

Reference: RGL 84-17

Subject: INTERFERENCE WITH FEDERAL PROJECTS

Title: PERMITS FOR ACTIVITIES WHICH MAY MODIFY OR ENCROACH ON CONSTRUCTED CONGRESSIONALLY AUTHORIZED WORK

Issued: 10/26/84 Expires: 12/31/86

Originator: DAEN-CWO-N

Description: CLARIFIES TEAS AUTHORITY TO ISSUE A PERMIT RESULTING IN ENCROACHMENT OR MODIFICATION OF A CONGRESSIONALLY AUTHORIZED FEDERAL PROJECT.

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1. The purpose of this RGL is to clarify the authority of the district engineer to act on permit applications for activities which may result in the modification of, or encroachment on, congressionally authorized and constructed Federal projects. Unless precluded by specific language in the projects authorizing legislation, district engineers are authorized to act on such applications pursuant to 33 CFR 325.8(b).
 2. Proposed activities which may result in modifications of, or encroachment on, constructed congressionally authorized Federal projects require careful and thorough review at all stages of the permitting process. Applications should be reviewed for the potential impact on the authorized purpose(s) for which the Federal project was constructed. This review will include reference to the authorizing legislation, the Chief of Engineers' report to Congress, and any other historical documentation necessary to define fully the project's purpose, as well as any special direction given by Congress at the time of authorization. Limitations and/or restrictions identified that would limit the scope of the proposed permit activity or that would prohibit it entirely must be identified.
 3. When the district engineer determines that the proposed activity is compatible with the existing Congressionally authorized project, is in the public interest, and does not otherwise significantly interfere with authorized project purposes, he may issue a Department of the Army permit for such activity, including any special conditions which he determines are necessary to assure protection of the Federal interest. When he determines that the proposed activity would conflict with the project's congressionally authorized purposes, established limitations or restrictions, or that it would limit an agency's ability to provide the necessary operation and maintenance functions, he will so notify the applicant and all interested parties of his determination. This notification

should state that the Corps is without administrative authority to approve such a change without specific Congressional action to dissolve the Federal interest or to modify the project.

FOR THE CHIEF OF ENGINEERS: