

OVERVIEW OF GENERAL PERMITS: TERMS, CONDITIONS, & REVIEW PROCESS

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US Army Corps
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TYPES OF CORPS PERMITS



General Permits

- Nationwide
 - Issued for the nation on a 5-year cycle
- Regional
 - Issued within a district or State on a 5-year cycle

Individual Permits

- Letter of Permission
 - Notify adjacent properties, State, and Federal Agencies
- Standard Permit
 - Requires public notice
 - Requires EA



GENERAL PERMITS



- Blanket Environmental Assessment
- Conditioned by state environmental agencies
- Nationwide permits conditioned by Corps district



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MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY



NATIONWIDE PERMITS



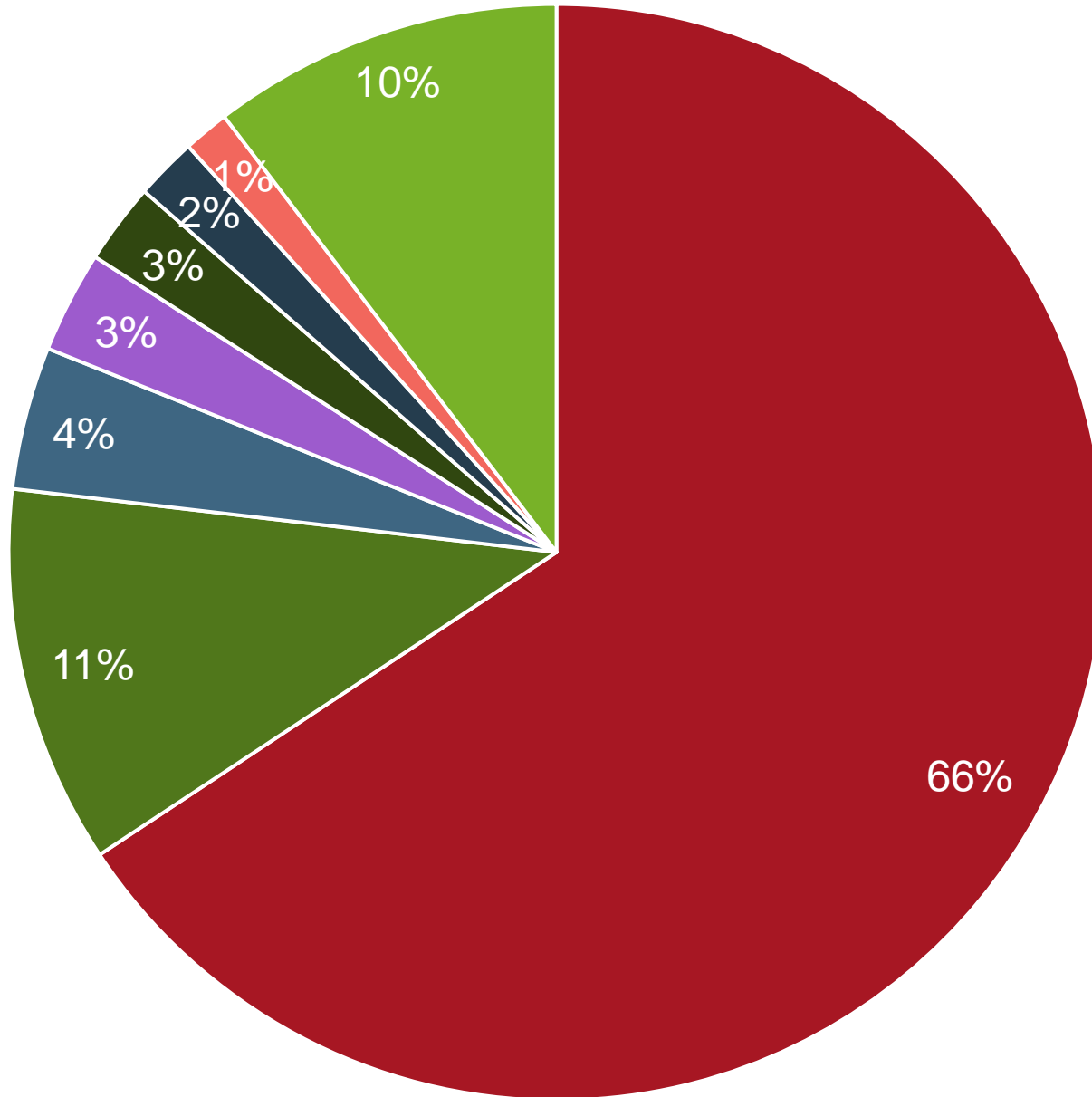
- 59 Nationwide Permits (NWP)
- 57 issued in MI and IN including 4 new categories
- In effect February 24, 2022
- Expire March 14, 2026

- Can be found at:

<https://www.lre.usace.army.mil/Missions/Regulatory-Program-and-Permits/Detroit-District-General-Permit-Types/>



NATIONWIDE PERMITS (NWP) USED IN MICHIGAN



- NWP 13: Bank Stabilization
- NWP 3: Maintenance
- NWP 57: Utility Lines
- NWP 18: Minor Discharges
- NWP 14: Linear Transportation
- NWP 19: Minor Dredging
- NWP 7: Intakes and Outfalls
- Other NWP



NATIONWIDE GENERAL CONDITIONS



- Must use suitable material for the work
- Appropriate erosion and sediment control
- Properly maintain any authorized work
- Can not jeopardize continued existence threatened or endangered species – Section 7 Endangered Species Act
- Must report discovery previously unknown remains and artifacts – Section 106 Historic Properties





EXAMPLE NWP CONDITIONS



18. Minor Discharges. (Authorities: Sections 10 and 404)

Minor discharges of dredged or fill material into all waters of the United States, provided the activity meets all of the following criteria:

- (a) The quantity of discharged dredged or fill material and the volume of area excavated do not exceed 25 cubic yards below the plane of the ordinary high water mark or the high tide line;
- (b) The discharge of dredged or fill material will not cause the loss of more than 1/10-acre of waters of the United States; and
- (c) The discharge of dredged or fill material is not placed for the purpose of a stream diversion.

Project must meet all terms of the NWP or RGP...

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) the discharge of dredged or fill material or the volume of area excavated exceeds 10 cubic yards below the plane of the ordinary high water mark or the high tide line, or (2) the discharge of dredged or fill material is in a special aquatic site, including wetlands. (See general condition 32.)

Detroit District NWP 18 Regional Conditions:

- a. Discharges of sand and/or pea gravel for creation or maintenance of shoreline recreation areas, swim areas, and the like, the location and waterward extent of the discharge must be the least environmentally damaging practicable alternative.*
- b. The discharge material consists of clean, uncontaminated sand or crushed rock or stone.*

Detroit District Regional Conditions.

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EXAMPLE NWP WQC/CZMA CONDITIONS



EGLE Water Quality Certification/CZMA consistency for NWP 18: EGLE granted certification/consistency subject to General Conditions and the following specific conditions:

- a. The discharge shall not result in the loss of more than 1,000 square feet of waters of the state, and loss of any acreage of wetland habitat is prohibited.*
- b. All fill must be placed outside the floodway.*
- c. For discharges of sand and/or pea gravel for creation or maintenance of shoreline recreation areas, swim areas, and the like, the location and waterward extent of the discharge must be the least environmentally damaging practicable alternative.*

WQC/CZMA
conditions
from EGLE



MICHIGAN REGIONAL PERMITS

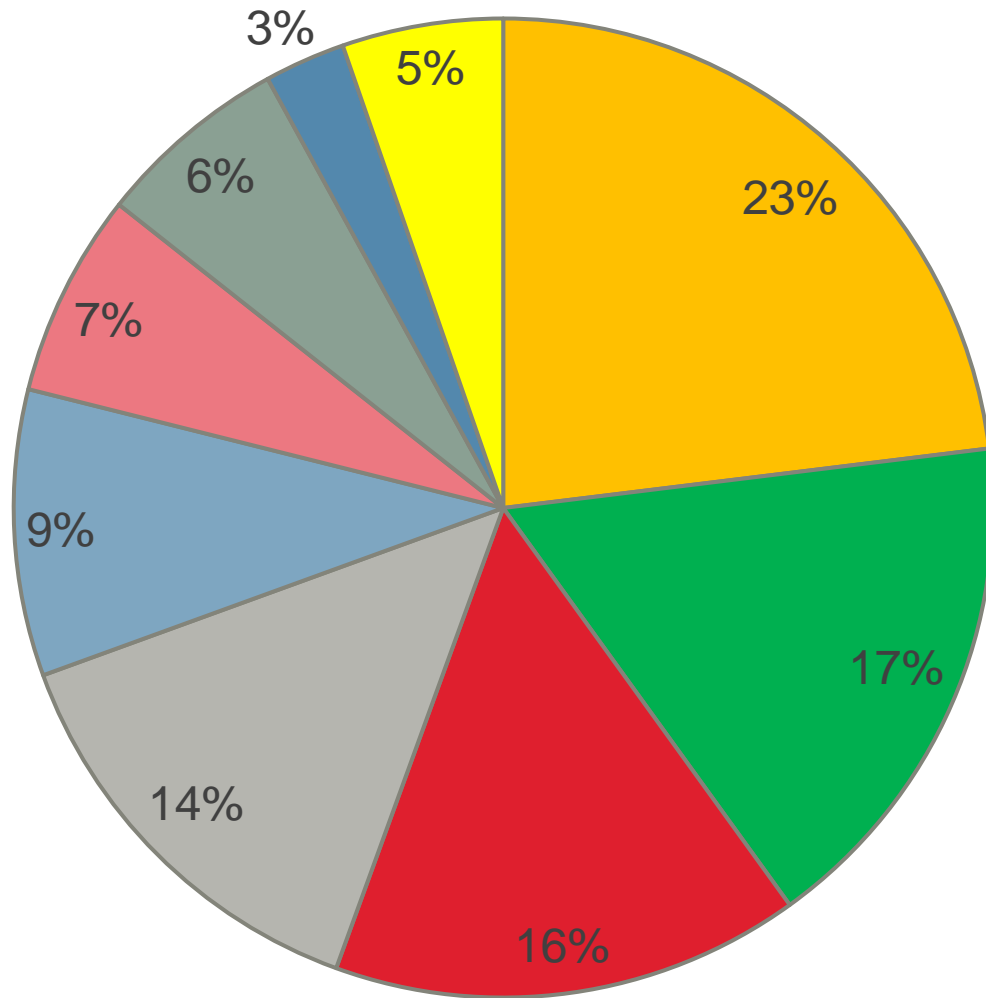


- 25 Permits
- Current permits expire June 30, 2022
- Can be found at:

https://www.lre.usace.army.mil/Portals/69/docs/regulatory/PDFs/19902000050S16_Final%20with%20Regional%20Conditions-RMD_PN.pdf



REGIONAL PERMIT USE IN MICHIGAN



- RPD - Seawalls & Backfill < OHWM
- RPA - Docks-Permanent and Seasonal
- RPX - Riprap / Revetment
- RPG - Boat Hoists
- RPO - Removal of Structures
- RPB - Spring Piles/Pile Clusters
- RPF - Individual Dredging
- RPY - Access Steps / Stairways
- Other RPGs



GENERAL CONDITIONS MI RGP



- Minimal effect to navigation
- Not valid until state and local authorizations received
- Considered impact on public interest factors
- Corps can decide to evaluate as an individual permit



EXAMPLE MI REGIONAL PERMIT



B. Spring Piles/Pile Clusters

- 1) The location and number of proposed spring piles/pile clusters shall be reasonable and consistent with location and number provided for similar structures in the vicinity.
- 2) The spring piles/pile clusters shall be constructed of non-contaminated materials.
- 3) The piling(s) would not cause the total number of watercraft accommodated on the lot to exceed four (4), including other existing and/or proposed moorage structures on the lot.

MDEQ Water Quality Certification/CZMA Consistency for RP B: MDEQ granted certification based on the following conditions:

- (a) Structures shall not adversely impact navigation.

} Regional Permit Category

} Detroit District Regional Conditions.

} WQC/CZMA conditions from EGLE



HOW TO APPLY FOR A PERMIT IN MICHIGAN



- Create an account and submit your project through the MiWaters:
<https://miwaters.deq.state.mi.us/ncore/external/home>
- EGLE has resources and support for using the MiWaters portal.
- The State of Michigan will route proposals in the Corps jurisdiction to the appropriate District or Field office.



INDIANA REGIONAL PERMIT



- 7 categories
- Expires December 15, 2024
- Also evaluate permits under Nationwide and Indiana Programmatic Permits
- Located at:

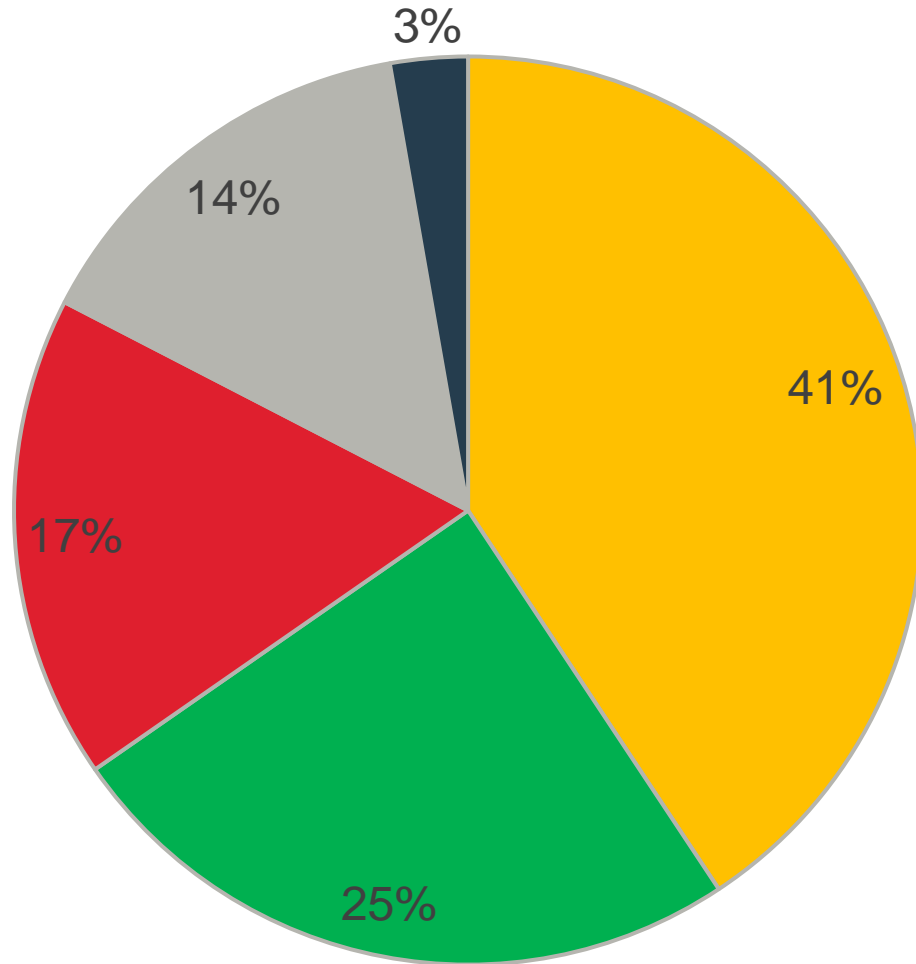
https://www.lre.usace.army.mil/Portals/69/docs/regulatory/PDFs/Final_IN_RGP_2019.pdf



REGIONAL PERMIT USE IN INDIANA



Percentages



- IN - Transportation Projects
- IN - Bank Stabilization
- IN - Residential
- IN - Minor Discharges & Excavation Activities
- Other RGPs



INDIANA CONDITIONS



- No work near public water supply intake
- Equipment refueled and maintained in an upland area
- Activity must be a single and complete project



HOW TO APPLY IN INDIANA



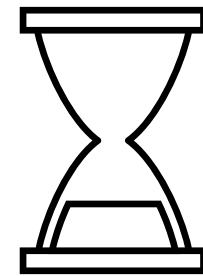
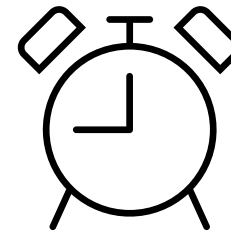
- Public freshwater lakes
 - Start with IDNR application
- Other waters
 - Start with Corps or IDEM application
 - We coordinate with other agencies
- Not sure? Contact us!
 - Michiana Branch Office
 - <https://www.lre.usace.army.mil/Missions/Regulatory-Program-and-Permits/Contact-Us/>



EVALUATION TIMEFRAMES



- Target timeframes:
 - General permits < 60 calendar days
 - Nationwide Permits and Regional General Permits
 - Individual permits < 120 calendar days
 - Letters of Permission and Standard Permits
- From the time we receive a complete application
- May vary for complex projects

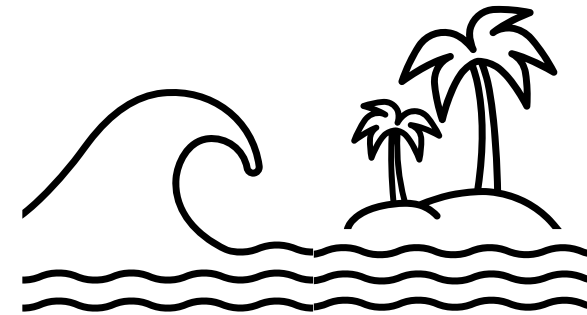




OTHER PERMIT REQUIREMENTS



- Most projects that require Corps permits also require state permits
 - Section 401 Water Quality Certification
 - Coastal Zone Management Consistency
- Check county/local requirements





QUESTIONS



We are happy to assist with questions about permit applications and permit requirements.

»US Army Corps of Engineers, Detroit District
Regulatory Office

Phone: (313) 226-2218, (800) 493-6838

Email: Regadmin.LRE_RegAdmin@usace.army.mil