



REGULATORY GUIDANCE LETTER

US Army Corps
of Engineers ®

No. 08-01

Date: 05 February 2008

SUBJECT: Guidance for Implementing the Silent Inspector (SI) system for dredging projects requiring Department of the Army (DA) permits

1. Purpose and Applicability.

a. **Purpose.** CECW-CO memorandum dated 17 April 2006 (attached) requires USACE-wide implementation of the SI system. SI is an automated dredge contract monitoring system comprised of both hardware and software developed by the U.S. Army Corps of Engineers (USACE). USACE developed SI as a low cost, repeatable, impartial system for automated dredge monitoring. SI is already required for Civil Works projects and will be used to fulfill USACE Regulatory permit compliance monitoring conditions consistent with the criteria listed at Section 1.b. below. A national support team has been established to help districts implement and fully use the capabilities of SI. This RGL rescinds and replaces RGL 06-04.

b. **Applicability.** This guidance applies to activities requiring compliance monitoring, through DA permit conditions, for dredging and/or dredged sediment disposal/placement into ocean, bay, riverine, coastal, open water, or upland disposal areas. Use of the SI system on a particular permit will be based on a three-tiered decision process:

- (1) Determine whether compliance monitoring is needed;
- (2) Determine whether SI will meet the need for compliance monitoring;
- (3) Determine if a case-by-case exemption by the District Engineer (DE) is justified for unusual circumstances (including project size) or undue hardships to applicants or contractors.

If the District determines that compliance monitoring is not needed in a particular permit, or that the SI system will not meet an existing monitoring need, or the DE determines a case-by-case exemption is justified, then the use of SI is not required.

2. General Considerations.

a. **Background.** SI consists of 1) government-furnished software developed through the U.S. Army Engineer Research and Development Center (ERDC), 2) on-dredge hardware owned or leased and operated by dredging contractors, 3) a centralized SI database, and 4) desktop SI software developed by ERDC. SI is currently required on USACE Civil Works dredging projects using hopper dredges and scows for disposal operations. SI assists USACE in monitoring activities on board the dredges or scows, provides information for assessing endangered species takes, and provides the capability to gather nationwide information for current and future use in the USACE Dredging Program. Depending on the type of dredge and disposal method used, SI may automatically monitor numerous dredging parameters such as the location, depth, type and amount of material removed from a dredging site, and the location at which dredged material is discharged – in real-time on a 24 hours/7 days a week basis in a standard format. This information is recorded onto an on-board computer where it is then available for download/review by USACE and for automatic transmittal to the appropriate

USACE District office during permitted dredging and/or disposal operations. Desktop computer tools are available to examine the data and monitor compliance with the terms and conditions of DA permits, such as, the authorized volume and location of material dredged, the actual location of dredged material disposal or placement at the permitted disposal site(s), and activities occurring at the dredging operation during an endangered species take.

b. **Regulatory Program Benefits.** The greatest benefit to the Regulatory program is having a consistent, available, and reliable source of data for determining compliance with DA permit conditions. Long term cost savings will accrue to Districts by reducing paperwork and automating reporting requirements.

3. Analysis and Policy. SI is already functioning on certain large dredging equipment on USACE Civil Works projects. These dredges and scow/disposal barges may be used for dredging of non-USACE projects. For those District Regulatory Offices that have not already implemented the SI system on smaller dredges, a phase-in period of up to 180 days will be instituted. This phase-in period will have several benefits: 1) applicants can familiarize themselves with the impact of SI requirements on the cost and complexity of their proposed projects, 2) permittee's dredging contractors will have the time to purchase or lease, install, and have certified necessary equipment for implementing SI (a fact sheet of equipment vendors has been developed by the SI Center and can be provided to dredging contractors), and 3) USACE regulators and agency stakeholders who review dredging projects can become familiar with the SI system. Affected USACE Districts and the USACE SI National Support Center, located at the Mobile District Office, will inform, train, and provide technical support to contractors as needed.

4. Guidance.

a. Depending on the need for and frequency of use of SI within the Regulatory Program, Districts may consider designating a Regulatory Point of Contact (POC) for SI coordination with their Division SI POC. Other options include funding the support of a POC in Operations or Navigation Branch or jointly funding a Regulatory POC at the Division level.

b. The Regulatory PM is responsible for determining compliance with the special conditions of the issued DA permit. Using SI to determine compliance with DA permit conditions contributes substantially to program efficiency.

c. When SI is required on a permit, uploading raw data to the SI Support Center is also required. The SI Support Center provides technical support as part of its base mission. Divisions / Districts will fund analysis of raw data by the SI Support Center on a case-by-case, reimbursable basis. Regulatory funds may be appropriately used for this purpose if the analysis is used for permit compliance.

d. The following paragraph must be used as a template special condition when compliance monitoring has been determined necessary and SI will meet that need:

Dredging and dredged material disposal and monitoring of dredging projects using the Silent Inspector (SI) system shall be implemented for this permit. The permittee's SI system must have been certified by the SI Support Center within one calendar year prior to the initiation of the dredging/disposal. Questions regarding certification should be addressed to the SI Support Center at 877-840-8024. Additional information about the SI System can be found at <http://si.usace.army>. The permittee is responsible for insuring that the SI system is operational throughout the dredging and disposal project and that project data are submitted to the SI

*National Support Center in accordance with the specifications provided at the aforementioned website. The data collected by the SI system shall, upon request, be made available to the Regulatory Division/Branch of the U.S. Army Corps of Engineers, ** District.*

5. Implementation Schedule and Duration. For any permit requiring compliance monitoring pursuant to Paragraph 1.b. above, implementing the SI system is effective immediately for large hopper dredging projects where the dredge is already properly equipped and certified. On small projects, any permit requiring compliance monitoring pursuant to Paragraph 1.b. above, will require the use of SI within 180 days following the publication date of this RGL. This phase-in period will provide time for training District personnel, contractors, consultants, and any other interested parties. It will also provide time for dredging contractors to make any necessary arrangements for purchase, rental, and installation of the requisite equipment prior to obtaining SI Center certification. This guidance remains in effect unless revised or rescinded.



DON T. RILEY
Major General, US Army
Director of Civil Works