impacts
- Statement on Compensatory Mitigation, or why mitigation is not offered
- Set of 8.5" x 11" drawings to include: a vicinity/location map, overall site plan, plan with limits of wetlands & proposed wetland impact, and cross section view



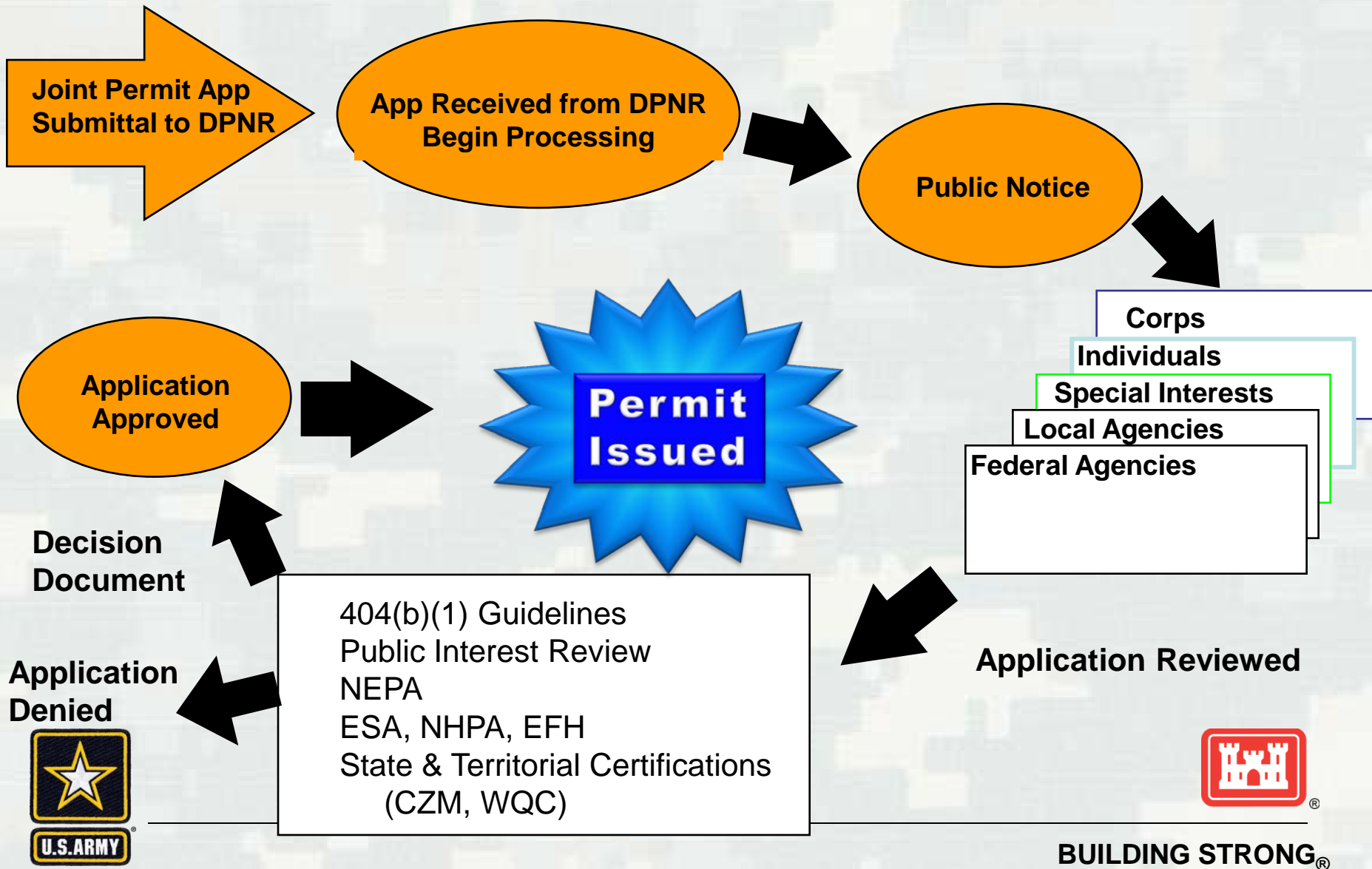
# Corps Regulatory Program

## The Permit Process



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# Permit Review Process



# Overview of SP/LP Permit Process

- Pre-application consultation
- Application received
- Initial review for completeness:
  - Additional information request (RAI)
  - Application considered complete
- Public notice (SP) or coordination letter (LP)
  - 21 day comment period:
  - Public notice coordinated with EPA, FWS, NMFS, local agencies, adjacent property owners, and public mailing list
- Comments received and permit evaluation



# Overview of SP/LP Permit Process Cont'd

- Comments provided to applicant or agent:
  - Copies of public notice comments received
  - Corps recommendation for project modification
  - Corps requests for specific additional information
- Receipt of applicant's response
- Corps evaluates modifications and will coordinate with commenting agencies
- Corps evaluation of agency comments



# Overview of SP/LP Permit Process Cont'd

- Final evaluation of all pertinent information
- Decision document:
  - Environmental assessment
  - Compliance with guidelines
  - Public interest factors
- Final decision



# Evaluation

## Other Applicable Federal Laws

- Endangered Species Act (ESA)
- Magnuson-Stevens Act (Essential Fish Habitat - EFH)
- National Historic Preservation Act (NHPA)
- Coastal Zone Management Act
- Section 401 Of The Clean Water Act



# STREAMLINING PERMIT PROCESS

- Pre-application meeting with Federal agencies participating
- Do early coordination when impacts are known (EFH, ESA, NHPA)
- Reduce RAI time delays by submitting complete application packages with legible (8.5 x 11) drawings
- NWP's – Follow Regional Conditions
- Anticipate questions with non-water dependent projects
  - ▶ 404(b)(1) Guidelines
  - ▶ Practicable alternatives
    - Avoidance and minimization
    - Least damaging to aquatic environment





# Caribbean Islands Regional Supplement

ERDC/EL TR-11-4

Environmental Laboratory



US Army Corps  
of Engineers®  
Engineer Research and  
Development Center

*Wetlands Regulatory Assistance Program*

## **Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Caribbean Islands Region (Version 2.0)**

U.S. Army Corps of Engineers

May 2011



Approved for public release; distribution is unlimited.



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# Caribbean Supplement Summary

- Supplement Use is Mandatory – former 87 Manual cannot be used except under limited circumstances
- NRCS Hydric Soils Indicators are mandated
- Additional indicators of hydrology included



# Antilles Rapid Assessment Method (ARAM)



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# Antilles Rapid Assessment Method (ARAM)

- Goal: Establish a quantified scoring system to measure the function and values of the wetlands created or developed as compensatory mitigation requirements.



# ARAM Development Efforts

- Assessment attempts to determine the ecological quality and the level of function of a particular wetland.
- Wetland Water Quality Standards require applicants to use an appropriate wetland evaluation methodology acceptable to determine the appropriate category for the wetland which is the subject of the application.
- Establish standards from reference wetlands of high level functions.
- Identify conditions for classes of wetlands of inherent to high functions sites.



# Efficiencies



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# Efficiencies

- Enhanced Interagency Communication
- Established Quarterly Interagency Meeting (IAM)
- Development of Coordination Agreement for Programmatic General Permits (PGP)
- Development of a PGP for Minor Activities that can be issued by DPNR such as coral nurseries, moorings, navigational buoys
- Development of RGP for Maintenance Dredging
- Streamline ESA Consultations with Programmatic Consultations
- Outreach



# Permit Process Tools



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# Permit Process Tools

- Pre-Application Meetings
- Interagency Meetings
- Regulatory Sourcebook
- Pending Permit Status Search
- Staff Availability



# Regulatory Web Pages Information Sources

## Jacksonville District

<http://www.saj.usace.army.mil/Divisions/Regulatory/index.htm>

## National Headquarters

<http://www.usace.army.mil/CECW/Pages/Home.aspx>



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# Antilles Regulatory Section Staff

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- **Angela Munoz-Caro** x3054 **Branch Admin**
- **Carmen G. Roman** x3062 **Project Manager**
- **Deborah Cedeno-Maldonado** x3061 **Project Manager**
- **Johann Sasso** x3053 **USVI PM**
- **Jose A. Cedeno-Maldonado** x3063 **Enforcement PM**

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# Questions?



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